



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

# Agenda

## City Council Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

October 10, 2023  
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](mailto: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, <a href="http://www.folsom.ca.us">www.folsom.ca.us</a>	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**



CITY OF  
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**City Council Regular Meeting**  
**City Council Chambers | 50 Natoma Street, Folsom CA 95630**  
[www.folsom.ca.us](http://www.folsom.ca.us)

**Tuesday, October 10, 2023 6:30 PM**

*Rosario Rodriguez, Mayor*

*YK Chalamcherla, Vice Mayor*  
*Mike Kozlowski, Councilmember*

*Sarah Aquino, Councilmember*  
*Anna Rohrbough, Councilmember*

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**AGENDA**

**CALL TO ORDER**

**ROLL CALL:**

**Councilmembers: Kozlowski, Rohrbough, Aquino, Chalamcherla, Rodriguez**

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.](#) Proclamation of the Mayor of the City of Folsom Proclaiming October 2023 as National Arts and Humanities Month in the City of Folsom
- [2.](#) Presentation of the 10th Annual Folsom Community Service Day Results
- [3.](#) Informational Presentation on Homelessness

**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.



4. Approval of September 26, 2023 Regular Meeting Minutes
5. Resolution No. 11107 - A Resolution Authorizing the Finance Director to use Opioid Settlement Funding to Add One Limited-Term Community Service Officer Position to the Police Department Budget in the General Fund and Fund Opioid Combatting Programs and Appropriation of Funds
6. Resolution No. 11108 – A Resolution Authorizing the City Manager to Execute an Agreement with UBEO (Ray Morgan) to Renew/Extend Copier Contract
7. Resolution No. 11109 – A Resolution Authorizing the City Manager to Execute an Agreement with Arctic Wolf Networks, Inc. for Cybersecurity Operations Cloud Services
8. Resolution No. 11110 – A Resolution Amending Resolution No. 10479 and Enacting the Annual Inflationary Adjustment for City User Fees for Selected City Services

**NEW BUSINESS:**

9. Resolution No. 11111- A Resolution of the City Council Declaring Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011 as Exempt Surplus Land and Authorize Disposition of Said Parcels

**PUBLIC HEARING:**

10. Appeal by Bob Delp of a Historic District Commission Approval of a Design Review Application for the 603 Sutter Street Mixed-Use Building

**COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS:**

**CITY MANAGER REPORTS:**

**COUNCIL COMMENTS:**

**ADJOURNMENT**

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**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](http://www.folsom.ca.us).*

*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](mailto: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.*

*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.*

**PROCLAMATION  
OF THE MAYOR OF THE CITY OF FOLSOM  
PROCLAIMING OCTOBER 2023 AS  
NATIONAL ARTS AND HUMANITIES MONTH  
IN THE CITY OF FOLSOM**

**WHEREAS**, for over 30 years, cities have celebrated the value and importance of arts and culture during National Arts and Humanities Month; and

**WHEREAS**, the City Council recognizes that arts and cultural activities benefit the residents and visitors of Folsom, and they are a significant contributor to Folsom’s quality of life; and

**WHEREAS**, the City of Folsom provides the opportunity for our community to enjoy the benefits of art and cultural activities through numerous programs and the existence of an active professional art gallery; and

**WHEREAS**, the Arts and Culture Commission works with the community to increase public awareness of, understanding of, and participation in the humanities and the arts; and

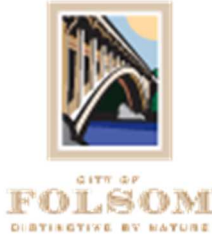
**WHEREAS**, Folsom has a diverse and vibrant arts scene with local organizations providing opportunities for the public to celebrate and participate in performances, exhibits and events throughout the year to embrace arts and humanities.

**NOW, THEREFORE, I, ROSARIO RODRIGUEZ**, Mayor of the City of Folsom, do hereby proclaim October 2023 as ***National Arts and Humanities Month*** in the City of Folsom and invite everyone to recognize the contributions of the arts to the community, visit our art gallery, and attend the many special cultural activities offered within our city.

**PROCLAIMED** this 10<sup>th</sup> day of October 2023.

\_\_\_\_\_  
Rosario Rodriguez, Mayor

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to facilitate double-sided printing.*



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	Scheduled Presentations
<b>SUBJECT:</b>	Presentation of the 10 <sup>th</sup> Annual Folsom Community Service Day Results
<b>FROM:</b>	Parks and Recreation Department

**BACKGROUND / ISSUE**

The Community Service Day Steering Committee will provide a summary of Folsom’s largest day of volunteerism and the impacts it made in the community during the 10<sup>th</sup> Annual Folsom Community Service Day, that was held on Saturday, September 16.

The presentation will be delivered by Tom Hellmann, Recreation & Community Services Manager and Justin Raithel, Chair of the Folsom Community Service Day Steering Committee.

**RECOMMENDATION / CITY COUNCIL ACTION**

No action is requested of the City Council at this time.

Submitted,

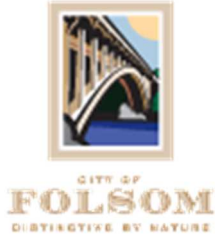
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Kelly Gonzalez, Parks & Recreation Director

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to facilitate double-sided printing.*



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**FOLSOM**  
DISTINCTIVE BY NATURE



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	Scheduled Presentations
<b>SUBJECT:</b>	Informational Presentation on Homelessness
<b>FROM:</b>	City Manager's Office

The Folsom City Council will receive an informational presentation about homelessness. The item will include presentations by:

- City of Folsom Police Department, Code Enforcement Division, and City Attorney’s Office
- Sacramento County Department of Homeless Services and Housing
- Jake’s Journey Home
- HART of Folsom
- Powerhouse Ministries
- Hope Cooperative

The scheduled presentation is informational, and no formal action will be taken by the City Council on this item.

Submitted,

Elaine Andersen, City Manager

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to facilitate double-sided printing.*



**CITY OF**  
**FOLSOM**  
INSPIRED BY NATURE



# City Council Regular Meeting

## MINUTES

Tuesday, September 26, 2023 6:30 PM

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### CALL TO ORDER

The regular City Council meeting was called to order at 6:30 pm with Mayor Rosario Rodriguez presiding.

### ROLL CALL:

Councilmembers Present: YK Chalamcherla, Vice Mayor  
Mike Kozlowski, Councilmember  
Anna Rohrbough, Councilmember  
Sarah Aquino, Councilmember  
Rosario Rodriguez, Mayor

Councilmembers Absent: None

### PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

### AGENDA UPDATE

None

### BUSINESS FROM THE FLOOR:

None

### SCHEDULED PRESENTATIONS:

1. Folsom Tourism and Economic Development Corporation (TEDCorp) Quarterly Report

TEDCorp representatives Joe Gagliardi, Sally Buchanan, Shannon Robb, and Laura Fickle spoke about their recent "study mission" trip to Austin, Texas.

2. Folsom Plan Area Semi-Annual Report

Community Development Director Pam Johns and City Engineer Steve Krahn made a presentation and responded to questions from the City Council.

**CONSENT CALENDAR:**

3. Approval of August 22, 2023 Special and Regular Meeting Minutes
4. Approval of September 12, 2023 Special and Regular Meeting Minutes
5. Resolution No. 11056 – A Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Habitat for Humanity of Greater Sacramento to Implement the SACOG Green Means Go Early Activation Grant Associated with 300 Persifer Street
6. Resolution No. 11104 - A Resolution Authorizing the City Manager to Execute Amendment No. 1 to the Agreement with Brightview Landscape Services for Landscape Maintenance Within the Landscaping and Lighting Districts, and Community Facilities Districts for the City of Folsom
7. Resolution No. 11105 – A Resolution Authorizing the City Manager to Execute a Construction Agreement with Sierra Traffic Markings, Inc. for the Pavement Striping Project FY 2023-24
8. Resolution No. 11106 - A Resolution Authorizing the Police Department to Accept a Selective Traffic Enforcement Program Grant in the Amount of \$110,000 from the State of California Office of Traffic Safety and Appropriation of Funds

Motion made by Councilmember Sarah Aquino, seconded by Councilmember Mike Kozlowski to approve the consent calendar. Motion carried with the following roll -call vote:

AYES: Councilmember(s): Chalamcherla, Kozlowski, Rohrbough, Aquino, Rodriguez  
NOES: Councilmember(s): None  
ABSENT: Councilmember(s): None  
ABSTAIN: Councilmember(s): None

**CONVENE JOINT MEETING**

Joint City Council / Redevelopment Successor Agency / Public Financing Authority / Folsom Ranch Financing Authority / South of 50 Parking Authority Meeting

**ROLL CALL:**

Councilmembers/Board Members Present: Sarah Aquino, Councilmember  
YK Chalamcherla, Vice Mayor  
Mike Kozlowski, Councilmember  
Anna Rohrbough, Councilmember  
Rosario Rodriguez, Mayor

Councilmembers/Board Members Absent: None

**CONSENT CALENDAR:**

9. Approval of the May 23, 2023 Joint City Council / Redevelopment Successor Agency / Public Financing Authority / Folsom South of 50 Parking Authority / Folsom Ranch Financing Authority Meeting Minutes

- 10. Receive and File the City of Folsom, the Folsom Redevelopment Successor Agency, the Folsom Public Financing Authority, the Folsom Ranch Financing Authority, and the South of 50 Parking Authority Monthly Investment Reports for the Month of June 2023

Motion made by Councilmember Sarah Aquino, seconded by Councilmember Mike Kozlowski to approve the consent calendar. Motion carried with the following roll -call vote:

AYES: Councilmember(s): Chalamcherla, Kozlowski, Rohrbough, Aquino, Rodriguez  
NOES: Councilmember(s): None  
ABSENT: Councilmember(s): None  
ABSTAIN: Councilmember(s): None

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS:

Mayor Rosario Rodriguez requested a discussion regarding the plan for future relocation of the corporation yard. The Council determined that a future item could be scheduled to discuss (in general terms) the cost and process of moving the corporation yard.

Vice Mayor YK Chalamcherla requested a presentation regarding public private partnership opportunities. It was agreed the City Manager would discuss the matter directly rather than return with an item for the council. Vice Mayor YK Chalamcherla asked for a future item to explain the contingency process and how that works with contracts. The Council did not support this request as a future agenda item.

CITY MANAGER REPORTS:

City Manager Elaine Andersen spoke of keeping public areas clean, reporting abandoned shopping carts, the use of motorized bikes, scooters on trails, Historic District projects, practice college exams, and aquatic center events.

COUNCIL COMMENTS:

Councilmember Sarah Aquino spoke of Air Quality Management District meetings.

Councilmember Anna Rohrbough spoke of Community Service Day, Folsom Rotary Club, and the Mayors Cup golf tournament.

Councilmember Mike Kozlowski spoke of Community Service Day and Regional Transit District meetings.

Vice Mayor YK Chalamcherla spoke of State Innovations Academy, transportation apps, Cable Commission meetings, and the passing of Marilyn Robitaille.

Mayor Rosario Rodriguez spoke of the soap box derby, Women's Conference, and mailbox thefts.

ADJOURNMENT

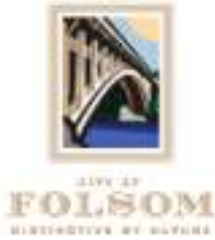
The meeting was adjourned at 7:46 p.m. in memory of Marilyn Robitaille.

SUBMITTED BY:

\_\_\_\_\_  
Christa Freemantle, City Clerk

ATTEST:

\_\_\_\_\_  
Rosario Rodriguez, Mayor



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 11107 - A Resolution Authorizing the Finance Director to use Opioid Settlement Funding to Add One Limited-Term Community Service Officer Position to the Police Department Budget in the General Fund and Fund Opioid Combatting Programs and Appropriation of Funds
<b>FROM:</b>	Police Department

**RECOMMENDATION / CITY COUNCIL ACTION**

Move to approve Resolution No. 11107 - A Resolution Authorizing the Finance Director to Use Opioid Settlement Funding to Add One Limited-Term Community Service Officer Position to the Police Department Budget in the General Fund and Fund Opioid Combatting Programs and Appropriation of Funds.

**BACKGROUND / ISSUE**

On July 21, 2021, a \$26 billion offer to settle was made by opioid manufacturer Janssen Pharmaceuticals (parent company of Johnson & Johnson) and the “big three” distributors, McKesson, AmerisourceBergen, and Cardinal Health (“the Distributors”) to resolve their liabilities in over 3,000 opioid crisis-related lawsuits nationwide. It's estimated that California will receive approximately \$2.05 billion from the Janssen and Distributors Settlement Agreements through 2038.

On July 9, 2023, five additional settlements were announced. The pharmacies (CVS, Walgreens, and Walmart) and manufacturers Allergan and Teva Pharmaceuticals together proposed settling on \$17.3 billion to address their roles in the opioid crisis. The agreements with CVS, Walgreens, and Walmart are the first multistate settlements to hold chain pharmacies accountable for failing to intervene in prescription abuse and drug diversion. While five settlements are still pending, California may see up to \$470 million, \$510 million, and \$265 million from the CVS, Walgreens,

and Walmart settlements, respectively, up to \$205 million from the Allergan settlement, and up to \$375 million from the Teva settlement for their roles in the producing and distributing opioids.

The Department of Health Care Services (DHCS) is tasked with overseeing Participating Subdivisions that receive funds from the finalized opioid settlements with McKesson, Cardinal Health and AmerisourceBergen (collectively, the Distributors) and Janssen Pharmaceuticals, as well as pending settlements with Teva, Allergan, and pharmacies Walmart, Walgreens, and CVS (collectively, the Pharmacies).

On July 17, 2023, DHCS released a draft guidance letter, known as a Behavioral Health Information Notice (BHIN), to guide Participating Subdivisions on allowable uses for the CA Abatement Accounts Fund and CA Subdivision Fund. The guidance letter includes three attachments that clarify relevant terminology and outline policies for eligible opioid remediation activities and reasonable administrative costs. In addition, the BHIN specifies the oversight, compliance, and reporting requirements related to the California Opioid Settlements.

**POLICY / RULE**

Section 3.02.030, Subsection H of the Folsom Municipal Code states, in part, that "prior to the City Council making any supplemental appropriation, the City Manager shall certify that monies in excess of those estimated in the budget are available for appropriation. Any such supplemental appropriation shall be made for the fiscal year by resolution, up to the amount of any excess."

**ANALYSIS**

To date, the City has been awarded \$282,728.52. The actual annual payments are unknown. However, the City can expect to receive at least \$190,000 annually through at least 2038.

Numerous restrictions exist on how payments may be used. One of which requires no less than 50% of the funds to be used for “High Impact Activities” such as implementing best practices for outreach, diversion and deflection, employability, restorative justice, and harm reduction, or interventions to prevent drug addiction” in vulnerable youth and unhoused.

The Police Department has identified five programs that the settlement will completely fund.

	<b>PROGRAM</b>	<b>ANNUAL COST</b>
1	One Full-Time (Limited Term) Community Service Officer	\$111,722
2	Wellness Program Enhancements in Police & Fire Departments	\$25,000
3	Anti-Opioid Campaign (One Pill Can Kill)	\$30,000
4	Naloxone Program Administration	\$10,000
5	Overdose Detection Mapping	Free

Through these and other programs, the Police Department intends to take action to prevent the misuse of opioids through public education campaigns, drug disposal and take-back destruction programs, and naloxone training and distribution for public safety. We also intend to further

support wellness for public safety members who experience secondary trauma associated with opioid-related emergency events.

### **FINANCIAL IMPACT**

To date, the City has received \$282,728 of Opioid Settlement Funding. This proposal would allocate \$186,722 of the funds received to the Police Department budget in the General Fund (Fund 010) in FY 2023-24 for program costs listed in the table above (\$176,722) and the one-time purchase of a computer, radio, and body-worn camera (\$10,000) for a program total in year one of \$186,722. Reoccurring annual costs of \$176,722 (plus necessary annual adjustments) would continue to be funded by the settlement until 2038. The City would then evaluate the program's viability beyond the settlement terms.

### **ATTACHMENT**

1. Resolution No. 11107 - A Resolution Authorizing the Finance Director to Use Opioid Settlement Funding to Add One Limited-Term Community Service Officer Position to the Police Department Budget in the General Fund and Fund Opioid Combatting Programs and Appropriation of Funds

Submitted,

Richard D. Hillman, Chief of Police

**RESOLUTION NO. 11107**

**A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR  
TO USE OPIOID SETTLEMENT FUNDING  
TO ADD ONE LIMITED-TERM COMMUNITY SERVICE OFFICER POSITION TO  
THE POLICE DEPARTMENT BUDGET IN THE GENERAL FUND AND  
FUND OPIOID COMBATTING PROGRAMS  
AND APPROPRIATION OF FUNDS**

**WHEREAS**, California joined multiple national lawsuits and prevailed against manufacturers, distributors, and other entities responsible for aiding the opioid epidemic; and

**WHEREAS**, California will receive at least \$2.06 billion over at least eleven years; and

**WHEREAS**, the City of Folsom has received \$282,728.52 of Opioid Settlement Funds to date, and will receive at least \$190,000 annually through 2038; and

**WHEREAS**, the Police Department will add one Limited-Term Community Service Officer and implement programs to prevent the misuse of opioids through public education campaigns, drug disposal and take-back destruction programs, and naloxone training and distribution for public safety, and support wellness for public safety members who experience secondary trauma associated with opioid-related emergency events; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom authorizes the Finance Director to add one Limited-Term Community Service Officer position to the Police Department Budget in the General Fund (Fund 010); and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council of the City of Folsom authorizes the Finance Director to appropriate \$186,722 of Opioid Settlement Funding to the FY 2023-24 Police Department Budget in the General Fund (Fund 010) to fund the new Limited-Term Community Service Officer position and other Opioid Combatting Programs.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of October, 2023, by the following roll call vote:

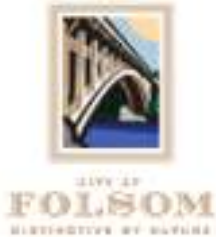
- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

\_\_\_\_\_  
Rosario Rodriguez, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Freemantle, CITY CLERK





# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 11108 – A Resolution Authorizing the City Manager to Execute an Agreement with UBEO (Ray Morgan) to Renew/Extend Contract
<b>FROM:</b>	Finance Department

**RECOMMENDATION / CITY COUNCIL ACTION**

The Office of Management and Budget respectfully requests the City Council approve Resolution No. 11108 – A Resolution Authorizing the City Manager to execute an agreement with UBEO (Ray Morgan) to renew/extend copier contract.

**BACKGROUND / ISSUE**

The City has contracted with UBEO (Ray Morgan) for copy machine services for the past 23 years. The current contract with Ray Morgan was awarded for 5 years, starting in September 2019 based on price, service, technology, cost cutting measures and our need to consolidate with one vendor for our paperless office agenda.

**POLICY / RULE**

Section 2.36.080 of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$70,952 or greater shall be awarded by the City Council.

**ANALYSIS**

We are constantly striving to find better, more efficient ways to increase employee effectiveness while cutting costs associated with consumables and repairs. UBEO (Ray Morgan) has been instrumental in assisting the city’s Information Technology staff with monitoring copier needs along with making recommendations on how to streamline/right size our copier fleet. Staff

would like to extend our current copier contract for 63 months to continue to take advantage of right sizing/cost cutting opportunities.

### **FINANCIAL IMPACT**

The annual cost of the proposed contract extension for the copier lease portion is budgeted and available in the various City departments based on their individual usage of the machines. There is no increase to the copier lease portion from the previous contract. All machines will be color with unlimited coping. There is an additional machine added to the contract for Police. The lease for the added machine is \$328.61 per month which is budgeted and available in the FY 2023-24 Police Department budget. In addition, this contract extension includes an additional \$358.92 each month (\$4,307.04 annually) for maintenance to move the uniflow document management and xMedius Fax servers to the cloud in-lieu of on-premise equipment. This additional \$4,307.04 is budgeted and available in the Information Systems Division in the General Fund (Fund 010).

### **ATTACHMENT**

1. Resolution No. 11108 – A Resolution Authorizing the City Manager to execute an agreement with UBEO (Ray Morgan) to renew/extend copier contract.

Submitted,

Stacey Tamagni  
Chief Financial Officer

# Attachment 1

**RESOLUTION NO. 11108**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH UBEO (RAY MORGAN) TO RENEW/EXTEND COPIER CONTRACT**

**WHEREAS**, Section 2.36.080 of the Folsom Municipal Code requires the City Council to approve contracts greater than \$70,952; and

**WHEREAS**, in order to maintain our current copier/printer, document management, fax services within our current infrastructure a lease extension is required; and

**WHEREAS**, the proposal from UBEO (Ray Morgan) allows the City to purchase copier/printer, document management, fax services with monthly payments of \$15,567.75 for 63 months; and

**WHEREAS**, sufficient funds for the first year of the agreement are budgeted and available in the individual department budgets for FY 2023-24, , and future years will be included during the budget process; 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 UBEO (Ray Morgan)to renew/extend copier contract in an amount not to exceed \$980,768.25 over a 63 month period at \$15,567.75 monthly.

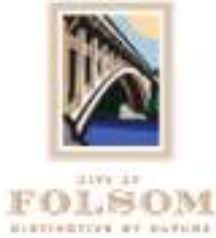
**PASSED AND ADOPTED** this 10<sup>th</sup> day of October 2023, by the following roll-call vote:

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

\_\_\_\_\_  
Rosario Rodriguez, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Freemantle, CITY CLERK



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 11109 - A Resolution Authorizing the City Manager to Execute an Agreement with Arctic Wolf Networks, Inc. for Cybersecurity Operations Cloud Services
<b>FROM:</b>	Finance Department

**RECOMMENDATION / CITY COUNCIL ACTION**

The Office of Management and Budget respectfully requests the City Council approve Resolution No. 11109 – A Resolution Authorizing the City Manager to execute an agreement with Arctic Wolf Networks, Inc. for Cybersecurity Operations Cloud Services.

**BACKGROUND / ISSUE**

The City currently has two Information Systems positions serving approximately 550-700 full-time and part-time employees, depending on the season. This very small team is responsible for the city’s cybersecurity, along with a multitude of other daily responsibilities to deliver the technology services that are needed on a day-to-day basis. The risk of a cyberattack is growing every day and cybercriminals never take a day off. If the city did suffer a cyberattack, we would recover but how long it would take to recover and how much it would cost to get back up and running are unknowns. Contracting with Arctic Wolf and working in tandem with our Microsoft solutions would add another layer of defense, mitigating and/or stopping a potential cyberthreat.

**POLICY / RULE**

Section 2.36.080, Award of contracts of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$70,952 or greater shall be awarded by the City Council.

**ANALYSIS**

Arctic Wolf is a cybersecurity company that provides security operations solutions, including managed detection and response, managed risk, and managed security awareness to mitigate exposure to cyber threats. Entering into a contract with Arctic Wolf Networks, Inc will allow the city to have a dedicated a team of cybersecurity professionals to monitor, isolate and stop any potential cyberthreats 24/7 365 allowing us to benefit from years of expertise without adding to our employee count. Arctic Wolf fits within our current environment working hand in hand with Microsoft to mitigate and/or stop network intrusions or malware. The service also provides a team dedicated to the city in the event of a catastrophic breach allowing us to recover quickly and provide continuation of business with minimal downtime.

**FINANCIAL IMPACT**

The total contract amount for three years is \$250,676.75. There are sufficient funds budgeted and available in the FY 2023-24 budget in the Information Systems Division of the General Fund (Fund 010) to pay for the first year of this contract, in the amount of \$82,156.79. Additional funds for the remainder of the contract (\$82,296.61 in Year 2 and \$86,223.35 in Year 3) will need to be appropriated in subsequent fiscal years.

**ATTACHMENT**

1. Resolution No. 11109 – A Resolution Authorizing the City Manager to execute an agreement with Arctic Wolf Networks, Inc. for Cybersecurity Operations Cloud Services

Submitted,

Stacey Tamagni  
Chief Financial Officer

**RESOLUTION NO. 11109**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ARCTIC WOLF NETWORKS, INC. FOR CYBERSECURITY OPERATIONS CLOUD SERVICES**

**WHEREAS**, the risk of a cyberattack is growing every day; and

**WHEREAS**, entering into a contract with Arctic Wolf Networks, Inc will allow the city to have a dedicated a team of cybersecurity professionals to monitor, isolate and stop any potential cyberthreats 24/7 365 allowing us to benefit from years of expertise without adding to our employee count; and

**WHEREAS**, this contract will help to enhance our current cybersecurity presence and readiness alongside Microsoft’s services in our current network; and

**WHEREAS**, the proposal from Artic Wolf Network, Inc. allows the City to purchase three years of service for a total contract amount of \$250,676.75, paid in annual payments; and

**WHEREAS**, sufficient funds are budgeted and available in the FY 2023-24 budget in the Information Systems Division of the General Fund (Fund 010) to pay for the first year of this contract, in the amount of \$82,156.79., and future years will be included during the budget process; 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 Arctic Wolf Network, Inc. for cybersecurity operations cloud services in an amount not to exceed \$250,676.75 over a three-year period.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of October, 2023, by the following roll-call vote:

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

\_\_\_\_\_  
Rosario Rodriguez, MAYOR

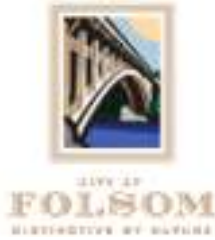
ATTEST:

\_\_\_\_\_  
Christa Freemantle, CITY CLERK

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to facilitate double-sided printing.*







# Folsom City Council Staff Report



<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	Consent Calendar
<b>SUBJECT:</b>	Resolution No. 11110 – A Resolution Amending Resolution No. 10479 and Enacting the Annual Inflationary Adjustment for City User Fees for Selected City Services
<b>FROM:</b>	Finance Department

### **RECOMMENDATION / CITY COUNCIL ACTION**

The Finance Department requests that the City Council adopt Resolution No. 11110 – A Resolution Amending Resolution No. 10479 and Enacting the Annual Inflationary Adjustment for City User Fees for Selected City Services.

### **BACKGROUND / ISSUE**

In May 2006, the Folsom City Council adopted Resolution No. 7815 which established a new user fee schedule for selected city services and also adopted an annual inflationary adjustment. The inflationary adjustment was last applied on July 1, 2020.

### **POLICY / RULE**

City of Folsom Municipal Code Section 3.50.020 states, “The city manager is hereby directed to recommend to the council the adjustment of fees and charges to recover the percentage of costs reasonably borne in providing the regulation, products or services enumerated in this chapter and on the schedule of rate review as hereinafter established in this chapter. Costs reasonably borne shall be as are defined in Section 3.50.030.”

City Council Resolution No. 7815 adopted on May 23, 2006, approved an annual inflationary adjustment to be applied each fiscal year for selected city user fees along with fee increases based on a fee study.

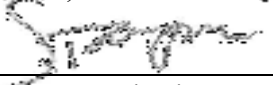
**ANALYSIS**

The annual inflationary adjustment to be applied is 4.48%. This is based on the *US Bureau of Labor Statistics & CA Department of Finance CPI-West Urban Consumers, all items, San Francisco CMSA, Annual amount as of December of the previous calendar year* as set forth in Resolution No. 7815. The proposed fee schedules were derived by applying the annual inflationary adjustment to the current fees if allowed. Fee number FN-3 and CC-1 have been removed per Department request, as they are no longer applicable. Fee FR-24 has been reduced per the Fire Chief's request. The proposed fee schedules are included as part of Resolution No. 11110 and will be effective November 1, 2023. The user fee schedule has not been increased by CPI since July 2020. The current inflationary adjustment is the adjustment for the one-year period of January through December 2022 only.

**ATTACHMENTS**

1. Resolution No. 11110 – A Resolution Amending Resolution No. 10479 and Enacting the Annual Inflationary Adjustment for City User Fees for Selected City Services
2. United States Consumer Price Index – All Urban Consumers as published by the United States Bureau of Labor Statistics CPI-West Urban consumers, all items, San Francisco CMSA as of December 2022

Submitted,



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Stacey Tamagni, Finance Director

Attachment 1

**RESOLUTION NO. 11110**

**A RESOLUTION AMENDING RESOLUTION NO. 10479 AND ENACTING THE ANNUAL INFLATIONARY ADJUSTMENT FOR CITY USER FEES FOR SELECTED CITY SERVICES**

**WHEREAS**, City of Folsom Municipal Code Section 3.50.020 states “The city manager is hereby directed to recommend to the council the adjustment of fees and charges to recover the percentage of costs reasonably borne in providing the regulation, products or services enumerated in this chapter and on the schedule of rate review as hereinafter established in this chapter. Costs reasonably borne shall be as are defined in Section 3.50.030.”; and

**WHEREAS**, Resolution No. 7815 adopted by the Folsom City Council on May 23, 2006, allowed for an annual inflationary adjustment to User Fees each fiscal year; and

**WHEREAS**, Resolution No. 10479 adopted by City Council on July 23, 2020, set the most recent User Fee schedule; and

**WHEREAS**, the annual inflationary adjustment is based on the *US Bureau of Labor Statistics & CA Department of Finance CPI-West Urban Consumers, all items, San Francisco CMSA* as of December of the previous year; and

**WHEREAS**, as of December 31, 2022 the annual inflationary adjustment applied is 4.48%; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom Amends Resolution No. 10479 and Enacts the Annual Inflationary Adjustment for City User Fees as of November 1, 2023 for Selected City Services as set forth in the fee schedules attached hereto; and

**PASSED AND ADOPTED** this 10th day of October, 2023, by the following roll-call vote:

- AYES:** Council Member(s):
- NOES:** Council Member(s):
- ABSENT:** Council Member(s):
- ABSTAIN:** Council Member(s):

\_\_\_\_\_  
Rosario Rodriguez, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Freemantle, CITY CLERK

**City of Folsom**  
**Master Fee Schedule as of November 1, 2023**

#	DEPARTMENT/SERVICE	FEE	ANNUAL	FEE
		7/01/2020	INFLATION	11/01/2023
		Reso 10479	Annual CPI <sup>1</sup>	Proposed
	<b><u>Finance</u></b>			
FN-1a	Returned Check Fee - Initial	\$ 25	\$ -	\$ 25
FN-1b	Returned Check Fee - Additional	\$ 35	\$ -	\$ 35
FN-2	Lien/Delinquency Admin Fee	\$ 125	\$ -	\$ 125
FN-2a	Admin/Disconnect Fee	\$ 75	\$ -	\$ 75
FN-2b	Reconnect Fee - during business hours	\$ 50	\$ -	\$ 50
FN-2c	Reconnect Fee - after business hours	\$ 135	\$ -	\$ 135
FN-3	Excessive Comm. SW Acct Changes	\$ 26	\$ 1	Remove
	<b><u>Business License Certificate</u></b>			
FN-4	New License Review Fee	\$ 26	\$ 1	\$ 27
PE-165	New Home Occupation Review Permit	See PE-165		See PE-165
FN-5	License Reprint Fee	\$ 13	\$ 1	\$ 14
FN-7	Customer Business Lists - Year	\$ 19	\$ 1	\$ 20
FN-8	Customer Business Lists - 1 month	\$ 19	\$ 1	\$ 20
	Annual Historic District Surcharge Tax	\$ 60		\$ 60
	Home Occupation Annual Certificate	\$ 40		\$ 40
	Business License Certificate Fee Table	Class. A-C		Class. A-C
	Specialty Operations	Class. D		Class. D
	<b><u>Cardroom Business License Fees</u></b>			
FN-9	Application and investigation	\$ 660	\$ 30	\$ 690
FN-10	Annual License Renewal	\$ 88	\$ 4	\$ 92
FN-12	PER Table Fee per QUARTER	\$ 261	\$ 12	\$ 273
FN-13	Alternative Method of Payment	2.75% - 3%		2.75% - 3%
	<b><u>Water</u></b>			
W-3	Construction Meter Rental Rate per Month	\$ 100		\$ 100
W-4	Security Deposit for 2.5 inch Construction Meter	\$ 900		\$ 900
W-5	Security Deposit for 4 inch Construction Meter	\$ 2,700		\$ 2,700
W-6	Relocation of Construction Meter	\$ 25		\$ 25
W-7	Repeat Disinfection Testing of New Facilities	\$ 200		\$ 200
W-8	Backflow Testing Tag	\$ 15		\$ 15
W-9	Testing of Backflow Device	\$ 100		\$ 100
	<b><u>Wastewater</u></b>			
WW-1	Emergency Call Out (After Hours/Hourly Rate)	\$ 135		\$ 135
WW-2	Clean up of Sanitary Sewer Overflow From Private Lateral or collection ssystem (Hourly rate)	\$ 200		\$ 200
WW-3	Inspection of Private Collection Systems to Include Manholes, Maines and Laterals (Hourly Rate)	\$ 150		\$ 150

#	DEPARTMENT/SERVICE	FEE 7/01/2020	ANNUAL INFLATION ADJUSTMENT	FEE 11/01/2023
		Reso 10479	Annual CPI <sup>1</sup>	Proposed
<b><u>Police</u></b>				
P-1	Vehicle Release	\$ 170	\$ 8	\$ 178
P-2	Livescan	\$ 25	\$ 1	\$ 26
P-3	Alarm Permit (New)	\$ 44	\$ 2	\$ 46
P-3b	Alarm Permit (Renewal - Commercial)	\$ 17	\$ 1	\$ 18
P-4	False Alarm (2nd false alarm - infor. not updated)	\$ 94	\$ 4	\$ 98
P-4b	False Alarm (3rd false alarm)	\$ 94	\$ 4	\$ 98
P-4c	False Alarm (4th false alarm)	\$ 110	\$ 3	\$ 113
P-4d	False Alarm (5th+ false alarm)	\$ 165	\$ 6	\$ 171
P-6	Repossessions	\$ 14	\$ 1	\$ 15
P-7	VIN Verification	\$ 45	\$ 1	\$ 46
P-8	Clearance Letter-Clear	\$ 40	\$ 1	\$ 41
P-9	Vehicle Sign-Off	\$ 45	\$ 1	\$ 46
P-10	Firearms Permit	\$ 460	\$ 20	\$ 480
P-15	Adult Businesses	\$ 139	\$ 6	\$ 145
P-17	HS 11590 Registration	\$ 25	\$ 1	\$ 26
P-18	Police report copy	\$ 5	-	\$ 5
<b><u>Fire</u></b>				
FR-1	California Fire Code Inspection - HSC 13146.2 and 13146.3	\$ 191	\$ 9	\$ 200
	Pre-license Inspection < 25 - HSC 13235	\$ 50	\$ 2	\$ 52
	Pre-license Inspection > 25 - HSC 13235	\$ 100	\$ 4	\$ 104
FR-2	Re-Inspection (2nd and subsequent reinspections)	\$ 236	\$ 11	\$ 247
FR-3	Fire Stand Pipe System Plan Review	bldg pmt val	bldg pmt val	bldg pmt val
FR-4	Fire Hydrant System PC	bldg pmt val	bldg pmt val	bldg pmt val
FR-5	Fire Sprinkler System Plan Review	bldg pmt val	bldg pmt val	bldg pmt val
FR-6	Fire Pump Plan Review	bldg pmt val	bldg pmt val	bldg pmt val
FR-7	Fire Alarm System Plan Review	bldg pmt val	bldg pmt val	bldg pmt val
FR-10	Fixed Fire Protection System Plan Review	bldg pmt val	bldg pmt val	bldg pmt val
FR-11	Gas System Plan Review (Medical, LPG, Compressed, etc)	bldg pmt val	bldg pmt val	bldg pmt val
FR-14	Public Fireworks Display PC	bldg pmt val		bldg pmt val
FR-15	Special Fire Inspection (after hours or by request)	\$ 255	\$ 11	\$ 266
FR-23	Safe & Sane Fireworks Stand Inspection	\$ 337	\$ 15	\$ 352
FR-24	Incident/Inspection Report Copy	\$ 31	-	\$ 20
FR-25	Patient Care Report (PCR) and/or Medical Billing	\$ 31	\$ 1	\$ 32
FR-26	Fire Hazard/Vegetation Management Administrative fee per Re Inspection	\$ 158	\$ 7	\$ 165
	Weed Abatement Cost - City's cost			\$1000 Minimum
FR-28	False Alarm (2nd false alarm - infor. not updated)	\$ 94	\$ 4	\$ 98
FR-28b	False Alarm (3rd false alarm)	\$ 94	\$ 4	\$ 98

#	DEPARTMENT/SERVICE	FEE 7/01/2020	ANNUAL INFLATION ADJUSTMENT	FEE 11/01/2023
		Reso 10479	Annual CPI <sup>1</sup>	Proposed
	<u>Fire</u>			
FR-28c	False Alarm (4th false alarm)	\$ 112	\$ 5	\$ 117
FR-28d	False Alarm (5th+ false alarm)	\$ 166	\$ 7	\$ 173
FR-36	Fire Hydrant Flow Test	\$ 208	\$ 9	\$ 217
FR-39	Fire Photograph(s) Flash Drive	\$ 31	\$ 1	\$ 32
FR-42	Expedited Services Fee	1.5 x Reg Fee		1.5 X Reg Fee
FR-43	Fire Safety Officer Standby, Third Party review or Inspection	Actual Cost		Actual Cost
	<u>Ambulance Services <sup>2</sup></u>			
	Base Rate Witin Corporate City Limits	\$ 2,158		\$ 2,158
	Base Rate Outside Corporate City Limits	\$ 2,158		\$ 2,158
	Patient Assessment/Treatment - No Transport	\$ 425		\$ 425
	Milage (per mile)	\$ 39		\$ 39
	ALS Supplies	\$ 105		\$ 105
	Oxygen	\$ 165		\$ 165
	Cardiac Monitor/Debibrillator	\$ 168		\$ 168
	Continuous Positive Airway Pressure (CPAP)	\$ 225		\$ 225
	Bone Drill	\$ 305		\$ 305
	<u>City Clerk</u>			
CC-1	Agenda Mailing Service (Per Year/Subscriber)	\$ 25	-	Remove
CC-2a	Document Printing & Copying (per side/per page; \$1.00)	\$ 0.10	\$ 0.00	\$ 0.10
CC-3	Document Printing Pages greater than 17x14 or color copies (per side/per page)	\$ 5	\$ 0	\$ 5
CC-6	Copy Audio/Video/DVD	\$ 5	\$ 0	\$ 5
CC-8	Folsom Municipal Code	Cost to Produce	Cost to Produce	Cost to Produce
CC-9	Updates to Folsom Municipal Code	Cost to Produce	Cost to Produce	Cost to Produce
CC-10	Planning Commission Decision Appeal - Owner occupied, single family dwelling	\$ 246	\$ 11	\$ 257
CC-11	Planning Commission Decision Appeal - All others	\$ 500	\$ 22	\$ 522
CC-12	Truancy Fee (Monies paid through City Clerk)	\$ 63	\$ 3	\$ 66
CC-13	Code Enforcement Administrative Hearing	\$ 185	\$ 8	\$ 193

#	DEPARTMENT/SERVICE	FEE 7/01/2020 Reso 10479	ANNUAL INFLATION ADJUSTMENT Annual CPI <sup>1</sup>	FEE 11/01/2023 Proposed
	<u>Library</u> <sup>3</sup>			
LB-1	Adult and Teen Books and audio books - Extended Use Fee (Fine)	\$0.25/ day per item - \$5.00	N/A	\$0.00/ day per item
LB-2	High-Demand Express materials - Extended Use Fee (Fine)	\$1.00/ day per item - \$5.00	N/A	\$0.00/ day per item
LB-3	Children's books and audio books - Extended Use Fee (Fine)	\$0.05/ day per item - \$1.00 max/item	N/A	\$0.00/ day per item
LB-4	DVD's, Music CD's, and specialty kits - Extended Use Fee (Fine)	\$0.25/ day per item - \$5.00 max/item	N/A	\$0.00/ day per item
LB-6	Returned check fee	City standard fee (see Finance)	N/A	City standard fee (see Finance)
LB-7	Library card replacement		N/A	-
LB-8a	Self service copy charges - (B & W)	\$ 1	N/A	\$ 0.15
LB-8b	Self service copy charges - (Color)	\$ 0.15	N/A	\$1.00/page
LB-9	Hold re-shelving fee - per item	\$ 0.50	N/A	\$ -
LB-10	Interlibrary loan/item (plus add'l lending library fees)	\$ 1	N/A	\$ 5
LB-11	Lost or damaged books in Folsom collection	\$ 3	N/A	Up to cost of item plus \$5.00 processing fee
LB-12	Lost or damaged materials from interlibrary loan	Up to cost of item, plus charges form lending library, plus \$5.00 local processing	N/A	Up to cost of item, plus charges form lending library, plus \$5.00 local processing
LB-13	Referral fee for material and fee recovery services (for accounts with billed overdue materials and total outstanding charges of \$25 or more)	\$ 10	N/A	\$ 10

<sup>1</sup> Annual inflationary adjustment based on the *US Bureau of Labor Statistics & CA Department of Finance CPI-West Urban Consumers, all items, San Francisco CMSA, Annual amount as of December of the previous calendar year.*

<sup>2</sup> Updated on October 2, 2023, per Reso 11094

<sup>3</sup> Updated on July 11, 2023, per Reso 11069



#	DEPARTMENT/SERVICE
#	<b>Parks &amp; Recreation<sup>4</sup></b>
PR-7	Zookeeping/Gate
PR-9	Zoo-Gift Shop
PR-10	Zoo-Education/Tours
PR-13	Aquatics - Rec/Lap Swim
PR-14	Aquatics - Swim Lessons
PR-15	Aquatics - Swim Team
PR-16	Aquatics - Aquacise
PR-17	Aquatics - Swim Camps
PR-18	Aquatics - School Parties
PR-19	Aquatics - Birthday Parties
PR-21	Aquatics - Swim Meets
PR-22	Aquatics - Rental/Spons.
PR-23	Aquatics - Concessions
PR-24	Cummings Park/Skate
PR-25	Comm Center - Resident Comm Center - Non-Resident Comm Center - FCUSD
PR-26	Rotary Clubhouse (see Comm Center)
PR-30	Park Rentals
PR-32	Youth Spec. Interest
PR-33	Cultural Classes
PR-37	Fee Based Spec Events
PR-38	Youth Day Camps
PR-39	Teens
PR-40	Cultural Svcs/Preschool
PR-42	Seniors
PR-43	Sponsorship
PR-45	Kemp Concessions
PR-46	Adult Sports
PR-47	Youth Sports
PR-48	Comm. Youth Leagues
PR-49	Sports Facility Rentals

<sup>4</sup> Parks and Recreation fees are set by the department. Cost recovery levels are set at the program level, and therefore changes are proposed during the budget process.

**Business License Certificate Classification Fee Tables**

<b>Classification A - Business License Certificate Gross Receipts</b>			
<b>Annual Gross Receipts - Retail Sales, Property Rental, Residential &amp; Non-</b>			
<b>Category</b>	<b>Lower Gross Receipts</b>	<b>Upper Gross Receipts</b>	<b>Annual Fee</b>
1	\$ -	\$ 99,999.99	\$ 40.00
2	\$ 100,000.00	\$ 899,999.99	\$ 125.00
3	\$ 900,000.00	\$ 5,099,999.99	\$ 250.00
4	\$ 5,100,000.00	\$ 10,899,999.99	\$ 500.00
5	\$ 10,900,000.00	\$ 25,099,999.99	\$ 1,000.00
6	\$ 25,100,000.00	Max	100 + .05/\$1,000 GR

<b>Classification B - Service Professions, Manufacturing, Wholesale Based on Employee Count</b>			
<b>Manufacturing, Wholesale and Service Professions</b>			
<b>Category</b>	<b>Lower Employee Count</b>	<b>Upper Employee Count</b>	<b>Annual Fee</b>
1	0	1	\$ 40.00
2	2	4	\$ 125.00
3	5	8	\$ 175.00
4	9	12	\$ 220.00
5	13	25	\$ 250.00
6	26	55	\$ 500.00
7	56	124	\$ 1,000.00
8	125	Max	\$100 + \$10 per Employee

<b>Classification C - Commercial, Industrial, Research &amp; Development</b>			
<b>Based on Square Feet</b>			
<b>Category</b>	<b>Lower Sq Ft</b>	<b>Upper Sq Ft</b>	<b>Annual Fee</b>
1	0	2000	\$ 40.00
2	2000	18000	\$ 125.00
3	18000	102000	\$ 250.00
4	102000	218000	\$ 500.00
5	218000	502000	\$ 1,000.00
6	502000	Max	100 + \$2.50/1,000 Sq. Ft.

<b>Classification D - Business License Certificate Specialty Operations</b>	
<b>Non Profit/Exempt Business Certificate Fee</b>	\$0.00
<b>Building Contractors</b>	\$25 per building permit
<b>Itinerant Vendor (Peddler, Solicitor or</b>	\$500.00
<b>Daily Specialty - Fixed Location</b>	\$25.00
<b>Monthly Specialty - Fixed Location</b>	\$30.00
<b>Quarterly Specialty - Fixed Location</b>	\$75.00
<b>Annual Specialty - Fixed Location</b>	\$200.00
<b>Branch Location Certificate</b>	\$25.00
<b>Bingo Halls</b>	\$25.00

#	DEPARTMENT/SERVICE	FEE 7/01/2020 Reso 10479	ANNUAL INFLATION ADJUSTMENT Annual CPI <sup>1</sup>	FEE 11/1/2023 Proposed
<b>Planning &amp; Engineering</b>				
PE-1	Preliminary Project Review (deposit)	\$ 609	\$ 30	\$ 639
PE-2	Tentative Parcel Map Review (deposit)	\$ 5,305	\$ 259	\$ 5,564
PE-3	Tentative Subdivision Map Review (deposit)	\$6,417 + \$32/Lot	157+\$1/Lot	\$6,547+\$33/Lot
PE-4	Tentative Map Amendment Review (deposit)	\$ 8,841	\$ 431	\$ 9,272
PE-5	Final Map Amend/Cert of Correction (deposit)	\$ 2,899	\$ 141	\$ 3,040
PE-6	Tentative Map Extension Review (deposit)	\$ 3,798	\$ 185	\$ 3,983
PE-7	Site Design Review - Planning Comm. (deposit)	\$ 4,455	\$ 217	\$ 4,672
PE-7b	Site Design Review	\$ 280	\$ 14	\$ 294
PE-8	Planned Development review (deposit)	\$8,525 + \$426/acre	\$416 + \$21/acre	\$8,941 + \$447/acre
PE-9	Planned Development Mod. Review (deposit)	\$ 8,513	\$ 415	\$ 8,928
PE-10	Planned Development Ext. Review (deposit)	\$ 2,989	\$ 146	\$ 3,135
PE-11	Specific Plan Review (deposit)	\$ 5,976	\$ 292	\$ 6,268
PE-12	Specific Plan Amend. Review (deposit)	\$ 6,574	\$ 321	\$ 6,895
PE-13	Initial Environmental Study/Assmnt (deposit)	\$ 6,051	\$ 295	\$ 6,346
PE-15	Environmental Impact Review & Report	\$ 8,128	\$ 397	\$ 8,525
PE-16	Notice of CEQA determination	\$ 282	\$ 14	\$ 296
PE-18	Environmental Mitigation Prog. Monitoring	\$ 5,992	\$ 292	\$ 6,284
PE-20	Historic Dist SFD Design Rvw (deposit)	\$ 58	\$ 3	\$ 61
PE-21	H.D. Mult Fam/Comm Design Rvw (deposit)	\$ 2,054	\$ 100	\$ 2,154
PE-22	Arch Review - SFD (deposit)	\$ 58	\$ 3	\$ 61
PE-23	Arch Review - Mult Fam/Comm. (deposit)	\$ 2,054	\$ 100	\$ 2,154
PE-24	Historic Dist Sign Review (deposit)	\$ 58	\$ 3	\$ 61
PE-25	Sign Permit - Staff	\$ 120	\$ 6	\$ 126
PE-25b	Sign Permit Extension	\$ 55	\$ 3	\$ 58
PE-26	PD Permit Sign Only (deposit)	\$ 1,195	\$ 58	\$ 1,253
PE-27	Zoning Verification Review (deposit)	\$ 288	\$ 14	\$ 302
PE-28	Rezoning Request Review - 5 acres or less (deposit)	\$ 2,792	\$ 136	\$ 2,928
PE-29	Rezoning Request Review- 5+ acres (deposit)	\$ 5,575	\$ 272	\$ 5,847
PE-30	Lot Line Adj./Parcel Merger (planning) (deposit)	\$ 943	\$ 46	\$ 989
PE-31	Annexation Processing (deposit)	\$ 5,379	\$ 262	\$ 5,641
PE-32	Variance Review- SFD (deposit)	\$ 1,567	\$ 76	\$ 1,643
PE-33	Variance Review- Other (deposit)	\$ 1,567	\$ 76	\$ 1,643
PE-35	Appeal - Admin	\$ 239	\$ 12	\$ 251
PE-36	Appeal - by other (deposit)	\$ 479	\$ 23	\$ 502
PE-37	Code Amendment (deposit)	\$ 2,134	\$ 104	\$ 2,238
PE-38	General Plan Amendment <5 acres (deposit)	\$ 4,073	\$ 199	\$ 4,272
PE-39	General Plan Amendment >5 acres (deposit)	\$ 8,146	\$ 398	\$ 8,544
PE-40	Temporary Use Permit Review	\$ 60	\$ 3	\$ 63
PE-41	Conditional Use Permit Review (Major) (deposit)	\$ 5,528	\$ 270	\$ 5,798
PE-41b	Conditional Use Permit Review (Minor) (deposit)	\$ 2,683	\$ 66	\$ 2,749
PE-42	Conditional Use Permit Modification (deposit)	\$ 1,567	\$ 38	\$ 1,605
PE-43	Street Name Review/Change (deposit)	\$ 1,195	\$ 29	\$ 1,224
PE-44	Devl. Agreeemnt Processing (deposit)	\$ 5,141	\$ 126	\$ 5,267
PE-45	Right of Way/ Easement Abandonment	\$ 2,392	\$ 59	\$ 2,451
PE-46	Tree Removal Pmt- Permitted Removal	\$ 37	\$ 1	\$ 38
PE-47	Tree Removal Pmt- w/o Permit	\$ 428	\$ 10	\$ 438
PE-48	Eng PC & Insp - \$1 to \$10,000	6% of first 10k	N/A	6% of first 10k
PE-49	Eng PC & Insp1 - \$10,001-\$99,999	7% next 90k	N/A	7% next 90k
PE-50	Eng PC & Insp1 - \$100k-\$199,999	5% next 100k	N/A	5% next 100k
PE-51	Eng PC & Insp1 - \$200k-\$299,999	4% next 100k	N/A	4% next 100k
PE-52	Eng PC & Insp1 - \$300k+	2% remainder	N/A	2% remainder



PE-53	Parcel Map Check	\$ 5,605	\$ 137	\$ 5,742
PE-54	Final Map Check	\$ 10,463	\$ 256	\$ 10,719
PE-55	LLA Review - Engineering	\$ 4,696	\$ 115	\$ 4,811
PE-56	Research of Eng Records (Hourly)	\$ 101	\$ 2	\$ 103
PE-57	Misc Eng Services (Hourly)	\$ 101	\$ 2	\$ 103
PE-58	Review of ROW /Easement Docs	\$ 1,302	\$ 32	\$ 1,334
PE-59	Assmt Dist/CFD Payment Processing	\$ 2,516	\$ 62	\$ 2,578
PE-60	Subdivision Agreement Processing	\$ 1,057	\$ 26	\$ 1,083
PE-61	Special Events Permit	\$ 60	\$ 1	\$ 61
PE-62a	Transportation Permits	\$ 19	\$ 0	\$ 19
PE-62b	Transportation Permits (Annual)	\$ 84	\$ 2	\$ 86
PE-63a	Encroachment Permits	\$132 + \$1.91/Sq. Ft.	\$3 + \$.05/Sq. Ft.	\$135 + \$1.96/Sq. Ft.
PE-63b	Encroachment Permit (Annual)	\$ 2,588	\$ 63	\$ 2,651
PE-64	Condominium Conversion Fee	\$ 11,137	\$ 273	\$ 11,410
PE-65	Home Occupation Permit Fee	\$ 29	\$ 1	\$ 30
PE-66	Unattended Donation Box	\$187 + \$47 Renewal	\$9 + \$1 Renewal	\$196 + \$48 Renewal
PE-67	Opinion on a Planning Matter	\$ 245	\$ 6	\$ 251
PE-68	Landmark Tree	\$ 280	\$ 7	\$ 287
PE-69	Off-Site Weekend Directional Signs	\$ 167	\$ 4	\$ 171
PE-70	Uniform Sign Program	\$ 280	\$ 7	\$ 287
PE-71	Temporary Sign Permit	\$ 10	\$ 0	\$ 10
PE-72	Non-residential Plan Check Fee (Planning)	10% of building permit fee	\$ -	10% of building permit fee
PE-73	Residential Landscape Review Fee (Custom Home)	Hourly rate of City Arborist	\$ -	Hourly rate of City Arborist
PE-74	Entertainment Permit	\$ 44	\$ 1	\$ 45
PE-75	Expedited Services Fee	1.5 X Regular Fee	\$ -	1.5 X Regular Fee
PE-76	Technical Assistance / Third Party review or Inspection	Actual Cost	\$ -	Actual Cost
PE-77	Protected Tree removed or impacted within the buildable area of a residential lot (DSH-diameter per inch)	125.00 (DSH)	\$ -	125.00 (DSH)
PE-78	Protected Tree removed or impacted (DSH-diameter per inch)	250.00 (DSH)	\$ -	250.00 (DSH)

<sup>1</sup> Annual inflationary adjustment based on the *US Bureau of Labor Statistics & CA Department of Finance CPI-West Urban Consumers, all items, San Francisco CMSA, Annual amount as of December of the previous calendar year.*  
 All amounts are rounded to the nearest dollar.

## Attachment 2



# Databases, Tables & Calculators by Subject

Change Output Options: From: 2013 To: 2023

include graphs  include annual averages [More Formatting Options](#)

Data extracted on: August 29, 2023 (7:01:38 PM)

## CPI for All Urban Consumers (CPI-U)

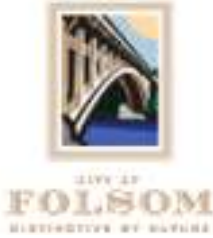
**Series Id:** CUURS49BSA0, CUUSS49BSA0  
 Not Seasonally Adjusted  
**Series Title:** All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted  
**Area:** San Francisco-Oakland-Hayward, CA  
**Item:** All items  
**Base Period:** 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2013		242.677		244.675		245.935		246.072		246.617		245.711	245.023	243.894	246.152
2014		248.615		251.495		253.317		253.354		254.503		252.273	251.985	250.507	253.463
2015		254.910		257.622		259.117		259.917		261.019		260.289	258.572	256.723	260.421
2016		262.600		264.565		266.041		267.853		270.306		269.483	266.344	263.911	268.777
2017		271.626		274.589		275.304		275.893		277.570		277.414	274.924	273.306	276.542
2018		281.308		283.422		286.062		287.664		289.673		289.896	285.550	282.666	288.435
2019		291.227		294.801		295.259		295.490		298.443		297.007	295.004	293.150	296.859
2020		299.690		298.074		300.032		300.182		301.736		302.948	300.084	299.109	301.059
2021		304.387		309.419		309.497		311.167		313.265		315.805	309.721	306.724	312.718
2022		320.195		324.878		330.539		328.871		332.062		331.222	327.060	323.408	330.711
2023		337.173		338.496		340.056								337.689	

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# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	New Business
<b>SUBJECT:</b>	Resolution No. 11111- A Resolution of the City Council Declaring Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011 as Exempt Surplus Land and Authorize Disposition of Said Parcels
<b>FROM:</b>	Community Development Department

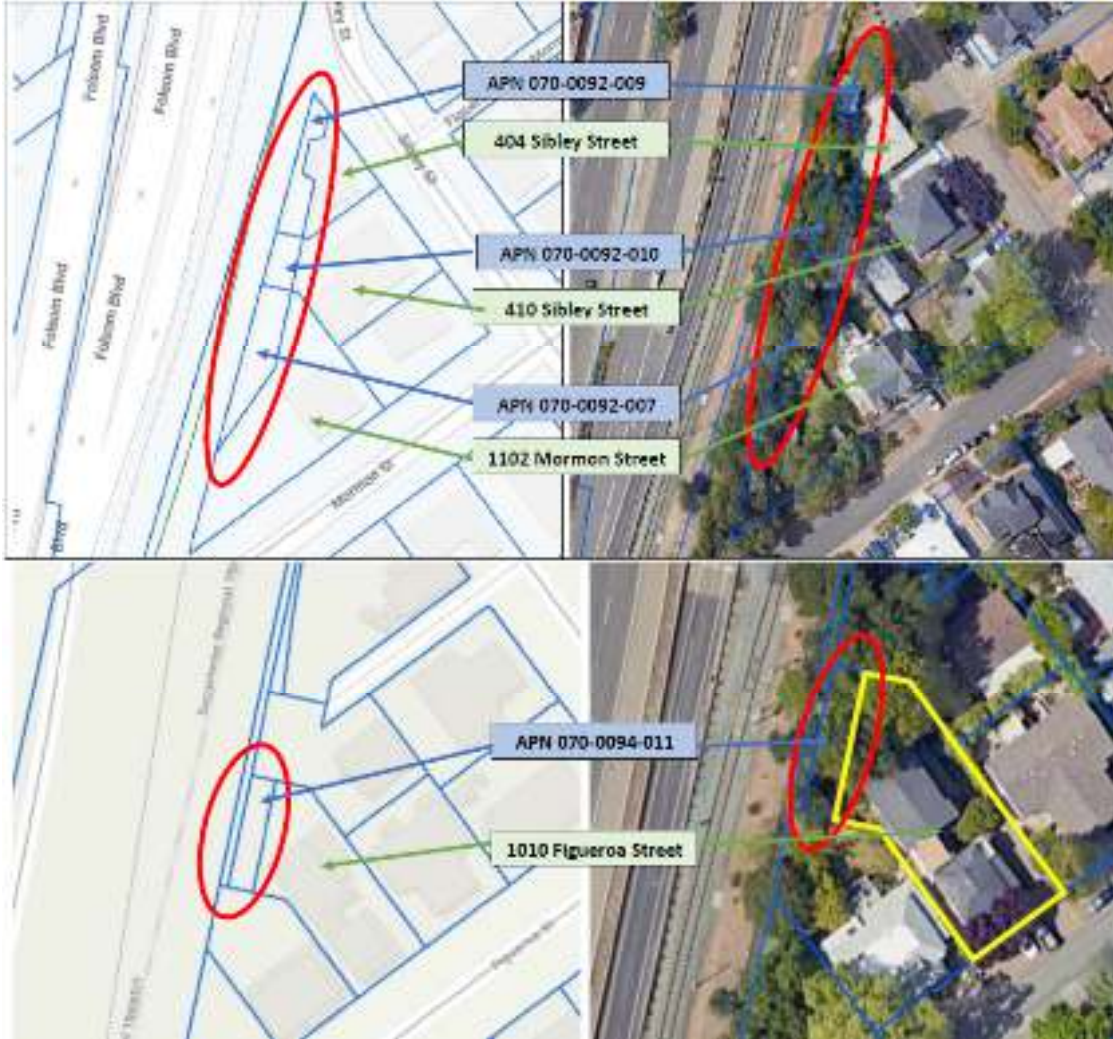
**RECOMMENDATION / CITY COUNCIL ACTION**

Staff recommends that City Council adopt Resolution No. 11111- A Resolution of the City Council Declaring Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011 as Exempt Surplus Land and Authorize Disposition of Said Parcels

**BACKGROUND / ISSUE**

The City of Folsom acquired four parcels (APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011) in 1996 as part of the Folsom Bridge Crossing project with the expectation that the land would be needed for slope and/or retaining wall improvements associated with the crossing project. The original plan was to acquire the entire parcels adjoining the right of way in that area (1102 Mormon, 404 Sibley, 410 Sibley, and 1010 Figueroa) for the stated purpose. However, property owners negotiated with the City to grant a smaller portion of each yard area to the City so they could retain the remainder of their land with residential structures and continue living on the property. The small portions of each parcel were surveyed, mapped, and granted to the City at no cost.

City owned parcel (APN)	City owned parcel size (acres/square feet)	Amount paid for property	Adjacent private property address
070-0092-007	0.03 ac/1,284 sf	0	1102 Mormon Street
070-0092- 009	0.04 ac/1,528 sf	0	404 Sibley Street
070-0092-010	0.01 ac/426 sf	0	410 Sibley Street
070-0094-011	0.13 ac/5,618 sf	0	1010 Figueroa Street



Ultimately, during design and construction of the bridge and offramps, the four parcels granted to the City were not needed for slope and/or retaining wall. The property owners are now asking that properties be transferred back to them at no cost. Because the City does not need those parcels for any purpose, Staff is supportive of the request and has prepared the necessary documentation to declare the land as surplus and exempt from State Surplus Land Act as outlined in this report.

**POLICY / RULE**

Effective January 1, 2020, the Surplus Land Act (AB1486) was amended to address California’s shortage of affordable housing. It requires agencies to take formal action in a regular public meeting to declare land surplus. Unless otherwise exempt, the declaration must be supported by written findings and may not allow for deal terms that would reduce or disallow residential use of property. In this case, the four City owned parcels qualify as exempt surplus land under Government Code section 54221(f)(1)(B) – Exempt Category 4 Land Not Suitable for Housing. Specifically, each of the four parcels are less than 5,000 sf,



not contiguous to State or City owned open space or housing and being sold to the owner of contiguous land.

As required by State Housing and Community Development (HCD), the local agency determination of exemption must be verified by HCD prior to land disposition. Required documentation has been provided to HCD for review and land disposition is contingent upon written verification of exemption from the State.

### **ANALYSIS**

Resolution 11111 has been prepared to declare four small parcels along Folsom Bridge Crossing as exempt surplus land no longer needed for City use under Government Code section 54221(f)(1)(B) due to the small size, context, and intent to transfer to adjoining landowners. The Surplus Land Act standard process for non-exempt properties would require the City Council to declare the land as surplus, then staff to notify housing sponsors registered with the State of the land availability for a 60-day period. If one or more sponsors respond with interest in building housing, the City would enter into good faith negotiations for a 90-day period, send proposals to the State and dispose of the land with an affordability covenant. In this case, all four subject parcels (APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011) are exempt from the standard Surplus Land process by meeting all of the following specific qualifications:

1. The surplus land less than 5,000 sf, or less than 10,000 sf and has no record access;
2. The surplus land not contiguous to land owned by a state or local agency that is used for open space or low- and moderate- income housing; and
3. The surplus land being transferred to the owner of contiguous land

Surplus Land Act does require that exempt surplus land be declared as exempt surplus by the City Council at a public meeting and that the State verify the exempt determination prior to land disposition. This exempt declaration is under review by HCD and once the exemption is verified, staff will proceed with preparation of the necessary documents to transfer each of the parcels to the adjoining landowners at no cost.

### **FINANCIAL IMPACT**

The City acquired the subject properties at no cost in 1996 for the Folsom Bridge Crossing improvements. The City intends to transfer the properties back to the adjoining property owners at no cost since that land was not ultimately needed for the project and are not needed for any City purposes. The City will cover the cost of preparing the necessary documents and adjoining property owners can determine whether to submit an application to merge the lots. Total costs for the documents are estimated to be \$30,500 to be paid from the City's FY 2023-24 General Fund (Fund 010) budget.

### **ENVIRONMENTAL REVIEW**

This item is exempt from environmental review under Section 15312 of the California Environmental Quality Act (CEQA) Guidelines (Surplus Government Property Sales).

**ATTACHMENT**

1. Resolution No. 11111- A Resolution of the City Council Declaring Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011 as Exempt Surplus Land and Authorize Disposition of Said Parcels

Submitted,



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Pam Johns  
Community Development Director

## **Attachment 1**

### **Resolution No. 11111- A Resolution of the City Council Declaring Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092- 010, and APN 070-0094-011 as Exempt Surplus Land and Authorize Disposition of Said Parcels**

**RESOLUTION NO. 11111**

**A RESOLUTION OF THE CITY COUNCIL DECLARING  
PARCELS APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, AND  
APN 070-0094-011 AS EXEMPT SURPLUS LAND AND  
AUTHORIZE DISPOSITION OF SAID PARCELS**

**WHEREAS**, the City of Folsom acquired four parcels (APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011) in 1996 as part of the Folsom Bridge Crossing project with the expectation that the land would be needed for slope and/or retaining wall improvements associated with the crossing project; and

**WHEREAS**, the City acquired the four parcels from adjoining landowners (1102 Mormon Street, 404 Sibley Street, 410 Sibley Street, , and 1010 Figueroa Street) at no cost to the City; and

**WHEREAS**, the City of Folsom completed the Folsom Bridge Crossing project and did not ultimately need the four subject parcels for slope and/or retaining improvements; and

**WHEREAS**, the adjoining landowners have requested the City transfer the unused parcels back to them at no cost; and

**WHEREAS**, the Surplus Land Act (AB1486) was amended in January 2020 to address California's shortage of affordable housing and requires agencies to take formal action in a regular public meeting to declare land surplus; and

**WHEREAS**, the four subject parcels qualify as exempt surplus land under Government Code section 54221(f)(1)(B) – Exempt Category 4: Land Not Suitable for Housing by meeting all of the following specific qualifications:

1. The surplus land less than 5,000 sf, or less than 10,000 sf and has no record access;
2. The surplus land not contiguous to land owned by a state or local agency that is used for open space or low- and moderate- income housing; and
3. The surplus land being transferred to the owner of contiguous land; and

**WHEREAS**, the Surplus Land Act requires that exempt surplus land be declared as exempt surplus by the City Council at a public meeting and that the State Housing and Community Development Department verify the exempt determination prior to land disposition.

**NOW, THEREFORE, BE IT RESOLVED** by City Council of the City of Folsom that the parcels listed below and shown in Exhibit 1 as exempt surplus land:

1. APN 070-0092-007 (0.03 acres/1,284 square feet) to be transferred to the owner of record for adjoining property at 1102 Mormon Street; and
2. APN 070-0092-009 (0.04 acres/1,528 square feet) to be transferred to the owner

- of record for adjoining property at 404 Sibley Street; and
- 3. APN 070-0092-010 (0.01 acres/426 square feet) to be transferred to the owner of record for adjoining property at 410 Sibley Street; and
- 4. APN 070-0094-011 (0.13 acres/5,618 square feet) to be transferred to the owner of record for adjoining property at 1010 Figueroa Street.

**BE IT FURTHER RESOLVED** that the aforementioned exempt surplus properties are not necessary for the City’s use; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute all documents necessary to effectuate disposition and transfer of the aforementioned exempt surplus properties in furtherance of this Resolution.

**PASSED AND ADOPTED** this 10<sup>th</sup> day of October 2023, by the following roll-call vote:

**AYES:** Council Member(s):  
**NOES:** Council Member(s):  
**ABSENT:** Council Member(s):  
**ABSTAIN:** Council Member(s):

---

Rosario Rodriguez, MAYOR

ATTEST:

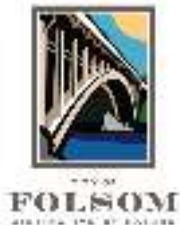
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Christa Freemantle, CITY CLERK

### EXHIBIT 1

#### Exempt Surplus Parcels APN 070-0092-007, APN 070-0092-009, APN 070-0092-010, and APN 070-0094-011





# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/10/2023
<b>AGENDA SECTION:</b>	Public Hearing
<b>SUBJECT:</b>	Appeal by Bob Delp of a Historic District Commission Approval of a Design Review Application for the 603 Sutter Street Mixed-Use Building
<b>FROM:</b>	Community Development Department

**RECOMMENDATION / CITY COUNCIL ACTION**

For the reasons described in this report, staff recommends that the Council deny the appeal by Bob Delp of a Decision by the Historic District Commission Approving a Design Review Application for the 603 Sutter Street Mixed-Use project (PN 17-145) and Determination that the Project is Exempt from CEQA.

**BACKGROUND**

On February 23, 2023, the applicant (Cedrus Holdings Limited Partnership) submitted a Design Review Application for development of a three-story, 12,177-square-foot mixed-use building on a 0.17-acre site located at the southwest corner of the intersection of Sutter Street and Scott Street (603 Sutter Street). The proposed mixed-use building features 2,716 square feet of retail/restaurant space on the first floor, 5,246 square feet of office space on the second floor, and two, two-bedroom residential units totaling 3,630 square feet on the third floor. The proposed project also features various outdoor use areas including an outdoor patio adjacent to Sutter Street and balconies on the second and third floors respectively.

The proposed three-story building features a historic pre-1900 design concept that is intended to complement the design, colors, and materials of other commercial buildings found along Sutter Street. Significant design elements include covered entries along Sutter Street, large rectangular doors and windows, recessed windows, transom windows, balconies, wood and brick cornices, ornamental iron railing, and steel awning structures. Primary building materials include brick veneer, horizontal cement fiber siding, an aluminum storefront

system, metal clad wood-framed windows, concrete windowsills, iron railing, steel canopies, and rockery retaining walls. Primary building colors include red (brick veneer) and white (horizontal cement fiber siding), with black, grey, and bronze as the main accent and trim colors.

Primary vehicle access to the general project area is provided by Sutter Street and Scott Street. No on-site or off-site parking is being proposed with this project and the City cannot require parking under the terms of AB 2097 (2022) since the project is located within ½-mile of the Historic District light rail station. However, the applicant is proposing to replace one existing non-ADA parking space in front of the project site along Sutter Street with an ADA accessible parking space. As permitted by state law, the applicant is proposing to utilize the existing nearby on-street parking, public parking lots, and public parking garages to serve the parking needs of the proposed mixed-use building. Pedestrian access to the project site is provided by an existing sidewalk located on the south side of Sutter Street and a proposed sidewalk along the west side of Scott Street. The primary entrance into the building is located along Sutter Street for the retail/restaurant uses, with secondary pedestrian access to the office and residential uses located along Scott Street. Proposed site improvements include underground utilities, a sidewalk, curb, gutter, an outdoor patio, retaining/stem walls, landscaping, and fencing.

The Historic District Commission reviewed the 603 Sutter Street Mixed-Use project at its September 6, 2023 meeting. At this meeting, two residents spoke in favor of the proposed project and indicated that it would be a great addition to Sutter Street from an economic development perspective and from a visual perspective. Six individuals voiced opposition to the proposed project and expressed concern regarding issues including but not limited to:

- Building height, scale, massing, and footprint are too large
- Building design not consistent with Design and Development Guidelines
- Curved building design on corner not historically appropriate
- Parapet wall on top of building not an architectural feature
- Extensive number of windows on south building elevation facing residence
- Inappropriate building materials (corrugated metal roof and cement fiber siding)
- Overutilization of glass on the ground floor
- Photo simulations of proposed building not accurate
- Loss of oak trees
- Parking impact

In addition to the public comments made at the Historic District Commission meeting, the City received numerous comment letters from residents both in support of the proposed project and in opposition to the proposed project. All of the comment letters (Attachment 2 and Attachment 3) were provided to the Commissioners for their consideration at the September 6, 2023 Historic District Commission meeting.

Following extensive public comment, the Historic District Commission discussed issues related to building height, building design, privacy impacts, oak tree impacts, air quality



impacts, and cultural resources impacts. In relation to building height, City staff stated that the proposed project met the maximum building height requirement of 35 feet established for the Sutter Street Subarea (FMC Section 17.52.510(C)) as the proposed building ranges from 29 feet to 35 feet in height as measured from the sidewalk adjacent to Sutter Street. City staff also shared an exhibit of the North Building Elevation with the Commission that illustrated with a dashed red line that the proposed building met the maximum building height requirement of 35 feet. Based on the information presented, the Commission agreed with City staff that the proposed building met the maximum building height requirement for the Sutter Street Subarea.

As it relates to building height, City staff commented to the Commission that the four-foot-tall parapet wall located at the top of the building is considered an architectural feature and that architectural features may extend up to 15 feet above the maximum building height of 35 feet established for the Sutter Street Subarea by the Folsom Municipal Code. City staff also noted that the Historic District Commission had previously made the determination that parapet walls associated with development projects along Sutter Street (Sutter Court Mixed-Use Building, Fire and Rain Building, and Historic Folsom Station) are considered architectural features that can extend above the maximum building height. The Commission was in agreement that the parapet wall was an attractive architectural feature and improved the overall design of the building, although one Commissioner was not convinced that the parapet wall should be allowed to extend above the maximum building height.

With regard to building design, there were some comments raised by residents expressing concern regarding the overall building design and the appropriateness of some of the proposed building materials. In relation to building design, there were general concerns voiced by residents that the proposed building was too large in terms of height, massing, scale, and footprint. There were also specific concerns raised regarding the curved design of the corner of the building and its historic authenticity, and the appropriateness of a corrugated metal patio cover located on the third floor of the building. In response to these comments, City staff presented specific design details (building elevations, building renderings, color and material board, etc.) to the Commission and described how the proposed project was consistent with the Historic District Design and Development Guidelines (DDG's) with respect to building design, building placement, and building materials. City staff also commented that the local architectural and historic preservation firm of Page & Turnbull evaluated the proposed project and determined that the design of the proposed building was in fact compatible with the architecture and design of other commercial building located along Sutter Street. The Commission concurred with City staff and expressed their appreciation and support for the overall design of the proposed building.

In response to comments and concerns raised by residents and the Commission, the applicant stated that they would be willing to remove the corrugated metal patio cover located on the third floor of the building entirely. The Commission was supportive of the applicant's proposal to remove the third-floor patio cover to address design concerns raised by residents and added a new condition of approval (Condition No. 28-6) to the proposed project as follows:

- The corrugated metal patio cover/awning located on the third floor of the building shall be removed to the satisfaction of the Community Development Department.

With respect to privacy impacts, the property owner of a single-family residence located directly to the south of the project site (306 Scott Street) expressed concern regarding the number of windows on the south building elevation and how those windows might impact his privacy. In response to this comment, the applicant indicated that they would be willing to install treatments on the office windows located on the second floor of the building facing the single-family residence to minimize potential privacy impacts. The Commission was supportive of the applicant's proposal to add window treatments to the south building elevation to potential minimize potential privacy impacts and added the following condition of approval (Condition No. 28-7):

- The four windows located on the second floor of the south-facing building elevation shall include window glazing or a frosted glass treatment to ensure privacy between the subject property and the single-family residence located at 306 Scott Street to the satisfaction of the Community Development Department.

In relation to oak tree impacts, residents expressed concern regarding the loss of oak trees with development of the proposed project. In response to this comment, City staff responded that the applicant is developing the property consistent with what is allowed under the Zoning Code. In addition, City staff commented that the severe slope of the subject property requires that the project site be massed graded to install standard improvements (building foundation, underground utilities, retaining walls, sidewalks, etc.) and that it is not feasible or possible to save any of the 11 protected oak trees located on the project site. City staff also noted that the applicant is required to mitigate the loss of the 11 protected oak trees consistent with the requirements of the City's Tree Preservation Ordinance (FMC Chapter 12.16).

With regard to air quality, one of the Commissioners observed that one of the standard measures typically recommended by the Sacramento Air Quality Management District (SMAQMD) to control and minimize dust during grading and construction activities was omitted from the conditions of approval placed on the proposed project. To address this omission, the Commission recommended that the following language be added to Condition of Approval No. 42:

- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation (California Code of Regulations, Title 13, S 2449 and 2449.1. For more information contact CARB at 877-593-6677, [doors@arb.ca.gov](mailto:doors@arb.ca.gov), or [www.arb.ca.gov/doors/compliance\\_cert1.html](http://www.arb.ca.gov/doors/compliance_cert1.html).

As it relates to cultural resources, the Commission inquired as to whether there were any historic or cultural resources located on the project site and if those resources would be impacted by development of the proposed project. City staff responded that a Cultural

Resource Study had been prepared for the proposed project and that no historic or cultural resources were identified on the project site, although staff noted there were numerous historic and cultural resources present in the surrounding historic district. Given the historic nature of the project area, the Commission requested that the following new language be added to the conditions of approval (Condition No. 38) requiring all construction personnel to go through cultural sensitivity training so as to be aware of what to do in the event an unknown historic or cultural resource is discovered during grading or construction activities.

- Prior to initiation of construction on the project site, all construction personnel that will work on the proposed project site shall be provided with Cultural Sensitivity Training taught by a professional archaeologist or historian meeting the Secretary of the Interior's standards. The training shall include information regarding cultural resources, their recognition, avoidance, and treatment in the event of fortuitous discovery. Project plans shall also contain a notation requiring that if any archaeological, cultural, historical resources, artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be immediately suspended in that location. Attendance at Cultural Sensitivity Training is mandatory for all construction personnel that would work on the site during grading and leveling.

At the conclusion of the September 6, 2023 Historic District Commission meeting, the Commission expressed their unanimous support for the proposed project with the previously described modifications to the conditions of approval and adopted a motion (5 votes in favor; 0 votes against with two commissioners absent) to approve a Design Review Application (PN 17-145) for the 603 Sutter Street Mixed-Use project.

### **POLICY / RULE**

As set forth in Section 17.52.700 of the Folsom Municipal Code, if a permit applicant, permittee, or other person whose property rights may be affected is dissatisfied with any determination made by the Historic District Commission, which person may appeal to the City Council. The appeal shall be in writing, shall state the specific reason for the appeal and grounds asserted for relief, and shall be filed no later than 10 calendar days after the date of the action being appealed.

### **APPEAL/ANALYSIS**

On September 11, 2023, Bob Delp submitted a timely appeal of the decision of the Historic District Commission approving the proposed project. Listed on the following pages are the reasons that Mr. Delp identified in his appeal letter for contesting the Historic District Commission's decision, and City staff's response to each item.

1. The Historic District Commission lacks the authority to make final approval decisions, as the City Charter limits the Historic District Commissions role to being advisory only to the City Council.

City Staff Response:

The appeal is limited to “any determination made by the Historic District Commission.” (FMC Section § 17.52.700(A)). This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal. That being said, the Folsom Municipal Code (FMC Section 17.52.120 G) establishes the authority of the Historic District Commission to make decisions regarding the design and architecture of any structure, or alteration to any existing structure within the Historic District. Specifically, the Historic District Commission is authorized by FMC 17.52.340 to approve, conditionally approve, or deny design review applications based on the review criteria in FMC 17.52.330.

2. The applicant submitted substantially inaccurate and misleading project renderings to the City as part of the project application. City staff then presented these substantially inaccurate and misleading project renderings to the public and the Historic District Commission prior to and during the public hearing regarding the building’s scale and massing.

City Staff Response:

The applicant provided building elevations, building floor plans, building renderings, and a color and materials board to the City for review as part of the Design Review Application submittal package. The aforementioned documents accurately reflect the design of the proposed building. The renderings Mr. Delp is referring to in his appeal letter are two panoramic street view renderings that are intended to show the relationship between the proposed project and the surrounding properties. The applicant stated to the Historic District Commission at their September 6<sup>th</sup> meeting that the proportions on a panoramic street view rendering can become slightly distorted due to the wide angle of the photograph. The applicant also stated to the Historic District Commission that a number of existing trees were inadvertently not taken out of the two panoramic street view renderings. The applicant provided the Commission with an updated street view rendering at the meeting to better illustrate the relationship between the proposed project and the surrounding properties. The Commission was satisfied with the applicant’s response and voiced their unanimous support of the proposed building design, which is not impacted at all by the two renderings to which Mr. Delp referred.

3. The project would destroy 11 "protected" oak trees, two of which are on City property, with no showing that the destruction of even one of these trees cannot be avoided. The City's Tree Preservation Ordinance requires that a tree defined as "protected" under the Ordinance cannot be approved for removal unless a finding is made that, "there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code." The HDC failed to make or otherwise address this finding or provide evidence that the City Arborist could make the findings for all of the 11 "protected" oak trees that would be destroyed by the project.

City Staff Response:

As stated previously within the Background section of this staff report, the applicant is developing the property consistent with what is allowed under the Zoning Code. During initial review of grading, drainage, and utility plans submitted for the proposed project, City staff determined that the severe slope of the subject property would require the project site to be massed graded to install standard improvements (building foundation, underground utilities, retaining walls, sidewalks, etc.), and that it is not feasible or possible to save any of the 11 protected oak trees located on the project site. The applicant will be required to plant street trees per FMC Section 12.16.190 and prior to construction the applicant will also be required to obtain a Tree Removal Permit for removal of the 11 protected oak trees. As part of review of the Tree Removal Permit application, the City Arborist will determine the type and amount of mitigation consistent with FMC Section 12.16.150. FMC Section 12.16.080(B) in combination with the definition of “Approving Authority” in FMC Section 12.16.020 gives approval authority to the City Arborist for the removal of trees, not the Historic District Commission. It is the City Arborist that will make the required findings prior to granting the Tree Removal Permit.

4. The HDC lacks authority not only to approve the project, but also lacks the authority to effectively authorize the grant of public resources (e.g., street encroachments, oak trees) to a private party (whom, in receiving the public resource of two oak trees, intends to cut them down).

City Staff Response:

The appeal is limited to “any determination made by the Historic District Commission.” (FMC Section 17.52.700(A)). This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

5. The project exceeds the maximum height and deck/patio lengths allowed by the FMC, yet the project did not include applications for these height and deck/patio length exceedances, and the HDC did not make findings required to allow for the variances.

City Staff Response:

As discussed previously within the Background section of this staff report, the Historic District Commission determined that the proposed project meets the maximum building height requirement of 35 feet established for the Sutter Street Subarea (FMC Section 17.52.510(C)) as the proposed building ranges from 29 feet to 35 feet in height as measured from the sidewalk adjacent to Sutter Street. The Commission also determined that the four-foot-tall parapet wall at the top of the building is considered an architectural feature and that this architectural feature may extend up to 15 feet above the maximum building height of 35 feet established by the Folsom Municipal Code for the Sutter Street Subarea. No height variance is required for this project.

With respect to Mr. Delp's statement regarding deck and patio length exceedances, the Historic District Design and Development Guidelines (DDG's Section B.6 Walkway Coverings in the Sutter Street Subarea) state that the intent of walkway coverings (deck in this case) in the Sutter Street Subarea is to create a pleasing pedestrian environment and Subarea continuity. The DDG's state that walkway coverings are traditional to the Sutter Street Subarea and are intended to protect shoppers and window displays from sunlight and inclement weather. The DDG's also state that new construction on Sutter Street shall provide a walkway covering the sidewalk. Lastly, the DDG's state that with an encroachment permit, sidewalk canopies and awnings in the Sutter Street Subarea are allowed to project a maximum of 9 feet 6 inches beyond the property line with a minimum of eight feet of clearance to the sidewalk.

FMC Section 17.52.400 explains that while normally the standards in the FMC control when they conflict with the guidelines in the DDGs, exceptions to the FMC design standards may be permitted by the Historic District Commission when unique individual circumstances require the exception in order to comply with the purpose of this chapter. The exceptions to the design standards for the proposed project are allowing the proposed second story deck to encroach 5 feet 1 inch into the public right-of-way, and allowing the second story deck and third story patio to exceed 25 percent of the length of the wall surface on which the features are located. In this instance, the Historic District Commission determined that an exception to the design standards stated in FMC Section 17.52.420 would be appropriate in order to comply with the purpose of Chapter 17.52, as specifically expressed in DDGs Section B.6. The Commission also determined that the exceptions are also necessary to enhance the overall appearance of the proposed mixed-use building.

6. The project's mass and scale is too large for the property's location and setting at a key transition location between the Sutter Street and Figueroa subareas and adjacent historic buildings.

City Staff Response:

As mentioned earlier within the Background section of this staff report, the Historic District Commission determined that the proposed project is consistent with the Historic District Design and Development Guidelines (DDG's) with respect to building design, building placement, and building materials. The Commission also determined that the proposed project met the purpose and intent of FMC Chapter 17.52 (Sections 17.52.010(B)(1), (3), and (5)) with respect to the following subsections: (1) preserving and enhancing the historic, small town atmosphere of the historic district as it developed between the years 1850 and 1950; (3) encouraging an active business climate which promotes the development of a diverse range of business compatible with the historic district as it developed between the years 1850 and 1950; and (5) ensuring that new residential and commercial development is consistent with the historical character of the historic district as it developed between the years of 1850 and 1950. Lastly, the Commission agreed with the assessment of Page & Turnbull, a local architectural and

historic preservation firm, that the design of the proposed building is compatible with the architecture and design of other commercial building located along Sutter Street and that the proposed project would not impact existing historic resources (Cohn House and former library building) in the project area.

7. The proposed building and excavation required for its construction is too close (less than 5 feet) to the adjacent historic library building which will result in unnecessary diminution of the relative scale/mass of the historic library building and will create ground-borne vibration during construction having the potential to damage the historic structure.

City Staff Response:

The potential for noticeable or disruptive vibration is based on multiple factors: the distance from the source to the receiver; the nature or magnitude of the source; and the length of source operations. With regard to distance, project-related grading is located approximately 10 feet from the former library building to the west and more than 25 feet from the single-family residence located to the south at 306 Scott Street. Two types of operations could be expected to result in the potential for vibration at the project site. These are the removal of soil and the removal of bedrock from the property. The machinery and techniques used to remove bedrock would be more likely to have the potential for vibration than those used for the removal of soil. Removal of bedrock and soils would not be equal across the project site.

As illustrated in Figures 9 and 10 (Building Sections 1, 2, 3, and 4) of the submitted plans, the depth to bedrock is varied, as is the depth of the over-covering soil. Several features of the proposed building were designed to reduce the need to remove bedrock. These include limiting the depth into the hilly site of the first floor to approximately the front half of the site (See Building Sections 1 and 2); and designing the second floor to avoid or limit the amount of bedrock to be removed (See Building Sections 3 and 4). In the vicinity of the former library building, very little bedrock would be removed. The majority of the removal would occur near the Scott Street frontage (See Building Sections 1 and 3). Similarly, the amount of soil removal would be the least in the vicinity of the former library building (See Building Sections 1 and 3). This would result in the less frequent use of the largest or strongest equipment near the former library building, thereby limiting the magnitude of vibrations in that area.

As part of the project submittal, the applicant agreed that no blasting would be permitted to occur as part of the site improvement process to protect adjacent properties. Prior to the removal of any bedrock, the owner/applicant will be required to prepare a bedrock removal plan for review and approval by the Community Development Department (Condition No. 37). No removal activity will be allowed to occur prior to City approval. The bedrock removal plan is required to be prepared by a licensed geologist, engineer, or equivalent accredited professional, and must include at least the following components:

- The location, volume, and type of bedrock to be removed;
- Removal procedures to be used including both primary and optional procedures if necessary;
- The expected duration of removal activities;
- Type of equipment to be used;
- Any types of chemical or other materials to be used, including any storage and safety requirements;
- Requirements for personal safety and the protection of private and public property; and
- A program to notify all parcels within 250 feet of the project site.

As a result, both staff and its environmental consultant have determined that there would be no impact on the library building or adjacent single-family residence from the excavation and construction activity.

8. The project would induce both vehicle trips and pedestrian activity and no meaningful analysis of pedestrian safety has been prepared. At a minimum, to improve conditions for pedestrian safety, the project should be conditioned to fund installation of a crosswalk across Scott Street on the south side of the Scott/Sutter Street intersection, designed with exposed aggregate and granite pavers similar to the crosswalks on the other three legs of this intersection.

City Staff Response:

The potential traffic, access, and circulation related impacts of the proposed project were evaluated by Kimley Horn & Associates on July 30, 2019 and August 8, 2023 respectively. Based on the relatively low volume of project-related vehicle trips, the Traffic Study concluded that the proposed project would not have a significant impact on vehicle level of service (LOS) at any of the five study intersection under any of the four scenarios evaluated.

Pedestrian circulation at the project site will be provided by an existing sidewalk located along the south side of Sutter Street and construction of a new sidewalk along the east side of Scott Street. The existing sidewalks, existing crosswalks, and proposed sidewalks will allow pedestrians associated with the proposed project to move easily up and down Sutter Street and Scott Street. It is important to note that the existing sidewalks on Sutter Street terminate slightly east of Scott Street and the existing sidewalk on the east side of Scott Street terminates at Peddlers Lane to the south, thus there is no practical benefit to providing an additional crosswalk on the south side of the intersection of Sutter Street and Scott Street.

9. The project would provide one embarrassingly inadequate parking space for persons with disabilities by designating an insufficiently wide on-street parking space for disabled parking (using City property which would apparently be gifted to the applicant to ostensibly meet his handicapped parking obligation).



City Staff Response:

As described in the Project Narrative and as shown on the updated Preliminary Grading and Drainage Plan and the Preliminary Utility Plan, the applicant is proposing to provide one handicapped parking space on Sutter Street in front of the proposed building. The proposed handicapped parking space is in substantial compliance with the City's requirement for handicapped parking spaces, particularly given the fact that the City cannot require the applicant to construct new parking facilities pursuant to AB 2097. The proposed handicapped parking space would also be located closer to the proposed building than any potential off-site handicapped parking space. It is important to note that the parking space is not being gifted to the applicant as it will remain a public parking space, but would provide the most directly accessible parking space to the building since the City under AB 2097 cannot require the developer to construct parking facilities on site.

The Folsom Municipal Code does not currently have any on-street parking standards for handicapped accessible parking spaces. As a result, the City follows best practices when allocating available right of way for the intended purpose of parking or shared parking facilities with cyclists, that guidance includes the federal Public Right-Of-Way Accessibility Guidelines (PROWAG) for Pedestrian Facilities. Those guidelines say that the parking space *"shall be 24 feet (7.3 m) long minimum and 13 feet (4.0 m) wide minimum."* However, one exception of Section R310.2.1 of the PROWAG states that the City may use *"the same dimensions as the adjacent parallel on-street parking spaces if they are provided nearest the crosswalk at the end of the block face or nearest a midblock crosswalk, and a curb ramp or blended transition is provided serving the crosswalk."*

10. The project would include rooftop utilities that were not described or illustrated in the project design drawings and these project elements must be described and illustrated for an accurate evaluation of the project.

City Staff Response:

As shown on the submitted development plans, the proposed project includes the placement of mechanical equipment in a mechanical equipment well located at the southwest corner of the building on the rooftop and also behind the parapet wall located at the northeastern corner of the building on the rooftop. Two Conditions of Approval (Conditions No. 28-4 and 28-5) are included with the project that require all roof-mounted mechanical equipment and other utility equipment to be screened by walls or landscaping to the satisfaction of the Community Development Department.

11. The project retaining wall design was altered during discussions after the close of public comments, with the architect and HDC discussing the use of cobbles (potentially faux cobbles) instead of the stacked rock described and presented in the project design package.

City Staff Response:

As shown on the preliminary grading plan and the preliminary retaining wall exhibit, the applicant is proposing to utilize river rock stone retaining walls at various locations on the project site to retain soil. The applicant selected the river rock stone style of retaining wall due to the fact that it has a historic appearance, while also being similar to other existing retaining walls in the project area including commercial properties located at 605 Sutter Street and 614 Sutter Street. The Historic District Commission did not recommend any changes to the design or materials of the proposed retaining walls at its September 6, 2023 meeting. It is also important to acknowledge that there is a Condition of Approval (Condition No. 31) on the project which requires the final location, design, height, materials, and colors of the retaining and stem walls to be reviewed and approved by the Community Development Department.

12. The project was described and evaluated as consisting solely of residential use on the third floor, but the potential use of the third floor for commercial use was introduced as a potential use during the HDC meeting, but only after the close of the public comment period.

City Staff Response:

As shown on the submitted plans and described in the project narrative, the proposed project includes development of two, two-bedroom units on the third floor of the building. The applicant is not proposing any commercial uses on the third floor of the building at this time. That suggestion was brought up by a member of the Heritage Preservation League during the Commission meeting. Furthermore, as noted in the Historic District Commission staff report (Attachment 2), staff determined that the proposed project is consistent with both the General Plan land use designation and the zoning designation for the site as retail, office, and residential uses are permitted pursuant to FMC Section 17.52.510.

13. The City's consultant provided inaccurate and unqualified opinions to the HDC regarding CEQA exemptions and Swainson's hawk habitat quality.

City Staff Response:

A Categorical Exemption Supplemental Analysis (Attachment 2) was prepared by Environmental Planning Partners, Inc. in August of 2023 to evaluate whether the proposed project is eligible for a categorical exemption under Section 15332 (In-Fill Development Projects). The analysis determined that the project meets all of the criteria to be eligible for a categorical exemption under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act Guidelines. City staff reviewed the Categorical Exemption Analysis provided by Environmental Planning Partners, Inc. and made the determination that the proposed project satisfies the statutory criteria referenced above and therefore it is exempt from environmental review pursuant to the Infill Exemption.

With respect to the project site providing potential Swainson's Hawk habitat, the vegetation community present on the project site is a mix of ruderal (weedy) grassland, mainly consisting of nonnative annual grasses, and woodland that is a mixture of native and horticultural trees. The nearest undeveloped biological habitat is located within the American River Parkway, approximately 425 feet west/northwest of the project site, separated from the project by buildings, parking lots, and roadways. The nearest point on the American River (Lake Natoma) is approximately 1,000 feet northwest of the site, also separated by intervening urban development. Wildlife use of the site is limited to species that are adapted to dense urban environments.

Research conducted for the proposed project determined that there are no sensitive habitats identified by the California Natural Diversity Database (CNDDDB) and the California Native Plant Society (NCPS) on the project site nor in the immediate project area. The CNDDDB notes that the last documented sighting of a Swainson's Hawk in the project area was in 1962 near the intersection of Market Street and East Bidwell Street, approximately 0.6 miles southeast from the project site. In addition, there are no wetland features on the project site or in the immediate project area as shown on the United States Fish and Wildlife Service National Wetland Inventory Map. Based on this information, City staff, in conjunction with Environmental Planning Partners' Categorical Exemption Analysis, made the determination that the project site has no value as habitat for endangered, rare, or threatened species including the Swainson's Hawk. It is important to note that the applicant also voluntarily agreed to comply with the Migratory Bird Treaty Act and California Fish and Game Code provisions by implementing the following measure (Condition No. 40):

- Avoid construction or tree removal during the nesting season (from March through September). If construction activities will occur during the nesting season and trees on the site have not been removed, no more than 30 days prior to the initiation of construction, preconstruction surveys for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within a 500-foot radius of the proposed construction area. If active nests are identified in these areas, construction should be delayed until the young have fledged, or the CDFW should be consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing, or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

14. The project does not qualify for the HDC-claimed CEQA Guidelines section 15332 exemption for reasons including, but not limited to, the following:

- a. The project is inconsistent with applicable zoning regulations and, therefore, the project does not qualify for the 15332 CEQA exemption which cannot be used for

projects that are not consistent with applicable zoning regulations. (The HDC's apparent decision that it could waive compliance with certain zoning regulations, does not excuse the project from this CEQA exemption provision.)

- b. The project site contains suitable nesting trees for the state-listed Threatened Swainson's Hawk and, therefore, the project does not qualify for the 15332 CEQA exemption which requires that a project site must have no habitat value for endangered, rare, or threatened species.
- c. The project may cause a substantial adverse change in the significance of historical resources through the introduction of a new building with incompatible mass, scale, and design adjacent to the locally important historic library building adjacent to the west of the project and to the National Register of Historic Places (NRHP) -listed Cohn House and, therefore, the project is disqualified from use of the 15332 CEQA exemption due to the CEQA Guidelines section 15300.2(f) exception to the exemption which disallows use of an exemption for a project which may cause a substantial adverse change in the significance of a historical resource.
- d. The project's location in the Historic District and the two adjacent historic properties, the project's incompatible mass and scale, and the project's destruction of oak trees (in particular, Tree 1347 on City property along Scott Street) would adversely affect the historic character and setting of adjacent historic properties and creates the reasonable possibility that the project would result in significant aesthetic impacts in the unique area in which the project is located, and, therefore, the project is disqualified from use of the CEQA 15332 exemption due to the 15300.2(c) exception to the exemption which disallows use of an exemption for a project where there is a reasonable possibility that the project will have a significant impact on the environment due to unusual circumstances. (Furthermore, I and other members of the public were provided substantially incorrect and misleading photographic simulation renderings prior to and during the HDC hearing which substantially affected our ability to understand and comment on the impacts of the project on aesthetics and scale/massing incompatibilities with adjacent historic properties.) Project construction activities within 5 feet of the adjacent historic library building would have the potential to produce ground-borne vibration levels well above vibration levels identified as having the potential for structural damage which creates the reasonable possibility that the project would result in structural damage associated with ground-borne vibration, and, therefore, the project is disqualified from use of the CEQA 15332 exemption due to the 15300.2(c) exception to the exemption which disallows use of an exemption for a project where there is a reasonable possibility that the project will have a significant impact on the environment due to unusual circumstances.

City Staff Response:

In reviewing the submitted Design Review Application, City staff determined that the proposed project was potentially eligible for a categorical exemption from

environmental review under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines. To be considered eligible for this particular exemption, the proposed project must meet the following criteria:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare, or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

A Categorical Exemption Supplemental Analysis (Attachment 2) was prepared by Environmental Planning Partners, Inc. in August of 2023 to evaluate whether the proposed project is eligible for a categorical exemption under Section 15332 (In-Fill Development Projects). The analysis determined that the proposed project meets all of the criteria referenced above to be eligible for a categorical exemption under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act Guidelines. City staff reviewed the Categorical Exemption Analysis provided by Environmental Planning Partners, Inc. and made the determination that the proposed project satisfies the statutory criteria referenced above and therefore it is exempt from environmental review pursuant to the Infill Exemption.

- a. As stated in the Historic District Commission Staff Report (Attachment 2), City staff determined that the proposed project is consistent with both the General Plan land use designation and the zoning designation for the site as retail, office, and residential uses are permitted pursuant to Section 17.52.510 of the Folsom Municipal Code. City staff also determined that the proposed project is consistent with all applicable General Plan goals and polices. In addition, City staff determined that the proposed project meets all development standards established by the Sutter Street Subarea Special Use and Design Standards (FMC Section 17.52.210(C)) with respect to building setbacks, building height, and other requirements. Additional discussion of the building height and deck/patio length issues is contained in City Staff's Response to Comment No. 5, above. That analysis is equally relevant here regarding the project's compliance with applicable zoning regulations. In FMC Section 17.52.400(D), the Zoning Code grants the HDC the authority to permit exceptions to design standards in limited circumstances like those present here. The project is not inconsistent with applicable zoning regulations because the HDC properly exercised its authority to permit exceptions to certain standards in this case.

Based on the aforementioned evaluation, City staff determined that the proposed project is consistent with applicable zoning regulations and therefore is eligible to utilize the CEQA Infill Exemption (CEQA Guidelines Section 15332 In-Fill Development Projects).

- b. As stated previously in City Staff's response to Comment No. 13, research conducted for the proposed project determined that there are no sensitive habitats identified by the California Natural Diversity Database (CNDDDB) and the California Native Plant Society (NCPS) on the project site nor in immediate project area. In addition, there are no wetland features on the project site or in the immediate project area as shown on the United States Fish and Wildlife Service National Wetland Inventory Map. Based on this information, City staff, in conjunction with Environmental Planning Partners Categorical Exemption Analysis, made the determination that the project site has no value as habitat for endangered, rare, or threatened species including the Swainson's Hawk. As a result, City staff determined that the proposed project is eligible to utilize the CEQA Infill Exemption.
- c. The CEQA Guidelines include a number of potential exceptions to the applicability of categorical exemptions. The Categorical Exemption Supplemental Analysis prepared by Environmental Planning Partners, Inc. determined that none of the exceptions to use of the categorical exemption for Infill Projects are applicable to the proposed project. City staff agreed with Environmental Planning Partners' analysis and determined that none of the potential exceptions to the use of the Infill exemption are applicable in this case.

City staff closely considered the potential applicability of the exception for historical resources in association with this project because of the proximity to the project site of the Cohn House and the historic library building. On March 24, 2021, Page & Turnbull prepared a Project Analysis Memorandum for the purpose of evaluating the architecture and design compatibility of an earlier iteration of the proposed project with a nearly identical design relative to historic resources in the immediate project area using Standard 9 of the *Secretary of the Interior's Standards for Rehabilitation* as a guiding principle, which reads: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The design changes between an earlier iteration and the current building design include minor alterations to window and door arrangements on the building, shifting the third-floor wall plane further back away from Sutter Street, and enlarging a canopy on the third floor of the building.

The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment." On August 25, 2023, Page & Turnbull prepared a supplemental Project Analysis Memorandum which confirmed

that subsequent minor modifications made to the proposed building would not alter their original conclusions.

Historic resources in the immediate project area include the Cohn House which was originally constructed in the 1860's and was listed on the National Register of Historic Places in 1982. The Cohn House, which is located directly to the east of the project site across Scott Street, is considered a particularly good local representation of late 19<sup>th</sup> century residential architecture. The Cohn House features a great variety of architectural form and details typical of the Queen Anne style of design. The large size and impressive siting of the Cohn House on a hill overlooking the Historic District also add to its visual importance.

The other historic resource in the immediate project area is a former library building located directly to the west of the project site. The former library building, which was constructed around 1915, is listed on the City's Cultural Resource Inventory. The former library building consists of a one-story wood frame building with a simple rectangular floor plan and a front-facing gable roof with wide overhanging eaves and exposed rafter tails. The front, northwest façade of the former library building has a full-width porch; both the building and porch supports are clad with painted wood shingles. Non-original windows and doors at the front facade of the former library building are surrounded by molded wood trim, and modern concrete stairs extend up the steep sloping grade of the site to the front porch from Sutter Street.

The Page & Turnbull analysis concluded that while the proposed project is larger in scale than the Cohn House and the former library building and differs in its use, massing, materials, and design, these differences reflect the mixed commercial and residential character and variety of historic and non-historic buildings of the immediately surrounding blocks of the Sutter Street Subarea. As result, Page & Turnbull determined that the proposed building would not affect the ability of the two individual historic resources to continue to convey their historic significance and that the project is compatible with the character-defining features of the Sutter Street Subarea. Therefore, it was determined that the proposed project would not cause a substantial adverse change in the significance of a historical resource and the potential exception in CEQA Guidelines Section 15300.2(f) does not apply in this case.

- d. The California Supreme Court has explained that “listing a class of projects as exempt, the Secretary has determined that the environmental changes typically associated with projects in that class are not significant effects within the meaning of CEQA, even though an argument might be made that they are potentially significant.” (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4<sup>th</sup> 1086, 1104-1105.). The potential exception for unusual circumstances, found in CEQA Guidelines Section 15300.2(c) applies only when both (1) unusual circumstances exist to distinguish the proposed project from others in the exempt

class and (2) there is a reasonable possibility that the project will have a significant effect on the environment due to those unusual circumstances.

In analyzing this potential exception, lead agencies consider whether the proposed project's circumstances differ significantly from the circumstances typical of the type of projects covered by the exemption. In determining whether the environmental effects of a proposed project are unusual or typical, local agencies consider conditions in the vicinity of the proposed project but may also look to other projects in the exempt class within their jurisdiction.

In this case, City staff analyzed whether the circumstances of the proposed project are unusual or typical by considering conditions on Sutter Street and also considering other similarly sized infill projects in Folsom meeting the exemption criteria. Ultimately, relying on the Environmental Planning Partners' analysis, staff found no unusual circumstances present that would distinguish the proposed project from other infill projects. In addition, staff found that the proposed project does not present a reasonable possibility of having a significant effect on the environment.

The various potentially unusual circumstances alleged in the appeal are addressed as follows:

Oak Trees: As discussed previously within the Background section of this staff report, City staff determined that the severe slope of the subject property would require the project site to be massed graded to install standard improvements (building foundation, underground utilities, retaining walls, sidewalks, etc.), and that it is not feasible or possible to save any of the 11 protected oak trees located on the project site. As a result, the applicant will be required to plant street trees per FMC Section 12.16.190 and prior to construction the applicant will also be required to obtain a Tree Removal Permit. As part of review of the Tree Removal Permit application, the City Arborist will determine the type and amount of mitigation consistent with FMC Section 12.16.150.

Tree removal in general, and the removal of oak trees in particular, is not unusual in Folsom. Compliance with the City's Tree Preservation Ordinance is mandatory for any project that involves tree removal, including this one. Projects throughout the City are able to remove protected trees in compliance with the criteria for removal contained in the Tree Preservation Ordinance and removal of protected trees for any project requires planting of replacement trees or payment of an in-lieu fee. As a result, removal of protected trees consistent with City regulations and requirements would not cause a significant effect on the environment due to unusual circumstances.

Project Mass/Scale and Location: The scale and massing of the proposed project is consistent with recent mixed use infill buildings located at 604/602 Sutter Street (the Folsom Electric Building, also known as the Steakhouse Building) and at 607 Sutter Street (the Fire and Rain Building). As described in City staff's response to Comment No. 14-c, the Page & Turnbull analysis concluded that the scale, massing and overall



design of the proposed project reflect the mixed commercial and residential character and variety of historic and non-historic buildings of the immediately surrounding blocks of the Sutter Street Subarea. As result, Page & Turnbull determined that the proposed building design, including the scale and massing, would not have a significant effect on the environment by detracting from the Sutter Street Subarea's ability to convey its historical significance or by inhibiting the ability of the two individual historic resources in the immediate vicinity to continue to convey their historic significance. With respect to alleged aesthetic impacts, Environmental Planning Partners found that the proposed project qualifies as an Employment Center Project for purposes of Public Resources Code Section 21099 and, as a result, any potential aesthetic impacts are statutorily excluded from being considered significant impacts on the environment. Staff determined that the proposed project's massing, scale, and location would not cause a significant effect on the environment due to unusual circumstances.

Construction and Vibration: Construction related vibration is not unusual in Folsom, as evidenced by the existence of General Plan Policy SN 6.1.8 related to that subject. Regarding the potential effects of vibration in this case, as described in City staff's response to Comment No. 7, a bedrock removal plan must be prepared and approved by the City before any such work occurs on the project site. Blasting is not required for this project, but even so, this plan must include requirements for the protection of private property, including nearby structures. Environmental Planning Partners also analyzed the potential for structural damage to be caused by construction-related vibrations as a part of its work on this project and determined that no damage to nearby buildings is anticipated in this case. The vibration levels generated by the type of construction equipment required for this project are not anticipated to meet the vibration level threshold where the onset of damage to buildings extremely susceptible to vibration is expected to occur. Staff determined that construction activities and vibration caused by the proposed project would not cause a significant effect on the environment due to unusual circumstances.

**Applicant Response:**

The applicant submitted a detailed response letter (Attachment 5) to the appeal on the 603 Sutter Street Mixed-Use Building project on September 29, 2023. In the response letter, the applicant indicates that they believe the Historic District Commission's authority regarding the 603 Sutter Street Mixed-Use Building project is clear as referenced in multiple section of the Folsom Municipal Code (FMC Sections 17.52.120, 17.52.300, and 17.52.700(A)). In addition, the applicant states that the Historic District Commissions findings regarding the architecture and design of the 603 Sutter Street Mixed-Use Building project are fully supported by the factual evidence in the record and presented to the Commission at their September 6, 2023 meeting. Lastly, the applicant contends that the 603 Sutter Street Mixed-Use Building project clearly qualifies for the Class 32 CEQA In-Fill Exemption and that Mr. Delp has not presented sufficient evidence to demonstrate that the project will have a significant impact on the environment due to unusual circumstances, including significant aesthetic impacts and vibrational impacts. In their conclusion, the applicant states that the Historic District Commission thoroughly evaluated the 603 Sutter Street Mixed-Use Building

project and requests that the City Council affirm the Commission's approval of the project and deny the Appeal by Bob Delp.

**CONCLUSION**

Based on the forgoing, staff respectfully requests that the City Council **DENY** the appeal by Bob Delp of the Decision by the Historic District Commission Approving a Design Review Application and determining that the proposed 603 Sutter Street Mixed-Use project (PN 17-145) is exempt from CEQA.

**ATTACHMENTS**

1. Letter of Appeal from Bob Delp, dated September 11, 2023
2. Historic District Commission Staff Report, dated September 6, 2023
3. Historic District Commission Additional Information
4. Minutes from September 6, 2023 Historic District Commission Meeting
5. Applicant Response Letter, dated September 29, 2023

Submitted,

A handwritten signature in blue ink, appearing to read "Pam Johns", with a long horizontal flourish extending to the right.

PAM JOHNS  
Community Development Director

Attachment 1

# CITY OF FOLSOM

## APPEAL FORM

**NAME OF APPELLANT:** Bob Delp

**MAILING ADDRESS:** 612 Mormon Street  
Folsom, CA 95630


**Interest in Matter:** City of Folsom Historic District resident and property owner.

**Daytime Phone:** 916-812-8122

**Action Being Appealed:** Historic District Commission (HDC) approval of PN 17-145 (603 Sutter St.) and determination that project is exempt from CEQA.

**Date of Decision or Date Project was Heard:** September 6, 2023

**Reason for Appeal:** HDC lacks approval authority. Project does not qualify for a CEQA exemption. Project review was inadequate. Project would unjustifiably destroy "protect" oak trees including two on City property. Expansion of these and additional issues described in attached September 11, 2023, letter.

  
\_\_\_\_\_  
Appellant's Signature

September 11, 2023  
\_\_\_\_\_  
Date

**STAFF USE ONLY:**

Date Received: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

**Planning Comm. or Historic District Comm.  
Decision Appeal**

**Admin. (staff decision) Appeal**

**Type of Project/fee:**  
- Owner Occupied/Single Family Dwelling \$246  
- All Others \$495

**Type of Project/fee:**  
- Owner Occupied \$239  
- All Other \$479

Tentative Hearing Date: \_\_\_\_\_

Time Limit Waived: \_\_\_\_\_

Copies to: Community Development Director  
City Manager  
City Attorney  
City Clerk

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received by: \_\_\_\_\_

Appeal fees set by City Council Resolution No. 10479 approved 7/1/2020.

September 11, 2023

City of Folsom City Clerk's Office  
 Attn: Ms. Christa Freemantle, City Clerk  
 50 Natoma Street  
 Folsom, CA 95630  
 Hand Delivered and  
 via email to: [cfreemantle@folsom.ca.us](mailto:cfreemantle@folsom.ca.us) for filing and for distribution to City Council

**SUBJECT: 603 Sutter Street Mixed-Use Building Design Review (PN 17-158)–Appeal of Historic District Commission Decision to City Council**

Dear City Councilmembers:

I am appealing to the City Council the decision by the Historic District Commission (HDC) approving the 603 Sutter Street Mixed-Use Building Design Review Project (PN 17-145) and the HDC's determination that the project is exempt from the California Environmental Quality Act (CEQA). Comments I submitted to the HOC are included in Attachment A, and my concerns and requests in that letter remain unaddressed.

This introduction addresses two specific issues that should be reason for at least one councilmember to intervene and readjust the trajectory of this project. I am not opposed to development of the 603 Sutter Street property and I suggest that a project similar to the currently proposed project with certain important adjustments could be accomplished without resistance. In the meantime, I am opposed to the currently proposed project and request that the City Council deny the project or provide direction to staff and the applicant to improve the project and its analysis.

***Substantially Inaccurate and Misleading Information was Provided In Project Renderings***

Although not the sole reason for this appeal, the City Council should be aware that on the day of the HDC's September 6, 2023, hearing it was revealed that at least one of the two photo-overlain renderings prepared by the applicant's architect and submitted by the applicant as part of the application materials was substantially inaccurate.<sup>1</sup> Attachment B of this letter shows the rendering used by staff and its consultant, circulated to the public, included in the September 6<sup>th</sup> staff report, and used in staff's slide show to HDC at the September 6<sup>th</sup> hearing (top image of Attachment B). The bottom image in Attachment B provides a scale-adjusted rendering prepared on September 6<sup>th</sup> by the applicant's architect who acknowledged that the previous rendering was inaccurate and out-of-scale and also acknowledged that the revised rendering still includes inaccuracies (e.g., Scott Street oak tree 1347 is still shown but is planned to be removed by the project). The revised rendering was not presented to the HDC until after the close of the public comment period on September 6<sup>th</sup>. Even then, the revised rendering was not shown to the public at the meeting and was only handed out as hard copy to the HDC.

The revised rendering was not and could not have been considered by the City's architectural historian who reviewed and provided an opinion regarding the mass and

<sup>1</sup> Note that the February 23, 2023, application form states under signature of the applicant, "I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief."

September 11, 2023

scale of the proposed building using the inaccurate rendering. This reflects a prejudicial error in the City's consultant's analysis, as the rendering used by the consultant was substantially inaccurate in its presentation of the building's mass and scale, and the building's mass and scale are two critical aspects of the consultant's analysis.

***The Project's Destruction of Eleven Protected Oak Trees, Two of Which are on City Property, has not been Sufficiently Justified***

The project would destroy 11 "protected" oak trees, two of which are on City property, with no showing that the destruction of even one of these trees cannot be avoided. The City's Tree Preservation Ordinance requires that a tree defined as "protected" under the Ordinance cannot be approved for removal unless a finding is made that, "there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code."

The HDC avoided making this finding and no evidence was presented that the City Arborist could make this finding for all of the 11 "protected" oak trees that would be destroyed by the project. The applicant's attempt to defend the removal of all 11 "protected" oak trees rested on the argument that *the project would mass-grade the site, therefore, no trees can be saved*; which is the equivalent of a rational that says, *none of the trees can be saved because we're going to cut them all down*.

There is no evidence of a real effort to retain any of the trees. Tree 1347 adjacent to Scott Street at the top (southeastern) corner of the project site, is on City property and is the largest oak tree that the currently proposed project would destroy. There is no substantial evidence to demonstrate that there is no reasonable way to use the property without destroying this tree. That tree substantially benefits the aesthetics of Scott Street and retaining it would help to soften the view of the proposed building from Scott Street. The findings required to destroy this tree cannot be left to a post-approval decision by the City Arborist, those findings must be considered before a decision to approve the project is made.

For these and other reasons, a City Council intervention that eliminates the need for this and any other citizen/organization appeal of the HDC's September 6<sup>th</sup> decision and which would require corrections in the flawed analysis and modifications to the project to at least save Tree 1347 is sorely needed.

Notwithstanding the above, the remainder of this letter: 1) reiterates my previous objections to the HDC's approval authority, 2) provides evidence of my standing to bring this appeal, and 3) summarizes the issues for which this appeal seeks the City Council to acknowledge and address prior to a final decision on 603 Sutter Street development. I reserve the right to bring additional information, evidence, and argument regarding each of these matters to the Council prior to and at the appeal hearing.

**1. THE HDC LACKS AUTHORITY TO MAKE FINAL APPROVAL DECISIONS**

The HDC lacks authority to make final approval decisions and I reiterate the position explained in my January 26, 2022, letter to the City Manager (Attachment C) that the Folsom City Charter limits the HDC's authority to that of an *advisory* body to the City Council. Therefore, even in the absence of this appeal, the City Council must consider and make a decision on this project for it to be either denied or approved. I object to the City's treatment of this, and all other, HDC decisions as final "approvals." With a proper decision by the City Council to recognize the HDC's limited role as "advisory," I request that the City return my appeal fee and process this

September 11, 2023

project in a manner that ultimately brings it to the City Council for a final decision of whether to deny or approve the project.

For councilmembers who may consider the HDC as the Planning Commission-equivalent of the Historic District and, therefore, as having the same authority granted by the City Charter to the Planning Commission, please consider these two key differences:

1. The Planning Commission is composed of seven individuals, five of whom are each individually appointed by a councilmember. Unlike the Planning Commission, the HDC is "appointed by the mayor with the consent of the city council" which means that just three City Councilmembers (the mayor and two others) can select and appoint all seven HDC commissioners. Thus, unlike the Planning Commission, the HDC does not represent a cross-section of our five elected councilmembers.
2. As has recently become of heightened awareness, per the Folsom Municipal Code (FMC) *any person* aggrieved by a Planning Commission decision has standing to appeal that decision to the City Council. However, the FMC limits appeals of HDC decisions to persons whose property rights would be affected. Although my property rights will be affected by the HDC's decision to "approve" the 603 Sutter Street project, many residents of the City and many other individuals and organizations might be excluded from having standing to appeal to the City Council – yet, decisions affecting the Historic District are arguably some of the most important for the City and most appropriate to be heard and made by the City Council.

I have previously requested and here continue to request that the HDC's decisions be properly limited to "advisory" only to the Council and that the Council consider whether the project should be denied or approved without need for an appeal.

## **2. STANDING TO BRING THIS APPEAL**

I reside and own real property in the Historic District less than 500 feet from the 603 Sutter Street project. My property rights are affected by HDC decisions, in general, and the HDC's decision to approve the 603 Sutter Street project. My property rights are affected for reasons that include, but are not limited to, those discussed below, each of which is individually sufficient to establish my standing to appeal.

1. My right to use, enjoy, and otherwise benefit from my property is substantially influenced by the laws of the City of Folsom, in particular but not limited to, FMC section 17.52 pertaining to the Historic District. Decisions by the HDC pertaining to interpretation, enforcement, and implementation of the FMC affect the historic character and quality of the Historic District within which I own real property subject to the FMC, affect Historic District resources which are important to the quality and use of my property, and affect my right and ability to use, enjoy, and otherwise benefit from my property.
2. Decisions by the HDC that fail to enforce the objective standards of the FMC, that unreasonably interpret subjective standards of the FMC, that allow without reasonable justification destruction of trees qualified as "protected" under the City's Tree Preservation Ordinance, that are based on inaccurate and misleading information, that are made without due process, and/or that fail to adequately evaluate and consider effects on historic resources and properties, affect my ability and right to use, enjoy, and otherwise benefit from my property and its location in the Historic District.
3. The HDC's exercise of authority that is disallowed by the City Charter and the manner in which the HDC exercises that disallowed authority directly pertains to how that

disallowed authority may now or in the future be exercised related to my property and my property rights.

4. As a resident and taxpayer in the City of Folsom, I have a property right interest in City-owned public property, including the Sutter Street and Scott Street rights-of-way and resources therein. Within these rights-of-way are valuable public resources, including “protected” oak trees. HDC decisions affecting trees within City-owned public rights-of-way affect my right to enjoy and to seek protection of – at least to the extent afforded by the FMC – these resources. Thus, I have standing to bring this appeal given my property right interest in City-owned public rights-of-way.

For these and other reasons, the HDC’s action in approving the 603 Sutter Street project affects my property rights and I have standing to bring this appeal.

### 3. ISSUES OF APPEAL

I am appealing to the City Council requesting that the Council reject and rescind the HDC’s *design review* approval of the project for reasons that include those summarized below. I reserve the right to bring additional evidence and argument to the Council on appeal and in response to any staff report or additional information that may become available prior to the appeal hearing.

1. The HDC lacks the authority to make final approval decisions, as the City Charter limits the HDC’s role to being advisory only to the City Council.
2. The applicant submitted substantially inaccurate and misleading project renderings to the City as part of the project application. City staff then presented these substantially inaccurate and misleading project renderings to the public and HDC prior to and during the public hearing regarding the building’s scale and massing.
3. The project would destroy 11 “protected” oak trees, two of which are on City property, with no showing that the destruction of even one of these trees cannot be avoided. The City’s Tree Preservation Ordinance requires that a tree defined as “protected” under the Ordinance cannot be approved for removal unless a finding is made that, “there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.” The HDC failed to make or otherwise address this finding or provide evidence that the City Arborist could make the findings for all of the 11 “protected” oak trees that would be destroyed by the project.
4. The HDC lacks authority not only to approve the project, but also lacks the authority to effectively authorize the grant of public resources (e.g., street encroachments, oak trees) to a private party (whom, in receiving the public resource of two oak trees, intends to cut them down).
5. The project exceeds the maximum height and deck/patio lengths allowed by the FMC, yet the project did not include applications for these height and deck/patio length exceedances, and the HDC did not make findings required to allow for the variances.
6. The project’s mass and scale is too large for the property’s location and setting at a key transition location between the Sutter Street and Figueroa subareas and adjacent historic buildings.
7. The proposed building and excavation required for its construction is too close (less than 5 feet) to the adjacent historic library building which will result in unnecessary diminution of the relative scale/mass of the historic library building and will create groundborne vibration during construction having the potential to damage the historic structure.



8. The project would induce both vehicle trips and pedestrian activity and no meaningful analysis of pedestrian safety has been prepared. At a minimum, to improve conditions for pedestrian safety, the project should be conditioned to fund installation of a crosswalk across Scott Street on the south side of the Scott/Sutter Street intersection, designed with exposed aggregate and granite pave' similar to the crosswalks on the other three legs of this intersection.
9. The project would provide one embarrassingly inadequate parking space for persons with disabilities by designating an insufficiently wide on-street parking space for disabled parking (using City property which would apparently be gifted to the applicant to ostensibly meet his handicapped parking obligation).
10. The project would include rooftop utilities that were not described or illustrated in the project design drawings and these project elements must be described and illustrated for an accurate evaluation of the project.
11. The project retaining wall design was altered during discussions after the close of public comments, with the architect and HDC discussing the use of cobbles (potentially faux cobbles) instead of the stacked rock described and presented in the project design package.
12. The project was described and evaluated as consisting solely of residential use on the third floor, but the potential use of the third floor for commercial use was introduced as a potential use during the HDC meeting, but only after the close of the public comment period.
13. The City's consultant provided inaccurate and unqualified opinions to the HDC regarding CEQA exemptions and Swainson's hawk habitat quality.
14. The project does not qualify for the HDC-claimed CEQA Guidelines section 15332 exemption for reasons including, but not limited to, the following:
  - a. The project is inconsistent with applicable zoning regulations and, therefore, the project does not qualify for the 15332 CEQA exemption which cannot be used for projects that are not consistent with applicable zoning regulations. (The HDC's apparent decision that it could waive compliance with certain zoning regulations, does not excuse the project from this CEQA exemption provision.)
  - b. The project site contains suitable nesting trees for the state-listed Threatened Swainson's hawk and, therefore, the project does not qualify for the 15332 CEQA exemption which requires that a project site must have *no habitat value* for endangered, rare, or threatened species.
  - c. The project may cause a substantial adverse change in the significance of historical resources through the introduction of a new building with incompatible mass, scale, and design adjacent to the locally important historic library building adjacent to the west of the project and to the National Register of Historic Places (NRHP) -listed Cohn House and, therefore, the project is disqualified from use of the 15332 CEQA exemption due to the CEQA Guidelines section 15300.2(f) exception to the exemption which disallows use of an exemption for a project which may cause a substantial adverse change in the significance of a historical resource.
  - d. The project's location in the Historic District and the two adjacent historic properties, the project's incompatible mass and scale, and the project's destruction of oak trees (in particular, Tree 1347 on City property along Scott Street) would adversely affect the historic character and setting of adjacent historic properties and creates the reasonable

September 11, 2023

possibility that the project would result in significant aesthetic impacts in the unique area in which the project is located, and, therefore, the project is disqualified from use of the CEQA 15332 exemption due to the 15300.2(c) exception to the exemption which disallows use an exemption for a project where there is a reasonable possibility that the project will have a significant impact on the environmental due to unusual circumstances. (Furthermore, I and other members of the public were provided substantially incorrect and misleading photographic simulation renderings prior to and during the HDC hearing which substantially affected our ability to understand and comment on the impacts of the project on aesthetics and scale/massing incompatibilities with adjacent historic properties.)

- e. Project construction activities within 5 feet of the adjacent historic library building would have the potential to produce groundborne vibration levels well above vibration levels identified as having the potential for structural damage which creates the reasonable possibility that the project would result in structural damage associated with groundborne vibration, and, therefore, the project is disqualified from use of the CEQA 15332 exemption due to the 15300.2(c) exception to the exemption which disallows use an exemption for a project where there is a reasonable possibility that the project will have a significant impact on the environmental due to unusual circumstances.

#### 4. CONCLUSION

I am a resident and property owner in Folsom's Historic District, a frequent pedestrian and cyclist along Scott Street adjacent to the project site, and I have a vested interest in the quality of the Historic District and its important environmental and historic resources. The project would have direct and adverse effects on the quality of the Historic District and its resources. For reasons outlined in my September 6, 2023, letter to the HDC and for reasons described herein, I object to the project as ostensibly approved by the HDC and assert that the project does not qualify for the HDC-claimed CEQA Guidelines section 15332 exemption.

Sincerely,



Bob Delp  
Historic District  
Folsom, CA 95630  
bdelp@live.com  
916-812-8122

#### LIST OF ATTACHMENTS

Attachment A. September 6, 2023, Bob Delp letter to Historic District Commission "Subject: 603 Sutter Street (PN 17-145) Comments to HDC for September 6, 2023, Hearing".

Attachment B. 603 Sutter Street – Scale and Massing. Rendering comparison, September 8, 2023.

Attachment C. January 26, 2022, letter to City Manager Elaine Andersen "Subject: Request to Respect City Charter Limitations on Historic District Commission Authority."

September 11, 2023

**Attachment A**

September 6, 2023, Bob Delp letter to Historic District Commission “Subject: 603 Sutter Street  
(PN 17-145) Comments to HDC for September 6, 2023, Hearing”

September 6, 2023

City of Folsom Historic District Commission  
 50 Natoma Street  
 Folsom, CA 95630  
 via email to: [ksanabria@folsom.ca.us](mailto:ksanabria@folsom.ca.us); [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)

**SUBJECT: 603 Sutter Street (PN 17-145) Comments to HDC for September 6, 2023, Hearing**

Dear Historic District Commissioners:

The 603 Sutter Street project is not ready for approval. The project as currently designed requires at least three variances from the Folsom Municipal Code (FMC) – the project exceeds the maximum allowable height, the project decks/patios exceed the maximum allowable lengths, and the recently added proposal to convert an existing on-street parking space into a disabled parking space does not meet the City’s handicapped parking design standards – yet, no variances have been applied for or justified by the applicant. The project would destroy all nine of the “protected” oak trees on the applicant’s property and would destroy two additional “protected” oak trees on City property, including Tree 1347 which contributes to the important aesthetic of Scott Street and its destruction is not justified. The project would add some 360 daily vehicle trips on local streets as drivers seek parking, contributing to the existing and worsening risk of pedestrian/vehicle conflict. I am not opposed to this applicant developing 603 Sutter Street, but the project needs to be improved with a more context-sensitive design in this key transition area between the Sutter Street commercial area and adjacent residential neighborhood of the Figueroa subarea.



**View from northwest corner of Sutter Street/Scott Street Intersection facing south. “Protected” Valley Oak Tree 1347 is to the right of Scott Street on City property and is proposed to be destroyed by the 603 Sutter Street project. NRHP-listed Cohn House property in left of photo. (Photo: Delp, Sept. 3, 2023, 5:22pm)**

The project cannot be redesigned at the podium at your September 6<sup>th</sup> hearing, but I urge the HDC to provide important feedback to this applicant that will enable him to return to the HDC with a modified project more suitable to the property's location.

I am a resident and property owner in Folsom's Historic District, a frequent pedestrian and cyclist along Scott Street, and I have a vested interest in the quality of the Historic District and its important environmental and historic resources. I object to the project as currently proposed and I disagree with staff's recommendation that the project qualifies for a CEQA exemption. Among other deficiencies, to be eligible for the section 15332 in-fill CEQA exemption the project site must have "*no value* as habitat for endangered, rare, or threatened species." The City's own consultant documents that the trees on the project site provide habitat for the state-listed *Threatened* Swainson's hawk which disqualifies the project from using the CEQA Guidelines section 15332 exemption regardless of whether the project would adversely impact Swainson's hawk and regardless of proposed mitigation.

## 1. PROJECT SETTING CONSIDERATIONS

The 603 Sutter Street property is arguably *the* premier vacant parcel along Sutter Street. The property is at the highest elevation of the few remaining undeveloped parcels in the Sutter Street subarea of the Historic District. The property contains nine oak trees that meet the City's tree preservation ordinance definition of "protected native oak tree," and adjacent City street rights-of-way contain two additional such trees, the largest of which is a large and healthy oak tree adjacent to Scott Street (designated in the arborist report as Tree 1347). The property is immediately across Scott Street from the National Register of Historic Places- (NRHP-) listed Cohn House property with its meticulously maintained park-like yard and the Cohn House itself which is Folsom's most recognizable and treasured historic residential property.

The 603 Sutter Street property is bounded by Sutter Street on the north and a commercial building beyond. The other three sides of the property contain a single-family residence to the south; the locally recognized historic Folsom library building (a craftsman-style single story residential design) to the west; and Scott Street to the east with the Cohn House and single-family residential development beyond. Notwithstanding the existing residential structures and land uses on three of the four sides of the 603 Sutter Street property, the September 6, 2023, staff report to the HDC states, "[t]he project site is located within an area that is predominantly commercial in nature." In fact, the property itself is predominantly *natural* and is surrounded on three sides by *residential* land uses. The property is at a location where the Sutter Street subarea transitions to the residential neighborhood of the Figueroa subarea.

This important transitional setting warrants more careful consideration of whether the project achieves the context-sensitive design necessary for this location. I am not attempting to preclude this applicant from developing his property, but the currently proposed project does not accomplish the necessary context-sensitive design.

## 2. DEVELOPMENT RIGHTS AND FLOOR-AREA-RATIO CONSIDERATIONS

While a context-sensitive design might require a reduced building footprint, a reduced footprint would not deny the applicant reasonable use of his property. The 603 Sutter Street property has a General Plan land use designation of HF (Historic Folsom Mixed-Use) which establishes a *maximum* floor-area-ratio (FAR) *range* of 0.5 to 2.0, stating, "[t]his designation provides for a mixture of commercial and residential uses *designed to preserve and enhance the historic*



September 6, 2023

character of Folsom’s old town center.”<sup>1</sup> The General Plan HF designation provides a range for the maximum FAR in recognition that there may be circumstances at certain properties for which a maximum FAR as low as 0.5 may be necessary in order to “preserve and enhance the historic character of Folsom’s old town center.” I am not suggesting that development of a building at 603 Sutter Street needs to be limited to a FAR of 0.5; however, the project is currently designed with a FAR of 1.95 (HDC 9/6/23 packet pg. 138) which is on the high end of the HF maximum FAR range and well more than the 0.5 FAR that this property owner is entitled to by right.

**3. RECOMMENDATIONS**

Please consider the following:

- 1. Redesign the building and sidewalk alignments to reduce the number of “protected” oak trees to be removed and, at a minimum, avoid removal and damage to the largest and most aesthetically important “protected” oak tree (Tree 1347), which is adjacent to Scott Street and within City-owned right-of-way.**

The image below is an excerpt from the *Preliminary Arborist Report & Tree Inventory* (California Tree and Landscape Consulting, Inc.; July 14, 2022) that shows the locations of the 11 “protected” trees proposed to be destroyed by the project. Tree 1347 (rightmost green dot on Figure 1 and center right of photo on first page of this letter) is a healthy (assessed as having a good base, structure and vigor) valley oak (*Quercus lobata*). Tree 1347 is the largest oak tree inventoried on/near the property, with a trunk 19 inches in diameter and with a canopy radius of 31 feet. This tree is directly across Scott Street from the NRHP-listed Cohn House, and substantially contributes to the aesthetic character of Scott Street as well as the setting within which the Cohn House is located.



603 Sutter Street Tree Inventory (*Preliminary Arborist Report & Tree Inventory*. California Tree and Landscape Consulting, Inc.; July 14, 2022))

The City’s Tree Preservation Ordinance requires that a tree defined as “protected” under the Ordinance cannot be approved for removal unless a finding is made that, “there are no

<sup>1</sup> City of Folsom 2035 General Plan, pg. 2-6; Adopted August 2, 2018

September 6, 2023

*Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.”*

Staff asserts that the HDC does not need to make this finding. Instead, staff suggests that the City Arborist will need to make the finding sometime after the HDC approves the project. If the HDC approves the project, the City Arborist would not have the discretion to overturn the HDC’s approval of the project, and would effectively disregard consideration of the required finding. Staff’s approach would provide no mechanism for serious consideration of the required finding. Even if HDC does not need to formally make the finding as part of a project decision, the HDC must consider the intent of the Tree Preservation Ordinance the intent of this required finding and not approve the project unless you can affirmatively determine that there is no reasonable alternative measure to allow the property to be developed without destroying all eleven “protected” oak trees.

Staff also asserts that Tree 1347 must be removed due to the requirement for the project to construct a sidewalk along Scott Street. I absolutely agree that pedestrian access on the west side of Scott Street needs to be provided, but it is implausible that a project cannot be designed that would provide that pedestrian access while retaining the tree. Be creative, reduce the building footprint if necessary, and please Save Tree 1347.

2. **Reduce the building height, inclusive of its parapet walls so as not to exceed the maximum allowable height of 35 feet along Sutter Street and, in doing so, consider elimination of the third story and its design elements that are inconsistent with the rest of the building.**

Staff’s recommendation that the parapet wall above the third floor is “tower, spire, or similar architectural feature,” and can therefore extend above the maximum height permitted by the FMC. Staff’s position is untenable. The building needs to be redesigned or an application for height variance must be submitted and reviewed by the HDC.

The Cohn House’s “large size and impressive siting on a hill overlooking the town and valley below add to its visual importance”<sup>2</sup> and the 603 Sutter Street project as currently proposed would adversely affect the historical significance of the Cohn House by diminishing its relative scale and massing. The City’s own architectural consultant concluded that the 603 Sutter Street project “proposed building massing is inconsistent with the library building and Cohn house massing” (Page & Turnbull, 2021, pg. 18) and noted that the design could be improved.<sup>3</sup> A reduced building height (and reduced building footprint) would help to address the impacts of the project on the historic significance of the Cohn House and the locally important historic library building immediately to the west of the project.

In particular with regard to inconsistent design elements, the proposed building includes two stories of brick façade, topped by a third floor of wood siding, resulting in an appearance of what is essentially a wood-sided building sitting atop a two story brick building. None of the representative architectural design photographs in the Page & Turnbull commercial architecture examples (Page & Turnbull, 2021, Sheet A-002) exhibit any such combination of brick and wood blending or stacking of various structure styles of one building. (Also, the third floor patio cover just looks plain weird.)

<sup>2</sup> Cohn House NRHP nomination form Statement of Significance.

<sup>3</sup> Page & Turnbull *603 Sutter Street Proposed Project Analysis Memorandum* (March 24, 2021), “a few aspects of compatibility could be improved...”

September 6, 2023

- 3. Redesign/reduce the lengths of the building decks/patios to comply with the FMC maximum length (25 percent of wall length<sup>4</sup>) or petition the City Council to amend the zoning code to allow for greater wall coverage prior to seeking approval of a project that exceeds the currently permitted maximum length.**

In particular, the full length second floor balcony adds to the massing of the building (even more than that considered in Page & Turnbull's 2021 determination that the massing was inconsistent with adjacent historic properties) and substantially exceeds the FMC maximum length specifications. If the applicant can justify a variance, the applicant should apply for and seek HDC review of a variance request. Alternatively, if the applicant, staff, or HDC think that the existing FMC 25 percent maximum is too low, then the applicant, staff, or HDC can request that the City Council amend the FMC to allow for greater wall coverage. Since the project has other deficiencies to correct, an amendment to the FMC might be possible during that time, and perhaps the revised project could then be in compliance.

- 4. Provide a parking space for persons with disabilities that meets the City's handicapped parking space design standards (e.g., 14-foot min. width) and, if the parking space is to be a parallel space on Sutter Street, ensure safe and ramped access from the vehicle to the sidewalk.**

Staff has recommended a last-minute patch attempting to address the project's failure to provide the required parking space for persons with disabilities. Instead of providing a parking space that meets the FMC's 14-foot minimum for handicapped parking, staff's recommendation and the now-proposed parallel space on Sutter Street would be just 9 feet wide and would require a disabled person to exit their vehicle in the Sutter Street eastbound travel lane and stormwater gutter. No further explanation should be needed for why such a proposal is insufficient.

If a 14-foot-wide (minimum) on-street parking space in front of the building can be designed without encroaching into the travel lane and drainage gutter, then the project might be able to meet its disabled parking requirement in this way. If such a design requires the front of the building to be set back from Sutter Street more than currently proposed to allow for realignment of the sidewalk to accommodate the 14-foot width, so be it. As discussed above, the project's currently proposed FAR is well above the minimum suitable FAR range and accommodating additional setback would not likely require reducing the building's FAR to anywhere near the minimum FAR of 0.5. Alternatively, this developer can apply for a variance from the handicapped parking standard and provide his justification for why he is unable to make reasonable accommodations for persons with disabilities.

- 5. Provide a minimum 10-foot setback between construction disturbance and the adjacent historic library building to avoid construction vibration impacts to the existing historic building.**

In its vibration impact analysis, the City's consultant assumed a 25-foot separation between construction and the nearest buildings and concluded that, because of that separation, the project would not have a significant vibration impact to adjacent buildings. However, the project design drawings clearly indicate that the project's west side retaining wall would be within 5 feet or less (4 feet per staff report Attachment 6) from the historic library building at

<sup>4</sup> FMC 17.52.420 Architectural features: "Fireplaces, bay windows, attached porches and decks and patios higher than 30 inches above grade, may extend into a required setback area a maximum of 2 feet, but shall not be closer than 3 feet to a property line or closer than 6 feet to any portion of another structure. **The combined length of all such features shall not account for more than 25 percent of the length of the wall surface on which the features are located.**"



September 6, 2023

which distance vibration levels would be more than two times more than the threshold identified as having the potential for structural damage.<sup>5</sup> If, as staff suggests but contrary to the design drawings in the staff report (Attachment 6, et al.), “project-related grading is located approximately 10 feet from the former library building to the west” (9/6/23 HDC packet pg. 483), then the 10-foot separation should be demonstrated on project design drawings and specified as a condition of approval to avoid impacts to the historic library structure.

- 6. The project should fund installation of a crosswalk across Scott Street on the south side of the Sutter/Scott Street intersection consistent with the design of the existing crosswalks on the other three legs of this intersection to help provide greater visibility and awareness of this crossing for motorists and improve pedestrian safety.**

The project will increase pedestrian activity at the Sutter/Scott Street intersection and a crosswalk is needed across Scott Street on the south side of the Sutter/Scott Street. The crosswalk intersection should be consistent with the design of the existing crosswalks on the other three legs, and would help provide greater visibility and awareness of this crossing for motorists and improve safety for crossing pedestrians.

- 7. Contribute funding toward a pedestrian safety study to assess options for improving addressing the existing and worsening walkability in the Figueroa subarea neighborhood resulting from increased vehicle travel and increased parking on residential neighborhood streets with no sidewalks.**

The City has been approving projects that will continue to increase vehicle travel to and through the Historic District and projects that will continue to increase the number of vehicles parking on neighborhood streets parking. The 603 Sutter Street project is not causing these circumstances, but the project’s increase in vehicle trips and parking demand will contribute to these circumstances. A pedestrian safety/walkability study is needed to assess options addressing these worsening circumstances. Safe walkability is not just important to residents, it is important for Historic District visitors including people who will be using/visiting the 603 Sutter Street project and parking on residential streets. It is reasonable to require the applicant to contribute funding for such a study.

- 8. Consider if the proposed outdoor seating area on the northeast corner of the building and the associated retaining wall should be redesigned.**

Although I like the idea of an outdoor seating area on the northeast corner of the project, the below-grade design might be better integrated with a street-level design instead of being recessed below-grade. The recessed design does not help to integrate the building’s outdoor areas with the neighborhood and the recessed pit could unintentionally provide a secluded location for late night graffiti, urination, or worse. (I do like the proposed stacked stone retaining wall style, and suggest that the HDC ensure that real stone is used and that provisions for the applicant to ensure any graffiti or other damage is promptly repaired/cleaned.)

<sup>5</sup> Using the same methodology, equipment, and damage criteria as Planning Partners, but adjusting for a 5-foot separation, the large bulldozer (PPV 0.089) and the Federal Transit Authority damage assessment formula of  $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$  \*where  $PPV_{equip}$  is the PPV of the equipment adjusted for distance;  $PPV_{ref}$  is the PPV of the equipment at the reference distance of 25 feet, and D is the distance between the equipment and the structure of concern, project construction would generate a PPV of 0.2969 at a distance of 5 feet, well in excess of the 0.12 PPV vibration damage threshold.

#### 4. CEQA ISSUES AND EVIDENCE AGAINST CEQA EXEMPTION

Staff recommends that the project is categorically exempt under Section 15332 (In-Fill Development) of the CEQA Guidelines. However, the project is ineligible for the 15332 exemption for reasons including those discussed below.

##### 1. The Project Is Inconsistent with Applicable Zoning Regulations and Therefore Does Not Qualify for the Asserted CEQA Exemption.

To be eligible for the claimed exemption, the project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with *applicable zoning designation and regulations*. The project does not comply with applicable zoning regulations and is, therefore, ineligible for the claimed exemption. The proposed building exceeds the applicable FMC maximum height of 35 feet by 4 feet. The proposed building includes decks/patio that compose 200 percent of the Sutter Street wall length and 50 percent of the Scott Street wall length, where the FMC limits the length to 25 percent of wall length. The proposed project does not provide a parking space for persons with disabilities that complies with the City's handicapped parking design standards (e.g., minimum width of 14 feet). For these reasons, the project does not comply with zoning regulations and does not qualify for the asserted CEQA exemption.

##### 2. The Claimed CEQA Exemption Requires that a Project Site Must Have *No Habitat Value* for Endangered, Rare, or Threatened Species; the Project Site Contains Suitable Nesting Trees for the State-Listed Threatened Swainson's Hawk and Therefore the Project Site does not qualify for the asserted CEQA exemption.

The project site is a 0.17-acre undeveloped tree-covered open space area located less than 500 feet from the riparian corridor along the American River/Lake Natoma. The site contains 21 inventoried trees, including eleven oak trees with canopy radii of up to 31 feet. Planning Partners *Categorical Exemption Supplemental Evaluation* states with regard to Swainson's hawk, that "[e]xisting trees within the project parcel may serve as nesting trees [for Swainson's hawk]." (Planning Partners, 2023; pg. 18) Swainson's hawk is a California state-list Threatened species (California Department of Fish and Wildlife [CDFW] *State and Federally Listed Endangered and Threatened Animals of California*, July 2023). As documented by Planning Partners, the project site may serve as nesting trees for this species.

To be eligible for the claimed exemption, the project site must have "**no value** as habitat for endangered, rare, or threatened species." For assessing whether the section 15332 categorical exemption can be applied, the question is whether the site provides *any* habitat value for listed species. As discussed above, the project does have habitat value for a state-listed Threatened species, and therefore the exemption cannot be used. This makes sense. While most "infill" projects occur on previously disturbed properties within developed areas lacking suitable habitat for special-status species; the 603 Sutter Street site is not such a property and provides suitable habitat for a state-listed Threatened bird species. Regardless of project attempts to mitigate impacts to Swainson's hawk, the 15332 exemption is precluded for this site.

##### 3. The Project has the Potential to Adversely Affect the Significance of One or More Historical Resources

A Page & Turnbull *603 Sutter Street Proposed Project Analysis Memorandum* (March 24, 2021) was prepared for a previous iteration of the proposed project. That analysis acknowledged **the proposed building massing is inconsistent with the library building**

September 6, 2023

and Cohn house massing” (Page & Turnbull, 2021, pg. 18) The analysis then discounts the inconsistencies finding that, “the minor elements of incompatibility of the proposed project are tempered by the location of the proposed project, at the subarea’s northeast periphery.” (Page and Turnbull, 2021; pg. 24)

While Page & Turnbull’s analysis acknowledges that the proposed building is incompatible with the adjacent historic structures, their analysis then dismisses the incompatibility due to the location of the project “at the periphery of the Sutter Street subarea.” However, the project’s location between two historically significant buildings at a transition area between the Sutter Street subarea and the Figueroa subarea does not reduce the importance compatibility and instead it increases the importance of compatibility. The design incompatibilities in the context of the project location *exacerbate* the impacts of the proposed building design on the adjacent historic library building and NRHP-listed Cohn House.

The project design is incompatible with the adjacent historic library building and the NRHP-listed Cohn House. The project massing would diminish the relative size of the Cohn House (an element of its historic significance) and the difference in the massing between the proposed building and the Cohn House and library building would detract from the historic setting of these adjacent historic resources. For these reasons, the project would adversely affect the significance of these historic resources and does not qualify for a CEQA exemption.

## 5. CONCLUSION

Thank you for considering my comments.

Sincerely,



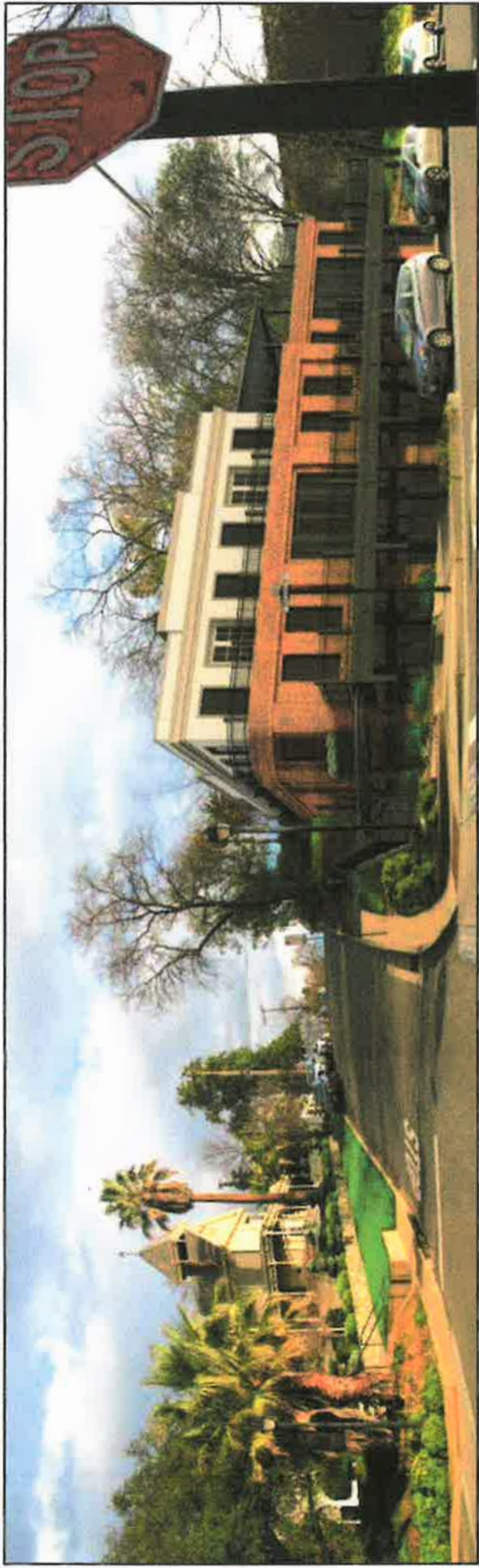
Bob Delp  
Historic District Resident  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

**Attachment B**

603 Sutter Street – Scale and Massing. Rendering comparison, September 8, 2023.



603 Sutter Street — Scale and Massing. The top image the rendering was prepared by the project architect and used in staff's evaluation and the staff report and was also used by the City's architectural historian consultant to evaluate the project's compatibility with the Cohn House scale and massing. The bottom image is a revised version prepared by the project architect on 9/6/23 (the day of the HDC hearing) after my email to Steve Banks noting that the scale of the original (top) image was incorrect. The bottom image still shows the oak tree on Scott Street that would be removed by the project. More relevant though is that the bottom image clearly shows the scale/massing of the proposed building as much larger than the inaccurate and misleading rendering that was provided to the public and the architectural historian who evaluated the scale/massing. The bottom image was NOT shown to the public at the HDC meeting.  
-Bob Delp 9-8-2023



**Attachment C**

January 26, 2022, letter to City Manager Elaine Andersen “Subject: Request to Respect City Charter Limitations on Historic District Commission Authority.”

January 26, 2022

Ms. Elaine Andersen, City Manager  
Ms. Pam Johns, Community Development Director  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630  
via email to: Elaine Andersen ([eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)); Pam Johns ([pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us))  
cc via email to: Steven Wang ([swang@folsom.ca.us](mailto:swang@folsom.ca.us)); Sari Dierking ([sdierking@folsom.ca.us](mailto:sdierking@folsom.ca.us))

**Subject: Request to Respect City Charter Limitations on Historic District Commission Authority**

Dear Ms. Andersen and Ms. Johns,

This letter is to request that the Community Development Department cease its practice of treating decisions of the Historic District Commission (HDC) as final approvals and, instead, treat HDC decisions as advisory recommendations to the City Council in keeping with the limitations on HDC authority imposed by the Charter of the City of Folsom. I am requesting that this change in practice be implemented immediately and retroactively, including decisions made at the HDC's January 19, 2022, meeting, and that the projects considered at the HDC's January 19 meeting be brought to the City Council for a final decision without requiring that a formal appeal be filed. I am not intending to undermine the important review and advisory function of the HDC, but I am seeking an end to the practice of HDC decisions that exceed its authority.

The City of Folsom Charter at Section 4.07, "Boards and Commissions," establishes the City Council's authority to create Boards and Commissions and to prescribe the powers and duties of such Boards and Commissions. However, Section 4.07 of the City Charter expressly states that "[a]ll boards and commissions *only shall be advisory* to the Council." The City Charter may be amended only by a vote of the citizens of the City of Folsom, and the citizens of Folsom have not delegated final approval authority to the HDC. Neither City staff, the HDC, nor the City Council has the authority to amend or disregard this limitation on the HDC's authority. Therefore, to function within the limitations prescribed by the citizens of the City of Folsom in the City Charter, HDC decisions may not constitute final approvals. Instead, HDC decisions must be treated as advisory recommendations to the City Council for the City Council's final consideration and decision of whether to approve or otherwise take final action on a project.

For reasons discussed above, please consider this letter as 1) my objection to the City's past practice of treating HDC decisions as final approvals, 2) my request that the two projects ostensibly "approved" by the HDC on January 19, 2022, be brought to the City Council for a final decision prior to considering those projects "approved," and 3) to treat all future HDC decisions as advisory requiring any final action or approval to be made by the City Council.

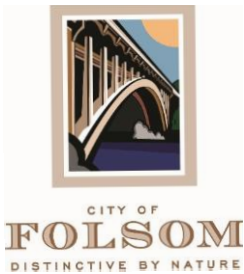
Sincerely,



Bob Delp  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

Attachment 2





## Historic District Commission Staff Report

50 Natoma Street, Council Chambers  
Folsom, CA 95630

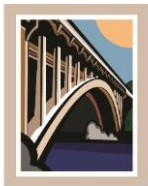
**Project:** 603 Sutter Street Mixed-Use Building  
**File #:** PN-17-145  
**Request:** Design Review  
**Location:** 603 Sutter Street  
**APN:** 070-0111-010  
**Staff Contact:** Steve Banks, Principal Planner, 916-461-6207  
sbanks@folsom.ca.us

### Property Owner/Applicant

Name: Cedrus Holdings Limited Partnership  
Address: 604 Sutter Street, Suite 250  
Folsom, CA 95630

**Recommendation:** Conduct a public meeting and upon conclusion recommend Design Review approval for development of a three-story, 12,177-square-foot mixed-use building on a 0.17-acre site located at the southwest corner of the intersection of Sutter Street and Scott Street as described and illustrated on Attachments 5 through 17 for the 603 Sutter Street Mixed-Use Building project (PN 17-145), based on the findings (Findings A-O) and subject to the conditions of approval (Conditions 1-51) attached to this report.

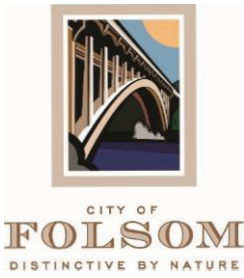
**Project Summary:** The proposed project involves a request for Design Review approval for development of a three-story, 12,177-square-foot mixed-use building at 603 Sutter Street. The proposed mixed-use building includes 2,716 square feet of retail/restaurant space on the first floor, 5,246 square feet of office space on the second floor, and two, two-bedroom residential units totaling 3,630 square feet on the third floor. The proposed three-story mixed-use building includes a pre-1900 design theme that features the use of historic design features, historic building materials, and historic building colors.



CITY OF  
**FOLSOM**  
 DISTINCTIVE BY NATURE

### Table of Contents:

- 1 - Description/Analysis
- 2 - Background
- 3 - Conditions of Approval
- 4 - Vicinity Map
- 5 - Preliminary Site Plan, dated February 8, 2023
- 6 - Preliminary Grading and Drainage Plan, dated August 23, 2023
- 7 - Preliminary Utility Plan, dated August 23, 2023
- 8 - Preliminary Landscape Plan, dated December 10, 2022
- 9 - Retaining Wall Details, dated February 8, 2023
- 10 - Building Elevations and Floor Plans, dated August 24, 2023 and February 8, 2023
- 11 - Building Sections, dated August 24, 2023
- 12 - Illustrative Building Renderings, dated February 8, 2023
- 13 - Streetview Building Renderings, dated February 8, 2023
- 14 - Historic Building References, dated February 8, 2023
- 15 - Building Lighting Plan, dated August 24, 2023
- 16 - Uniform Sign Criteria, dated August 9, 2022
- 17 - Project Narrative, dated August 23, 2023
- 18 - CEQA Categorical Exemption Analysis, dated August 2023
- 19 - Special Studies Found on City Website at:  
<https://www.folsom.ca.us/government/community-development/planning-services/current-project-information>
  - Traffic Impact Study, dated July 30, 2019
  - Trip Generation Memorandum, dated August 8, 2023
  - Project Analysis Memorandum, dated March 24, 2021
  - Project Analysis Memorandum, dated August 25, 2023
  - Cultural Resources Study, dated March 2017
  - Noise and Vibration Assessment, dated April 16, 2021
  - Arborist Inventory, dated March 21, 2017
  - Arborist Survey, dated March 12, 2019
  - Arborist Report, dated July 14, 2022
  - Geotechnical Study, dated March 2017
  - Geotechnical Study Update, dated July 21, 2022
- 20 - Public Comment Letters Regarding Current Proposed Project
- 21 - Public Comment Letters Regarding Original Project and Subsequent Iterations
- 22 - Site Photographs
- 23 - Public Comment Response Letter, August 30, 2023



Submitted,

A handwritten signature in blue ink, appearing to read "Pam Johns", with a long horizontal flourish extending to the right.

---

PAM JOHNS, Community Development Director

**ATTACHMENT 1  
DESCRIPTION/ANALYSIS**

Detailed information regarding the project’s General Plan land use designation, zoning, adjacent land uses, site characteristics, and applicable codes is described below.

<b>GENERAL PLAN DESIGNATION</b>	HF (Historic Folsom Mixed-Use)
<b>ZONING</b>	SUT/HD (Sutter Street Subarea of the Commercial Primary Area)
<b>ADJACENT LAND USES/ZONING</b>	North: Sutter Street with Commercial Development (SUT/HD) Beyond South: Single-Family Residential Development (SUT/HD) with Peddlers Lane Beyond East: Scott Street with Single Family Residential Development (SUT/HD) Beyond West: Commercial Development (SUT/HD) with Riley Street Beyond
<b>SITE CHARACTERISTICS</b>	Undeveloped 0.17-acre sloped site with a mix of native and non-native vegetation and trees.
<b>APPLICABLE CODES</b>	<u>FMC Chapter 17.52 HD, Historic District</u> <u>FMC Section 17.52.300, Design Review</u> <u>FMC Section 17.52.510, Sutter Street Subarea Special Use and Design Standards</u> <u>Historic District Design and Development Guidelines</u> <u>Government Code § 65863.2, Minimum Automobile Parking Requirements (AB 2097)</u>

**SETTING**

The undeveloped 0.17-acre project site is located at the southwest corner of Sutter Street and Scott Street within the Sutter Street Subarea of the Historic District. The project site, which slopes steeply downward from south to north, is vegetated with bamboo, vinca, non-native grasses, and 20 trees including 11 native oak trees and 9 non-native ornamental trees. The Sutter Street frontage includes a short retaining wall, curb, gutter, sidewalk, landscape planter, streetlights, and three on-street parking spaces. The Scott Street frontage includes a curb, gutter, and landscape planter.

The project site is bounded by Sutter Street to the north with the three-story Folsom Electric Building and public parking lot beyond, single-family residential development to the south with Peddlers Lane beyond, commercial development to the west with Riley Street beyond, and Scott Street to the east with the Cohn House and residential development beyond. An aerial photograph of the project site and surrounding land uses and a street-level site photograph are shown in Figures 1 and 2 below and on the following page.

FIGURE 1: AERIAL PHOTOGRAPH (2018) OF PROJECT SITE





FIGURE 2: STREET LEVEL SITE PHOTORAPH OF PROJECT SITE



### **APPLICANT'S PROPOSAL**

The applicant, Cedrus Holding Limited Partnership, is requesting approval of Design Review for development of a three-story, 12,177-square-foot mixed-use building on a 0.17-acre site located at the southwest corner of the intersection of Sutter Street and Scott Street (603 Sutter Street). The proposed mixed-use building features 2,716 square feet of retail/restaurant space on the first floor, 5,246 square feet of office space on the second floor, and two, two-bedroom residential units totaling 3,630 square feet on the third floor. The proposed project also features various outdoor use areas including an outdoor patio adjacent to Sutter Street, a balcony on the second floor, and a balcony on the third floor.

The proposed three-story building features a historic pre-1900 design concept that is intended to compliment the design, colors, and materials of other commercial buildings found along Sutter Street. Significant design elements include covered entries along Sutter Street, large rectangular doors and windows, recessed windows, transom

windows, balconies, wood and brick cornices, ornamental iron railing, and steel awning structures. Primary building materials include brick veneer, horizontal cement fiber siding, an aluminum storefront system, metal clad wood-framed windows, concrete windowsills, iron railing, steel canopies, and rockery retaining walls. Primary building colors include red (brick veneer) and white (horizontal cement fiber siding), with black, grey, and bronze as the main accent and trim colors.

Primary vehicle access to the general project area is provided by Sutter Street and Scott Street. No on-site or off-site parking is being proposed with this project. However, the applicant is proposing to replace one existing non-accessible parking space in front of the project site along Sutter Street with an ADA accessible parking space. The applicant is proposing to utilize the existing nearby on-street parking, public parking lots, and public parking garages to serve the parking needs of the proposed mixed-use building. Pedestrian access to the project site is provided by an existing sidewalk located on the south side of Sutter Street and a proposed sidewalk along the west side of Scott Street. The primary entrance into the building is located along Sutter Street for the retail/restaurant uses, with secondary pedestrian access to the office and residential uses located along Scott Street. Proposed site improvements include underground utilities, a sidewalk, curb, gutter, an outdoor patio, retaining/stem walls, landscaping, and fencing. The proposed site plan, floor plans, building elevations, building cross sections, and building renderings are shown in Figures 3-10 on the following pages.

FIGURE 3: SITE PLAN

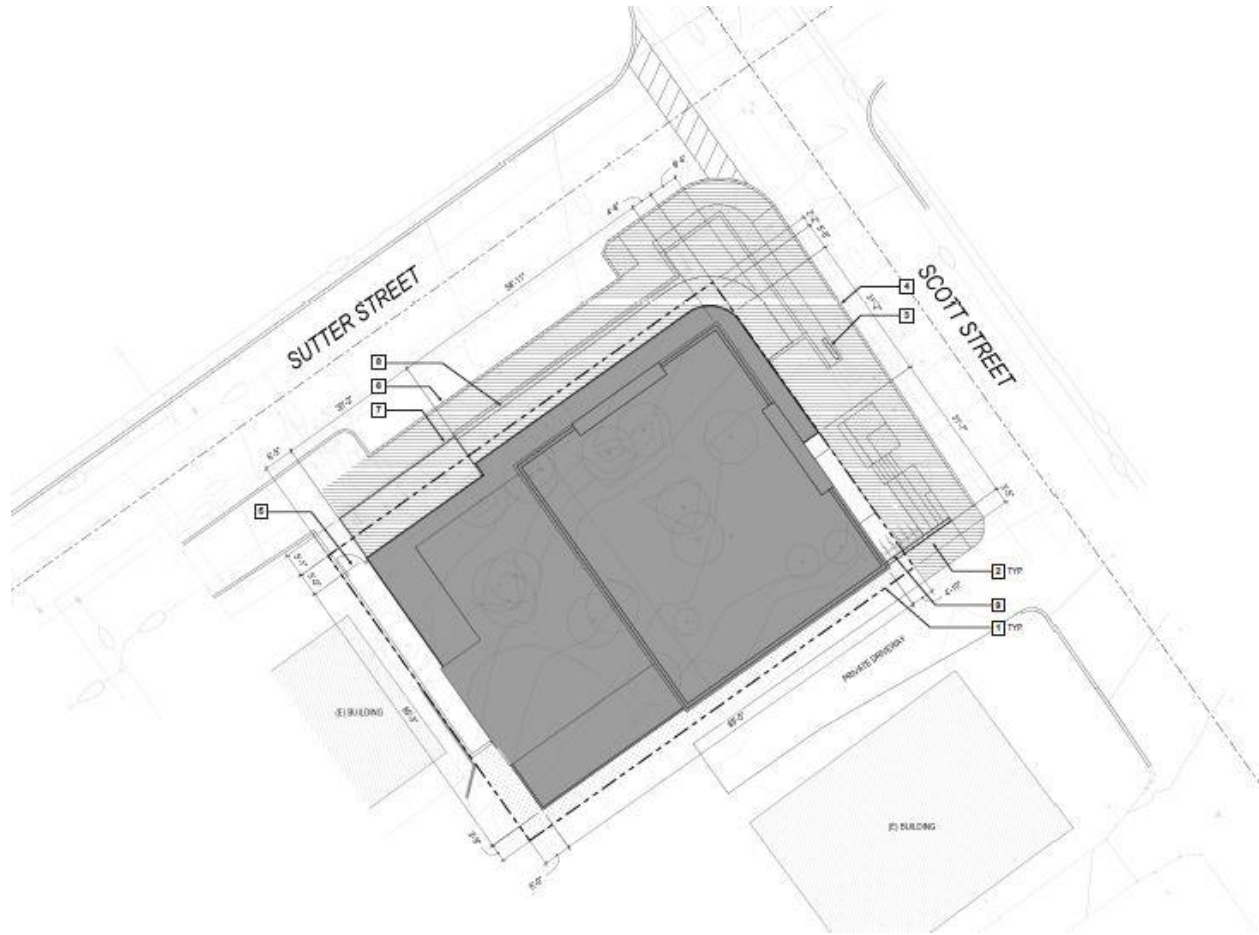




FIGURE 4: FLOOR PLAN (FIRST AND SECOND FLOORS)

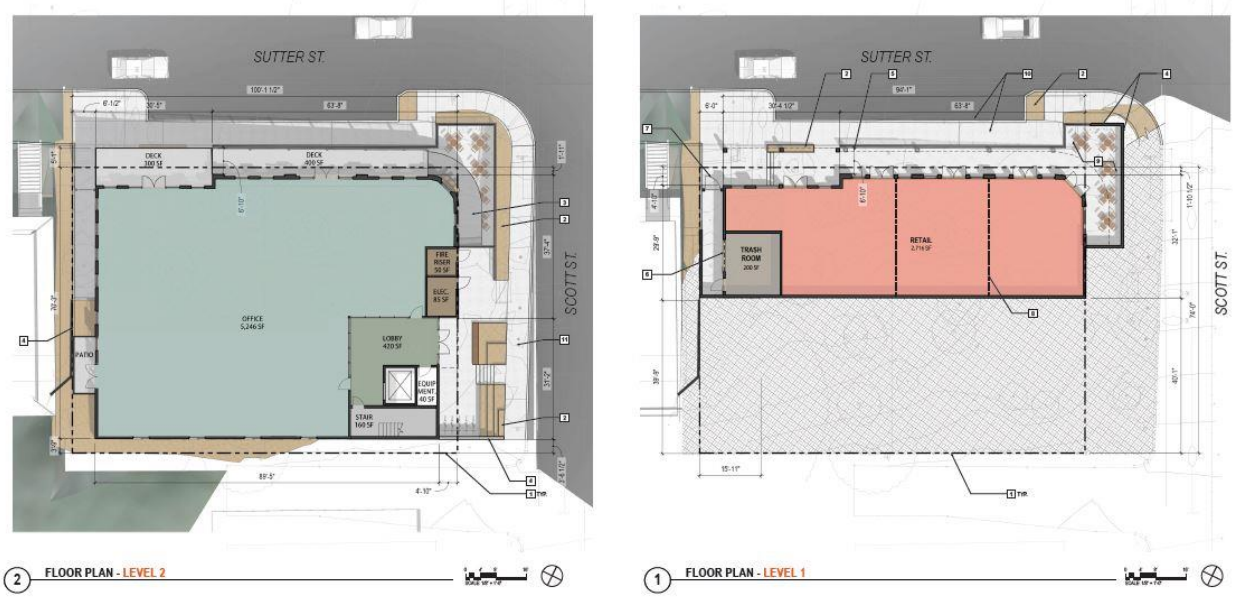


FIGURE 5: FLOOR PLAN (THIRD FLOOR AND ROOF)

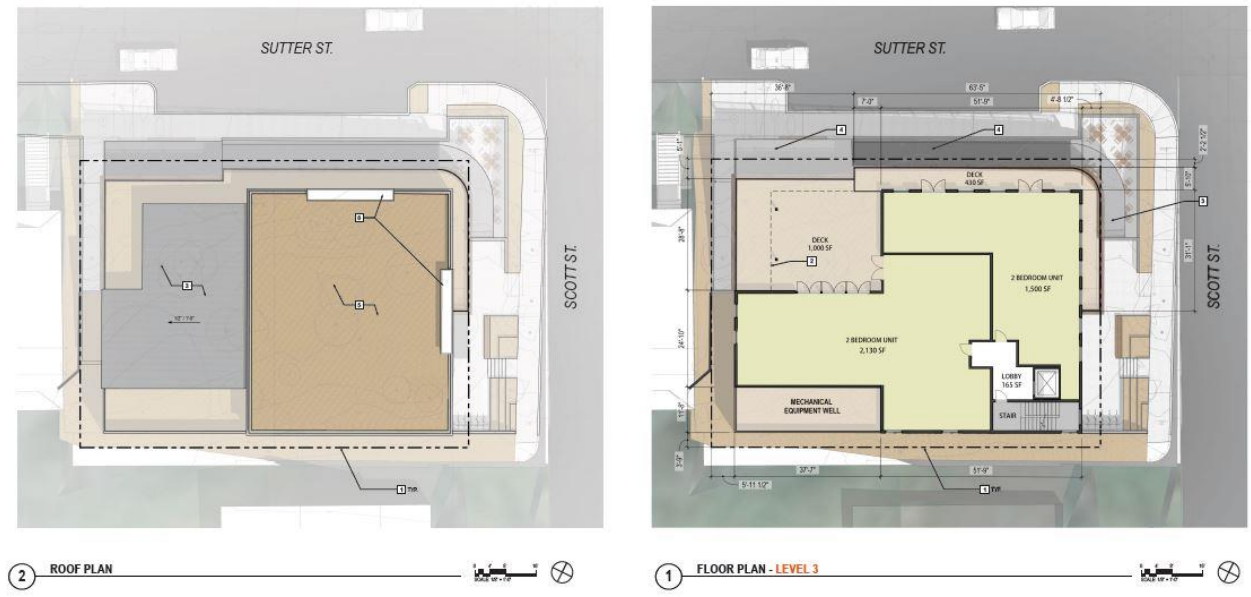


FIGURE 6: BUILDING ELEVATIONS



FIGURE 7: BUILDING CROSS SECTIONS





FIGURE 8: BUILDING RENDERINGS



FIGURE 9: BUILDING RENDERING (NORTH ELEVATION - SUTTER STREET)



FIGURE 10: STREETVIEW RENDERINGS



1 STREET VIEW RENDERING - VIEW FROM SUTTER STREET LOOKING SOUTH



2 STREET VIEW RENDERING - VIEW FROM SUTTER STREET LOOKING SOUTH



The following sections provide an analysis of the applicant's proposal. Staff's analysis includes:

- A. General Plan and Zoning Consistency
- B. Design Review
- C. Encroachments
- D. Traffic/Access/Circulation
- E. Parking
- F. Noise Impacts
- G. Retaining/Stem Walls
- H. Building Lighting
- I. Trash/Recycling
- J. Uniform Sign Program
- K. Existing and Proposed Landscaping
- L. Biological Resources
- M. Cultural Resources

**A. General Plan and Zoning Consistency**

The General Plan land use designation for the project site is HF (Historic Folsom Mixed-Use) and the zoning designation is SUT/HD (Sutter Street Subarea of the Historic District). The project is consistent with both the General Plan land use designation and the zoning designation for the site as retail, office, and residential uses are permitted pursuant to Section 17.52.510 of the Folsom Municipal Code. In addition, the proposed project meets all development standards established by the Sutter Street Subarea Special Use and Design Standards (FMC, Section 17.52.210 C) with respect to building setbacks and building height as shown in Table 1 on the following page.

The Sutter Street Subarea Special Use and Design Standards (FMC, Section 17.52.510(C)) state that "building heights shall not exceed 35 feet adjacent to the sidewalk area on Sutter Street." As shown on the submitted building elevations (Attachment 10), the elevation of the proposed building as measured from the adjacent sidewalk on Sutter Street ranges from 29 Feet 1 Inch in height at the northeast corner of the building to 35 Feet in height at the northwest corner of the building. A dashed red line is shown on the North Elevation which illustrates the 35-foot height elevation as measured from the sidewalk adjacent to Sutter Street. As a result, City staff has determined that the project meets the maximum building height requirement as established by the Folsom Municipal Code. The parapet located above the third story of the building extends up to 39 feet, 4

feet above the maximum height limit of 35 feet established for the Sutter Street Subarea. The Folsom Municipal Code (FMC, Section 17.52.510(C)) states that towers, spires, or other similar architectural features may extend up to 15 feet above the maximum building height of 35 feet. City staff has determined that the parapet wall associated with the proposed building is an architectural feature. It is important to note that City staff and the Historic District Commission have previously made the determination that parapet walls associated with recent development projects along Sutter Street (Sutter Court Mixed-Use Building at 905/905 Sutter Street) are considered architectural features.

Recent state legislation (Assembly Bill 2097; Government Code Section 65863.2) prohibits public agencies (City of Folsom in this case) from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. Consistent with that legislation, the proposed project does not include on-site parking. A more detailed discussion of this new legislation and how it affects the Folsom Municipal Code’s minimum parking requirement for the Sutter Street Subarea, is contained within the Parking Section of this staff report.

The table below lists the existing and proposed development standards for the proposed project.

TABLE 1: SUTTER STREET SUBAREA DEVELOPMENT STANDARDS TABLE

<b>Development Standards Table 603 Sutter Street Mixed-Use Project</b>					
	<b>Front Yard Setback</b>	<b>Rear Yard Setback</b>	<b>Side Yard Setbacks</b>	<b>Maximum Building Height</b>	<b>Minimum Parking Required</b>
<b>Sutter Street Subarea</b>	0 Feet	NA	NA	35 feet	NA
<b>Proposed Project</b>	2 Feet	3.75 Feet	0/6 Feet	35 feet*	NA

\*Average Building Height of 28 feet 9 inches  
 NA = Not Applicable

Land Use Compatibility

In terms of land use compatibility, the project site is located at the southwest corner of Sutter Street and Scott Street within the Sutter Street Subarea of the Historic District. The project is bounded by Sutter Street to the north with the three-story Folsom Electric Building beyond; a single-family residence to the south with Peddlers Lane beyond; the former library building and commercial development to the west with Riley Street beyond; and Scott Street to the east with the Cohn House and single-family residential development beyond. It is important to mention that all of the adjacent land uses, including the single-family residence to the south and the Cohn House across Scott Street

to the east, are situated within the Sutter Street Subarea and have a zoning designation of HD (Historic District).

The project site is located within an area that is predominantly commercial in nature. The proposed project is also situated within the Sutter Street Subarea, an area in which the most intensive commercial development within the Historic District is located including restaurants, bars, retail shops, and offices. Based on the nature of the existing commercial uses in the project area, staff has determined that the proposed three-story mixed-use building is compatible with existing land uses in the project area.

Staff has also determined that the proposed three-story building is complementary to the massing and scale of the other one, two, and three-story commercial buildings situated along Sutter Street in the project vicinity. A detailed discussion regarding the design compatibility of the proposed building is included in the Design Review section of this staff report.

#### Applicable General Plan Goals and Policies

The City of Folsom General Plan (2035), which was adopted in 2018, outlines a number of goals, policies, and implementation programs designed to guide the physical, economic, and environmental growth of the City. Staff has determined that the proposed project is consistent with the applicable General Plan goals and policies as outlined and discussed on the following pages:

#### **GP GOAL LU 1.1 (Land Use/Growth and Change)**

Retain and enhance Folsom's quality of life, unique identity, and sense of community while continuing to grow and change.

#### GP POLICY LU 1.1.12-1 (Infill Development)

Respect the local context: New development should improve the character and connectivity of the neighborhood in which it occurs. Physical design should respond to the scale and features of the surrounding community, while improving critical elements such as transparency and permeability.

The proposed project is consistent with this policy in that the project features significant site and design improvements which will enhance the overall character of the area including development of a commercial building designed to complement the architecture and design of existing commercial buildings in the vicinity.

#### GP POLICY LU 1.1.12-2 (Infill Development)

Work with neighbors: Infill development requires neighborhood consultation to understand the concerns, goals, and needs of existing neighborhoods. Ensure the planning and design process provides proper avenues for neighborhood input while fulfilling the community's larger goals for walkability and compact development.

The proposed project is consistent with this policy in that the project applicant solicited feedback from the public on a number of occasions including at the Historic District Commission meeting held on September 6, 2017, where the project was discussed as an informational item. The applicant also sponsored several neighborhood outreach meetings that occurred between August 2, 2017 and September 6, 2017, at which the public was provided the opportunity to comment on the proposed project. The applicant subsequently met with various stakeholders over the course of the next few years to discuss the merits of the proposed project and solicit additional feedback. The proposed project was also presented to the Historic District Commission on August 19, 2020 and October 21, 2020, during which time the public and the Commission had the opportunity to provide comments on the mixed-use project. The project design has evolved since the original proposal in response to the community and Commission feedback.

GP POLICY LU 1.1.15 (SACOG Blueprint Principles)  
Strive to adhere to the Sacramento Regional Blueprint Growth Principles.

The proposed project is consistent with this policy in that the project has been designed to adhere to the primary SACOG Blueprint Principles including Compact Development and Quality Design. Compact Development involves creating environments that are more compactly built and use space in an efficient but attractive manner and helps to encourage more walking, biking, and transit use and shorter auto trips. Quality Design focuses on the design details of any land development (such as relationship to the street, placement of buildings, sidewalks, street widths, landscaping, etc.), which are all factors that influence the attractiveness of living in a compact development and facilitate the ease of walking within and in and out of a community. Given the mix of uses and the proximity to the Historic District light rail, staff believes that the project furthers the Blueprint principles.

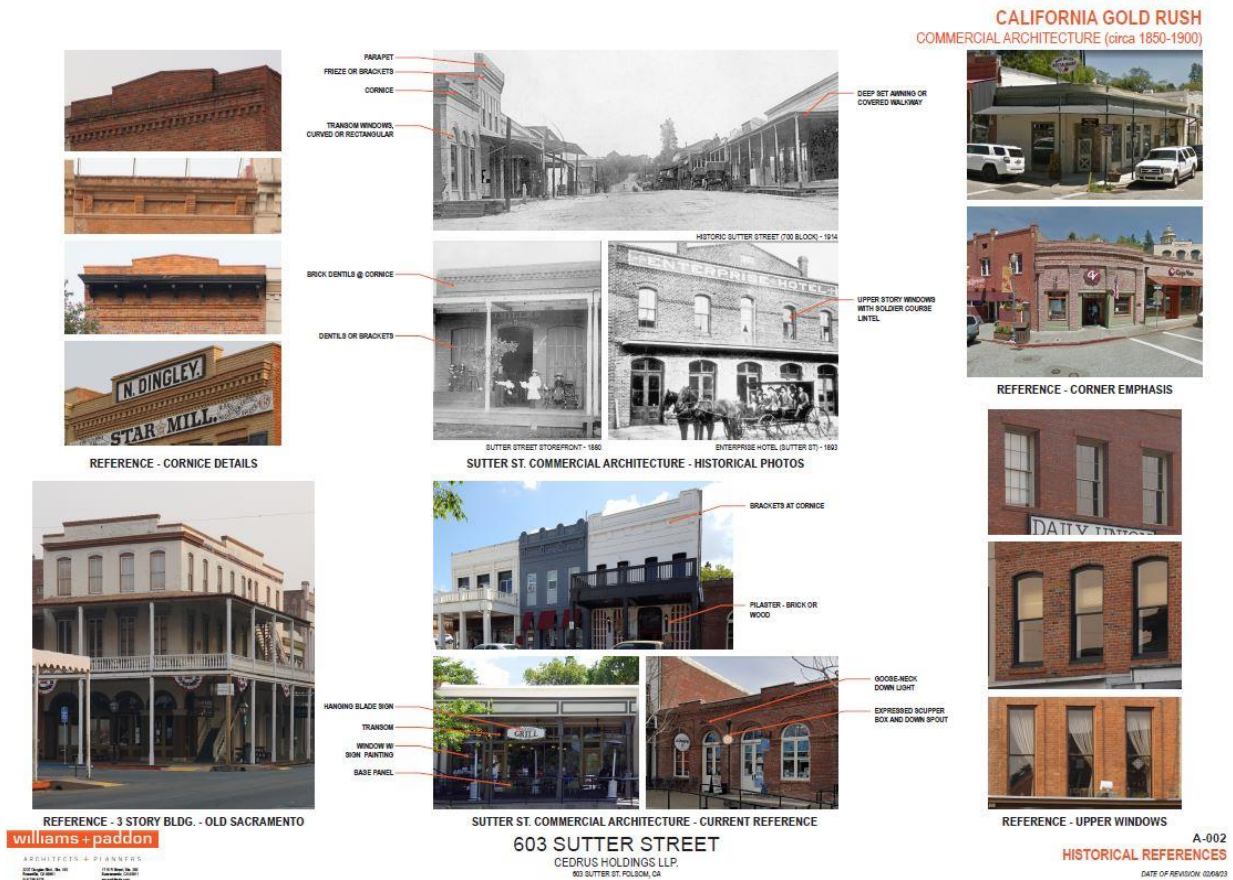
**B. Design Review**

The proposed three-story building features a historic design concept (1850-1900's) that is intended to compliment the design, colors, and materials of other commercial buildings found along Sutter Street. The proposed building is characterized by wide horizontal massing with wall planes and balconies stepped back from the public right-of-way (similar to other building along Sutter Street), to create a more pedestrian friendly appearance. Specific design elements that were chosen to reflect the pedestrian nature of Sutter Street include the use of a covered walkway along Sutter Street and outdoor seatings areas adjacent to Sutter Street and Scott Street. Additional building design elements chosen to support the historic character of Sutter Street include large rectangular doors and windows, recessed windows, transom windows, recessed balconies, wood and brick cornices, ornamental iron railing, and a steel awning structure. Primary building materials selected to reflect the Historic nature of Sutter Street include brick veneer, horizontal cement fiber siding designed to emulate wood siding, metal clad wood-framed windows, concrete windowsills, iron railing, and steel canopies. Primary building colors chosen for the three-story building include red (brick veneer) and white (horizontal cement fiber siding), with black, gray, and bronze utilized as the main accent and trim colors. Figure



11 below shows the historic architectural references that the applicant used in guiding the design of the proposed project.

FIGURE 11: HISTORIC REFERENCES EXHIBIT



The purpose and intent of Chapter 17.52 of the Folsom Municipal Code (Section 17.52.010(B)(1)(2)(3)) is to: preserve and enhance the historic, small town atmosphere of the historic district as it developed between the years 1850 and 1950; encourage an active business climate which promotes the development of a diverse range of business compatible with the historic district as it developed between the years 1850 and 1950; and; and to ensure that new residential and commercial development is consistent with the historical character of the historic district as it developed between the years of 1850 and 1950.

The Sutter Street Subarea encompasses Folsom’s original central business district, the area first zoned for historic preservation. Retail shops and restaurants have been the predominant use in recent history. The Subarea is intended to become a more “complete” downtown, serving convenience shopping, service, and community needs of Folsom residents and visitors. Overall, the Sutter Street Subarea represents a mixture of development that is representative of the 1850 to early 1900s timeframe. The Historic

District Design and Development Guidelines (Design Guidelines), which were adopted on October 1, 1998, provide guidance for development activity within the Sutter Street Subarea.

### Building Design

In terms of building design, the intent of the Design Guidelines is to encourage new construction to follow the patterns and principles of historic architectural design. New construction should also take into consideration the design of buildings within the immediate project area. With respect to articulation, the Design Guidelines recommend that windows, doors, cornices, and other architectural elements be designed with respect to the entire building façade and be relatable to adjacent and nearby buildings. The proportions of these design elements should also relate the building façade at a human scale. Consistent with these recommendations, the proposed building includes significant fenestration and articulation through design details as illustrated on the submitted building elevations and building renderings that reflect the historic architectural character of the Sutter Street Subarea (refer to Attachment 10).

### Building Placement

The Design Guidelines recommend that new commercial structures be designed to be of a pre-1900 design and a continuous façade of shops along the sidewalk should be provided to encourage shoppers to walk the entire length of the shopping area. In addition, the Design Guidelines state that “the context for design evaluation will be the buildings along the same street adjacent to the property being developed or predominant style for the Subarea.” Consistent with these recommendations, the proposed building is located two feet from the northern property boundary adjacent to Sutter Street and zero feet from the property line adjacent to Scott Street.

### Storefront Windows and Entries

The Design Guidelines recommend that street-level storefront windows are large and transparent, allowing for displays which will draw interest of pedestrians. Upper floor windows are encouraged to be recessed to create a sense of depth and interest. With respect to shape, the Design Guidelines discourage irregular, polygonal, or circular shapes. Glass in windows and doors is encouraged to be clear, no dark-tinted or reflective glass should be utilized.

As shown on the submitted building elevations (Attachment 10), the proposed building features large, rectangular doors and windows. The windows and doors are both divided into small panes. Small rectangular transom windows are also provided on the first floor of the building just above the large windows and doors. Staff has determined that the scale and shape of the doors and windows on the proposed building are consistent with Design Guidelines. However, to ensure consistency with the Design Guidelines going forward, staff recommends that no dark-tinted or reflective glass be utilized on windows and doors on the Sutter Street or Scott Street building elevations. In addition, staff recommends that all windows be dual-paned windows in order to increase energy efficiency. Condition No. 28-3 is included to reflect these requirements.

### Balconies, Awnings, and Arch Features

The Design Guidelines encourage new developments on Sutter Street to provide balconies and canopies over the public sidewalk area. Balconies and awnings are permitted to extend up to 9 feet, 6-inches into the public-right-of-way to provide maximum coverage over the sidewalk. Recommended building materials for sidewalk coverings include wood shakes, canvas fabric, metal frames, and wood frames.

The proposed project features a large, uncovered balcony on the second level of the building and a large metal awning on the third floor of the building, facing Sutter Street and Riley Street respectively. The large balcony on the second level, which will encroach five feet into the Sutter Street right-of-way and provides shade to pedestrians, is supported wood-clad columns at the ground level and features decorative wood panels and ornamental iron railing painted black.

The large metal awning (1,000 square feet) on the third floor of the building is also supported by wood-clad columns and features ornamental iron railing painted black. Staff has determined that the proposed balcony and awning features are consistent with the recommendations of the Design Guidelines.

### Cornices

The Design Guidelines encourage new development to utilize roof cornices as decorative elements to enhance the appearance of building facades. The proposed project features a decorative brick cornice on the second floor of the building and a decorative wood cornice on the third floor of the building. The brick and wood cornice features extend around the building on all four elevations. As a result of these features, staff has determined that the proposed cornice features are consistent with the Design Guidelines.

### Materials and Colors

The Design Guidelines encourage the use of durable, high quality building materials that are complementary to the historic context of Sutter Street. Appropriate building materials include brick, stone, plaster, stucco, wood, and metal. The Design Guidelines also recommend the innovative use of color and texture in order to create visual interest and enhance the streetscape.

As mentioned in the project description, proposed building materials include brick veneer, horizontal cement fiber siding that provides the appearance of wood siding, an aluminum storefront system, metal clad wood-framed windows, concrete windowsills, iron railing, steel canopies, and rockery retaining walls. Primary building colors include red (brick veneer) and white (horizontal cement fiber siding), with black, gray, and bronze as the main accent and trim colors. Staff has determined that the proposed building materials and colors are consistent with the Design Guidelines.

### Rooftop

The roof of the proposed mixed-use building will not be visible from the Sutter Street or Scott Street right-of-way. Roof material is consistent with the design of Sutter Street

Subarea and will not include standing seam metal, glazed ceramic, concrete, or imitation mission tiles. Staff recommends that all rooftop mechanical equipment be screened and not extend above the height of the parapet walls. Condition No. 28-4 is included to reflect this requirement.

### Design Compatibility

In March of 2008, the well-known local architectural firm of Page & Turnbull published the Folsom Streetscape Improvements Historic Assessment Report to assist with the City with the Sutter Street Revitalization and Streetscape project. As part of this effort, a list of character-defining features of the Sutter Street Subarea was created. Listed on the following pages are the character-defining features of the Sutter Street Subarea including but not limited to:

#### *Massing and Form*

- Commercial and mixed-use building footprints typically fill the width of the parcel and have tall, narrow massing
- Commercial and mixed-use buildings typically with flat, stepped, or Mission style parapets or false fronts in front of flat or gabled roofs
- Residential buildings with gabled or hipped roofs

#### *Size, Scale, and Proportion*

- Typically, one- or two-story buildings with regular, rectangular floor plans
- Frontages of commercial and mixed-use buildings typically between 25 and 50 feet wide

#### *Materials*

- Buildings clad with traditional materials – such as wood siding, brick, stone, plaster, or stucco - with the highest quality materials and ornamentation facing Sutter Street
- One primary cladding material used on facades facing Sutter Street

#### *Fenestration*

- Traditional commercial storefront elements, such as fixed ground-floor display windows, arched or rectangular transom windows, and some recessed entries and bulkheads
- Pedestrian-scaled entries
- Wood panel front doors with integrated glass
- Operable tall, narrow wood sash windows, some with arched or segmentally arched profiles, especially at upper floors

#### *Design Features & Architectural Details*

- Coverings (i.e., awnings, canopies, or balconies) with narrow wood supports or columns; coverings at commercial and mixed-use buildings along Sutter Street typically cover the majority if not all of the sidewalk

- Details consistent with architectural style of the individual building, such as wood spindle work, brackets, and molded window trim on Italianate and Queen Anne style buildings; red clay tile roofs and decorative inlaid tiles on Spanish Colonial Revival buildings; pilasters and dentilled cornices on Neoclassical buildings, and wide eaves with exposed rafter tails on Craftsman style buildings

On March 24, 2021, Page & Turnbull prepared a Project Analysis Memorandum for the purpose of evaluating the architecture and design compatibility of the proposed project relative to the architecture and design of other commercial buildings within the Sutter Street Subarea and also relative to historic resources in the immediate project area. On August 25, 2023, Page & Turnbull prepared a supplemental Project Analysis Memorandum to confirm that subsequent minor modifications made to the proposed building would not alter their original conclusions. The Project Analysis Memorandums utilized the previously referenced 2008 Folsom Streetscape Improvements Historic Assessment Report as part of the basis for determining some of the character-defining features of the Sutter Street Subarea. The following is a brief discussion of the proposed project's compatibility with the character-defining features of the Sutter Street Subarea as listed above:

#### *Massing and Form*

The proposed mixed-use building is designed to adhere to some characteristics of form and overall continuity of the surrounding Sutter Street Subarea. Like the majority of historic buildings in this subarea, the proposed building has a flat roof with a stepped parapet wall; however, its wide horizontal massing contrasts with the tall, narrow massing that is typical of historic buildings in this subarea. Brick pilasters and the use of subtle setbacks at the northwest end of the north façade and southeast end of the east façade break this larger massing into narrower volumes that are more consistent with the narrow massing of many of the subarea's historic buildings. The proposed building's curved corner design at the intersection of Sutter and Scott Streets is a departure from the regular, rectilinear forms of the surrounding historic buildings that subtly differentiates the proposed building from the other buildings in the immediate area, although the Sutter Court Building at 905 Sutter Street uses a similar curved building design feature.

#### *Size, Scale, and Proportion*

The proposed mixed-use building shares some elements of scale and proportion with the Sutter Street Subarea. The proposed building will have approximately 94 feet of frontage along Sutter Street. While this is much wider than the typical 25-foot or 50-foot frontages of historic buildings in the Sutter Street Subarea, the use of a setback at the northwest corner of the north façade along Sutter Street and slight variation in the detailing of the brick veneer cladding breaks the façade into a roughly 30-foot frontage and 64-foot frontage, more in line with the scale of frontages of other historic buildings in the subarea.

The proposed building, which is composed of three stories, will be 35 feet tall to the roof surface and 39 feet tall to the rooftop parapet. While most of the historic buildings within the Sutter Street Subarea are one or two-stories tall, the prevalence of parapet walls and

taller floor-to-ceiling heights create the appearance of buildings that are taller than two stories. The height of the proposed building meets the 35-foot maximum allowable zoning height for buildings in the Sutter Street Subarea, as well as the 15-foot maximum height allowance for architectural features extending above the building height.

The visual impact of the height of the proposed building is minimized by setting back the third story volume and using a different exterior cladding that is of a lighter color and material than the heavy brick masonry veneer utilized on the first two floors. This makes the building appear as a two-story building as viewed from Sutter Street, even though it is taller. The size of the proposed building is further minimized by setting it down into the sloping grade of the site, which allows the building to appear as a two-story building at its east façade, facing Scott Street, and as a one-story building at its south façade, facing an adjacent residential property at 306 Scott Street.

In summary, despite the difference between the wide, horizontal massing and slightly taller height of the proposed building from other historic buildings in the subarea, Page & Turnbull determined that the proposed project will be generally compatible in scale and proportion to the overall character of the surrounding historic district and one- to two-story heights of historic buildings in the Sutter Street Subarea.

### *Materials*

The proposed building will be clad in a mix of brick veneer and horizontal cement fiber siding. Brick veneer will cover the first and second floors of the north façade and north portions of the east and west facades, while horizontal cement fiber siding that is made to look like wood will be used on the third floor, south façade, and south portions of the east and west facades. Windows will have aluminum sashes painted to match painted wood trim. An awning across the north façade will be supported by a painted steel structure and corrugated metal covering, while a balcony at the west end of the north façade will be supported by a wood structure. The balcony and third-story deck will have iron railings.

Though historic buildings in the Sutter Street Subarea typically display one primary cladding material facing the street, the use of brick veneer and horizontal cement fiber cladding that imitates the appearance of wood reflects the use of brick or wood siding on the majority of commercial and mixed-use buildings in the subarea. Historic residential buildings directly to the north and west of the project site are predominately clad with wood siding, and the use of horizontal cement fiber siding that looks like wood on secondary and rear facades presents a compatible but differentiated solution that softens the transition from the masonry construction of buildings along Sutter Street to the adjacent residential buildings and neighborhood. Although the fenestration, awnings, railings, and balconies display a mixture of contemporary and traditional historic materials, because the overall form, scale, function, placement, and configuration of these features is generally in keeping with those of historic buildings in the subarea, they reflect a compatible but differentiated interpretation of these characteristic features.

### *Fenestration*

Though there are some differences, the fenestration of the proposed building is generally compatible with the fenestration of historic buildings in the Sutter Street Subarea. Historic commercial and mixed-use buildings along Sutter Street typically have ground-floor storefronts with fixed wood or steel frame display windows, glazed wood doors, and transom windows; some have bulkheads or recessed entries. Fenestration on the upper floors of these buildings, as well as all floors of historic residential buildings in the subarea, primarily consist of regularly spaced tall, narrow windows with operable wood sashes and molded wood trim.

Fenestration of the proposed building differs somewhat in material from the fenestration of historic buildings in the Sutter Street Subarea, but is generally compatible in overall form, pattern, and scale. In terms of the differences, the proposed building includes a system of aluminum windows with painted wood trim rather than all wood windows. Windows on the first floor of the new building's north façade will be aluminum, but they include many traditional storefront features – such as glazed doors, fixed display windows with bulkheads, and transom windows – thus reflecting a contemporary interpretation of historic commercial storefronts in the Subarea. Upper-story windows are also aluminum and will have operable single-hung sashes that are tall and narrow in form, consistent with the operability, form, and scale of windows in the Subarea. As such, although the sash material and detailing of fenestration at the proposed project differ from those of historic buildings, in general, they are compatible with the fenestration that characterizes the Sutter Street Subarea.

### *Design Features & Architectural Detail*

The proposed building offers a contemporary interpretation of the design of historic commercial and mixed-use buildings that were constructed along Sutter Street during the mid- to late nineteenth century. The brick veneer cladding is ornamented with a dentilled brick cornice that references similar brick cornices on historic buildings in the Subarea and other Gold Rush-period towns. The proposed building also has a simple, stepped parapet, similar to the false fronted buildings with street-facing parapet walls that line Sutter Street.

Covered awnings that extend over the sidewalk, some of which also act as second-story balconies, are characteristic of the Sutter Street Subarea. The proposed building features an awning, balcony, and rooftop deck that are similar in function, scale, and design to those of historic buildings, though, as previously discussed, they differ in materials. The curved building corner at the intersection of Scott and Sutter streets, meanwhile, introduces a more modern element to the building's design; however, because it is only visible from secondary vantage points, it does not detract from the overall appearance and continuity of Sutter Street's streetscape. The proposed building has an otherwise minimal design that is reflective of its time. The combination of modern interpretations of historic design features adds visual detail and richness to the design of the proposed building that enhance its compatibility with the surrounding historic Subarea.

### *Streetscape and Other Features*

The proposed building's design is consistent with the historic streetscape elements of the Sutter Street Subarea. The proposed building's footprint is set back a few feet from the sidewalk along Sutter Street to accommodate a lightwell and entries at the north facade, and has no setback to a small setback from the property line along Scott Street. This footprint is consistent with the typical minimal or zero lot line setbacks of historic commercial and mixed-use buildings from the sidewalk within the Sutter Street Subarea. Characteristic street and sidewalk widths of the district will be retained. Although the project proposes to excavate a portion of the site to construct the building on a level grade, this will be limited to the project site and will not impact the characteristic ascending slope of Sutter Street.

### *Summary of Design Compatibility with Sutter Street Subarea*

In summary, Page & Turnbull determined that the proposed building is compatible with the character-defining features of the Sutter Street Subarea, including its flat roof and minimal setback from the sidewalk; ground-floor storefront and tall, narrow upper-story windows; use of brick exterior cladding; and incorporation of characteristic architectural features such as a covered awning, stepped parapet wall, and decorated brick cornice. The proposed building's broad horizontal massing and large scale have been addressed through the use of side and rooftop setbacks and the articulation of the facades into more compatible volumes. Some aspects of the proposed project differ from those of the historic district, including the rounded corner design at Sutter and Scott streets and the use of contemporary materials and features, such as horizontal cement fiber siding, divided-lite aluminum windows and French doors, corrugated metal roofing, and steel structural supports. These differences generally represent modern interpretations of historic programmatic needs and construction technology that characterize the Subarea. With respect to modern building materials, the Historic District Design and Design Guidelines encourage the use of high quality commercial grade materials and new materials that are complementary to the historic context of the building and the proposed project complies with those guidelines.

The Project Analysis Memorandum prepared for the proposed project by Page & Turnbull also evaluated the architecture and design compatibility of the proposed project relative to historic resources in the immediate project area using Standard 9 of the *Secretary of the Interior's Standards for Rehabilitation* as a guiding principle, which reads: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."

There are no historic resources on the proposed project site. Historic resources in the immediate project area include the Cohn House which was originally constructed in the 1860's and was listed on the National Register of Historic Places in 1982. The Cohn House, which is located directly to the east of the project site across Scott Street, is



considered a particularly good local representation of late 19<sup>th</sup> century residential architecture. The Cohn House features a great variety of architectural form and details typical of the Queen Anne style of design. The large size and impressive siting of the Cohn House on a hill overlooking the historic district also add to its visual importance.

The other historic resource in the immediate project area is a former library building located directly to the west of the project site. The former library building, which was constructed around 1915, is listed on the City's Cultural Resource Inventory. The former library building consists of a one-story wood frame building with a simple rectangular floor plan and a front-facing gable roof with wide overhanging eaves and exposed rafter tails. The front, northwest façade of the former library building has a full-width porch; both the building and porch supports are clad with painted wood shingles. Non-original windows and doors at the front facade of the former library building are surrounded by molded wood trim, and modern concrete stairs extend up the steep sloping grade of the site to the front porch from Sutter Street.

The proposed building differs in scale, massing, materials, and design from those of the Cohn House and former library building. Unlike the Cohn House and library building, which have generous setbacks and greenspace, the proposed new building has a much larger footprint that fills nearly the entirety of the parcel and, like other commercial buildings on Sutter Street, it is minimally set back from the public right-of-way. The proposed three-story building exhibits wide, horizontal massing and a flat roof in contrast to the tall, narrow massing and gabled roofs of the Cohn House and the smaller, boxy massing of the library building. Subtle setbacks at the northwest end of the north façade and southeast end of the east façade provide some visual relief between the minimal setback and larger massing of the proposed building and the deeper setbacks and one-story massing of the library building and an adjacent house at 305 Scott Street. Although this massing is different than the individual massing of the Cohn House and library building, it is consistent with the larger massing, continuous wall faces, and lack of front or side setbacks that are typical of the historic commercial and mixed-use buildings that characterize the majority of the Sutter Street Subarea to the southwest. The design of the proposed building, thus, reflects the historic character of its immediate setting along the primarily commercial Sutter Street corridor where the street begins to transition to smaller historic residential development at the north end of the Sutter Street Subarea and into the adjacent Figueroa Subarea. Therefore, the difference in massing between the proposed building, Cohn House, and library building does not detract from the integrity of the historic setting of the adjacent historic resources.

Even though the building is three stories tall, the design utilizes the sloping grade of the project site and incorporates setbacks on the upper stories to reduce the overall massing of the building and provides a smooth transition from the small, one-story height of the library building at the south end to the three-story Cohn House at the top of the hill with its tall, visually dominant tower. The first two stories of the proposed new building roughly align with the ridge height of the adjacent library building; the setback of the third story from Sutter Street and Scott Street and its increased step back immediately adjacent to

the library building minimize the appearance of the building's third story and give the impression of a smaller two-story building from the street level. Due to the sloping grade of the site, the proposed building appears as a two-story building at its east façade, facing the Cohn House, and as a one-story building at its south façade, facing an adjacent, non-historic residence at 306 Scott Street. Thus, the building's height is compatible with the height of the neighboring historic resources and their immediately surrounding setting.

The materials of the proposed building, while different from those of the Cohn House and library building, are compatible with the mix of materials that are displayed on historic commercial and residential buildings along this section of the Sutter Street Subarea. The Cohn House and library building are both wood framed buildings with wood cladding, wood window and door trim, wood porch supports, wood ornamentation, and shingled roofs. The proposed building, on the other hand, features brick veneer cladding on the first two floors; horizontal cement fiber siding on the set-back third story; a mix of steel and wood balcony and awning structural systems; and corrugated metal roofing. The use of wood balcony supports at the northwest corner of the building is compatible with the wood cladding and materials of the Cohn House and historic library building. Although it is not made of wood, the use of horizontal cement fiber siding on the recessed third story will be designed to visually appear like wood. Thus, this material will be compatible with the historic materials in the Subarea while being clearly differentiated from them. This horizontal cement fiber siding will also cover the entirety of the south façade that faces an adjacent residential property at 306 Scott Street and roughly three-quarters of the east façade facing the Cohn House, softening the transition between the proposed building and the primarily wood material of the adjacent historic resources. Although the brick veneer cladding on the first two stories of the new building is inconsistent with materials of the immediately adjacent historic resources, it reflects similar masonry facades of several historic commercial and mixed-use buildings (Fire and Rain Building, Folsom Electric Building, Sutter Court Building, and Scott's Seafood Building) on blocks of the Sutter Street Subarea to the north and west of the project site. Thus, similar to the discussion on massing, the use of varied materials on the proposed new building is compatible with the mixed commercial and residential character of the immediately surrounding block, and does not detract from the integrity of the neighboring individual historic resources' setting.

Perched on a large, elevated parcel on a hill at the corner of Sutter and Scott streets, overlooking the rest of the Sutter Street Subarea to the southwest, the tall 1890s house at the Cohn property is a visual landmark that characterizes views at the northeast end of the Sutter Street Subarea as it transitions to the primarily residential Figueroa Subarea to the north and east. The library building, which is diminutive in size and generously set back from the street, generally recedes into the background and does not present a prominent visual focal point of the streetscape. Although the proposed project will obstruct some views of the Cohn House from the far south end of Sutter Street closer to Riley Street, other taller new developments at 604/602 and 607 Sutter Street have already affected views of the property as well as the historic library building. Both resources will remain visible from the middle of the block as one travels north along Sutter Street, and

when looking from Scott Street to the north and south. The three-story height of the proposed building and its siting into the sloped grade of the lot, as well as the unimpacted garden at the northwest side of the Cohn House property, allow the Cohn House to maintain its visual dominance at the top of Sutter Street.

*Summary of Design Compatibility with Historic Resources*

Although the proposed project is larger in scale than the Cohn House and the former library and differs in its use, massing, materials, and design, these differences reflect the mixed commercial and residential character and variety of historic and non-historic buildings of the immediately surrounding blocks of the Sutter Street Subarea. Based on the above, Page & Turnbull determined that the proposed building would not affect the ability of the two individual historic resources to convey their historic significance.

**C. Encroachments**

Excavation and construction-related activities associated with the proposed project may result in an encroachment into the public right-of-way along Sutter Street and Scott Street. As set forth in the project application documents, the applicant proposes to comply with the City's Standard Construction Specifications and City Design Standards. Staff recommends that the owner/applicant obtain an encroachment permit from the City for any work conducted in the public right-of-way. Condition No. 43 is included to reflect this requirement.

The proposed building includes a number of architectural features and improvements that will be located in the public right-of-way along Sutter Street and Scott Street. Encroachments into the Sutter Street public right-of-way include the second level balcony, roof cornice elements, a concrete patio, landscaping, fencing, and construction of an ADA accessible handicapped parking space. Encroachments in the Scott Street right-of-way include a concrete walkway, a retaining wall, and landscaping. As noted above, Condition No. 43 has been included and it also requires the applicant to enter into an encroachment agreement with the City for maintenance of private structures and improvements located within the public right-of-way.

As mentioned above, the project includes a second level balcony along Sutter Street that will provide cover and shade for pedestrians on the ground level. The Historic District Design and Development Guidelines (DDG's Section B.6 Walkway Coverings in the Sutter Street Subarea) state that the intent of walkway coverings in the Sutter Street Subarea is to create a pleasing pedestrian environment and Subarea continuity. The DDG's state that walkway coverings are traditional to the Sutter Street Subarea and are intended to protect shoppers and window displays from sunlight and inclement weather. The DDG's also state that new construction on Sutter Street shall provide a walkway covering over the sidewalk. Lastly, the DDG's state that with an encroachment permit, sidewalk canopies and awnings in the Sutter Street Subarea are allowed to project a maximum of 9 feet 6 inches beyond the property line with a minimum of eight feet of clearance to the sidewalk. As shown on the submitted development plans, the second story canopies and balconies associated with the proposed project extend beyond the

property line approximately 5 feet 1 inch, which is consistent with the requirements of the DDG's.

Folsom Municipal Code section 17.52.400 explains that while normally the standards in the FMC control when they conflict with the guidelines in the DDGs, exceptions to the FMC design standards may be permitted by the Historic District Commission when unique individual circumstances require the exception in order to comply with the purpose of this chapter. In this case, the general rule requiring architectural features not to be closer than 3 feet to a property line applies throughout the Historic District and does not take into account the specific features of Sutter Street. The DDG guideline allowing walkway coverings in the Sutter Street Subarea to project up to 9 feet 6 inches beyond the property line is specifically tailored to the project location and expresses the clear intent of the City Council on this issue. City staff determined that an exception to the design standards stated in FMC 17.52.420 would be appropriate in order to comply with the purpose of Chapter 17.52, as specifically expressed in DDGs Section B.6. The Historic District Commission will consider whether to permit the exception as a part of its review of the proposed project.

#### **D. Traffic/Access/Circulation**

##### Existing Roadway Network

The project site is located at the southwest corner of the intersection of Sutter Street and Scott Street (603 Sutter Street) within the Historic District. Since no on-site parking is proposed with the project, vehicles traveling to the project site will utilize existing on-street parking, public parking lots, and public parking garages within the Historic District.

Significant roadways in the project vicinity include Riley Street, Sutter Street, and Scott Street. In the vicinity of the project site, Riley Street is a two-lane, north-south arterial roadway that runs through the center of the Historic District and crosses Lake Natoma along the Rainbow Bridge. Sutter Street is a two-lane, east-west local roadway that provides access to the Folsom Historic District between Folsom Boulevard and east of Riley Street. Scott Street is a two-lane, north-south local roadway that provides access to the eastern edge of the Historic District between Greenback Lane/Riley Street to Persifer Street.

The traffic, access, and circulation analysis associated with the proposed project is based on the results of a Traffic Impact Study and a Trip Generation Memorandum that were prepared by Kimley Horn & Associates on July 30, 2019 and August 8, 2023 respectively. The Traffic Study analyzed traffic operations at the following five study intersections in the vicinity of the project site:

- Riley Street/Greenback Lane at Folsom-Auburn Road
- Riley Street at Scott Street
- Riley Street at Leidesdorff Street

- Riley Street at Sutter Street
- Sutter Street at Scott Street

Four different scenarios were evaluated in reviewing traffic operations at the five aforementioned study intersections including: Existing Conditions (2019), Existing Conditions (2019) Plus Project, Cumulative Conditions (2035), and Cumulative Conditions (2035) Plus Project. The Traffic Study determined that the proposed 603 Sutter Street Mixed-Use Building project is expected to generate a total of 15 vehicle-trips during the weekday AM peak hour and 26 vehicle trips during the weekday PM peak hour if the first floor of the project is occupied by strictly retail uses. The Traffic Study also determined that the project is expected to generate a total of 33 vehicle-trips during the weekday AM peak hour and 34 vehicle trips during the weekday PM peak hour if the first floor of the project is occupied by a sit-down restaurant. Overall, the proposed project is projected to generate a total of 214 daily vehicle trips (first floor retail) or 359 daily vehicle trips (first floor restaurant). Based on the relatively low volume of project-related vehicle trips, the Traffic Study concluded that the proposed project would not have a significant impact on vehicle level of service (LOS) at any of the five study intersection under any of the four scenarios evaluated.

The Governors' Office of Planning and Research (OPR) has published guidance recommending a CEQA threshold for transportation impacts of land use projects of a 15% Vehicle Miles Traveled (VMT) reduction per capita, relative to either city or regional averages, based on the California's Climate Scoping Plan. Under State Law (SB 743), VMT became the only CEQA threshold of significance for transportation impacts on July 1, 2020. However, the California Environmental Quality Act (CEQA Section 15064.43(b)(1)) states that land use projects that are located within one-half mile of an existing major transit stop, such as the subject project, should be presumed to cause a less-than-significant transportation impact; thus, they are not subject to the recently established VMT requirements.

Construction of the proposed project would involve trenching within Sutter and Scott Streets to connect the project to existing underground utilities. In addition, construction operations are likely to involve activities associated with hauling excess earth materials and construction materials to and from the project site. These construction operations have the potential to result in temporary lane closures on Sutter Street and Scott Street, resulting in delays and queuing of vehicle traffic in the project vicinity. The applicant has agreed to Condition No. 44, the City's standard requirement to submit and follow a Traffic Control Plan, which ensures that adequate emergency access, pedestrian and cyclist safety, and coordination with service providers are maintained during construction:

- Prior to the initiation of construction, the applicant, any successor in interest, and/or its contractor shall obtain an encroachment permit from the City of Folsom for construction within Sutter and Scott Streets. The applicant, any successor in interest, and/or its contractor shall prepare a Traffic Control Plan (TCP) that meets the requirements of the City. The TCP shall include all required topics,

including traffic management during each stage of construction, maintaining emergency service provider access by, if necessary, providing alternate routes, repositioning emergency equipment, or coordinating with nearby service providers for coverage during construction closures, covering trenches during the evenings and weekends, pedestrian safety/access, and bicycle safety/access. A component of the TCP will involve public dissemination of construction-related information through notices to adjacent neighbors, press releases, and/or the use of changeable message signs. The project contractor will be required to notify all affected residences and businesses, post the construction impact schedule, and place articles and/or advertisements in appropriate local newspapers regarding construction impacts and schedules.

## E. Parking

As noted in the project description, the proposed project does not include the provision of any parking spaces. Assembly Bill 2097 was signed into law by the Governor on September 22, 2022 and became effective on January 2, 2023. Government Code section 65863.2, a new statute enacted as a part of AB 2097, prohibits public agencies (City of Folsom in this case) from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of a major transit stop. As relevant here, state law defines a site containing an existing light rail station as a major transit stop.

As the proposed project is located within a half-mile of a major transit stop (approximately 0.3 miles from Historic Folsom Light Rail Station), staff has determined that Government Code section 65863.2 prohibits the City from imposing or enforcing the minimum parking requirements established by the Folsom Municipal Code on the proposed project.

Under certain limited circumstances, the City may impose or enforce minimum parking requirements on projects within one-half mile of a major transit stop. For example, if certain procedural requirements are met, Government Code section 65863.2(b)(3) could allow the City to enforce minimum parking requirements on certain projects within one-half mile of a major transit stop if it finds that failing to do so would have a substantially negative impact on existing residential or commercial parking within one-half mile of the housing development project.

By its terms, this exception only applies to housing development projects. For purposes of this analysis, a housing development project is defined as a use consisting of any of the following: (a) residential units only; (b) mixed use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use; or (c) transitional housing or supportive housing.

Subsection b, regarding mixed use developments, is relevant here. While the proposed project is a mixed-use development consisting of residential and nonresidential uses, only 3,630 square feet, or less than one-third of the square footage, is designated for

residential use. As a result, the proposed project does not meet the definition of a housing development project as stated in Government Code sections 65863.2(e)(1) and 65589.5(h)(2).

Because the proposed project does not meet the definition of a housing development project, the exception to the new rules does not apply. Therefore, staff has determined that the proposed project is not required to provide any on-site or off-site parking spaces.

Nevertheless, Assembly Bill 2097 does not reduce, eliminate, or preclude the enforcement of any existing requirement to provide parking spaces that are accessible to persons with disabilities that would have otherwise applied to a project within one-half mile of a major transit stop in the absence of the provisions referenced above. In this case, FMC, Section 17.57.050(B)(1) requires that projects with a parking requirement of between 0 and 40 parking spaces must provide 1 handicapped parking space. Therefore, although zero parking spaces are required pursuant to Government Code section 65863.2, one parking space accessible to persons with disabilities must be provided.

To address this requirement, the applicant is proposing to replace one existing non-accessible on-street parking space in front of the project site along Sutter Street with an accessible parking space. This would provide the most direct access to the building entry on Sutter Street. In addition, two existing non-accessible on-street parking spaces will remain in front of the project site along Sutter Street once the project is complete. Staff recommends that the final design of the proposed ADA accessible parking space on Sutter Street be subject to review and approval of the Community Development Department and the Public Works Department. Condition No. 47 is included to reflect this requirement.

## **F. Noise Impacts**

The noise environment in the vicinity of the project site consists primarily of traffic-related noise generated from vehicles on Sutter Street and Scott Street and, to a lesser extent, traffic-related noise from Riley Street. Lesser sources of noise in the project area include those arising from typical urban activities, including those associated with nearby commercial uses. There are no industrial noise sources located in the vicinity of the proposed project, and there are no airports located within two miles of project site. Persons and activities potentially sensitive to noise in the project vicinity include residents of homes to the south and east of the project site.

Potential noise impacts associated with the proposed project can be categorized as those impacts resulting from construction activities and those impacts resulting from operational activities. Construction noise would have a short-term effect, while operational noise would continue throughout the lifetime of the project.

Construction of the proposed project would temporarily increase noise levels in the project vicinity during the construction period, which would take approximately 12 months.

Construction activities, including site clearing, excavation, grading, building construction, and paving, would be considered an intermittent noise impact throughout the construction period of the project. The City's Noise Ordinance excludes construction activities from meeting the General Plan Noise Element standards, provided that all phases of construction are limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays, and between 8:00 a.m. and 5:00 p.m. on Saturdays. To ensure compliance with the City's Noise Control Ordinance and General Plan Noise Element, staff recommends and the applicant agrees that the following standard measures be implemented (Condition No. 36):

- **Construction Hours/Scheduling:** The following are required to limit construction activities to the portion of the day when occupancy of the adjacent sensitive receptors are at their lowest:
  - Construction activities for all phases of construction, including servicing of construction equipment shall only be permitted during the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. to 5:00 p.m. on Saturdays. Construction shall be prohibited on Sundays and on all holidays.
  - Delivery of materials or equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.
- **Construction Equipment Mufflers and Maintenance:** All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
- **Idling Prohibitions:** All equipment and vehicles shall be turned off when not in use. Unnecessary idling of internal combustion engines is prohibited.
- **Equipment Location and Shielding:** All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from adjacent homes. Acoustically shield such equipment when it must be located near adjacent residences.
- **Quiet Equipment Selection:** Select quiet equipment, particularly air compressors, whenever possible. Motorized equipment shall be outfitted with proper mufflers in good working order.
- **Staging and Equipment Storage:** The equipment storage location shall be sited as far as possible from nearby sensitive receptors.
- **At least 5 days prior to the initiation of grubbing or other ground disturbing construction operations, the project applicant, and successor in interest, or the general contractor in charge will provide a notice of the initiation of construction**



to all parcels located within 250 feet of the project site. Such notice shall contain an outline of construction activities, their duration, and contact information for a person designated to respond to public questions and complaints regarding construction activities.

As an undeveloped project site located within an existing commercial and residential area, there are no existing sources of vibration or ground borne noise on the project site or in the project vicinity. Due to the shallow depth to bedrock across much of the site, the leveling of the building pad would require ripping by heavy equipment. To minimize the noise associated with removal of bedrock, staff recommends that the following measure be implemented (Condition No. 37):

Condition No. 37

Prior to the removal of any bedrock, the owner/applicant, any successor in interest, or the project contractor shall prepare a bedrock removal plan for review and approval by the Community Development Department. No removal activity shall occur prior to City approval. The bedrock removal plan shall be prepared by a licensed geologist, engineer, or equivalent accredited professional, and will include at least the following components:

- The location, volume, and type of bedrock to be removed;
- Removal procedures to be used including both primary and optional procedures if necessary;
- The expected duration of removal activities;
- Type of equipment to be used;
- Any types of chemical or other materials to be used, including any storage and safety requirements;
- Requirements for personal safety and the protection of private and public property; and
- A program to notify all parcels within 250 feet of the project site.

As mentioned previously, the noise environment in the vicinity of the project site consists primarily of Sutter Street and Scott Street traffic noise and, to a lesser extent, Riley Street traffic noise. Traffic noise from vehicles on Riley Street were measured at 64 dB Ldn at a point 100-feet from the centerline of the street; traffic noise had degraded to less than 60 dB Ldn at 199 feet from the street centerline. The project site is located approximately 400 feet from Riley Street. By the year 2035, these noise levels would increase to 65 dB Ldn at 100 feet from the centerline and the 60 dB Ldn contour would be located 218 feet away from the centerline. As noted above, doubling sound energy results in a 3-dB increase in sound; therefore, doubling sound energy (e.g., doubling the volume of traffic on a highway) would result in a barely perceptible change in sound level. The traffic study prepared for this project indicates that increases in traffic as a result of the project would be minor, and substantially less than a doubling of traffic volumes at any location. Therefore, staff has determined that the operation of the proposed project would not create a noticeable increase traffic noise in the project vicinity.

The project may also result in the creation of intermittent operation noises which would be generated by customers, employees, and residents of the mixed-use building utilizing the ground level patios area, the second floor deck, and the third floor deck. Each of the aforementioned outdoor use areas will be screened from the nearby single-family residences to the south by the proposed three-story building, thus reducing potential noise-related impacts. Activities that could occur in the outdoor use areas, their duration, or their frequency are currently unknown, but would be subject to the noise standards of the Noise Ordinance as set forth in Chapter 8.42 of the Folsom Municipal Code, including the performance standards/limitations contained in Table 8.42.040 of the Ordinance.

### **G. Retaining/Stem Walls**

As shown on the preliminary grading and drainage plan (Attachment 6), grading of the project site to establish the foundations, subgrade, and building pad would require cuts on the project site ranging from up to 20 feet in depth at the rear of the building to three feet in depth at the building's northwest corner adjacent to Sutter Street.

To permanently maintain the stability of the cut slopes, retaining walls would be constructed at the rear of the site (13 to 18 feet tall) and along the western site boundary one to 11 feet tall). Retaining walls would act to prevent collapse or settlement of existing structures both south and west of the site in addition to protecting the proposed building from the potential failure of surrounding slopes. Retaining walls would be incorporated into the first floor of the building at both locations; in the rear of the building, and a portion of the second floor would also be used to retain the slope. Excavation and construction activities associated with incorporated retaining walls on the west side and the rear of the building could encroach into the planned building setbacks. However, these areas would be backfilled and leveled at the completion of construction.

Freestanding retaining walls (5 to 15 feet tall) would be constructed near the northeast corner of the project site adjacent to the intersection of Sutter and Scott Streets, and along the Scott Street frontage of the proposed project. Freestanding retaining walls (2-5 feet tall) would also be located along a small portion of the Sutter Street frontage. These retaining walls would be separated from the building to provide an outdoor seating area and a walkway. Staff recommends that the final location, design, height, materials, and colors of the retaining and stem walls be subject to review and approval by the Community Development Department. Condition No. 30 is included to reflect this requirement.

### **H. Building Lighting**

Proposed lighting for the building includes four different types of wall-mounted lighting including three different kinds of gooseneck-style light fixtures and recessed LED light fixtures. The gooseneck-style light fixtures, which feature copper, steel, and aluminum finish, have been designed to complement architecture and design of the building. The building-attached light fixtures are located at strategic locations on the north, south, and west building elevations to highlight the architectural features of the building. Specific

details regarding the design, materials, and colors of the gooseneck light fixtures are shown in Attachment 15. As gooseneck-style lighting is commonly found along Sutter Street and is considered historic in nature, staff has determined that the proposed wall-mounted lighting is consistent with the Historic District Design and Development Guidelines. Staff does recommend that the final exterior building and site lighting plans be submitted for review and approval by Community Development Department for location, height, aesthetics, level of illumination, glare and light trespass prior to the issuance of any building permits. Condition No. 24 is included to reflect these requirements.

### **I. Trash/Recycling**

As shown on the submitted building elevations and floor plans (Attachment 10), the proposed project includes construction of a trash/recycling enclosure within the first floor of the building. The trash/recycling enclosure, which is located on the western side of the building, will be accessed by a metal roll-up door (not directly visible from Sutter Street). Staff recommends that the owner/applicant coordinate with the City's Solid Waste Division regarding days, times, and location for collection of the trash, organics, and recycling containers from the project site. Condition No. 29 is included to reflect these requirements.

### **J. Signage**

The Historic District Design and Development Guidelines encourages graphic design and signage that attracts business and contributes to the quality of the historic commercial environment. Sign types recommended by the Design Guidelines include wall signs, awning signs, window signs, under canopy signs, and blade signs. Appropriate sign materials include wood, metal, or other historically appropriate combination of materials. Signs are permitted to be externally illuminated; however, internally illuminated plastic letters and cabinet signs are not allowed.

The Folsom Municipal Code (FMC, Section 17.52.510 E) indicates that each business whose entry door is located in the building frontage is permitted one wall sign that does not exceed 75 percent of the length of the building or tenant frontage. Businesses with frontage on more than one street may also place a wall sign on each building frontage. The Design Guidelines state that each building with a lineal building frontage of greater than 60 feet are allowed a maximum of 50 square feet of wall sign area to be distributed among all wall signs. In addition to the wall sign, each business is allowed one under canopy sign or similar sign with a maximum sign area of 3 square feet and a minimum of eight feet of clearance from the ground. However, the Historic District Commission may approve an increase in size for an under canopy sign in exchange for a reduction in the size of a wall sign.

The applicant has submitted a Uniform Sign Program (Attachment 16) to provide project identification for the proposed building and its tenants. The Sign Program includes two

wall signs located on the Sutter Street and Scott Street building façades respectively, four under-canopy signs on the Sutter Street frontage, and a wall-mounted directory sign located adjacent to the building entrance on Scott Street. The two wall-mounted signs feature individual, black-colored letters that are proposed to be constructed of steel. The four hanging under-canopy signs are proposed to be aluminum cabinets with black painted-on lettering. The building directory sign is proposed to be constructed of aluminum with a bronze and black background. The following table provides the specific details regarding the proposed signs:

TABLE 2: 603 SUTTER STREET BUILDING UNIFORM SIGN PROGRAM

Uniform Sign Program for 603 Sutter Street Mixed-Use Building					
Qty	Sign Type	Building Frontage	Sign Area	Sign Placement	Illumination
2	Wall-Mounted Sign	94 feet	7 SF	Mounted on building facades	Indirect Lighting
4	Under-Canopy Hanging Sign	94 feet	6.5 SF	Suspended under balcony	None
1	Wall-Mounted Directory Sign	94 feet	4 SF	Mounted on Exterior Wall	None
<b>Total Sign Area: 44 Square Feet</b>					

In reviewing the submitted Uniform Sign Program, staff is supportive of the two proposed walls signs located on the Sutter Street building façade because they will provide proper identification for the overall building, will meet the maximum sign area requirement of 50 square feet, and feature a design and materials that are consistent with the Design Guidelines. Staff is also supportive of the four under canopy signs due to their location, size, and design. With respect to the size of the under canopy signs, staff supports these signs being 6.5 square feet in size versus 3 square feet in size as required by the Municipal Code as these signs will be the primary means of identification for ground-level retail tenants and the project is not utilizing their allotted square footage (50 square feet) of wall sign area. As stated previously, the Folsom Municipal Code (FMC Section 17.52.510(E)(2)) provides the Historic District Commission with the authority to allow any unused wall sign area (36 square feet of unused wall sign area in this case) to be transferred to the sign area for under canopy signs. Lastly, staff is supportive of the directory sign located at the building entrance on Scott Street. Staff recommends that the following conditions be applied to the Uniform Sign Program to ensure proper implementation of staff direction (Condition No. 31):

- The 603 Sutter Street Mixed-Use Project is approved for two wall-mounted signs, four under canopy signs, and one wall-mounted directory sign as illustrated and described in the submitted Uniform Sign Program (Attachment 16)

- The applicant/owner shall obtain the necessary sign and building permits before installing any signs.

## **K. Existing and Proposed Landscaping**

Existing vegetation on the 0.17-acre project site includes a mixture of bamboo, non-native grasses, and 20 trees comprised of 11 native oaks trees and 9 ornamental trees. Due to the significant amount of grading required for development of the project site, all of the existing vegetation on the project site will be removed. Additional information regarding the tree removals can be found in the Biological Resources section of this report. However, there is an existing landscape planter along the Sutter Street frontage that contains a street tree and shrubs which will be preserved.

Proposed landscape improvements, which will be located along the Scott Street frontage, include three street trees (Japanese Maple), shrubs, and groundcover. Proposed shrubs and groundcover include Blue Oat Grass, Cast Iron Plant, Creeping Snowberry, English Lavender, Fortnight Lily, New Zealand Flax, Rosemary, and Sageleaf Rockrose. Staff recommends that the final landscape plans be reviewed and approved by the Community Development Department. Condition No. 32 is included to reflect this requirement.

## **L. Biological Resources**

As mentioned previously, the vegetation community present on the project site is a mix of ruderal (weedy) grassland, mainly consisting of nonnative annual grasses, and woodland that is a mixture of native and horticultural trees. The nearest undeveloped biological habitat is located within the American River Parkway, approximately 425 feet west/northwest of the project site, separated from the project by buildings, parking lots, and roadways. The nearest point on the American River (Lake Natoma) is approximately 1,000 feet northwest of the site, also separated by intervening urban development. Wildlife use of the site is limited to species that are adapted to urban environments.

The native oak and ornamental trees on the project site may provide nesting habitat for bird species found in the vicinity of the project. Tree-cutting and excavation activities associated with the proposed project could potentially impact federally protected nesting birds. If construction activities are conducted during the nesting season (from March to September), nesting birds could be directly impacted by tree removal, and indirectly impacted by noise, vibration, and other construction-related disturbance. As set forth in the project application materials, the applicant proposes to comply with the Migratory Bird Treaty Act and California Fish and Game Code provisions protecting special status and migratory birds by including the following standard requirement<sup>1</sup> in the project design (Condition No. 40):

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<sup>1</sup> “An agency may rely on generally applicable regulations to conclude an environmental impact will not be significant and therefore does not require mitigation.” (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1033, citing *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th

- Avoid construction or tree removal during the nesting season (from March through September). If construction activities will occur during the nesting season and trees on the site have not been removed, no more than 30 days prior to the initiation of construction, preconstruction surveys for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within a 500-foot radius of the proposed construction area. If active nests are identified in these areas, construction should be delayed until the young have fledged, or the CDFW should be consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing, or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Arborist reports (Attachment 19) prepared for the project by Arborwell on March 21, 2017, ECORP Environmental Consultants on March 12, 2019, and California Tree and Landscape Consulting, Inc. on July 14, 2022 identified 11 protected oak trees that would be impacted by development of the proposed project. Protected trees that would be removed under the current tree removal plan include 11 oak trees that meet the definition of *protected native oak tree*. The City of Folsom Tree Preservation Ordinance (FMC, Chapter 12.16) applies and operates to protect oak trees throughout the City. To account for the removal of protected oak trees from the project site, staff recommends that the following measures be implemented (Condition No. 34 and No. 35):

Condition No. 34

- The project is subject to the Tree Preservation Ordinance and any mitigation required as a result of impacts to oak trees. The owner/applicant shall retain a certified arborist for the project. The project arborist will oversee tree removal and the preservation of the trees on site during and after construction. The owner/applicant shall provide funding for this arborist.

Condition No. 35

- Prior to the initiation of ground disturbance, the owner/applicant or any successor in interest shall comply with City's Tree Preservation Ordinance by obtaining a Tree Removal Permit and implementing a City-approved Tree Protection and Mitigation Plan.

**M. Cultural Resources**

As part of the proposed project, a records search was conducted of the North Central Information Center (NCIC). The NCIC records search indicated that there is one historic district and nine historic period resources that lie within a 200-foot radius of the project

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912, 932–934; *Association for Protection Etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 734–736 [categorical exemption].)

site. According to all available information, the proposed project site is in a highly sensitive area related to the possible discovery of subsurface historic resources. While the project site is considered to be low sensitivity for archaeological resources, project construction could result in the destruction or degradation of unknown cultural, historic, or archaeological resources. Project construction could also result in the destruction or degradation of human remains. As set forth in the project application documents, the applicant proposes to account for potential impacts to unknown prehistoric resources, historic resources, and human remains by including the following standard requirements in the project design (Condition No. 38 and No. 39):

Condition No. 38

- If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides recommendations to the City. The City shall determine and require implementation of the appropriate measures as recommended by the consulting archaeologist. The City may also consult with individuals that meet the Secretary of the Interior's Professional Qualifications Standards before implementation of any recommendation. If agreement cannot be reached between the project applicant and the City, the Historic District Commission shall determine the appropriate implementation method.

Condition No. 39

- Pursuant to §Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of discovery of human skeletal remains, however fragmentary or disturbed from their original context, the Sacramento County Coroner and the Native American Heritage Commission are to be notified of the discovery immediately. All work in the vicinity of the find is to cease, and there shall be no further excavation or disturbance of the find site or any nearby area reasonably suspected to overlie adjacent remains until the coroner has determined whether the remains are those of a Native American.

If the remains are determined to be those of a Native American, the coroner must contact that California Native American Heritage Commission. CEQA Guidelines (Public Resources Code Section 5097) specify the procedure to be followed in the event of discovery of human remains on non-Federal land. The disposition of Native American burials is within the jurisdiction of the Native American Heritage Commission. Upon request, the NAHC will provide project leaders with a list of Most Likely Descendants, who will specify treatment and disposition of any Native American remains found within the Area of Potential Effects of a project. Human remains and associated grave goods are protected under Section 5097.94 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code.

## **PUBLIC COMMENTS**

Prior to February 23, 2023, the City received numerous letters from the public regarding the originally proposed project and subsequent iterations of the project, those letters are included as Attachment 21 to this staff report. The City has also received numerous letters from the public regarding the current proposed project, those letters are included as Attachment 20 to this staff report. City staff has prepared a response to the comments from the public regarding the current proposed project, that response is included as Attachment 22 to this staff report.

## **PUBLIC NOTICING AND OUTREACH**

In accordance with the requirements of the Folsom Municipal Code (FMC, Section 17.52.320 Posting of Site), two public notices were posted on the project site at least five days prior to the Historic District Commission meeting (public notice and amended public notice were posted on August 16, 2023 August 24, 2024 respectively). Although not required by the Folsom Municipal Code, a copy of the public notice and amended public notice were published in the Folsom Telegraph on August 24, 2023 and August 31, 2023 respectively. A copy of the public notice and amended public notice were also provided via email to interested community organizations including the Heritage Preservation League (HPL), the Historic Folsom Residents Association (HFRA), the Chamber of Commerce, and the Folsom Historic District Association (FHDA) on August 16, 2023 and August 24, 2023 respectively. In addition, a copy of the public notice and amended public notice were sent via email to a list of residents who had previously expressed interest in the proposed project on August 16, 2023 and August 24, 2023 respectively. The amended public notice simply clarified who is eligible to file an appeal regarding the proposed project to the City Council and the process for filing an appeal.

On June 27, 2023, City staff sent an email communication to the Heritage Preservation League (HPL), the Historic Folsom Residents Association (HFRA), the Chamber of Commerce, and the Folsom Historic District Association (FHDA) providing them with an update on the status of the proposed project, providing them with a link to the City's website to view the project details, and encouraging them to provide feedback regarding the proposed project to the City at their earliest convenience.

## **ENVIRONMENTAL REVIEW**

In reviewing the submitted Design Review Application, City staff determined that the proposed project was potentially eligible for a categorical exemption from environmental review under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act Guidelines. To be considered eligible for this particular exemption, the proposed project must meet the following criteria:



- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare, or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

A Categorical Exemption Supplemental Analysis (Attachment 18) was prepared by Planning Partners, Inc. in August of 2023 to evaluate whether the proposed project is eligible for a categorical exemption under Section 15332 (In-Fill Development Projects). The Analysis determined that the proposed project meets all of the criteria referenced above to be eligible for a categorical exemption under Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act Guidelines. City staff reviewed the Categorical Exemption Analysis provided by Planning Partners, Inc. and made the determination that the proposed project satisfies the statutory criteria referenced above and therefore it is exempt from environmental review pursuant to the Infill Exemption.

The CEQA Guidelines include a number of potential exceptions to the applicability of categorical exemptions. Below is a list of the exceptions that were considered potentially relevant to the use of a categorical exemption for the proposed project:

**15300.2(b) Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

**15300.2(c) Significant Effects Due to Unusual Circumstances.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

**15300.2(f) Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The Categorical Exemption Supplemental Analysis prepared by Planning Partners, Inc. determined that none of the exceptions to use of the categorical exemption are applicable to the proposed project.

City staff agreed with the Planning Partners' analysis and determined that none of the potential exceptions to the use of a categorical exemption are applicable in this case.

The California Supreme Court has explained that "listing a class of projects as exempt, the Secretary has determined that the environmental changes typically associated with projects in that class are not significant effects within the meaning of CEQA, even though an argument might be made that they are potentially significant." (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4<sup>th</sup> 1086, 1104-1105.)

With respect to the potential applicability of the exception for cumulative impacts, staff considered the cumulative impacts of projects of the "same type" in the "same place" over time. In this case, the City considered projects of the "same type" to be other mixed use buildings of similar size. The City considered projects in the "same place" to be projects on Sutter Street, particularly those on or near the 600 block.

City staff has determined that the cumulative impacts exception does not apply here to disqualify the project from being determined exempt because the cumulative impact of successive projects of the same type in the same place as the proposed project is not significant in this case, in that the project will not result in any significant impacts with respect to building design, site design, lighting, noise, or other environmental impacts potentially caused by the proposed project. With respect to potential impacts caused by the proposed use, the various special studies included with this report as Attachments demonstrate that the proposed project will not result in any significant impacts to the environment. Separate mitigated negative declarations were prepared for the two mixed use buildings constructed most recently on the 600 block of Sutter Street, namely the Fire and Rain Building at 607 Sutter Street, and the Folsom Electric Building (the Steakhouse Building) at 602/604 Sutter Street. Based on those environmental documents, the City determined that the projects, individually, would not have significant impacts on the environment. Given the absence of potentially significant environmental impacts from the proposed project and similar projects in the vicinity, the City has determined that the cumulative impacts exception does not apply.

The exception for significant effects due to unusual circumstances is commonly referred to as the "unusual circumstances exception." This potential exception applies only when (1) unusual circumstances exist and (2) there is a reasonable possibility that the project will have a significant effect on the environment due to those unusual circumstances.

The preliminary determination of whether unusual circumstances exist to distinguish this project from others in the exempt class is a factual question. The answer must be supported by substantial evidence. In answering this question, lead agencies consider whether the proposed project's circumstances differ significantly from the circumstances typical of the type of projects covered by the exemption. In determining whether the

environmental effects of a proposed project are unusual or typical, local agencies consider conditions in the vicinity of the proposed project. In this case, City staff analyzed whether the environmental effects of the proposed project are unusual or typical by considering conditions on Sutter Street and also considering other similarly sized infill projects in Folsom meeting the exemption criteria.

As stated in the Planning Partners analysis, the project site possesses no unusual features or environmental characteristics that distinguish it from other properties of the same size in the Sutter Street subarea. In addition, the proposed project itself does not present unusual circumstances that differentiate it from the general class of similarly situated projects including, for example, the existing developments at 607 Sutter Street (the Fire and Rain Building) and 602/604 Sutter Street (the Folsom Electric Building) which are both mixed use projects with similar dimensions to those of the proposed project. Similarly, the proposed project does not include uses that would be unusual in the Sutter Street subarea. All proposed uses (retail, restaurant, office, and residential) are allowed by the General Plan and the Zoning Code.

Another consideration is whether there is a reasonable possibility of a significant effect on the environment due to the unusual circumstances. However, a potentially significant environmental effect (or an allegation of one) is not alone sufficient to trigger the unusual circumstances exception. As explained in the attached studies, the proposed project does not present a reasonable possibility of a significant effect on the environment. However, even if some possibility of environmental effects does exist, they are not related to or caused by unusual circumstances because, as explained above, no unusual circumstances exist in this case.

After analyzing the unusual circumstances exception in association with this project, the City determined that no unusual circumstances exist to distinguish this project from others in the exempt class.

Finally, the potential applicability of the exception for historical resources was closely considered in this case due to the proximity to the project site of the Cohn House, a property listed on the National Register of Historic Places, and the historic library building, a property listed on the City of Folsom Cultural Resources Inventory. As discussed above, an assessment of historic resources was performed by Page & Turnbull in association with this project. That study determined that the project site itself, as an undeveloped lot, did not possess and would not be considered a historical resource. As a result, the analysis focused on potential impacts to the surrounding individual historic resources and on the Sutter Street subarea. The detailed analysis in the Page & Turnbull assessment and the Planning Partners report will not be repeated here, but a summary of limited portions of those reports are included below for added context.

For example, with respect to the proposed project's potential impacts on the Cohn House, Planning Partners explained that while the proposed project will obstruct some views of the Cohn House from the far south end of Sutter Street closer to Riley Street, other tall developments have already affected views of the property as well as the historic library building. Both resources will remain visible from the middle of the block as one travels north along Sutter Street, and when looking from Scott Street to the north and south. The height of the new building combined with its siting into the sloped grade of the project site, as well as the unimpacted garden at the northwest side of the Cohn House property, will allow the Cohn House to maintain its visual dominance at the top of Sutter Street.

Regarding the proposed project's compatibility with the Sutter Street subarea, Planning Partners and Page & Turnbull concluded that the proposed project's flat roof and minimal setback from the sidewalk, ground-floor storefront, tall narrow upper-story windows, use of brick exterior cladding and incorporation of characteristic architectural features such as a covered awning, stepped parapet wall, and decorated brick cornice, result in a building that is compatible with the character-defining features of the Sutter Street subarea. While some aspects of the proposed project's design are not strictly compatible with the characteristics of Sutter Street, these differences were found to generally represent modern interpretations of historic needs and construction technology that characterize the subarea while at the same time serving to distinguish the building from the historic fabric as recommended by the Secretary of the Interior's Standards for Rehabilitation.

After substantial analysis, Planning Partners concluded that the proposed project would not affect the ability of the two individual historic resources (the Cohn House and the historic library building) to convey their historic significance and that the proposed project is compatible with the character-defining features of the Sutter Street subarea. Therefore, it was determined that the proposed project would not cause a substantial adverse change in the significance of a historical resource and the potential exception does not apply to the project.

For these reasons, as well as the additional information contained in the Planning Partners analysis and the related studies attached to this report, City staff determined that the proposed project is exempt from environmental review pursuant to the Class 32 Infill Exemption and that none of the potential exceptions to use of the categorical exemption apply in this case.

### **RECOMMENDATION**

Staff recommends that the Historic District Commission approve the proposed project, based on the findings below and subject to the Conditions of Approval attached to this report:

**PROPOSED HISTORIC DISTRICT COMMISSION ACTION**

- Move to approve a Design Review Application (PN 17-145) for development of a three-story, 12,177-square-foot mixed-use building on a 0.17-acre site located at the southwest corner of the intersection of Sutter Street and Scott Street (603 Sutter Street) as described and illustrated on Attachments 5-17.
- This approval is based on the findings (Findings A-O) and subject to the conditions of approval (Conditions 1-51) attached to this report.

**GENERAL FINDINGS**

- A. NOTICE OF MEETING 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 AND THE ZONING CODE OF THE CITY, EXCEPT WHERE THE ZONING CODE IS INCONSISTENT WITH STATE LAW REGARDING PARKING REQUIREMENTS. IN THAT CASE, THE PROJECT IS CONSISTENT WITH STATE LAW.

**CEQA FINDINGS**

- C. THE PROJECT IS CONSISTENT WITH THE APPLICABLE GENERAL PLAN DESIGNATION AND ALL APPLICABLE GENERAL PLAN POLICIES AS WELL AS WITH APPLICABLE ZONING DESIGNATION AND REGULATIONS, EXCEPT WHERE THE ZONING CODE IS INCONSISTENT WITH STATE LAW REGARDING PARKING REQUIREMENTS, IN WHICH CASE THE PROJECT IS CONSISTENT WITH STATE LAW.
- D. THE PROPOSED DEVELOPMENT OCCURS WITHIN CITY LIMITS ON A PROJECT SITE OF NO MORE THAN FIVE ACRES SUBSTANTIALLY SURROUNDED BY URBAN USES.
- E. THE PROJECT SITE HAS NO VALUE AS HABITAT FOR ENDANGERED, RARE, OR THREATENED SPECIES.
- F. APPROVAL OF THE PROJECT WOULD NOT RESULT IN ANY SIGNIFICANT EFFECTS RELATING TO TRAFFIC, NOISE, AIR QUALITY, OR WATER QUALITY.
- G. THE SITE CAN BE ADEQUATELY SERVED BY ALL REQUIRED UTILITIES AND PUBLIC SERVICE.

- H. THE PROPOSED PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15332 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES RELATED TO INFILL DEVELOPMENT.
- I. THE CUMULATIVE IMPACT OF SUCCESSIVE PROJECTS OF THE SAME TYPE IN THE SAME PLACE OVER TIME IS NOT SIGNIFICANT IN THIS CASE.
- J. NO UNUSUAL CIRCUMSTANCES EXIST TO DISTINGUISH THE PROPOSED PROJECT FROM OTHERS IN THE EXEMPT CLASS.
- K. THE PROPOSED PROJECT WILL NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE.

**DESIGN REVIEW FINDINGS**

- L. THE PROPOSED PROJECT COMPLIES WITH THE GENERAL PLAN AND ZONING ORDINANCES OF THE CITY.
- M. THE BUILDING MATERIALS, TEXTURES AND COLORS USED IN THE PROPOSED PROJECT ARE COMPATIBLE WITH SURROUNDING DEVELOPMENT AND ARE CONSISTENT WITH THE GENERAL DESIGN THEME OF THE NEIGHBORHOOD.
- N. THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE HISTORIC DISTRICT DESIGN AND DEVELOPMENT GUIDELINES ADOPTED BY CITY COUNCIL.
- O. AN EXCEPTION TO THE DESIGN STANDARD IN FOLSOM MUNICIPAL CODE SECTION 17.52.420 PROHIBITING ARCHITECTURAL FEATURES FROM BEING CLOSER THAN THREE FEET TO A PROPERTY LINE IS PERMITTED FOR THIS PROJECT BECAUSE UNIQUE INDIVIDUAL CIRCUMSTANCES REQUIRE THE EXCEPTION IN ORDER TO COMPLY WITH THE PURPOSES OF CHAPTER 17.52 OF THE FOLSOM MUNICIPAL CODE. REGARDING THIS PARTICULAR ISSUE, THE PURPOSES OF CHAPTER 17.52 AS STATED IN SECTION 17.52.010(B)(1), (3), AND (5) ARE SUPPORTED BY AND DESCRIBED IN THE HISTORIC DISTRICT DESIGN AND DEVELOPMENT GUIDELINES, SECTION B.6, WALKWAY COVERINGS IN THE SUTTER STREET SUBAREA. AS THE PROPOSED PROJECT COMPLIES WITH THE APPLICABLE PROVISIONS OF SECTION B.6 OF THE DESIGN AND DEVELOPMENT GUIDELINES, AN EXCEPTION TO THE INCONSISTENT DISTRICT-WIDE REQUIREMENTS IN SECTION 17.52.420 IS APPROPRIATE TO COMPLY WITH THE PURPOSES OF CHAPTER 17.52 OF THE FOLSOM MUNICIPAL CODE.

## ATTACHMENT 2 BACKGROUND

### BACKGROUND

On May 3, 2017, the applicant submitted an application for approval of a Building Height Variance, Parking Variances, and Design Review for development of a three-story, 23,486-square-foot mixed use building with underground parking at the southwest corner of the intersection of Sutter Street and Scott Street within the Historic District. The proposed project was evaluated by the Historic District Commission at its September 6, 2017 meeting as an informational item only. At this meeting, the Commission, representatives of the Heritage Preservation League, and members of the public provided comments and feedback regarding the proposed project.

On June 14, 2017, the Heritage Preservation League (HPL) provided City staff with a comment letter regarding the project, as it was proposed in 2017. In the letter, HPL recommended that the footprint of the proposed building be reduced so that the building would not encroach into the Scott Street right-of-way. HPL also recommended that the proposed building be redesigned to be more reflective of buildings constructed prior to 1900. Lastly, HPL recommended that the height of the proposed building be reduced to minimize potential impacts to adjacent and nearby residential uses.

Between August 2, 2017 and September 6, 2017, the applicant hosted several meetings with residents to discuss the proposed project. During these meetings, residents expressed concern that the underground garage associated with the proposed project could pose some challenges in terms of pedestrian safety with the garage entrance being located on Sutter Street. However, residents were also concerned that the proposed project did not include sufficient parking to serve the mixed-use project. Residents also requested that the height of the building be reduced to minimize visual impacts to nearby properties. In addition, residents recommended that the building be redesigned to replace some the contemporary building elements with more historic building features.

Listed below are some of the most notable comments from the Historic District Commission, the Heritage Preservation League, and residents:

- Concern regarding building height (57-feet, 6-inches tall)
- Concern regarding the size and scale of building
- Concern regarding architecture and design of building
- Concern regarding limited parking provided by project (15 parking spaces)
- Concern regarding pedestrian safety in the underground parking garage
- Concern regarding building encroachment into Scott Street right-of-way

On March 14, 2019, the applicant submitted a revised development application to the City in response to the above-stated concerns. The most significant changes to the proposed project included: reducing the size of the building from 23,486 square feet to 14,811 square feet, reducing the height of the building from 57 feet, 6-inches to 50 feet, 6 inches, modifying the building footprint to eliminate encroachment into the Scott Street right-of-way, eliminating the underground parking garage, and updating the architecture and design of the building.

The project as proposed in 2019 was originally scheduled for consideration by the Historic District Commission on July 15, 2020. However, the project was continued to the August 5, 2020 Historic District Commission meeting at the request of the applicant in order to provide more time for residents to comment on the project and also to allow more time for the applicant to consider comments from the public. At the August 5, 2020 Historic District Commission meeting, City staff recommended that the proposed project be continued again to the August 19, 2020 Historic District Commission meeting at the request of property owners in the project vicinity and other stakeholders in order to provide additional time for public review of the project and staff report.

After the July 15, 2020 Historic District Commission meeting, the project applicant continued his public outreach efforts by meeting with a number of neighbors and local residents to better understand their concerns and comments regarding the proposed project. During these meetings, residents expressed concern regarding a number of issues associated with the project as it was then proposed, including but not limited to building height, building massing, building design, trash enclosure location, privacy, noise, and parking. As a result of the input provided by neighbors and residents, the applicant made a number of specific modifications to the project in order to address the community concerns including:

1. Providing a 15-space underground parking structure on the project site.
2. Relocate the trash recycling enclosure to the inside of the building.
3. Enclose the fire escape making it internal to the building.
4. Eliminate the rooftop deck.
5. Reduce the massing of the third story and provide greater building setback from Sutter Street, and a portion of Scott Street.
6. Eliminate the small rear balcony on the west building elevation.
7. Architectural modifications to address design concerns raised by the Folsom Heritage Preservation League
  - a. Added foundational rock to the building;
  - b. Added brick to the sides of the building where there is now stucco;



- c. Added eyebrow brick detail to windows; and
- d. Added western elemental details to the roofline fascia.

The proposed project was continued off-calendar by the Historic District Commission at their August 19, 2020 meeting. On October 21, 2020, the Historic District Commission held an Informational Public Workshop regarding the 603 Sutter Street Mixed-Use project in order to receive feedback regarding two design alternatives that the applicant was considering. The design alternatives included a three-story mixed-use building with a small on-site parking garage and a three-story mixed-use building with no on-site parking. Subsequent to the October 21, 2020 Historic District Commission meeting, the applicant worked on various iterations of the mixed-use project in an effort to find the optimal design solution for this location. On February 23, 2023 the applicant submitted the current Design Review Application to the City for approval of a three-story, 12,177-square-foot mixed use building on the 0.17-acre site located at 603 Sutter Street.

# **Attachment 3**

## **Conditions of Approval**

CONDITIONS OF APPROVAL FOR 603 SUTTER STREET MIXED-USE BUILDING PROJECT (PN 17-145)				
603 SUTTER STREET DESIGN REVIEW				
No.	Mitigation Measure	Condition	When Required	Responsible Department
1.		<p>The 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"> <li>1. Preliminary Site Plan, dated February 8, 2023</li> <li>2. Preliminary Grading and Drainage Plan, dated August 23, 2023</li> <li>3. Preliminary Utility Plan, dated August 23, 2023</li> <li>4. Preliminary Landscape Plan, dated December 10, 2022</li> <li>5. Retaining Wall Details, dated February 8, 2023</li> <li>6. Building Elevations and Floor Plans, dated August 24, 2023 and February 8, 2023</li> <li>7. Building Sections, dated August 24, 2023</li> <li>8. Illustrative Building Renderings, dated February 8, 2023</li> <li>9. Streetview Building Renderings, dated February 8, 2023</li> <li>10. Historic Building References, dated February 8, 2023</li> <li>11. Building Lighting Plan, dated August 24, 2023</li> <li>12. Uniform Sign Criteria, dated August 9, 2022</li> </ol> <p>This project approval is for the 603 Sutter Street Mixed-Use Building project, which includes development of a three-story, 12,177-square-foot mixed-use building and associated site improvements on a 0.17-acre site located at the southwest corner of Sutter Street and Scott Street (603 Sutter Street). Implementation of the project shall be consistent with the above-referenced items as modified by these conditions of approval.</p>	B	CD (P)(E)
2.		<p>Building 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>	B	CD (P)(E)(B)

CONDITIONS OF APPROVAL FOR 603 SUTTER STREET MIXED-USE BUILDING PROJECT (PN 17-145)				
603 SUTTER STREET DESIGN REVIEW				
No.	Mitigation Measure	Condition	When Required	Responsible Department
3.		The project approval granted under this staff report (Design Review) shall remain in effect for one year from final date of approval (September 6, 2024). If a building permit is not issued within the identified time frame and/or the applicant has not demonstrated substantial progress towards the development of the project, this approval shall be considered null and void. The owner/applicant may file an application with the Community Development Department for an extension not less than 60 days prior to the expiration date of the approval, along with appropriate fees and necessary submittal materials pursuant to <u>Section 17.52.350</u> of the <u>Folsom Municipal Code</u> . If after approval of this project, a lawsuit is filed which seeks to invalidate any approval, entitlement, building permit, or other construction permit required in connection with any of the activities or construction authorized by the project approvals, or to enjoin the development contemplated herein, or to challenge the issuance by any governmental agency of any environmental document or exemption determination, the one year period for submitting a complete building permit application referenced in FMC section 17.52.350(A) shall be tolled during the time that any litigation is pending, including any appeals.	B	CD (P)
4.		<p>The owner/applicant shall 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. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. 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"> <li>• The City bears its own attorney’s fees and costs; and</li> <li>• The City defends the claim, action or proceeding in good faith</li> </ul> <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.</p>	OG	CD (P)(E)(B) PW, PR, FD, PD, NS

<b>CONDITIONS OF APPROVAL FOR 603 SUTTER STREET MIXED-USE BUILDING PROJECT (PN 17-145)</b>				
<b>603 SUTTER STREET DESIGN REVIEW</b>				
<b>No.</b>	<b>Mitigation Measure</b>	<b>Condition</b>	<b>When Required</b>	<b>Responsible Department</b>
5.		Compliance with all local, state and federal regulations pertaining to building construction and demolition is required.	G, I	CD (P)(E)
<b>DEVELOPMENT COSTS AND FEE REQUIREMENTS</b>				
6.		The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.	B	CD (P)(E)
7.		If applicable, the owner/applicant shall pay off any existing assessments against the property, or file necessary segregation request and pay applicable fees.	B	CD (E)
8.		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 applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The 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 applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.	B	CD (P)(E)
9.		If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the applicant shall reimburse the City for actual costs it incurs in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the improvement plans or beginning inspection, whichever is applicable.	B	CD (P)(E)

<b>CONDITIONS OF APPROVAL FOR 603 SUTTER STREET MIXED-USE BUILDING PROJECT (PN 17-145)</b>				
<b>603 SUTTER STREET DESIGN REVIEW</b>				
<b>No.</b>	<b>Mitigation Measure</b>	<b>Condition</b>	<b>When Required</b>	<b>Responsible Department</b>
10.		This project shall be subject to all City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all City-wide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Quimby, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project has begun. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.	B	CD (P)(E), PW, PK
11.		The owner/applicant agrees to pay to the Folsom-Cordova Unified School District the maximum fee authorized by law for the construction and/or reconstruction of school facilities. The applicable fee shall be the fee established by the School District that is in effect at the time of the issuance of a building permit. Specifically, the owner/applicant agrees to pay any and all fees and charges and comply with any and all dedications or other requirements authorized under Section 17620 of the Education Code; Chapter 4.7 (commencing with Section 65970) of the Government Code; and Sections 65995, 65995.5 and 65995.7 of the Government Code.	B	CD (P)
<b>SITE DEVELOPMENT REQUIREMENTS</b>				
12.		Prior to the issuance of any grading and/or building permit, the owner/applicant shall have a geotechnical report prepared by an appropriately licensed engineer that includes an analysis of site suitability, proposed foundation design for all proposed structures, and roadway and pavement design.	G, B	CD (E)
13.		Public and private improvements, including roadways, curbs, gutters, sidewalks, underground infrastructure, and all other improvements shall be provided in accordance with the current edition of the City of Folsom <i>Standard Construction Specifications</i> and the <i>Design and Procedures Manual and Improvement Standards</i> . All necessary rights-of-way and/or easements shall be dedicated to the City of Folsom for these improvements.	I, B	CD (P)(E)

CONDITIONS OF APPROVAL FOR 603 SUTTER STREET MIXED-USE BUILDING PROJECT (PN 17-145)				
603 SUTTER STREET DESIGN REVIEW				
No.	Mitigation Measure	Condition	When Required	Responsible Department
14.		The improvement plans for the required public and private improvements, including but not limited to frontage improvements on Sutter Street and Scott Street shall be reviewed and approved by the Community Development Department prior to issuance of the Building Permit.	B	CD (E)
15.		The applicant/owner shall submit water, sewer and drainage studies to the satisfaction of the Community Development Department and provide sanitary sewer, water and storm drainage improvements with corresponding easements, as necessary, in accordance with these studies and the current edition of the City of Folsom <i>Standard Construction Specifications</i> and the <i>Design and Procedures Manual and Improvement Standards</i> .	I	CD (E)
16.		The owner/applicant shall coordinate the planning, development and completion of this project with the various utility agencies (i.e., SMUD, PG&E, etc.).	I	CD (P)(E)
17.		The final location, design, and materials of the proposed sidewalk and walkways shall be subject to review and approval by the Community Development Department.	I	CD (E)
18.		Final lot and building configurations may be modified to allow for overland release of storm events greater than the capacity of the underground system.	B	CD (E)
19.		The owner/applicant shall be responsible for replacing any and all damaged or hazardous public sidewalk, curb and gutter along the site frontage and/or boundaries, including pre-existing conditions and construction damage, to the satisfaction of the Community Development Department.	O	CD (E)
20.		For any improvements constructed on private property that are not under ownership or control of the owner/applicant, a right-of-entry, and if necessary, a permanent easement shall be obtained and provided to the City prior to issuance of a grading permit and/or approval of improvement plans.	G, I	CD (E)
21.		Any reimbursement for public improvements constructed by the applicant shall be in accordance with a formal reimbursement agreement entered into between the City and the owner/applicant prior to approval of the improvement plans.	I	CD (E)
22.		The owner/applicant shall dedicate a 12.5-foot-wide public utility easement for underground facilities and appurtenances adjacent to all public rights-of-way.	I	CD (E)

<b>CONDITIONS OF APPROVAL FOR 603 SUTTER STREET MIXED-USE BUILDING PROJECT (PN 17-145)</b>				
<b>603 SUTTER STREET DESIGN REVIEW</b>				
<b>No.</b>	<b>Mitigation Measure</b>	<b>Condition</b>	<b>When Required</b>	<b>Responsible Department</b>
23.		Prior to the approval of the final facilities design and the initiation of construction activities, the applicant shall submit an erosion control plan to the City for review and approval. The plan shall identify protective measures to be taken during excavation, temporary stockpiling, any reuse or disposal, and revegetation. Specific techniques may be based upon geotechnical reports, the <u>Erosion and Sediment Control Handbook</u> of the State of California Department of Conservation, and shall comply with all updated City standards.	G, I	CD (E)
24.		Final exterior building and site lighting plans shall be submitted for review and approval by Community Development Department for location, height, aesthetics, level of illumination, glare and trespass prior to the issuance of any building permits. All lighting, including but not limited to building-attached lights and landscape lights shall be designed to be screened, shielded, and directed downward onto the project site and away from adjacent properties and public rights-of-way. The final design of the building-attached lights shall be subject to review and approval by the Community Development Department. Lighting shall be equipped with a timer or photo condenser.	I, B	CD (P)



<b>STORM WATER POLLUTION/CLEAN WATER ACT REQUIREMENTS</b>				
25.		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).	G, I, B	CD (E)
26.		The storm drain or onsite 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 (NPDES) Permit issued by the State Regional Water Quality Control Board.	G, I, B, O	CD (E)
27.		Erosion and sedimentation control measures shall be incorporated into construction plans. These measures shall conform to the City of Folsom requirements and the County of Sacramento <u>Erosion and Sedimentation Control Standards and Specifications</u> -current edition and as directed by the Community Development Department.	G, I	CD (E)

**ARCHITECTURE/SITE DESIGN REQUIREMENTS**

28.		<p>The project shall comply with the following architecture and design requirements:</p> <ol style="list-style-type: none"> <li>1. This approval is for a three-story, 12,177-square foot mixed-building associated with the 603 Sutter Street Mixed-Use Building project. The applicant shall submit building plans that comply with this approval and the attached building elevations and color renderings dated February 8, 2023.</li> <li>2. The design, materials, and colors of the proposed 603 Sutter Street Mixed-Use Building shall be consistent with the submitted building elevations, color renderings, materials samples, and color scheme to the satisfaction of the Community Development Department.</li> <li>3. No dark-tinted or reflective glass shall be utilized on the Sutter Street or Scott Street building elevations. In addition, all windows shall be dual-paned windows to increase energy efficiency.</li> <li>4. Roof-mounted mechanical equipment, including satellite dish antennas, shall not extend above the height of the parapet walls.</li> <li>5. Utility equipment such as transformers, electric and gas meters, electrical panels, and junction boxes shall be screened by walls and or landscaping.</li> </ol>	I, B	CD (P)
29.		<p>The owner/applicant shall coordinate with the Solid Waste Division regarding days, times, and location for collection of the trash, organics, and recycling containers from the project site.</p>	I, B	CD (P)(E) SW
30.		<p>The final location, height, design, materials, and colors for the proposed stem walls, retaining walls, fencing, and gates shall be subject to review and approval by the Community Development Department.</p>	I, B	CD (P)(E)

<b>SIGN REQUIREMENTS</b>				
31.		The 603 Sutter Street Mixed-Use Project is approved for two wall-mounted signs, four under canopy signs, and one wall-mounted directory sign as illustrated and described in the submitted Uniform Sign Program (Attachment 16). In addition, the applicant/owner shall obtain the necessary Sign and Building Permits before installing any signs.	B	CD (P)
<b>LANDSCAPE/TREE PRESERVATION REQUIREMENTS</b>				
32.		<p>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, 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>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 and regulations on water usage. The 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 project.</p>	I	CD(P)(E)

33.		The owner/applicant shall be responsible for on-site landscape maintenance throughout the life of the project to the satisfaction of the Community Development Department. Vegetation or planting shall not be less than that depicted on the final landscape plan, unless tree removal is approved by the Community Development Department because the spacing between trees will be too close on center as they mature.	B, OG	CD (P)(E)
34.		The project is subject to the Tree Preservation Ordinance and any mitigation required as a result of impacts to oak trees or other protected trees. The owner/applicant shall retain a certified arborist for the project. The project arborist will oversee tree removal and the preservation of the trees on site during and after construction. The owner/applicant shall provide funding for this arborist.	G, I	CD (E)(P)
35.		Prior to the initiation of ground disturbance, the owner/applicant or any successor in interest shall comply with City's Tree Preservation Ordinance by obtaining a Tree Removal Permit and implementing a City-approved Tree Protection and Mitigation Plan.	G, I	CD (E)(P)

<b>NOISE REQUIREMENTS</b>				
36.		<ul style="list-style-type: none"> <li>• <b>Construction Hours/Scheduling:</b> The following are required to limit construction activities to the portion of the day when occupancy of the adjacent sensitive receptors are at the lowest:                             <ul style="list-style-type: none"> <li>○ Construction activities for all phases of construction, including servicing of construction equipment shall only be permitted during the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. to 5:00 p.m. on Saturdays. Construction shall be prohibited on Sundays and on all holidays.</li> <li>○ Delivery of materials or equipment to the site and truck traffic coming to and from the site is restricted to the same construction hours specified above.</li> </ul> </li> <li>• <b>Construction Equipment Mufflers and Maintenance:</b> All construction equipment powered by internal combustion engines shall be properly muffled and maintained.</li> <li>• <b>Idling Prohibitions:</b> All equipment and vehicles shall be turned off when not in use. Unnecessary idling of internal combustion engines is prohibited.</li> <li>• <b>Equipment Location and Shielding:</b> All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from adjacent homes. Acoustically shield such equipment when it must be located near adjacent residences.</li> <li>• <b>Quiet Equipment Selection:</b> Select quiet equipment, particularly air compressors, whenever possible. Motorized equipment shall be outfitted with proper mufflers in good working order.</li> <li>• <b>Staging and Equipment Storage:</b> The equipment storage location shall be sited as far as possible from nearby sensitive receptors.</li> </ul>	I, B	CD (P)(E)

36. Cont.		<ul style="list-style-type: none"> <li>At least 5 days prior to the initiation of grubbing or other ground disturbing construction operations, the project applicant, any successor in interest, or the general contractor in charge will provide a notice of the initiation of construction to all parcels located within 250 feet of the project site. Such notice shall contain an outline of construction activities, their duration, and contact information for a person designated to respond to public questions and complaints regarding construction activities.</li> </ul>		
37.		<p>Prior to the removal of any bedrock, the owner/applicant, any successor in interest, or the project contractor shall prepare a bedrock removal plan for review and approval by the Community Development Department. No removal activity shall occur prior to City approval. The bedrock removal plan shall be prepared by a licensed geologist, engineer, or equivalent accredited professional, and will include at least the following components:</p> <ul style="list-style-type: none"> <li>The location, volume, and type of bedrock to be removed;</li> <li>Removal procedures to be used including both primary and optional procedures if necessary;</li> <li>The expected duration of removal activities;</li> <li>Type of equipment to be used;</li> <li>Any types of chemical or other materials to be used, including any storage and safety requirements;</li> <li>Requirements for personal safety and the protection of private and public property; and</li> <li>A program to notify all parcels within 250 feet of the project site.</li> </ul>	I, B	CD (P)(E)

**CULTURAL RESOURCE REQUIREMENTS**

38.		<p>If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides recommendations to the City. The City shall determine and require implementation of the appropriate measures as recommended by the consulting archaeologist. The City may also consult with individuals that meet the Secretary of the Interior’s Professional Qualifications Standards before implementation of any recommendation. If agreement cannot be reached between the project applicant and the City, the Historic District Commission shall determine the appropriate implementation method.</p>	G, I	CD (P)(E)
39.		<p>Pursuant to §Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of discovery of human skeletal remains, however fragmentary or disturbed from their original context, the Sacramento County Coroner and the Native American Heritage Commission are to be notified of the discovery immediately. All work in the vicinity of the find is to cease, and there shall be no further excavation or disturbance of the find site or any nearby area reasonably suspected to overlie adjacent remains until the coroner has determined whether the remains are those of a Native American.</p> <p>If the remains are determined to be those of a Native American, the coroner must contact that California Native American Heritage Commission. CEQA Guidelines (Public Resources Code Section 5097) specify the procedure to be followed in the event of discovery of human remains on non-Federal land. The disposition of Native American burials is within the jurisdiction of the Native American Heritage Commission. Upon request, the NAHC will provide project leaders with a list of Most Likely Descendants, who will specify treatment and disposition of any Native American remains found within the Area of Potential Effects of a project. Human remains and associated grave goods are protected under Section 5097.94 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code.</p>	G, I	CD (P)(E)(B)

**BIOLOGICAL RESOURCE REQUIREMENTS**

40.		<p>Avoid construction or tree removal during the nesting season (from March through September). If construction activities will occur during the nesting season and trees on the site have not been removed, no more than 30 days prior to the initiation of construction, preconstruction surveys for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within a 500-foot radius of the proposed construction area. If active nests are identified in these areas, construction should be delayed until the young have fledged, or the CDFW should be consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing, or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.</p>	G, I	CD (E)(P)
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**AIR QUALITY REQUIREMENTS**

41.		<p>In support of the use of SMAQMD’s none-zero thresholds of significance for operational PM emissions, and as required by existing SMAQMD regulations, the owner/applicant shall implement the following Best Management Practices (BMP’s) as identified by SMAQMD:</p> <ul style="list-style-type: none"> <li>• Compliance with District rules that control operational PM and NOX emissions. Reference rules regarding wood burning devices, boilers, water heaters, generators and other PM control rules that may apply to equipment to be located at the project. Current rules can be found on the District’s website: <a href="http://www.airquality.org/Businesses/Rules-Regulations">http://www.airquality.org/Businesses/Rules-Regulations</a></li> <li>• Compliance with mandatory measures in the California Building Energy Efficiency Standards (Title 24, Part 6) that pertain to efficient use of energy at a residential or nonresidential land use. The current standards can be found on the California Energy Commission’s website: <a href="http://www.energy.ca.gov/title24/">http://www.energy.ca.gov/title24/</a></li> <li>• Compliance with mandatory measures in the California Green Building Code (Title 24, Part 11). The California Building Standards Commission provides helpful links on its website: <a href="https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen">https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen</a></li> <li>• Current mandatory measures related to operational PM include requirements for bicycle parking, parking for fuel efficient vehicles, electric vehicle charging, and fireplaces for nonresidential projects. Residential project measures include requirements for electric vehicle charging and fireplaces.</li> <li>• Compliance with anti-idling regulations for diesel powered commercial motor vehicles (greater than 10,000 gross vehicular weight rating). This BMP focuses on non-residential land use projects (retail and industrial) that would attract these vehicles. The current requirements include limiting idling time to 5 minutes and installing technologies on the vehicles that support anti-idling. Information can be found on the California Air Resources Board’s website: <a href="https://ww2.arb.ca.gov/our-work/programs/idle-reduction-technologies/idle-reductiontechnologies">https://ww2.arb.ca.gov/our-work/programs/idle-reduction-technologies/idle-reductiontechnologies</a>.</li> </ul>	G, I, B	CD (P)(E)(B)
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42.		<p>Control of fugitive dust is required by District Rule 403 and enforced by SMAQMD staff. The owner/applicant shall implement the following measures as identified by the SMAQMD:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• Limit vehicle speeds on unpaved roads to 15 miles per hour (mph).</li> <li>• 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.</li> <li>• Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.</li> <li>• 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.</li> </ul>	G, I, B	CD (P)(E)(B)
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<b>TRAFFIC, ACCESS, CIRCULATION, AND ENCROACHMENT REQUIREMENTS</b>				
43.		The owner/applicant shall obtain an encroachment permit from the City for any work conducted in the public right-of-way. In addition, the owner/applicant shall enter into an encroachment agreement with the City that will require the owner/applicant to maintain the private improvements including but not limited to the handicapped parking space in front of the project site on Sutter Street within the public right-of-way in perpetuity.	I	CD (P)(E)
44.		The owner/applicant, any successor in interest, and/or its contractor shall prepare a Traffic Control Plan (TCP) that meets the requirements of the City. The TCP shall include all required topics, including traffic management during each stage of construction, maintaining emergency service provider access by, if necessary, providing alternate routes, repositioning emergency equipment, or coordinating with nearby service providers for coverage during construction closures, covering trenches during the evenings and weekends, pedestrian safety/access, and bicycle safety/access. A component of the TCP will involve public dissemination of construction-related information through notices to adjacent neighbors, press releases, and/or the use of changeable message signs. The project contractor will be required to notify all affected residences and businesses, post the construction impact schedule, and place articles and/or advertisements in appropriate local newspapers regarding construction impacts and schedules.	I	CD (P)(E)
45.		The final design of the proposed on-street handicapped parking space on Sutter Street shall be subject to review of the Community Development Department and the Public Works Department.	I	CD (P)(E) PW
<b>FIRE DEPARTMENT REQUIREMENTS</b>				
46.		Prior to the issuance of any improvement plans or building permits, the Community Development and Fire Departments shall review and approve all detailed design plans for accessibility of emergency fire equipment, fire hydrant flow location, and other construction features.	I, B	FD
47.		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 Marshal.	B	FD

48.		All fire protection devices shall be designed to be located on site: fire hydrants, fire department connections, post indicator valves, etc. Off-site devices cannot be used to serve the building. A water model analysis that proves the minimum fire flow will be required before any permits are issued. The fire sprinkler riser location shall be inside a Fire Control Room (5' X 7' minimum) with a full-sized 3'-0" door. This room can be a shared with other building utilities. The room shall only be accessible from the exterior.	I, B	FD
<b>POLICE/SECURITY REQUIREMENT</b>				
49.		<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 required:</p> <ul style="list-style-type: none"> <li>• A security guard shall be on-duty at all times at the site or another approved security measure shall be in place including but not limited to a six-foot security fence shall be constructed around the perimeter of construction areas. (This requirement shall be included on the approved construction drawings).</li> <li>• Security measures for the safety of all construction equipment and unit appliances shall be employed.</li> <li>• Landscaping shall not cover exterior doors or windows, block line-of-sight at intersections or screen overhead lighting.</li> </ul>	B	PD
<b>OTHER AGENCY REQUIREMENTS</b>				
50.		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 and approval of any grading or improvement plan.	I, G	CD (P)(E)
51.		The owner/applicant shall obtain permission (permit, letter, agreement, etc.) from all applicable public utility companies (SMUD, PG&E, WAPA, etc.) in a form acceptable to the Community Development Department for construction-related activities proposed within the existing public utility easements.	I	CD (P)

**CONDITIONS**

See attached tables of conditions for which the following legend applies.

<b>RESPONSIBLE DEPARTMENT</b>		<b>WHEN REQUIRED</b>	
CD (P) (E) (B)	Community Development Department Planning Division Engineering Division Building Division	I	Prior to approval of Improvement Plans
		M	Prior to approval of Final Map
		B	Prior to issuance of first Building Permit
		O	Prior to approval of Occupancy Permit
		G	Prior to issuance of Grading Permit
PW	Public Works Department	DC	During construction
PR	Park and Recreation Department	OG	On-going requirement
PD	Police Department	SW	Solid Waste Division
FD	Fire Department		
EWR	Environmental and Water Resources Department		

# **Attachment 4**

## **Vicinity Map**



# Vicinity Map



CITY OF  
**FOLSOM**

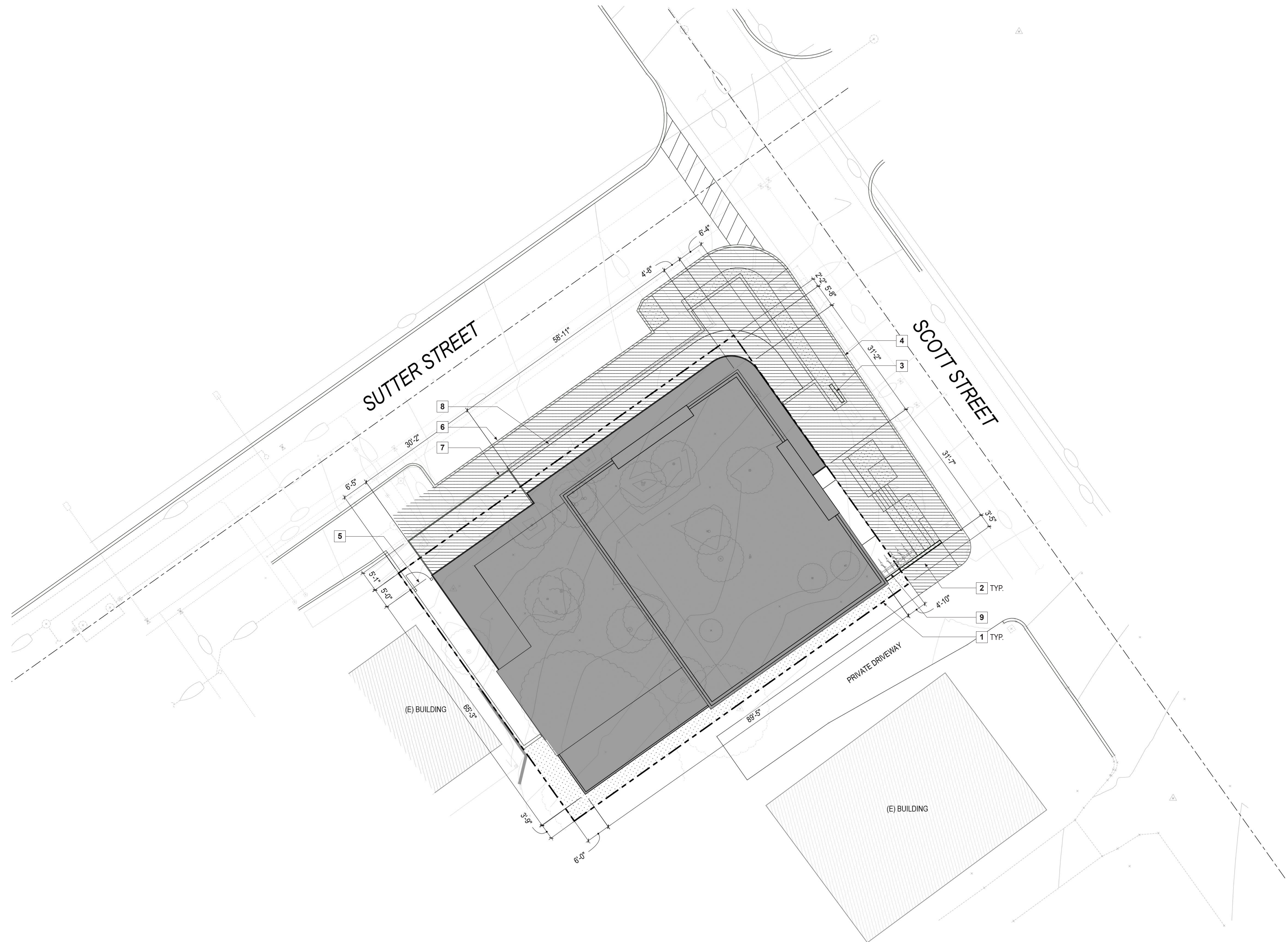


**Site**

## **Attachment 5**

### **Preliminary Site Plan, dated February 8, 2023**





**SITE DATA:**  
 ADDRESS: 603 SUTTER ST.  
 APN: 070-0111-010  
 SITE AREA: 7,408 SF +/-  
 F.A.R.: 1.66

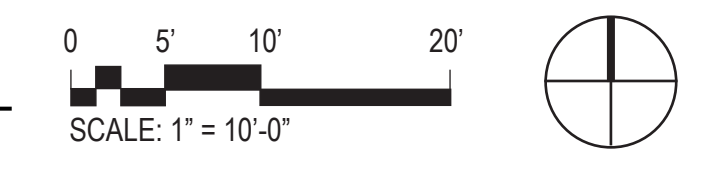
**BUILDING DATA:**  
 PROJECT AREA (GROSS BLDG):  
 1ST FLOOR:  
 RETAIL: 2,716 SF +/-  
 TRASH ROOM: 200 SF +/-  
 2ND FLOOR:  
 OFFICE: 5,246 SF +/-  
 LOBBY: 420 SF +/-  
 MISC.: 420 SF +/-  
 DECK AREA: 700 SF +/-  
 3RD FLOOR:  
 2 BEDROOM UNIT A: 2,130 SF +/-  
 2 BEDROOM UNIT B: 1,500 SF +/-  
 LOBBY: 165 SF +/-  
 DECK AREA: 1,430 SF +/-

**CONDITIONED AREA: 12,177 SF +/-**  
**UNCONDITIONED AREA: 620 SF +/-**  
**DECK AREA: 2,130 SF +/-**

**SHEET NOTES A-101**

- 1 PROPERTY LINE
- 2 EXTENT OF RIGHT OF WAY IMPROVEMENT AREA
- 3 RELOCATE (E) BACKFLOW DEVICE
- 4 EDGE OF CURB
- 5 GATED ACCESS TO TRASH ROOM
- 6 (E) SIDEWALK AND ON STREET PARKING TO REMAIN
- 7 EXTENT OF DECK ENCROACHMENT IN TO R.O.W.
- 8 EXTENT OF CANOPY ENCROACHMENT IN TO R.O.W.
- 9 BIKE PARKING

**1 OVERALL SITE PLAN**





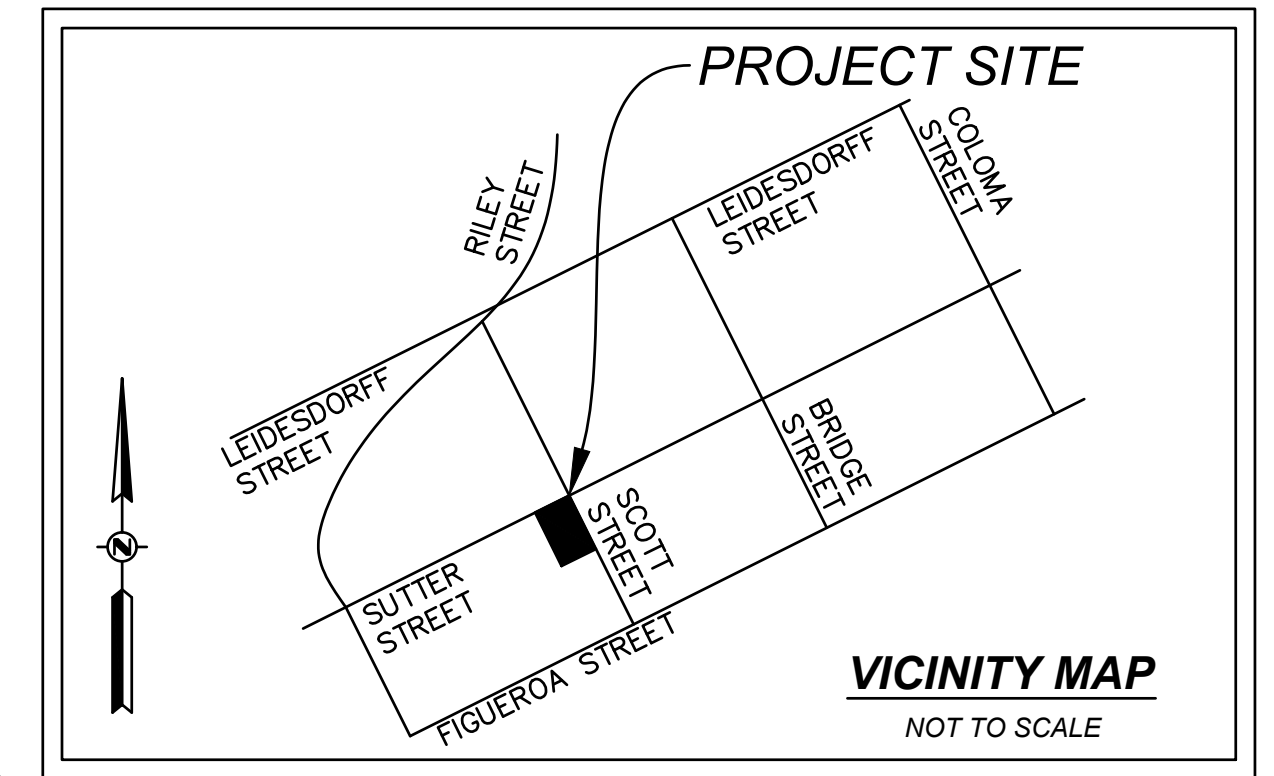
**Attachment 6**

**Preliminary Grading and Drainage Plan**  
**Dated August 23, 2023**



# PRELIMINARY GRADING AND DRAINAGE PLAN

APN: 070-00111-010  
 PORTION OF SECTION 5, TOWNSHIP 10 NORTH, RANGE 7 EAST, M.D.B.&M.  
 603 SUTTER STREET  
 CITY OF FOLSOM, SACRAMENTO COUNTY, STATE OF CALIFORNIA 95630



**SHEET INDEX:**  
 C1 PRELIMINARY GRADING AND DRAINAGE PLAN  
 C2 PRELIMINARY UTILITY PLAN

**FLOOD PLAIN:**  
 1. PER THE FEMA FLOOD RATE MAP NO. 06067C0116H, DATED AUGUST 16, 2012, THE PARCEL IS IN ZONE "X" (OUTSIDE OF THE 100 YEAR FLOOD PLAIN).

**BENCHMARK:**

COUNTY OF SACRAMENTO BENCHMARK U15-23:  
 NGVD 29 ELEVATION 158.93

STANDARD BRONZE DISC STAMPED "U.S.C.&G.S. B.M. Z-855 1949" LOCATED AT THE SOUTHWEST CORNER OF THE GREENBACK LANE BRIDGE ACROSS THE AMERICAN RIVER IN THE TOP OF A 9' BY 10' ROCK OUTCROP APPROXIMATELY 41 FEET WEST OF THE SOUTHWEST WING WALL, 54' WEST OF THE CENTERLINE OF GREENBACK LANE AND ABOUT 10 FEET LOWER THAN THE ROAD.

**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF SUTTER STREET AS SHOWN ON THE MAPS 56 RS 9 AND 38 PM 20, THE BEARING OF WHICH IS N 53° 05' 31" E, AND WAS ESTABLISHED FROM STREET IMPROVEMENTS AND MONUMENTS FOUND ON SAID MAPS.

**OWNER:**

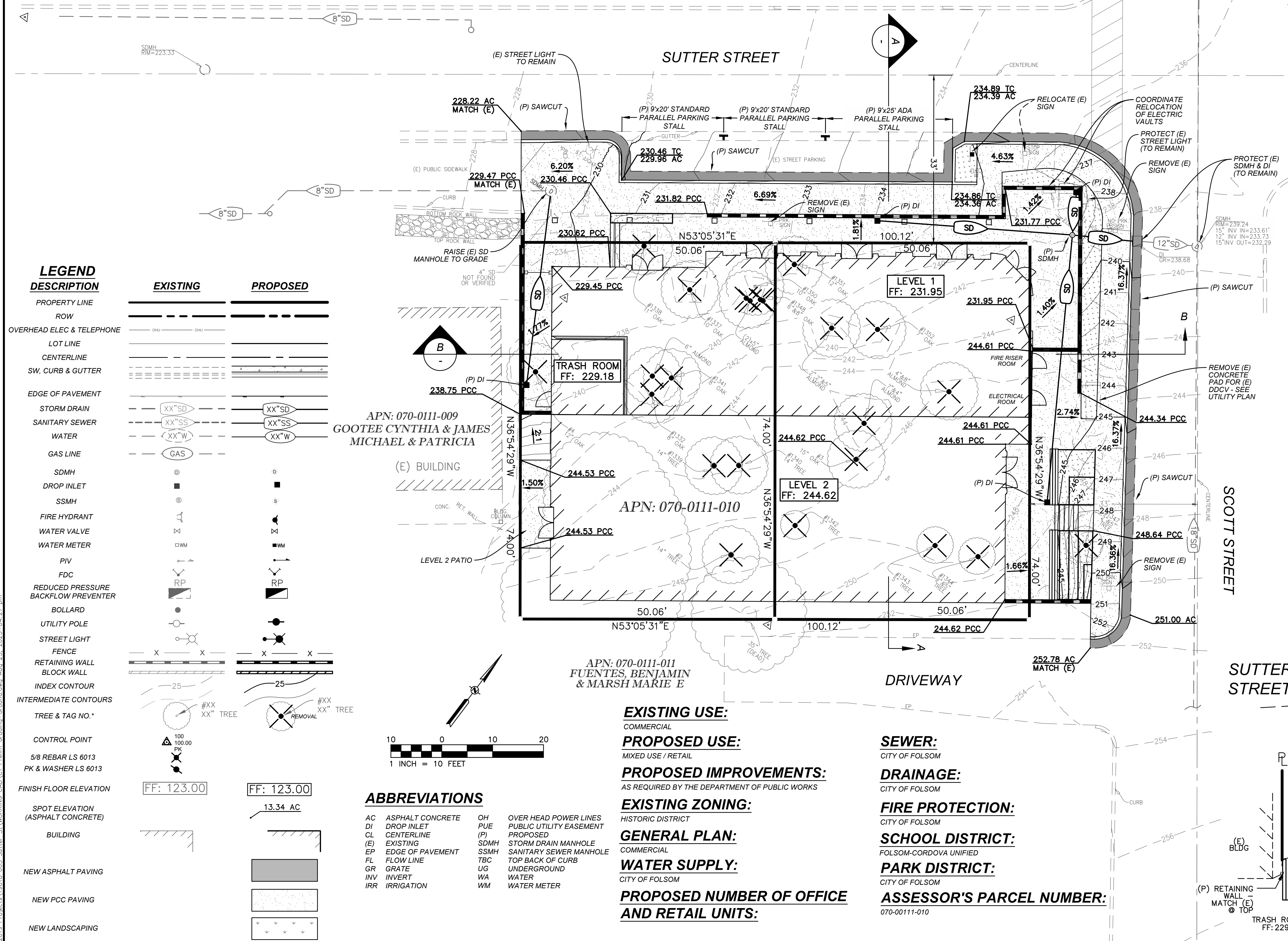
CEDRUS HOLDINGS LIMITED PARTNERSHIP  
 604 SUTTER ST, STE 250  
 FOLSOM, CA 95630

**ENGINEER & SURVEYOR**

CWE  
 2260 DOUGLAS BLVD., SUITE 160  
 ROSEVILLE, CA 95661  
 PH. (916) 772-7800

**UNDERGROUND UTILITY NOTE:**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



**LEGEND**

DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---
ROW	---	---
OVERHEAD ELEC & TELEPHONE	---	---
LOT LINE	---	---
CENTERLINE	---	---
SW. CURB & GUTTER	---	---
EDGE OF PAVEMENT	---	---
STORM DRAIN	XX*SD	XX*SD
SANITARY SEWER	XX*SS	XX*SS
WATER	XX*W	XX*W
GAS LINE	GAS	GAS
SDMH	SDMH	SDMH
DROP INLET	DI	DI
SSMH	SSMH	SSMH
FIRE HYDRANT	HYDRANT	HYDRANT
WATER VALVE	WV	WV
WATER METER	WM	WM
PIV	PIV	PIV
FDC	FDC	FDC
REDUCED PRESSURE BACKFLOW PREVENTER	RP	RP
BOLLARD	BOLLARD	BOLLARD
UTILITY POLE	UTILITY POLE	UTILITY POLE
STREET LIGHT	STREET LIGHT	STREET LIGHT
FENCE	FENCE	FENCE
RETAINING WALL	RETAINING WALL	RETAINING WALL
BLOCK WALL	BLOCK WALL	BLOCK WALL
INDEX CONTOUR	INDEX CONTOUR	INDEX CONTOUR
INTERMEDIATE CONTOURS	INTERMEDIATE CONTOURS	INTERMEDIATE CONTOURS
TREE & TAG NO.*	TREE	TREE
CONTROL POINT	CONTROL POINT	CONTROL POINT
5/8 REBAR LS 6013	5/8 REBAR LS 6013	5/8 REBAR LS 6013
PK & WASHER LS 6013	PK & WASHER LS 6013	PK & WASHER LS 6013
FINISH FLOOR ELEVATION	FF: 123.00	FF: 123.00
SPOT ELEVATION (ASPHALT CONCRETE)	13.34 AC	13.34 AC
BUILDING	BUILDING	BUILDING
NEW ASPHALT PAVING	NEW ASPHALT PAVING	NEW ASPHALT PAVING
NEW PCC PAVING	NEW PCC PAVING	NEW PCC PAVING
NEW LANDSCAPING	NEW LANDSCAPING	NEW LANDSCAPING

**ABBREVIATIONS**

AC	ASPHALT CONCRETE	OH	OVER HEAD POWER LINES
DI	DROP INLET	PUE	PUBLIC UTILITY EASEMENT
CL	CENTERLINE	(P)	PROPOSED
(E)	EXISTING	SDMH	STORM DRAIN MANHOLE
EP	EDGE OF PAVEMENT	SSMH	SANITARY SEWER MANHOLE
FL	FLOW LINE	TBC	TOP BACK OF CURB
GR	GRATE	UG	UNDERGROUND
INV	INVERT	WA	WATER
IRR	IRRIGATION	WM	WATER METER

**EXISTING USE:**

COMMERCIAL

**PROPOSED USE:**

MIXED USE / RETAIL

**PROPOSED IMPROVEMENTS:**

AS REQUIRED BY THE DEPARTMENT OF PUBLIC WORKS

**EXISTING ZONING:**

HISTORIC DISTRICT

**GENERAL PLAN:**

COMMERCIAL

**WATER SUPPLY:**

CITY OF FOLSOM

**PROPOSED NUMBER OF OFFICE AND RETAIL UNITS:**

**SEWER:**

CITY OF FOLSOM

**DRAINAGE:**

CITY OF FOLSOM

**FIRE PROTECTION:**

CITY OF FOLSOM

**SCHOOL DISTRICT:**

FOLSOM-CORDOVA UNIFIED

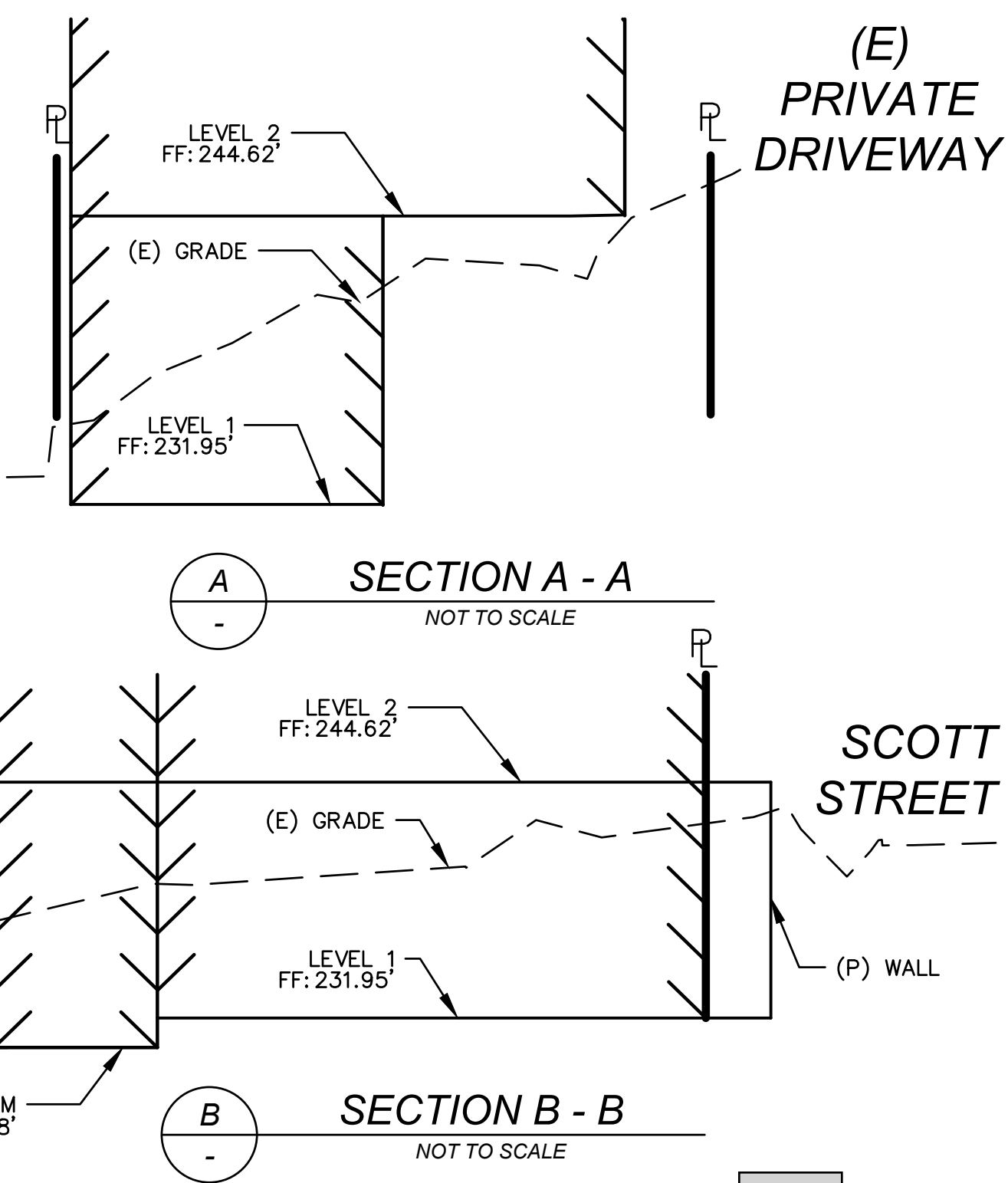
**PARK DISTRICT:**

CITY OF FOLSOM

**ASSESSOR'S PARCEL NUMBER:**

070-00111-010

\*SEE ARBORIST REPORT BY CALTC DATED JULY 14, 2022



APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_ REVISION: \_\_\_\_\_ CHECK NO. \_\_\_\_\_ BY: \_\_\_\_\_ DESIGN: \_\_\_\_\_ DRAWN: \_\_\_\_\_ QUANT.: \_\_\_\_\_ ORIGINAL SCALE IS IN INCHES: 2

**PRELIMINARY NOT FOR CONSTRUCTION**

**OWNER:**  
 CEDRUS HOLDINGS LIMITED PARTNERSHIP  
 604 SUTTER STREET, SUITE 250  
 FOLSOM, CA 95630

**ENGINEER & SURVEYOR:**  
 CWE  
 2260 DOUGLAS BLVD., SUITE 160  
 ROSEVILLE, CA 95661  
 PH. (916) 772-7800

**603 SUTTER STREET**  
 APN: 070-00111-010  
 FOLSOM, CA 95630

**PRELIMINARY GRADING AND DRAINAGE PLAN**

Drawing of **C1** of **2** total sheets

8/23/2023

W:\2019 Projects\19018\_603 Sutter SW\WORKING CAD\1 Prelim Grading-Corrad.dwg, Aug. 23, 2023--04:27 pm

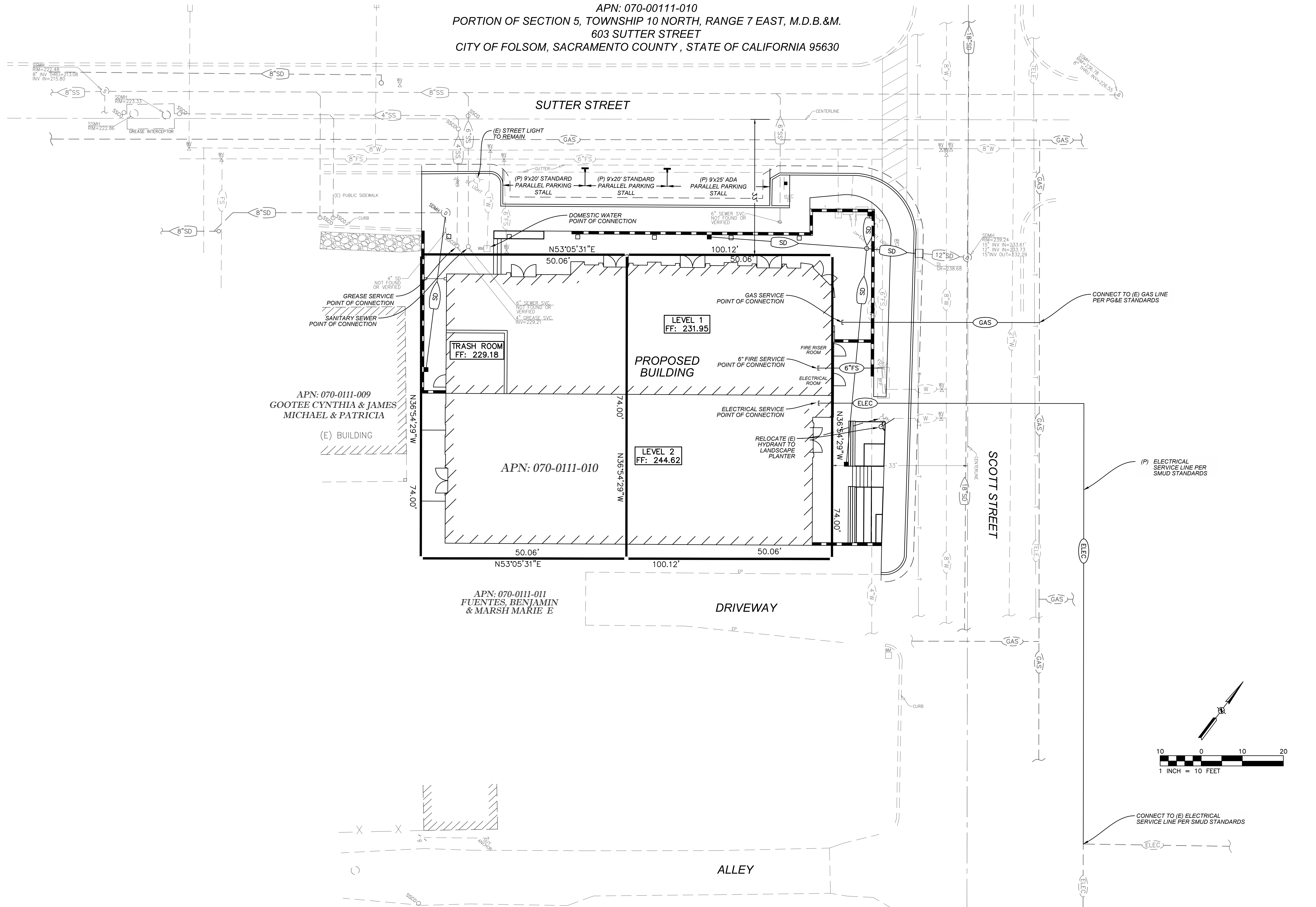


## **Attachment 7**

### **Preliminary Utility Plan, dated August 23, 2023**

# PRELIMINARY UTILITY PLAN

APN: 070-00111-010  
PORTION OF SECTION 5, TOWNSHIP 10 NORTH, RANGE 7 EAST, M.D.B.&M.  
603 SUTTER STREET  
CITY OF FOLSOM, SACRAMENTO COUNTY, STATE OF CALIFORNIA 95630

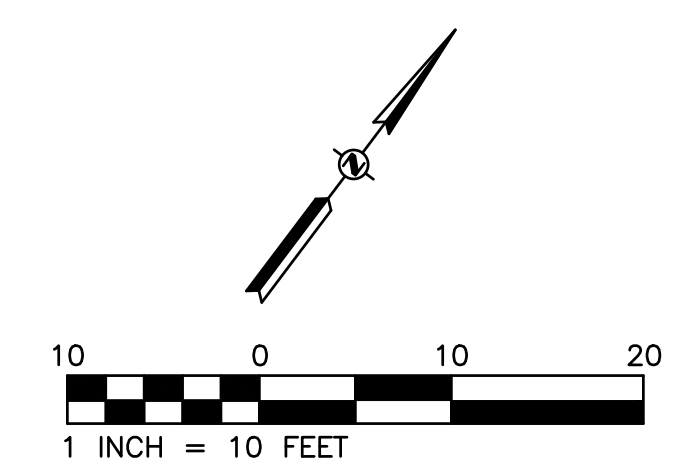


APN: 070-0111-009  
GOOTEE CYNTHIA & JAMES  
MICHAEL & PATRICIA

APN: 070-0111-010

APN: 070-0111-011  
FUENTES, BENJAMIN  
& MARSH MARIE E

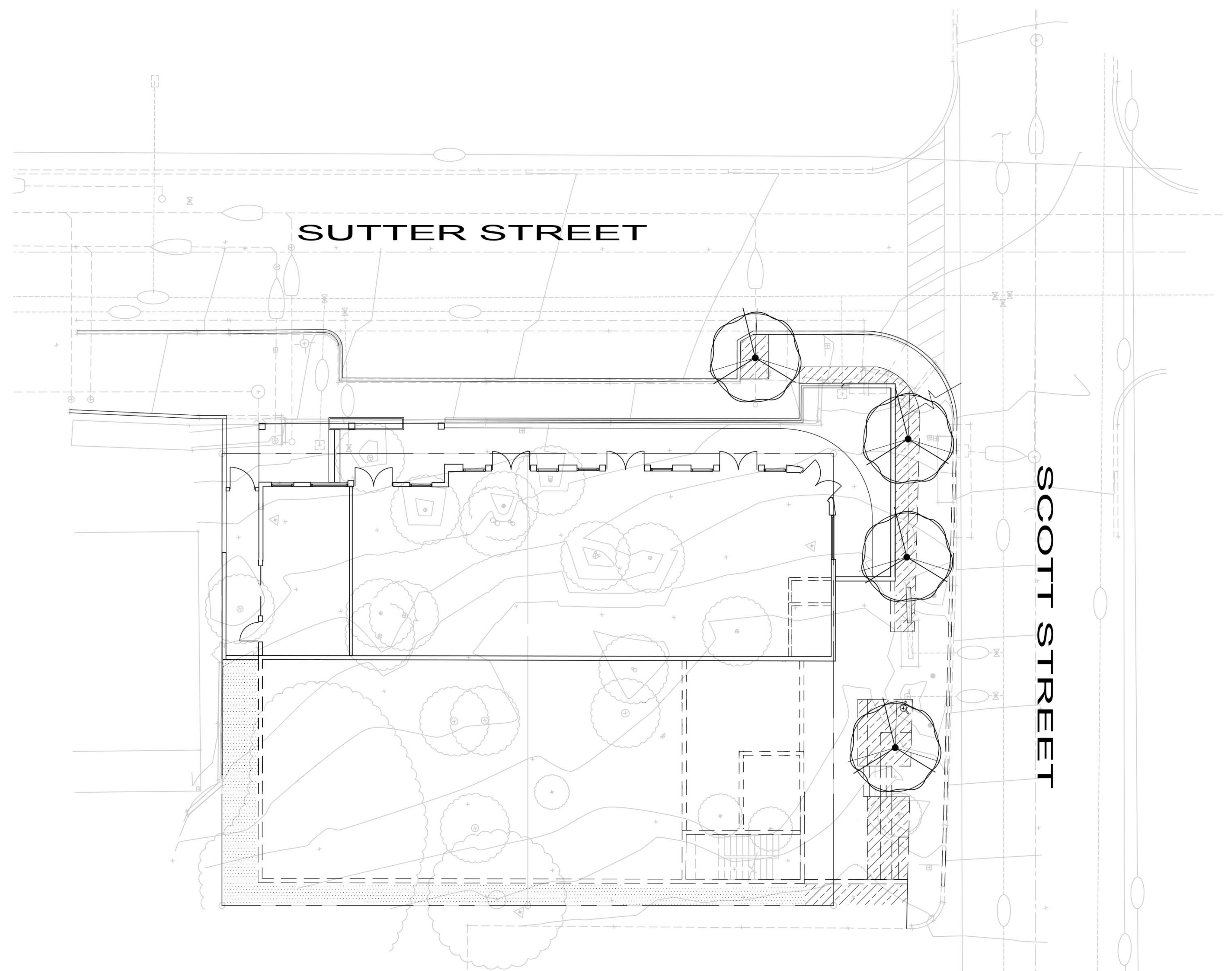
APPROVED	BY	DATE	REVISION	CHECK NO.	BY	DESIGN	DRAWN	QUANT.	ORIGINAL SCALE IS IN INCHES
									2
<b>OWNER:</b> CEDRUS HOLDINGS LIMITED PARTNERSHIP 604 SUTTER STREET, SUITE 250 FOLSOM, CA 95630									
<b>603 SUTTER STREET</b> APN: 00-0011-010 FOLSOM, CA 95630 <b>PRELIMINARY UTILITY PLAN</b>									
Drawing	Sheet								
of	of Total								
	2								
8/23/2023									



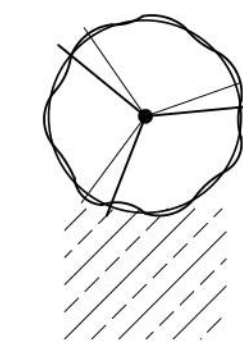

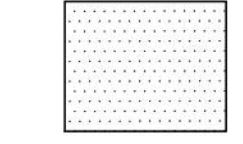
**Attachment 8**

**Preliminary Landscape Plan**  
**Dated December 10, 2022**

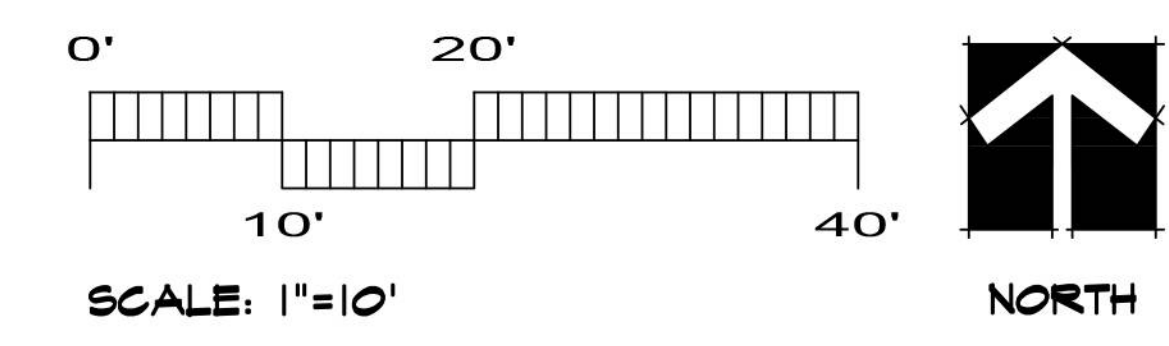




CONCEPT PLANT SCHEDULE

	<b>POTENTIAL TREES</b> Acer palmatum / Japanese Maple	15 gal
	<b>POTENTIAL SHRUBS</b> Aspidistra elatior / Cast Iron Plant Callistemon citrinus 'Little John' / Dwarf Bottle Brush Calycanthus occidentalis / Spice Bush Cistus salvifolius 'Prostratus' / Sageleaf Rockrose Cistus x purpureus / Orchid Rockrose Cotoneaster dammeri 'Coral Beauty' / Bearberry Cotoneaster Diates Iridioides / Fortnight Lily Erigeron karvinskianus 'Moerheimii' / Pink Santa Barbara Daisy Galvezia speciosa / Island Bush Snapdragon Halimolobos sempervirens / Blue Cat Grass Hemerocallis x 'Yellow' / Daylily Kniphofia uvularia / Red Hot Poker Lavandula angustifolia / English Lavender Mimulus aurantiacus / Sticky Monkey Flower Myrtus communis / Myrtle Nandina domestica 'Harbour Dwarf' / Dwarf Heavenly Bamboo Pennisetum orientale / Oriental Fountain Grass Phormium tenax 'Bronze Baby' / Bronze Baby New Zealand Flax Rhapidolepis umbellata 'Minor' / Dwarf Yedda Hanthorne Standard Rosmarinus officinalis 'Collingwood Ingram' / Rosemary Salvia greggii 'Furman's Red' / Furman's Red Salvia Symphoricarpos mollis / Creeping Snowberry Vinca minor / Common Periwinkle	1 gal 5 gal 1 gal 5 gal 1 gal 5 gal 1 gal 5 gal 1 gal 1 gal 1 gal 1 gal 1 gal 1 gal 1 gal 5 gal 5 gal 1 gal 1 gal 5 gal 1 gal 1 gal 1 gal 1 gal 1 gal 1 gal 1 gal
	Bark Mulch	

SITE PLAN

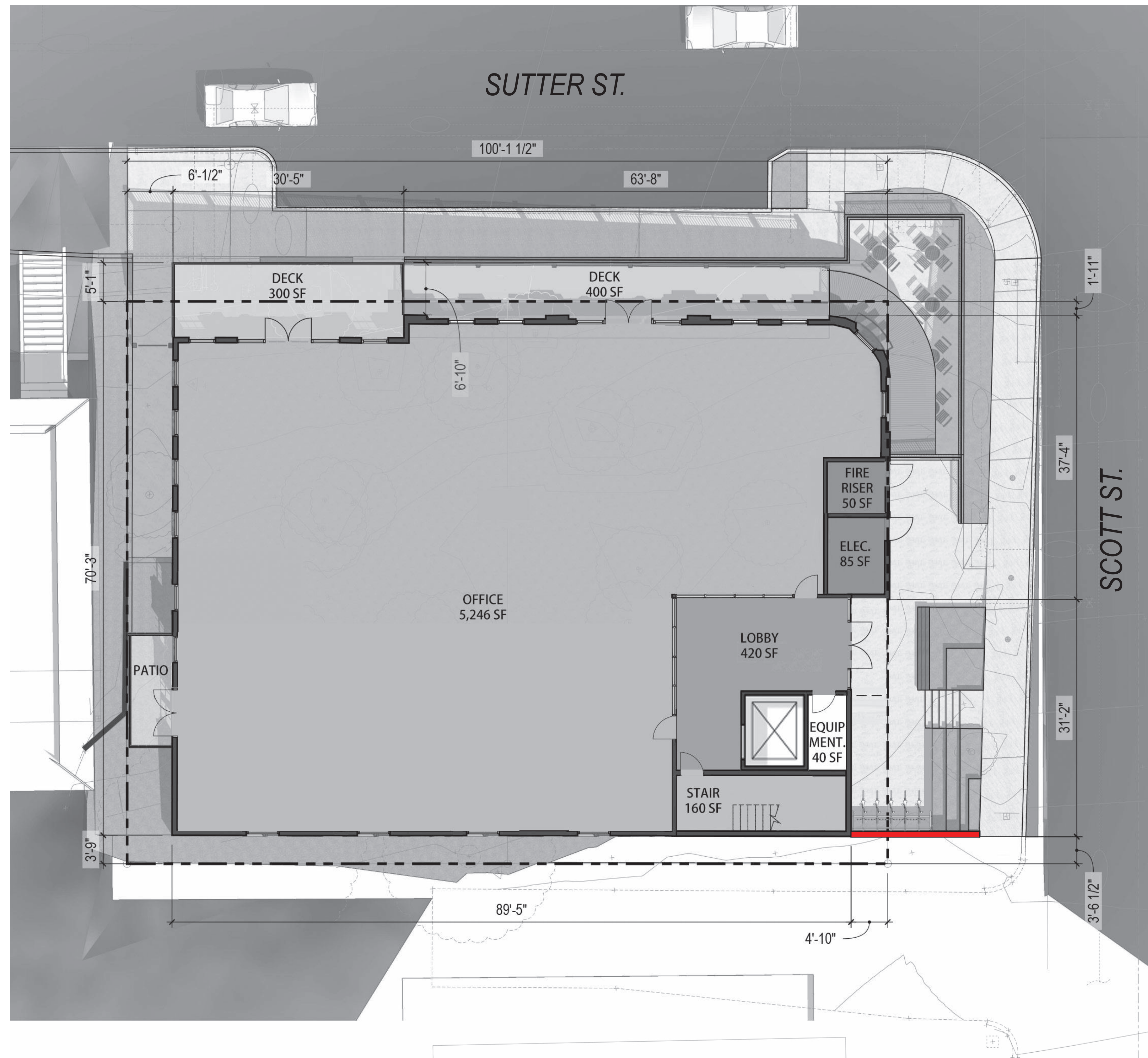




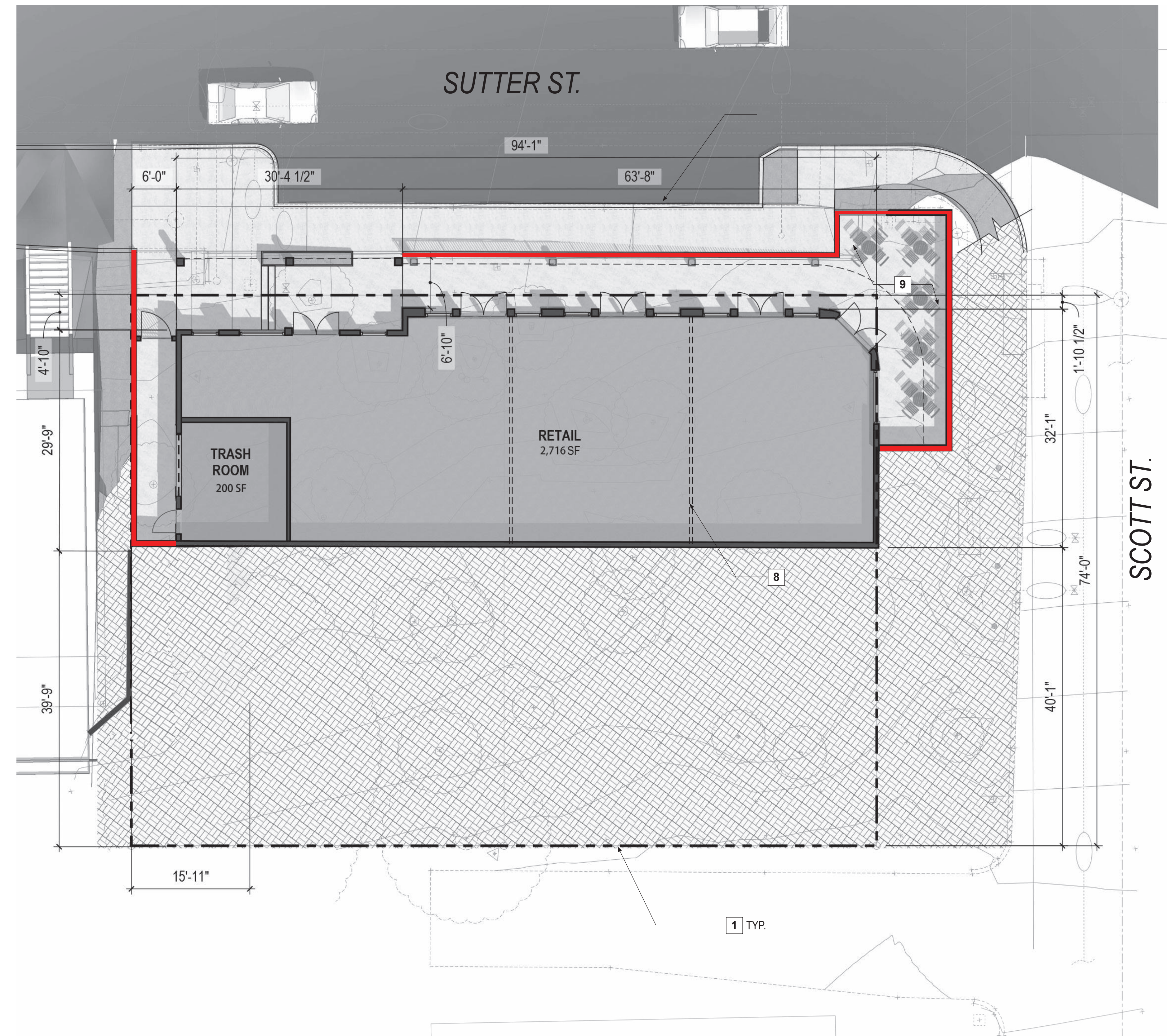
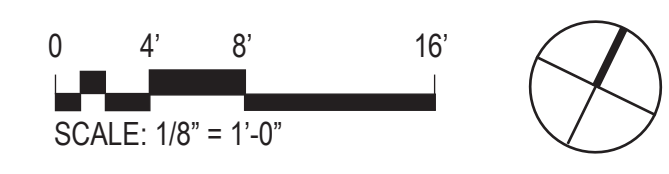
**Attachment 9**

**Retaining Wall Details**  
**Dated February 8, 2023**

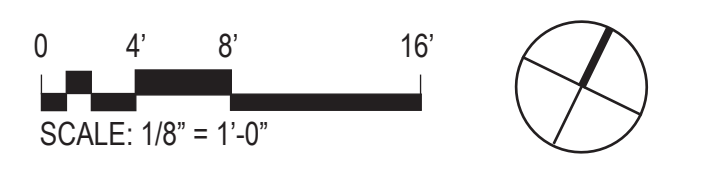




2 FLOOR PLAN - LEVEL 2



1 FLOOR PLAN - LEVEL 1



**RETAINING WALL LOCATION**

**RETAINING WALL DETAIL:**

RIVER ROCK STONE RETAINING WALL.  
STYLE TO MATCH ADJACENT BUILDING LIKE 614 SUTTER ST.



## **Attachment 10**

### **Building Elevations and Floor Plans Dated August 24, 2023 and February 8, 2023**

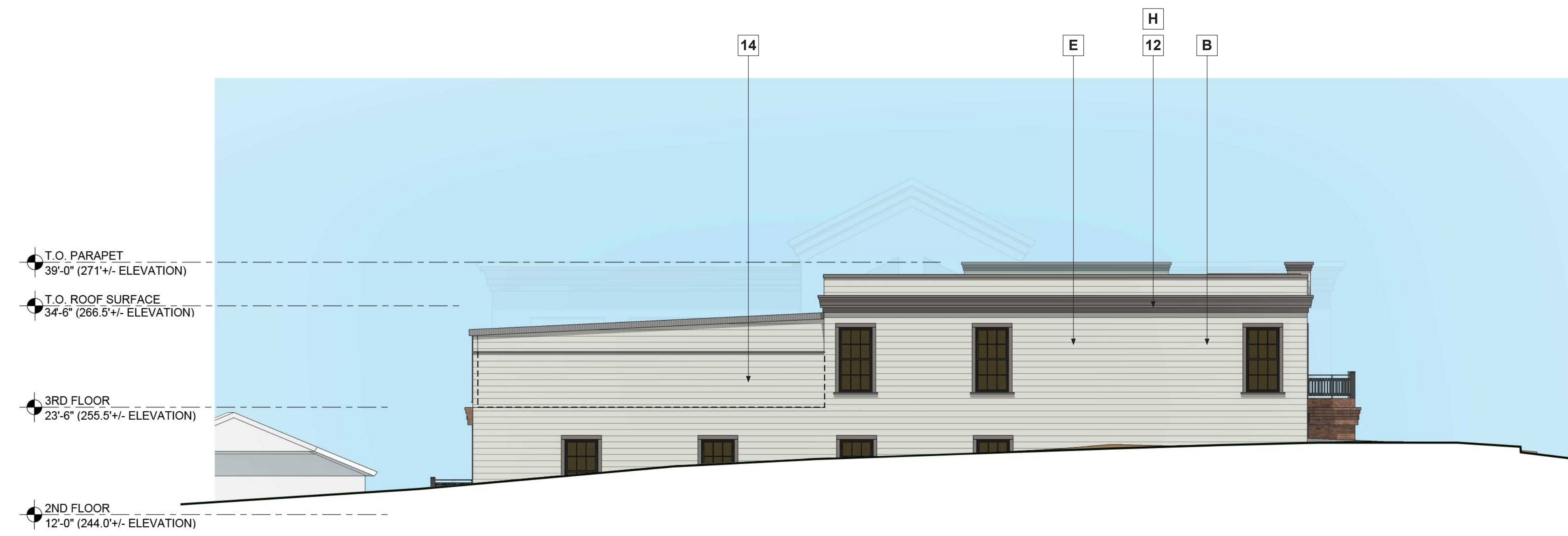




1 NORTH ELEVATION



2 EAST ELEVATION



3 SOUTH ELEVATION



4 WEST ELEVATION

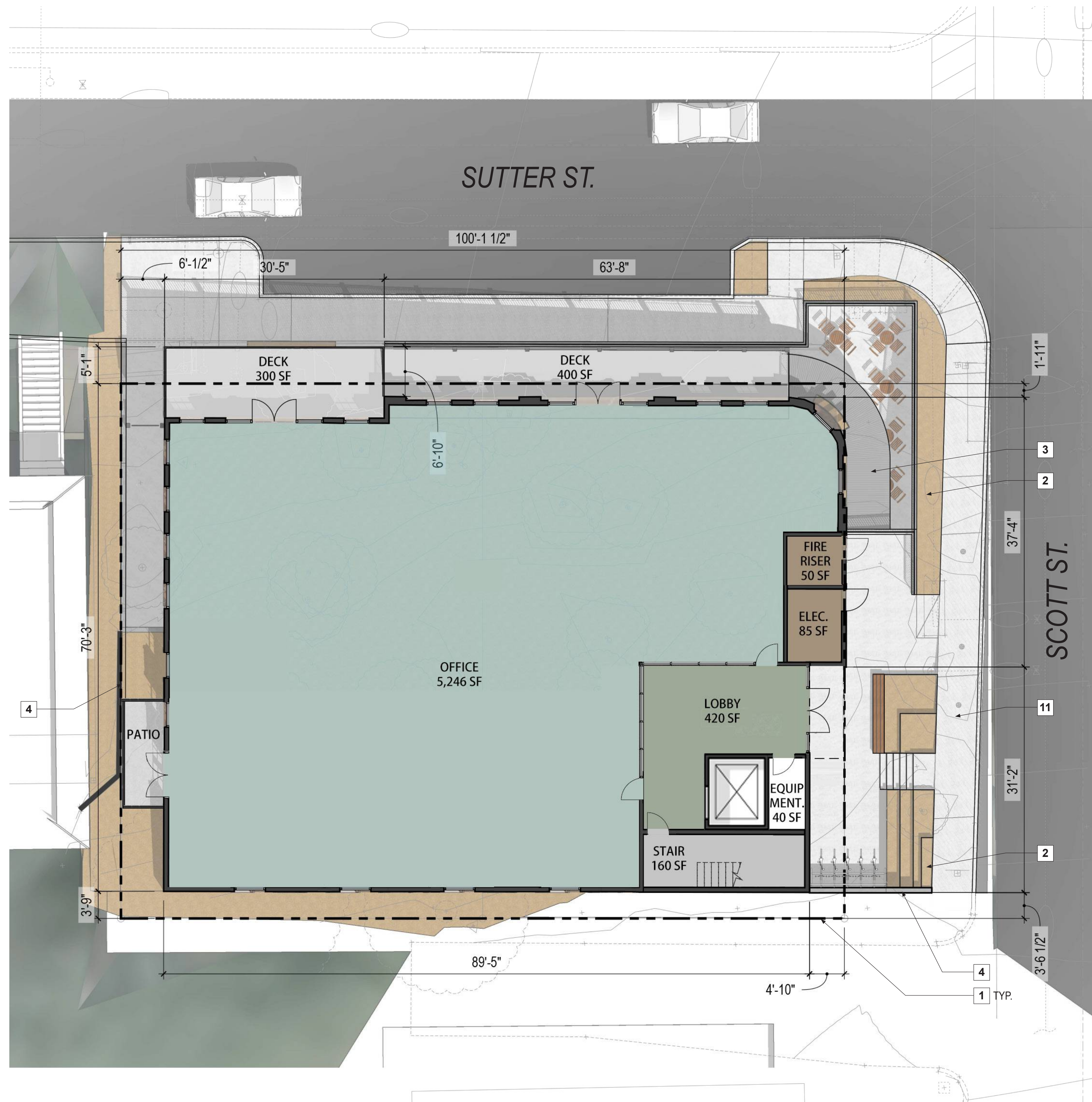
**EXTERIOR FINISH LEGEND**

- A BRICK VENEER - H.C. MUDDOX: MENDOCINO BLEND
- B HORIZONTAL SIDING - COLOR: SNOWBOUND SW 7004
- C CORRUGATED METAL ROOF
- D PAINTED WOOD TRIM TO MATCH WINDOW SYSTEM
- E ALUMINUM WINDOW / STOREFRONT SYSTEM - COLOR: DARK BRONZE
- G EXTERIOR PAINT - COLOR: URBANE BRONZE SW 7048
- H EXTERIOR PAINT - COLOR: CROWNSVILLE GRAY HC 106

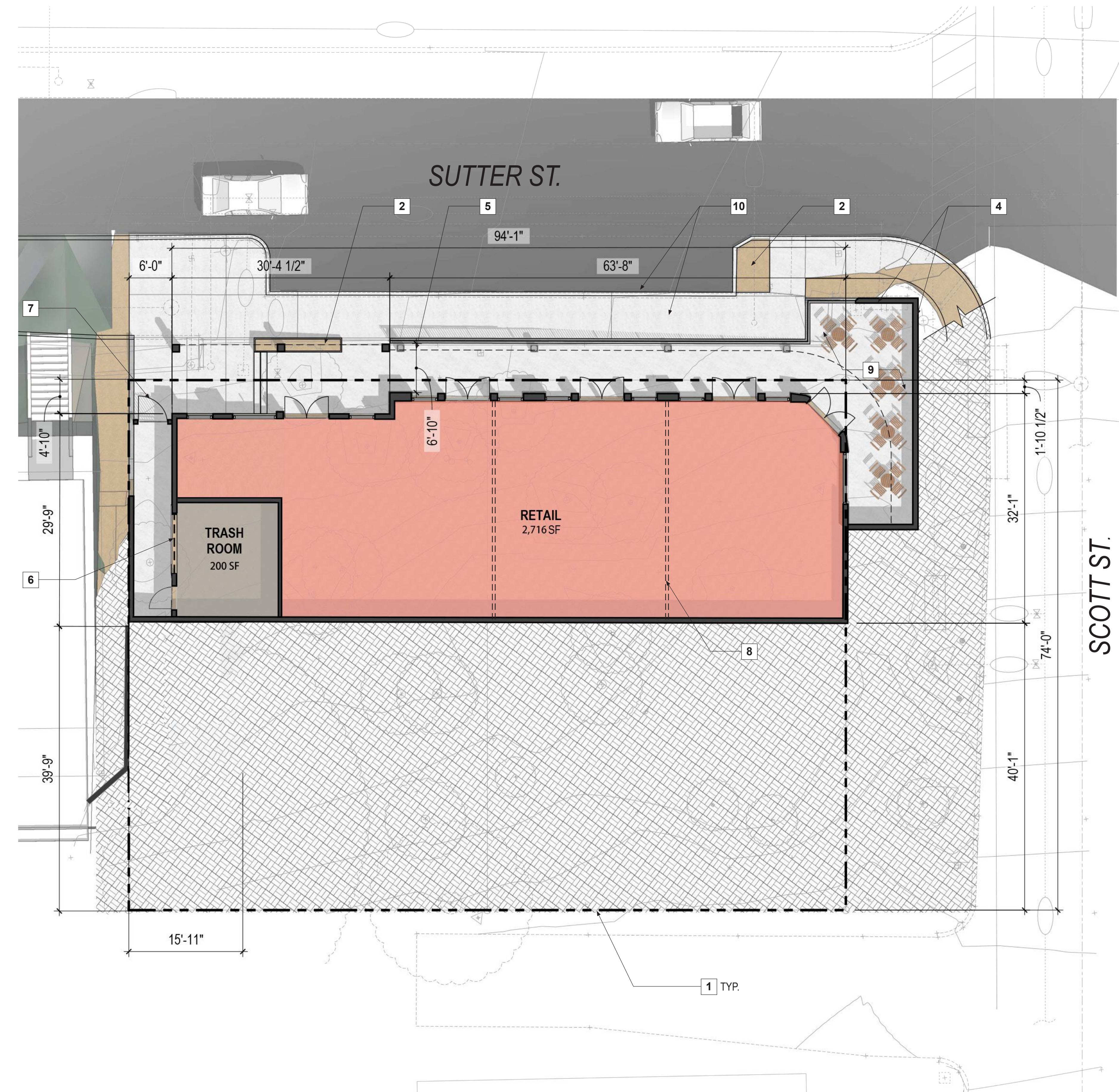
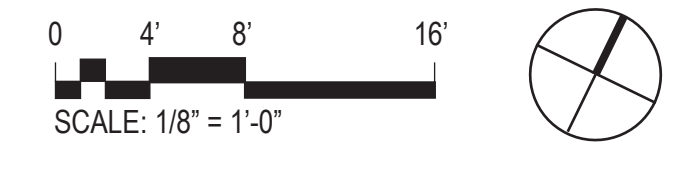
**SHEET NOTES A-211**

- 1 LINE OF FLAT ROOF BEYOND
- 2 MAXIMUM ALLOWABLE HEIGHT PLANE
- 3 GATE ACCESS TO TRASH ROOM
- 4 LOBBY ENTRANCE
- 5 SIDEWALK ACCESS FROM STREET
- 6 TRASH ROOM ROLL-UP DOOR
- 7 CONCRETE BASE
- 8 CONCRETE WINDOW SILL
- 9 ORNAMENTAL IRON RAILING
- 10 WOOD BALCONY STRUCTURE
- 11 CONCRETE RETAINING WALL
- 12 WOOD CORNICE PROFILE
- 13 BRICK CORNICE / DENTILS
- 14 MECHANICAL WELL BEYOND
- 15 PAINTED STEEL AWNING STRUCTURE

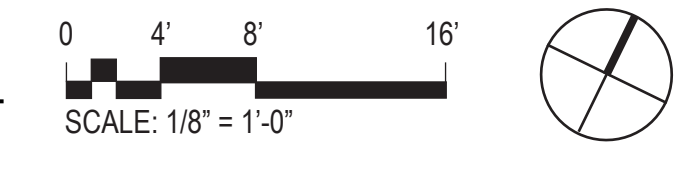




2 FLOOR PLAN - LEVEL 2



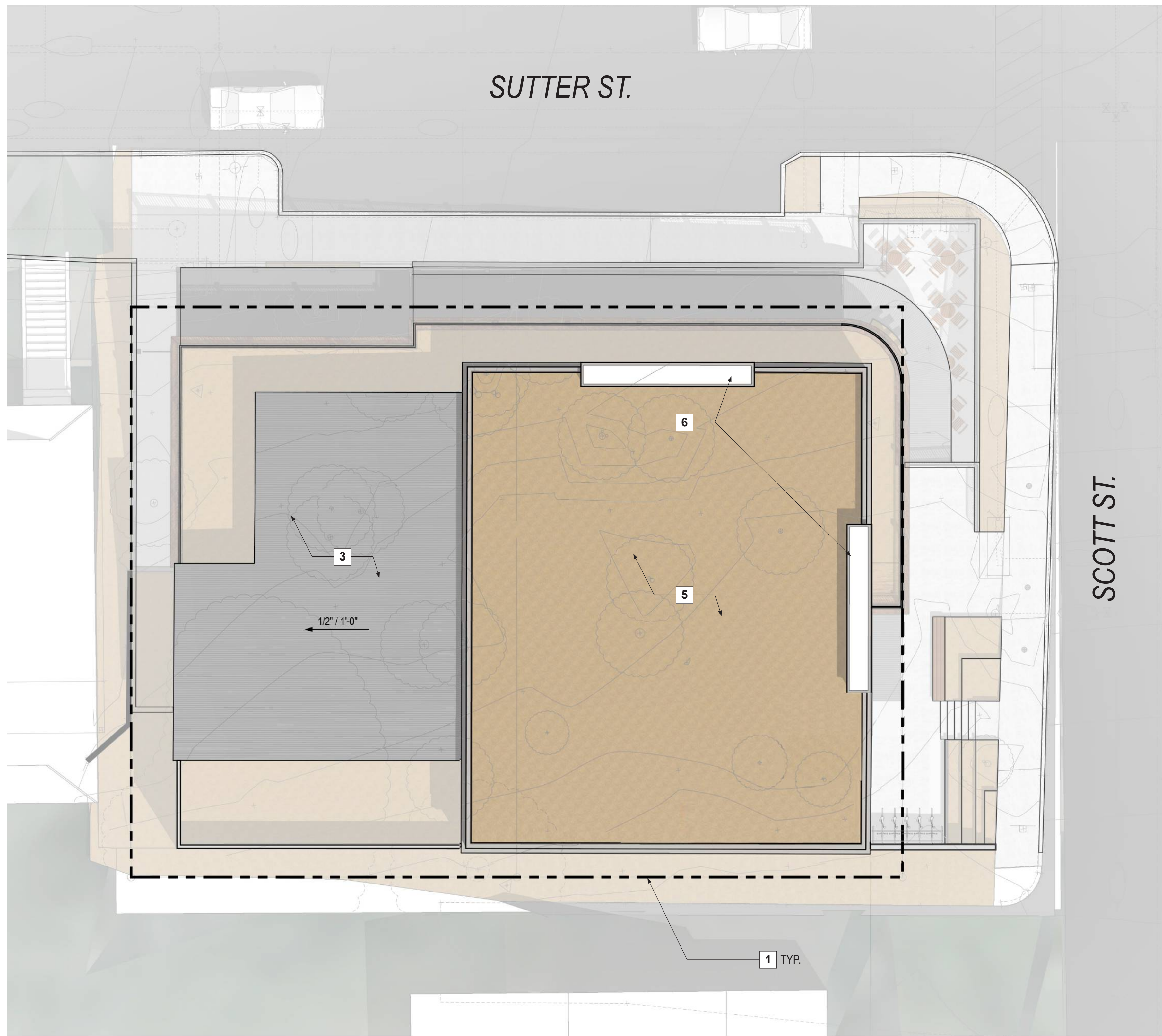
1 FLOOR PLAN - LEVEL 1



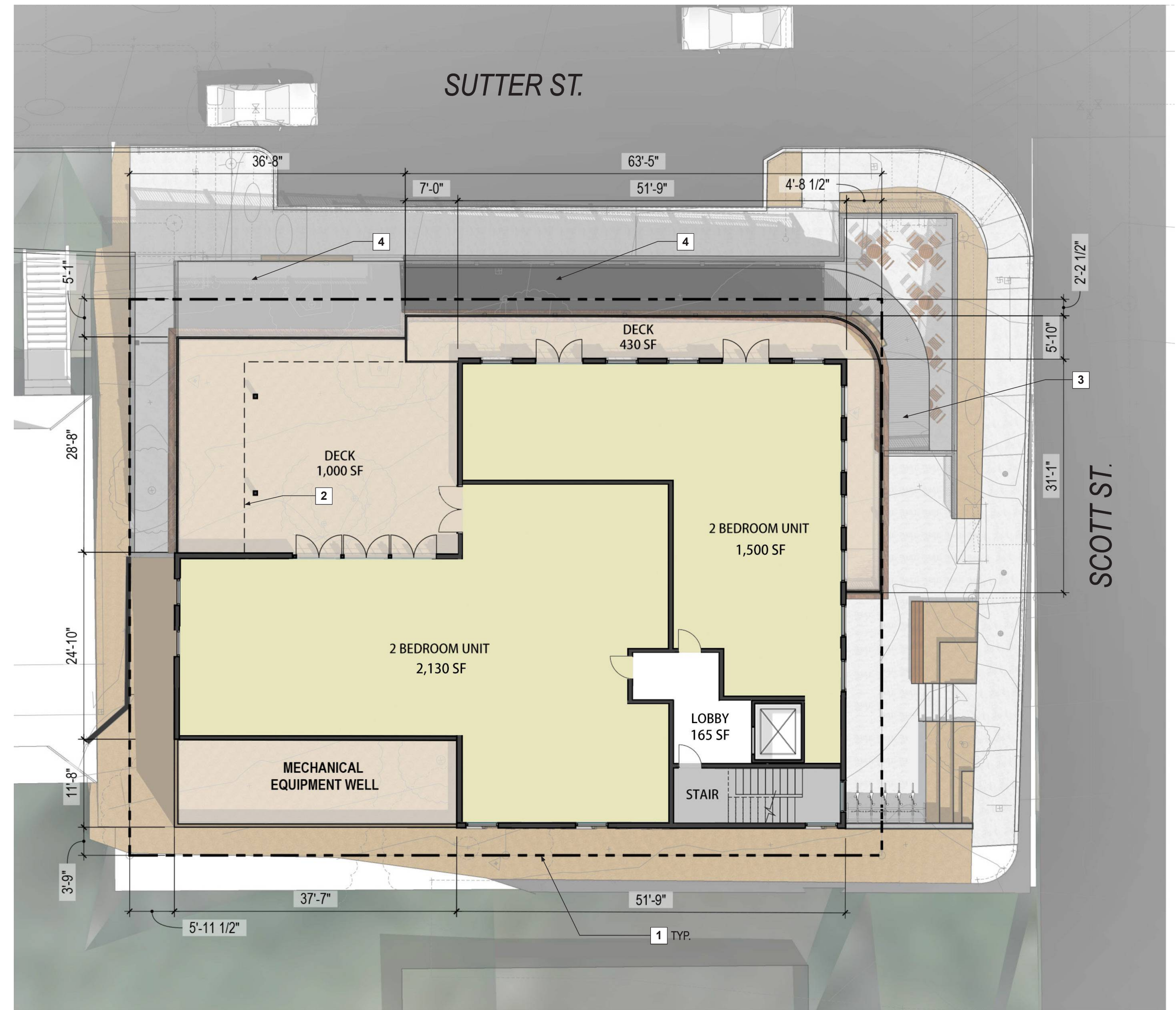
SHEET NOTES A-111

- 1 PROPERTY LINE
- 2 LANDSCAPE PLANTER
- 3 CORRUGATED METAL ROOF
- 4 RETAINING WALL
- 5 LINE OF ROOF AND/OR DECK OVERHEAD
- 6 ROLL-UP DOOR ACCESS TO TRASH ROOM
- 7 4FT WIDE ORNAMENTAL IRON GATE
- 8 POTENTIAL DEMISING WALL LOCATION
- 9 POTENTIAL DINING PATIO
- 10 (E) SIDEWALK AND ON STREET PARKING TO REMAIN
- 11 (N) SIDEWALK IMPROVEMENTS





2 ROOF PLAN



1 FLOOR PLAN - LEVEL 3

SHEET NOTES A-112

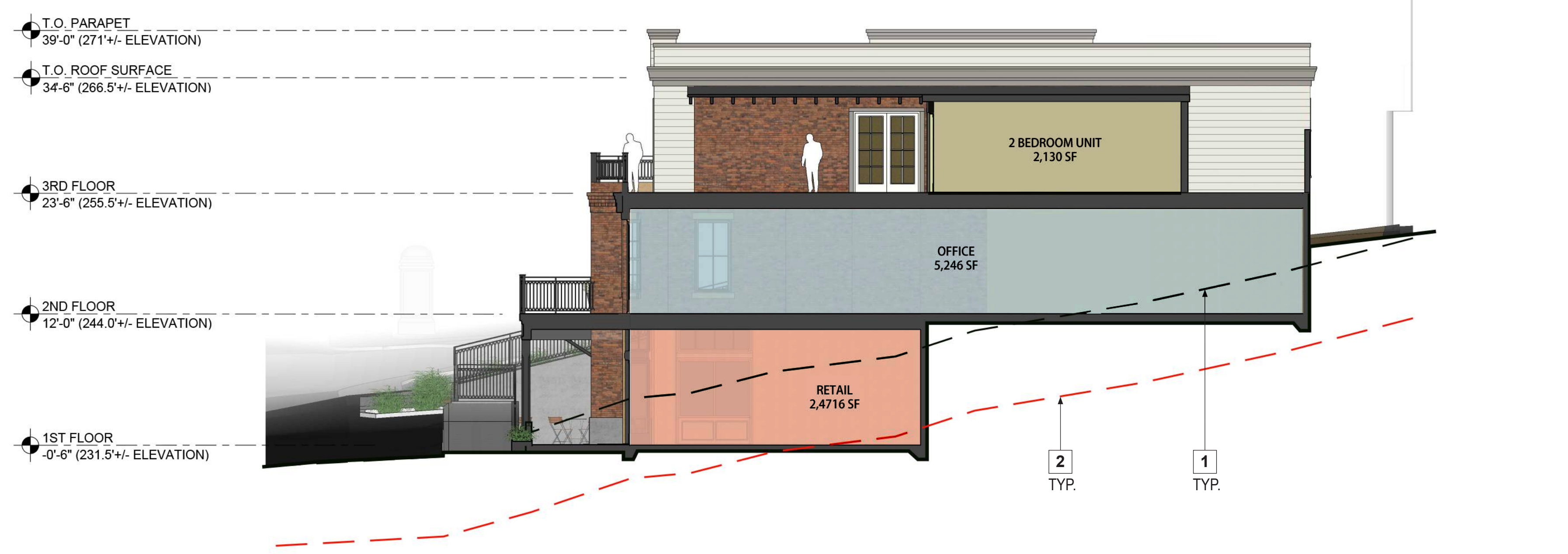
- 1 PROPERTY LINE
- 2 LINE OF ROOF OVERHEAD
- 3 CORRUGATED METAL ROOF
- 4 DECK BELOW
- 5 FLAT ROOF AREA
- 6 ARCHITECTURAL ROOF PARAPET



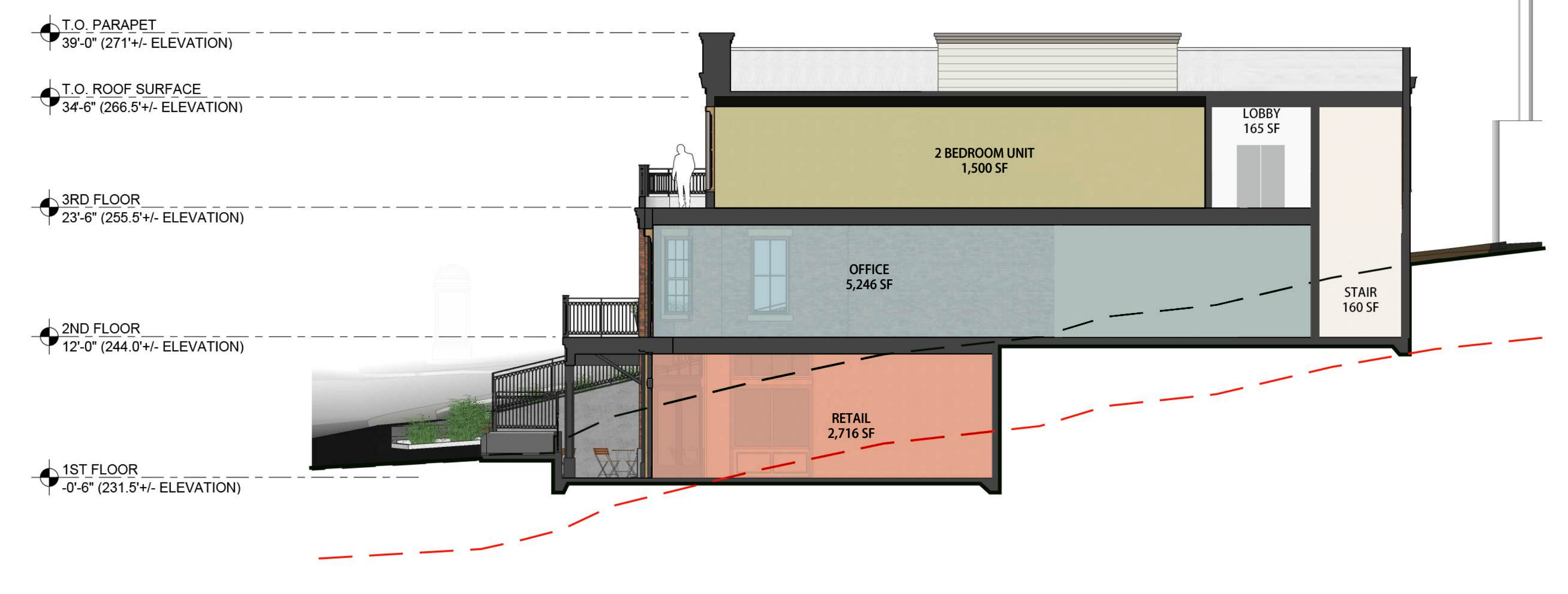
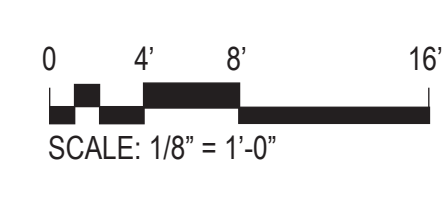
# **Attachment 11**

## **Building Sections, dated August 24, 2023**

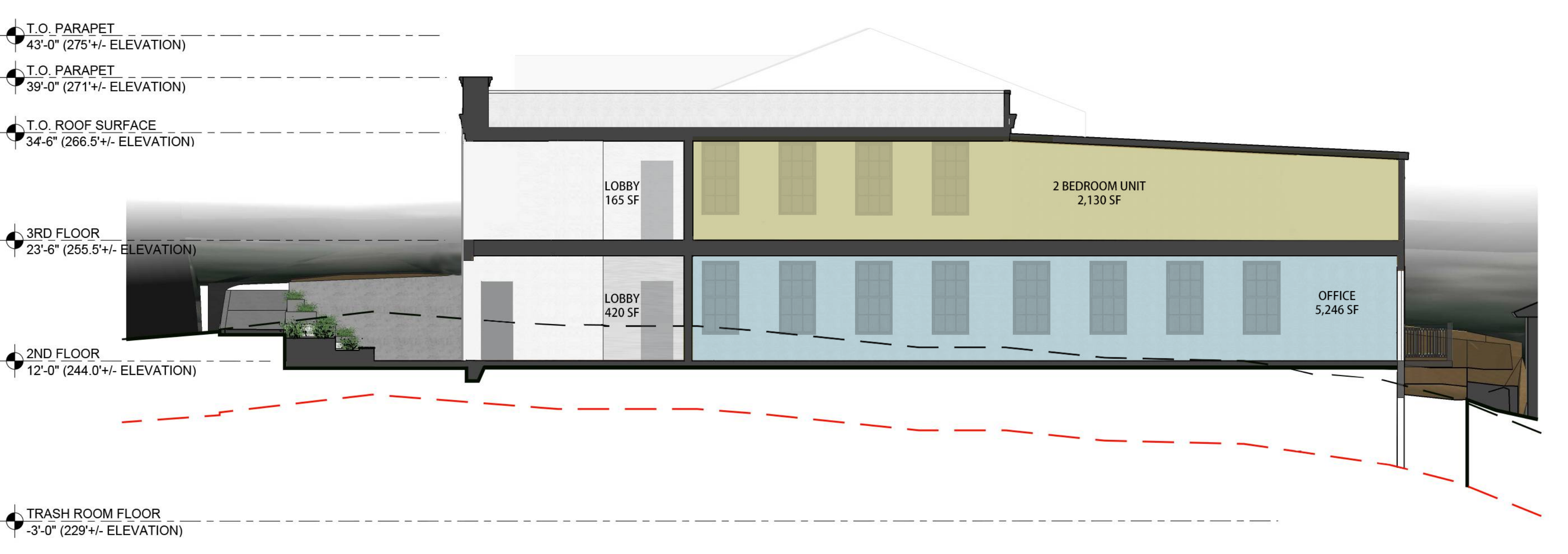
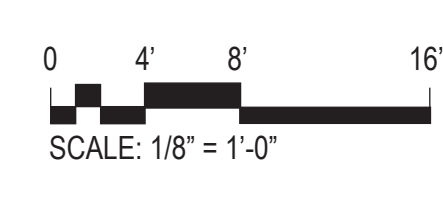




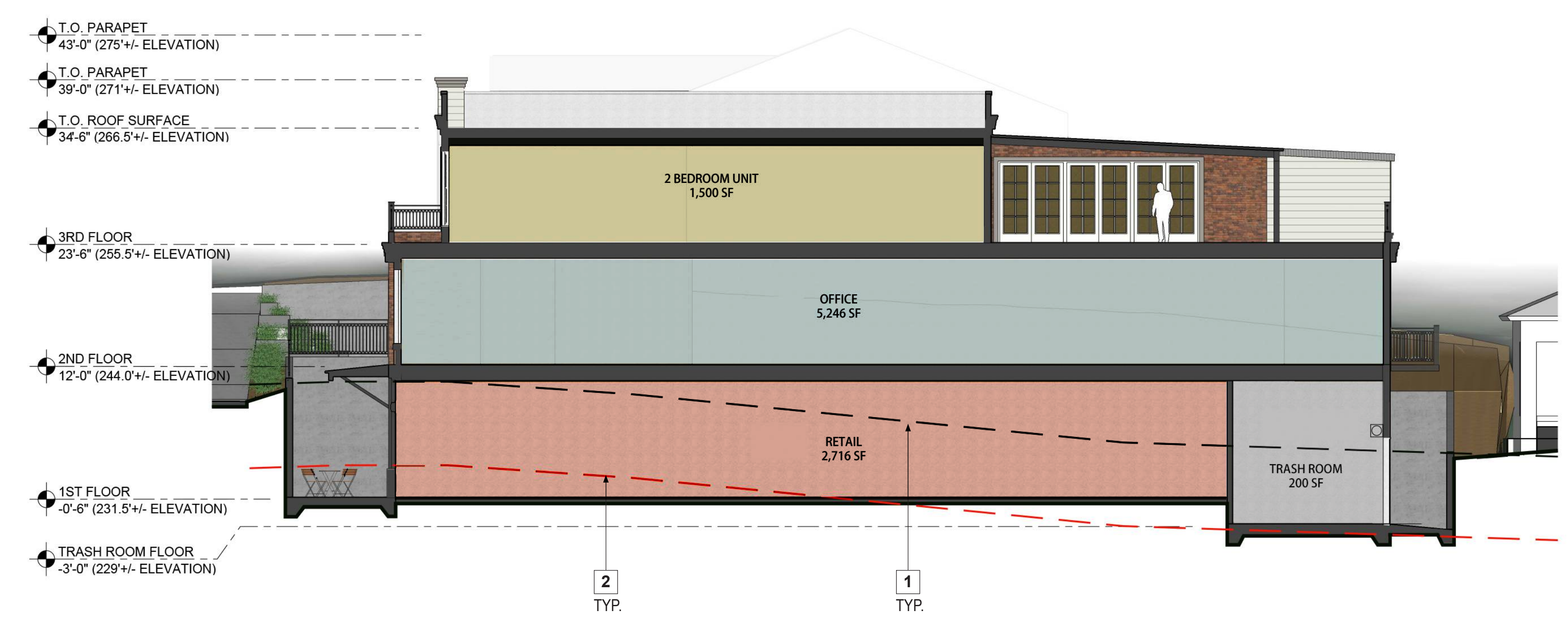
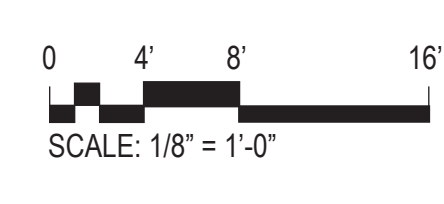
1 BUILDING SECTION 1



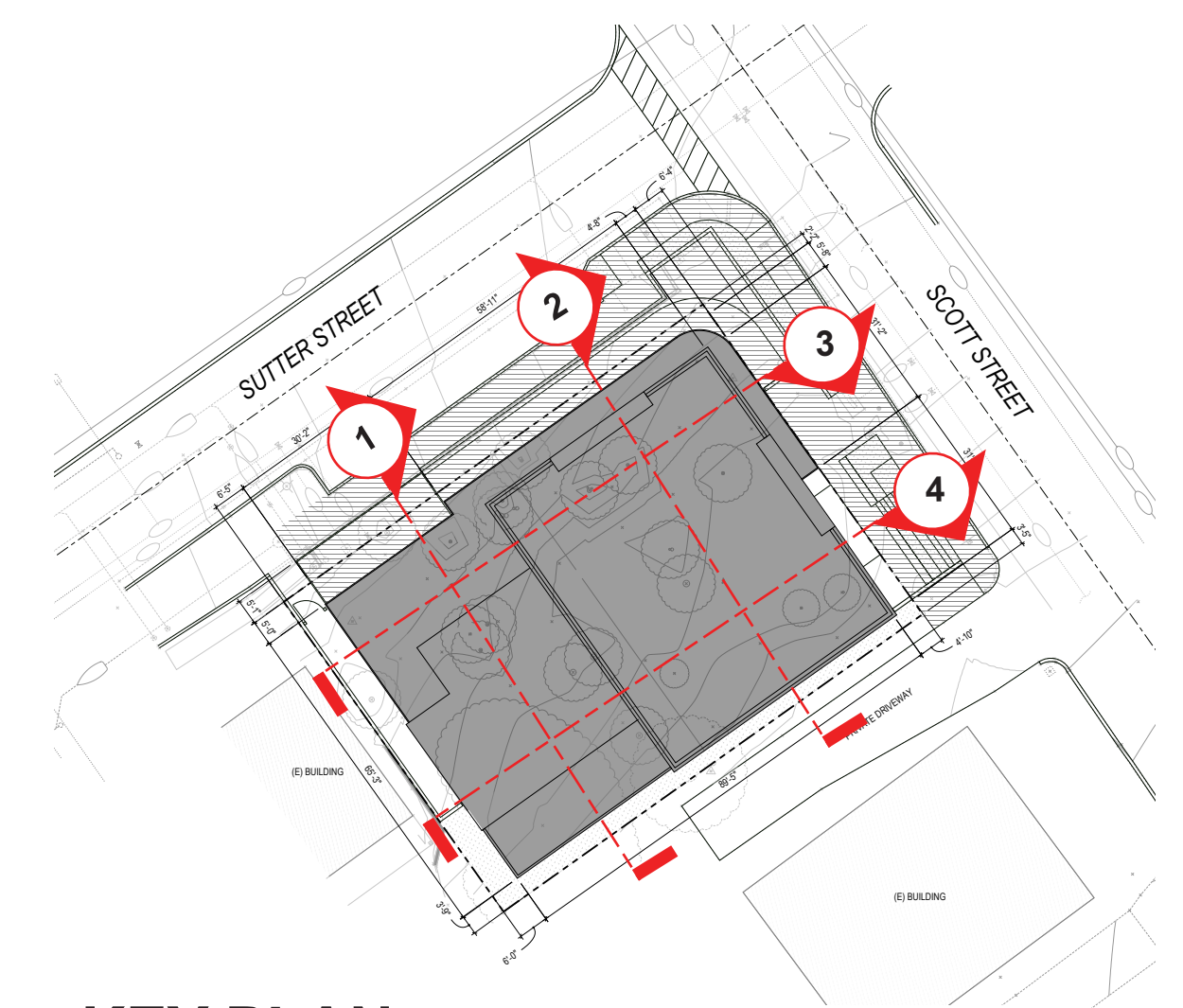
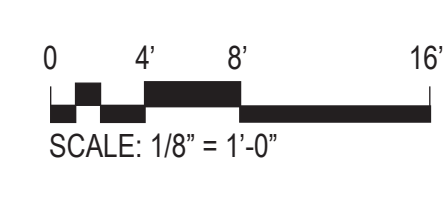
2 BUILDING SECTION 2



4 BUILDING SECTION 4



3 BUILDING SECTION 3



KEY PLAN

SHEET NOTES A-211

- 1 APPROX. LOCATION OF EXISTING NATURAL GRADE
- 2 APPROX. LOCATION OF BEDROCK



**Attachment 12**

**Illustrative Building Renderings**  
**Dated February 8, 2023**





1 ILLUSTRATIVE RENDERING - LOOKING SOUTHWEST



2 ILLUSTRATIVE RENDERING - LOOKING SOUTH



3 ILLUSTRATIVE RENDERING - AREIAL LOOKING SOUTHWEST



4 ILLUSTRATIVE RENDERING - LOOKING EAST





1 ILLUSTRATIVE RENDERING - POTENTIAL PATIO DINING AREA



2 ILLUSTRATIVE RENDERING - SCOTT ST. OFFICE ENTRANCE



**Attachment 13**

**Streetview Building Renderings**  
**Dated February 6, 2023**





1 STREET VIEW RENDERING - VIEW FROM SUTTER STREET LOOKING SOUTH



2 STREET VIEW RENDERING - VIEW FROM SUTTER STREET LOOKING SOUTH





1 STREET VIEW RENDERING - VIEW FROM SUTTER ST. LOOKING SOUTHWEST



2 STREET VIEW RENDERING - VIEW FROM SCOTT ST. / RILEY ST. INTERSECTION



**Attachment 14**

**Historic Building References**  
**Dated February 8, 2023**



# CALIFORNIA GOLD RUSH COMMERCIAL ARCHITECTURE (circa 1850-1900)



REFERENCE - CORNICE DETAILS

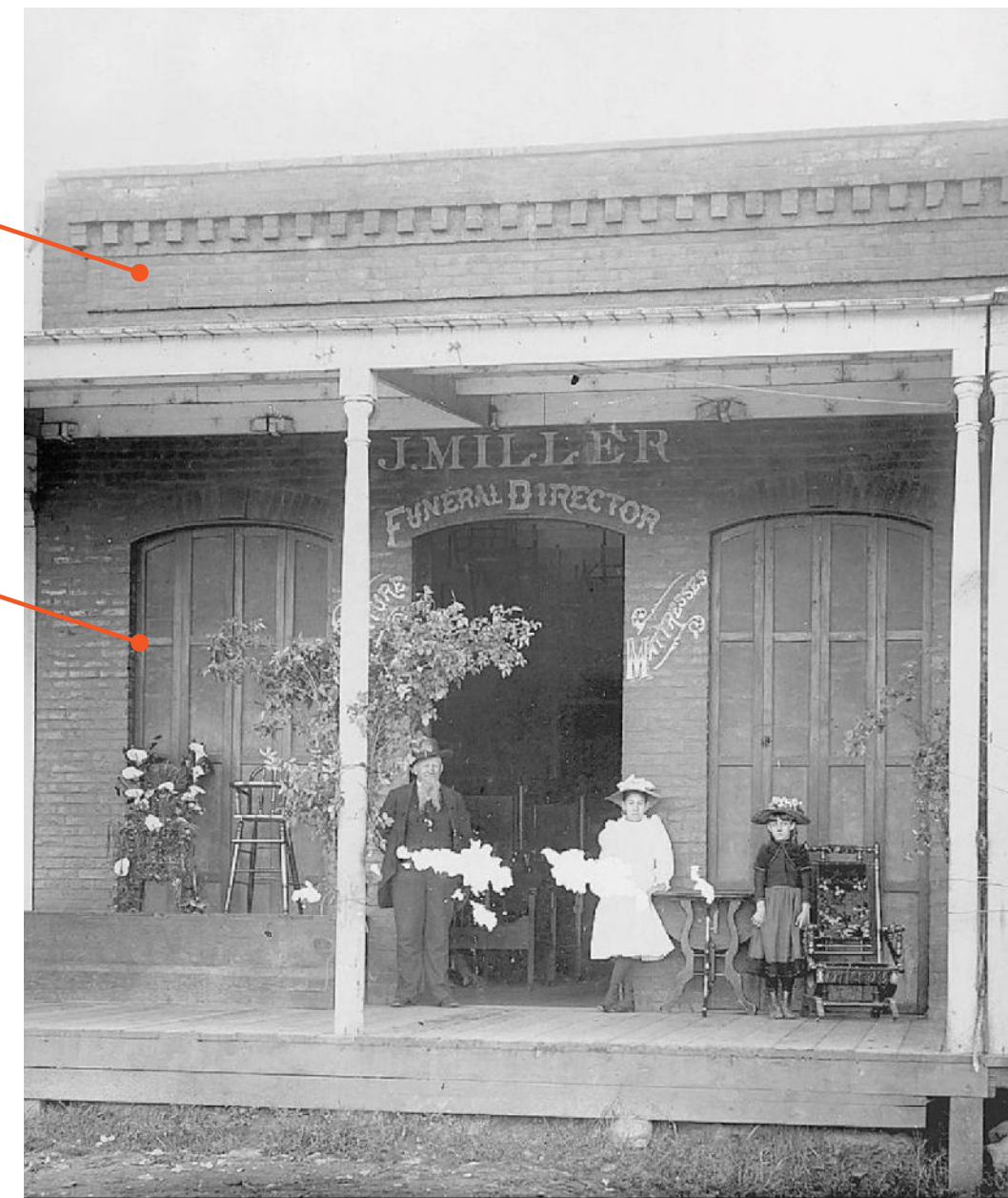
- PARAPET
- FRIEZE OR BRACKETS
- CORNICE
- TRANSOM WINDOWS, CURVED OR RECTANGULAR



HISTORIC SUTTER STREET (700 BLOCK) - 1914

- DEEP SET AWNING OR COVERED WALKWAY

- BRICK DENTILS @ CORNICE
- DENTILS OR BRACKETS



SUTTER STREET STOREFRONT - 1880



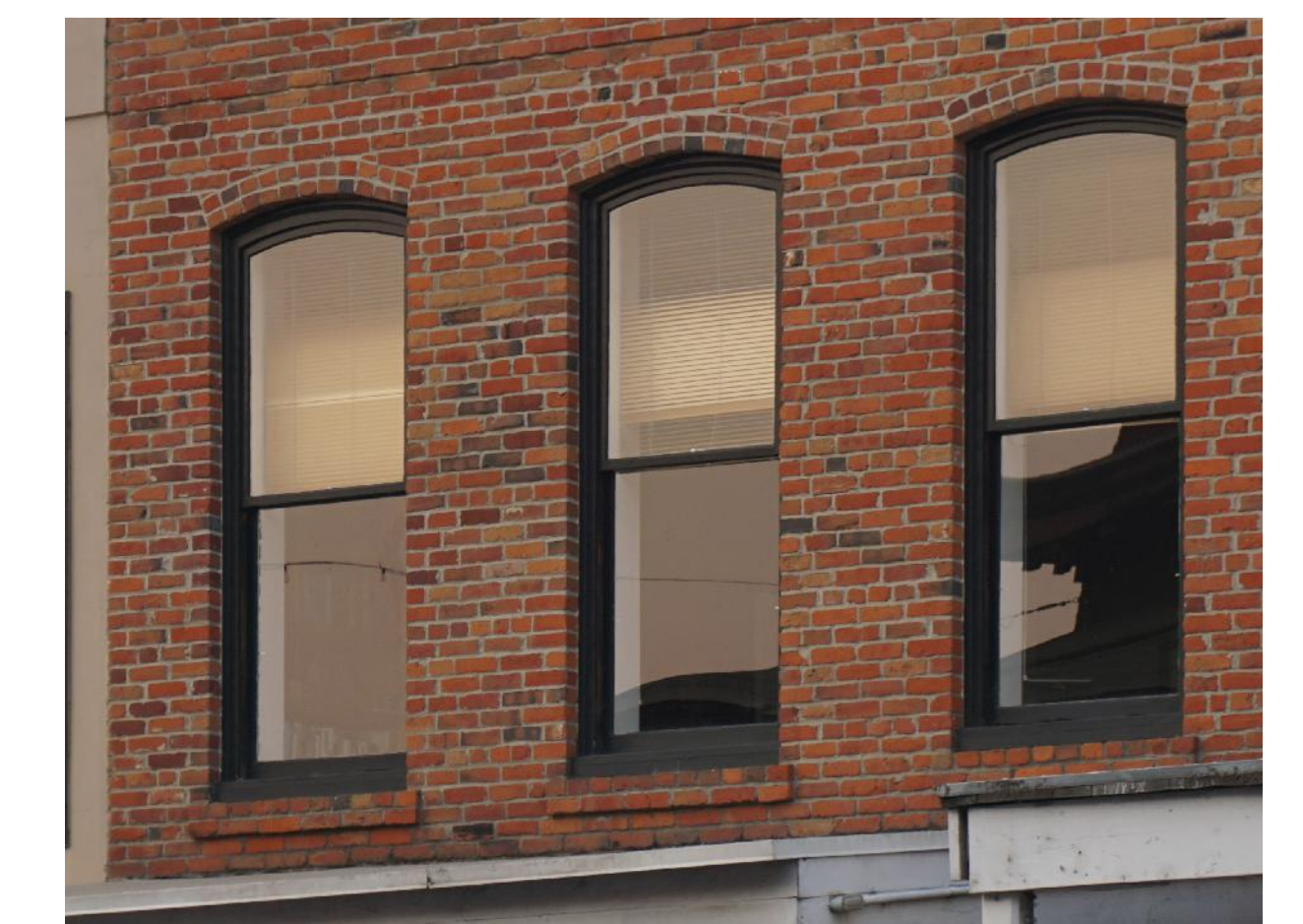
ENTERPRISE HOTEL (SUTTER ST) - 1893

- UPPER STORY WINDOWS WITH SOLDIER COURSE LINTEL

## SUTTER ST. COMMERCIAL ARCHITECTURE - HISTORICAL PHOTOS



REFERENCE - CORNER EMPHASIS



REFERENCE - UPPER WINDOWS



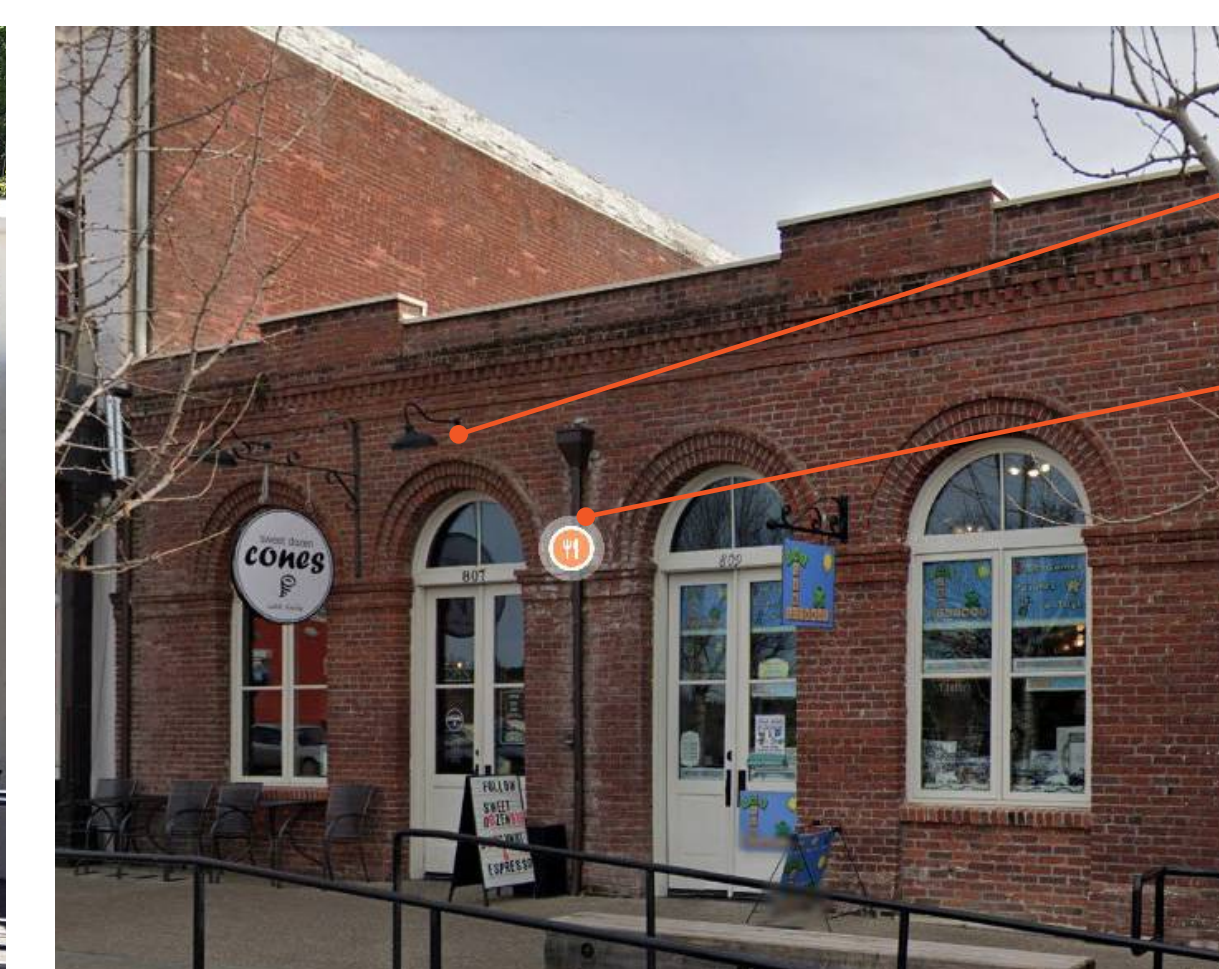
REFERENCE - 3 STORY BLDG. - OLD SACRAMENTO

- HANGING BLADE SIGN
- TRANSOM
- WINDOW W/ SIGN PAINTING
- BASE PANEL



- BRACKETS AT CORNICE

- PILASTER - BRICK OR WOOD



- GOOSE-NECK DOWN LIGHT

- EXPRESSED SCUPPER BOX AND DOWN SPOUT

## SUTTER ST. COMMERCIAL ARCHITECTURE - CURRENT REFERENCE

**williams + paddon**

ARCHITECTS + PLANNERS  
2237 Douglas Blvd., Ste. 160  
Roseville, CA 95661  
916.786.8178  
1715 R Street, Ste. 200  
Sacramento, CA 95811  
wp-architects.com

## 603 SUTTER STREET

CEDRUS HOLDINGS LLP.  
603 SUTTER ST. FOLSOM, CA

A-002  
**HISTORICAL REFERENCES**

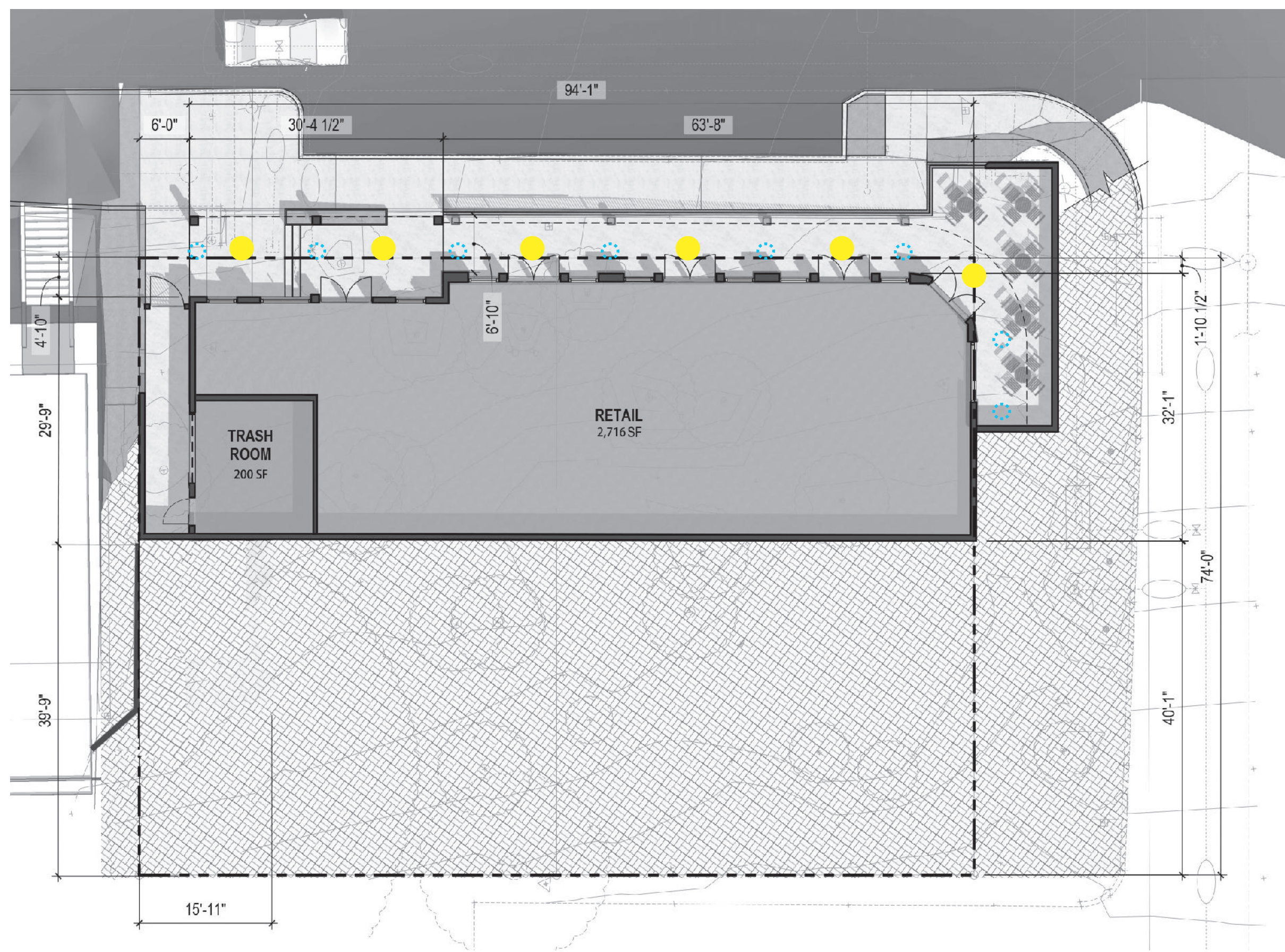
DATE OF REVISION: 02/08/23



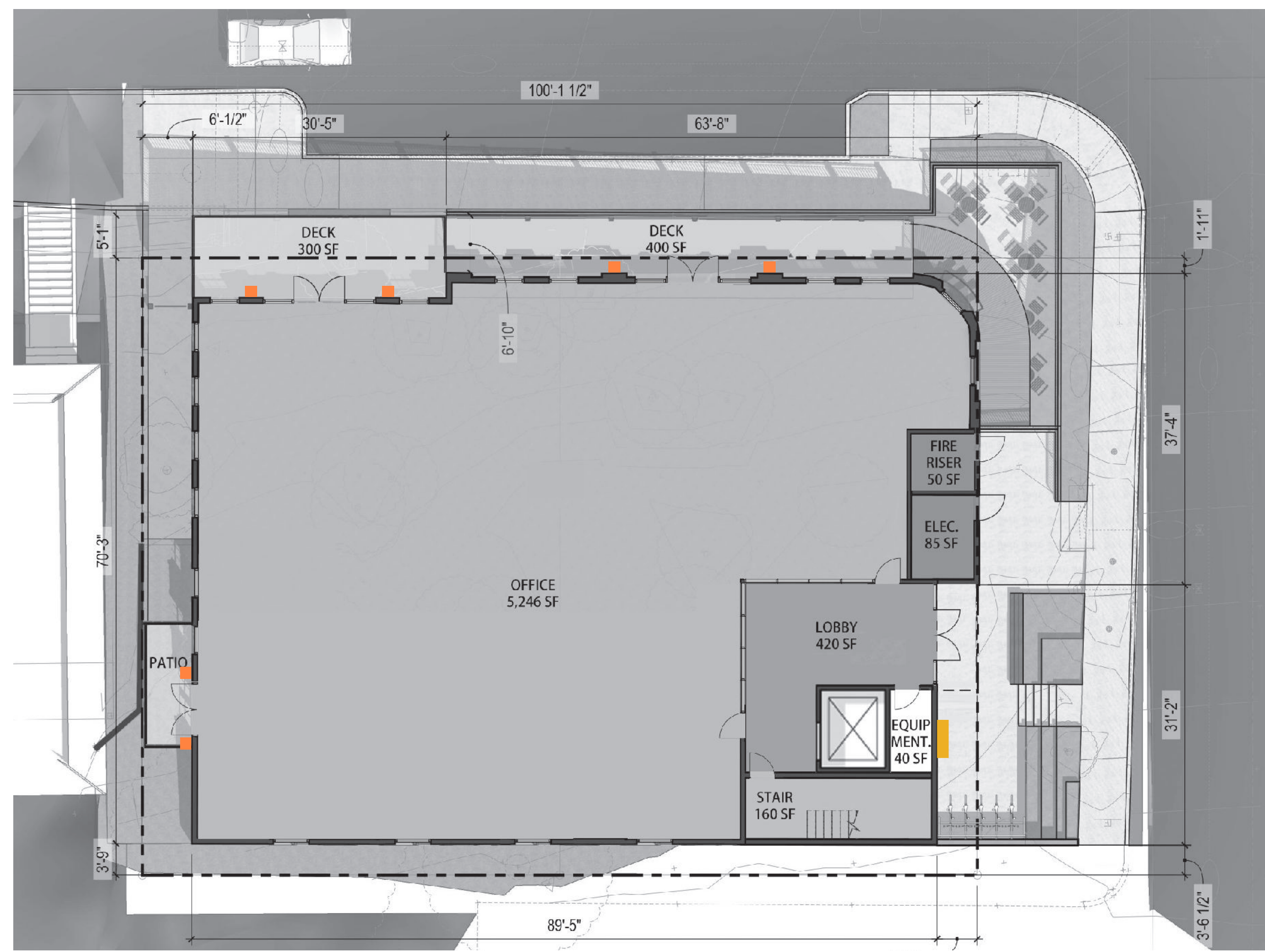
**Attachment 15**

**Building Lighting Details**  
**Dated August 24, 2023**

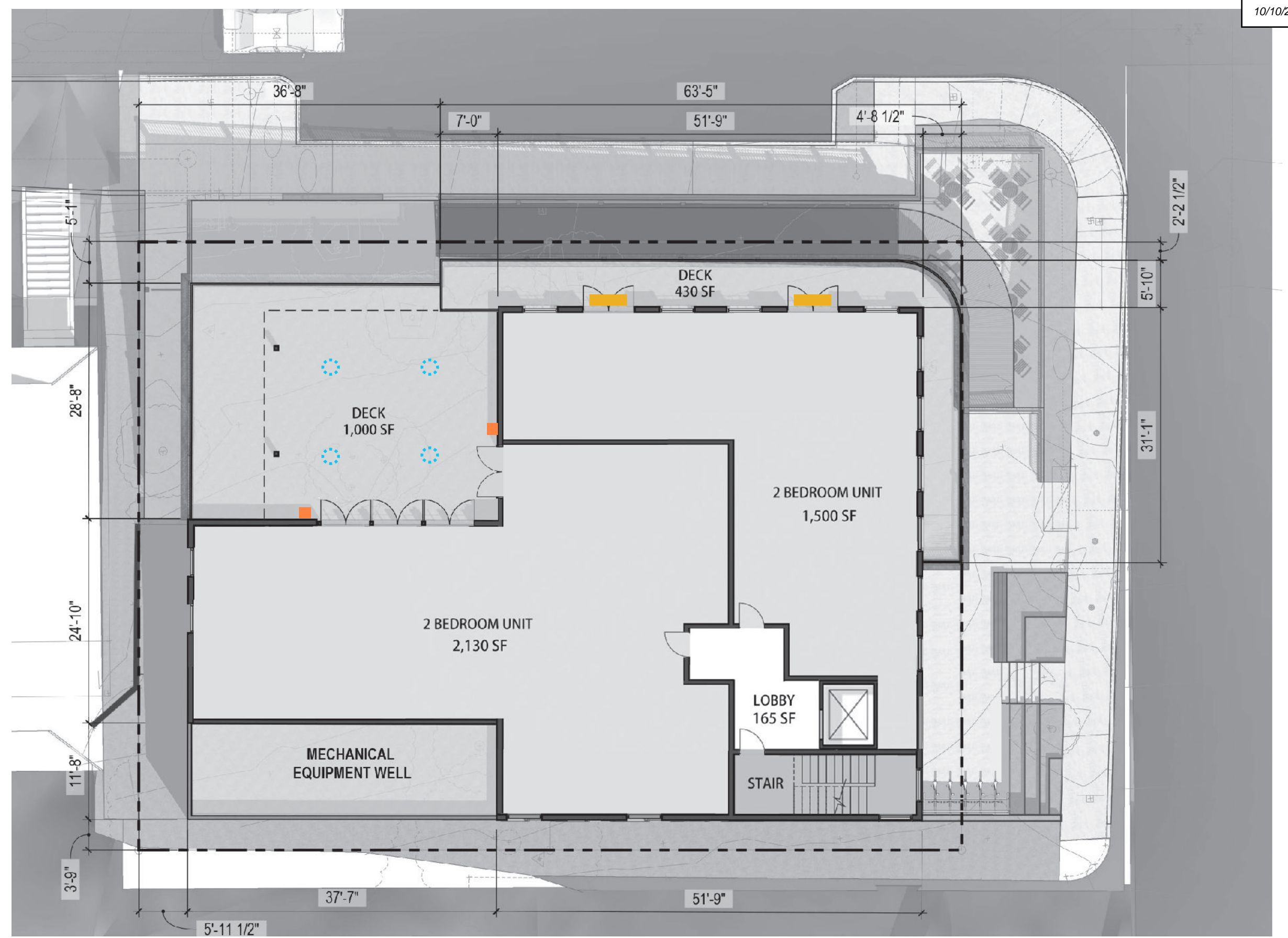




**1 LIGHTING PLAN - LEVEL 1**



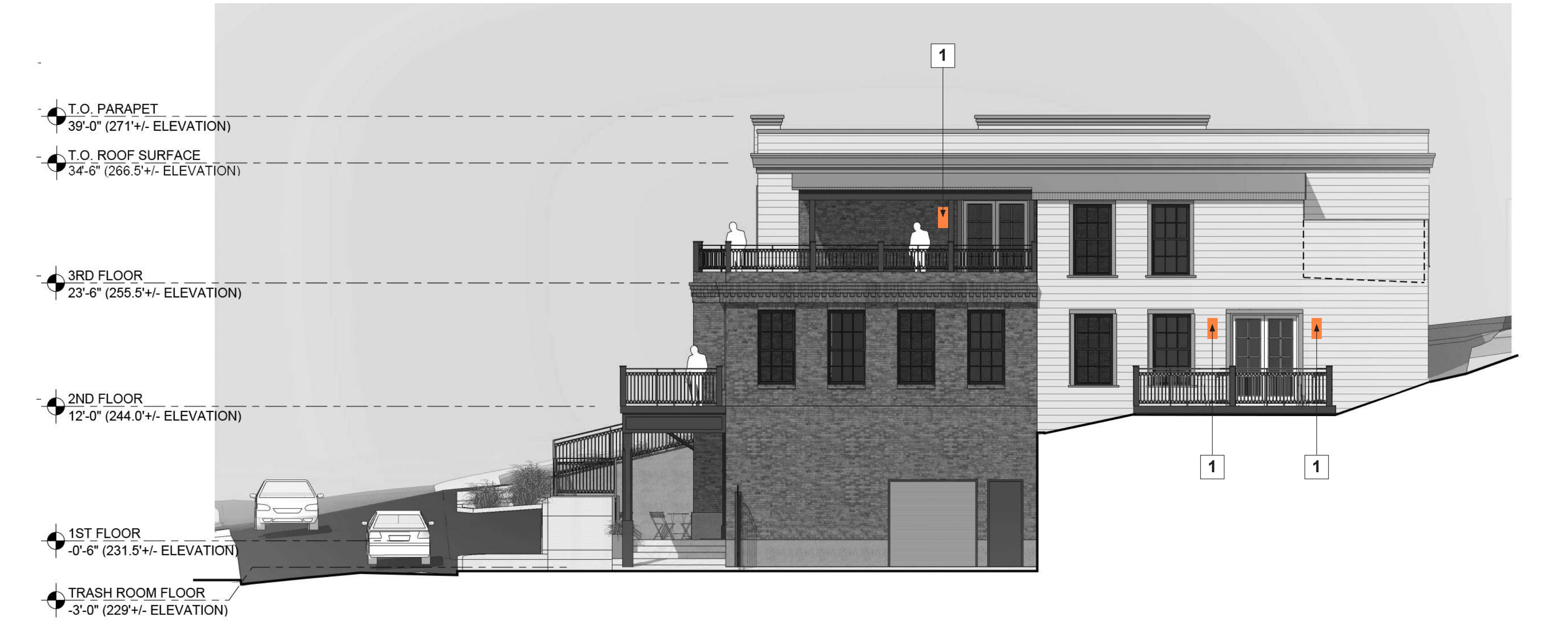
**2 LIGHTING PLAN - LEVEL 2**



**3 LIGHTING PLAN - LEVEL 3**



**4 NORTH ELEVATION**



**5 WEST ELEVATION**

**LIGHTING LOCATION:**

- LIGHTING 1
- LIGHTING 2
- LIGHTING 3
- LIGHTING 4



**LIGHTING 1:**  
 COPPER GROVE KRAN AGED  
 COPPER WALL MOUNT  
 Dimensions: 10.5"W x 13"D x 22"H  
 Finish: Copper  
 Color: Brown  
 Light Direction: Downlight



**LIGHTING 2:**  
 INTAGE BARN OUTDOOR SCENCE  
 Dimensions: 18"W x 25"D x 17 1/2"H  
 Finish: Steel and Aluminum  
 Color: Weathered Rust  
 Light Direction: Downlight



**LIGHTING 3:**  
 COPPER GROVE KRAN AGED COPPER  
 HANGING LANTERN  
 Dimensions: 27.5"W x 29.5"H  
 Finish: Copper  
 Color: Brown  
 Light Direction: Downlight



**LIGHTING 4:**  
 LED CAN LIGHT  
 Dimensions: 8" Diameter  
 Finish: Bronze  
 Color: Brown  
 Light Direction: Downlight



**6 EAST ELEVATION**



# **Attachment 16**

## **Uniform Sign Criteria Dated August 9, 2022**

# Uniform Sign Program (USP)

## Project: 603 Sutter Street, Folsom, CA

### 1.0 INTENT AND PURPOSE

This Uniform Sign Program is established for the purpose of assuring high quality tenant signage. All signage shall be designed and constructed to compliment the project architecture.

This document describes the acceptable types of signs, materials, localizations, and sizes. Signs are non-illuminated. Renderings, drawings, and shop drawings contained in these guidelines are included for illustrative purpose only and are intended to aid the Tenant in complying with the Design Criteria.

**1.1 Interpretation and Compliance:** As administrators of the tenant sign criteria, the Owner/Landlord is the final arbitrator of criteria compliance. These guidelines are to be approved by the City of Folsom and all signage must receive appropriate City issued signage permits before being fabricated or installed.

If ownership should change for all or part of the project and/or the retail tenant spaces, the guidelines herein established shall remain applicable and in force under new ownership. Should the new owner wish to amend these guidelines, it shall submit such proposal to the Planning Department of the City of Folsom for approval.

### 2.0 DEFINITION OF TERMS

**2.1 Area or Sign Area:** Sign area shall include the entire area with a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all signs elements, including, but not limited to, sign structures or borders, written copy, and color. Supporting structures such as sign brackets are not included in sign area provided that they contain no lettering or graphics.

**2.2 Logo/Logotype:** No logos are allowed per City of Folsom.

**2.3 Tenant Identification:** Shall consist of a Tenant's name. No telephone numbers or URLs are allowed.

**2.4 Temporary Identification:** A sign placed for a limited duration of time.

### 3.0 SUBMITTAL, REVIEW, AND APPROVAL PROCESS

Prior to construction of any sign or application for City sign permits, the tenant or tenant's representative must obtain the Owner/Landlord's written approval of the proposed sign design. The review and approval process shall be as follows:

**3.1** Tenant to submit drawings showing sizes and location to Owner/Landlord.

**3.2** Owner/Landlord shall review designs and either approve, approve with corrections, or deny application within 21 calendar days of receipt of application.

**3.3** If application is denied, tenant shall review reasons for denial and then revise their application to address the Owner/Landlord's concerns and resubmit the application.

**3.4** Once approval is granted by the Owner/Landlord, tenant may then proceed with their sign permit application to the City.

**3.5** Signage installed without Owner/Landlord and City approval will result in the removal of signage at Tenant's sole expense.

### 4.0 GENERAL CRITERIA FOR ALL SIGNAGE

**4.1 Code Compliance:** All signage shall comply with local building codes and ordinances.

**4.2 Maintenance:** Maintenance of installed signs is the tenant's sole responsibility. It is expected that damaged or deteriorated signs or non-functioning signage lighting will be repaired promptly and restored to a like-new condition. Within ten days after receiving written notice from the Owner or the City, Tenant will complete all repairs requested. If repairs and remedies are not made within this time period, the Owner may undertake repairs at the Tenant's expense.

**4.3 Allowable Messages:** Sign messages shall be limited to the project/tenant name.

**4.4 Allowable Sign Types:** The sign types outlined in these guidelines are the only signs permitted on the building or property.

**4.5 Preferred Materials:** Sign design and construction should include the use of high quality materials such as architectural grade metals.

**4.6 Sign Locations:** Signs shall be permitted only within the sign areas shown.

**4.7 License Required:** Sign installers are to be State of California licensed contractors and are required to provide contractor's license number(s), classifications, and expiration date; proof of liability insurance and evidence of Worker's Compensation Insurance to the Owner prior to conducting any work. Tenants are advised to consult with the City of Sacramento for additional permit requirements.

**4.8 Removal at Move-Out:** When vacating a retail space, the tenant, at their expense, shall remove all signage, patch and repair all damage and leave the building surfaces in as-new condition.

CLIENT

ZGlobal  
Attn: ZIad Alaywan, P.E.  
604 Sutter Street  
Folsom, CA 95630

PROJECT

**603 Sutter Street**

GRAPHIC CONSULTANT



Alpha Architectural  
Signs & Lighting  
5410 Warehouse Way  
Sacramento, CA 95826

DRAWING SUBMITTALS

**08/09/2022**

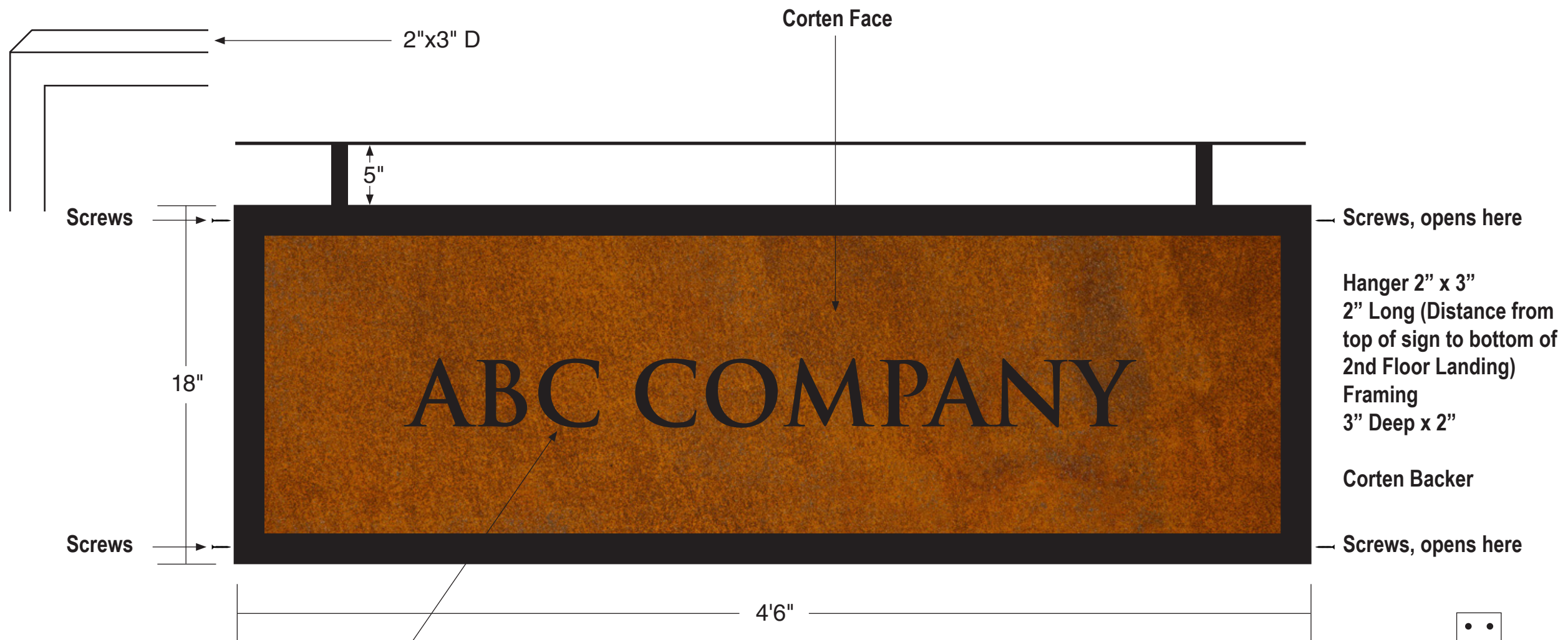
DRAWING TITLE

**Contents**

PAGE NUMBER

**1 of 7**





Letters would be 1" thick fabrication with stainless steel painted. Each tenant would have name.

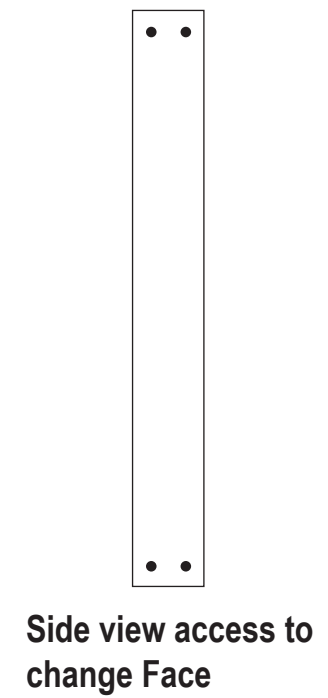
D/F- Both faces will slide out

2" Outer  
3" Depth typical aluminum tubing

This would have black, either all around as shown, or just a top bar. We would use bar for hanging, not chain.

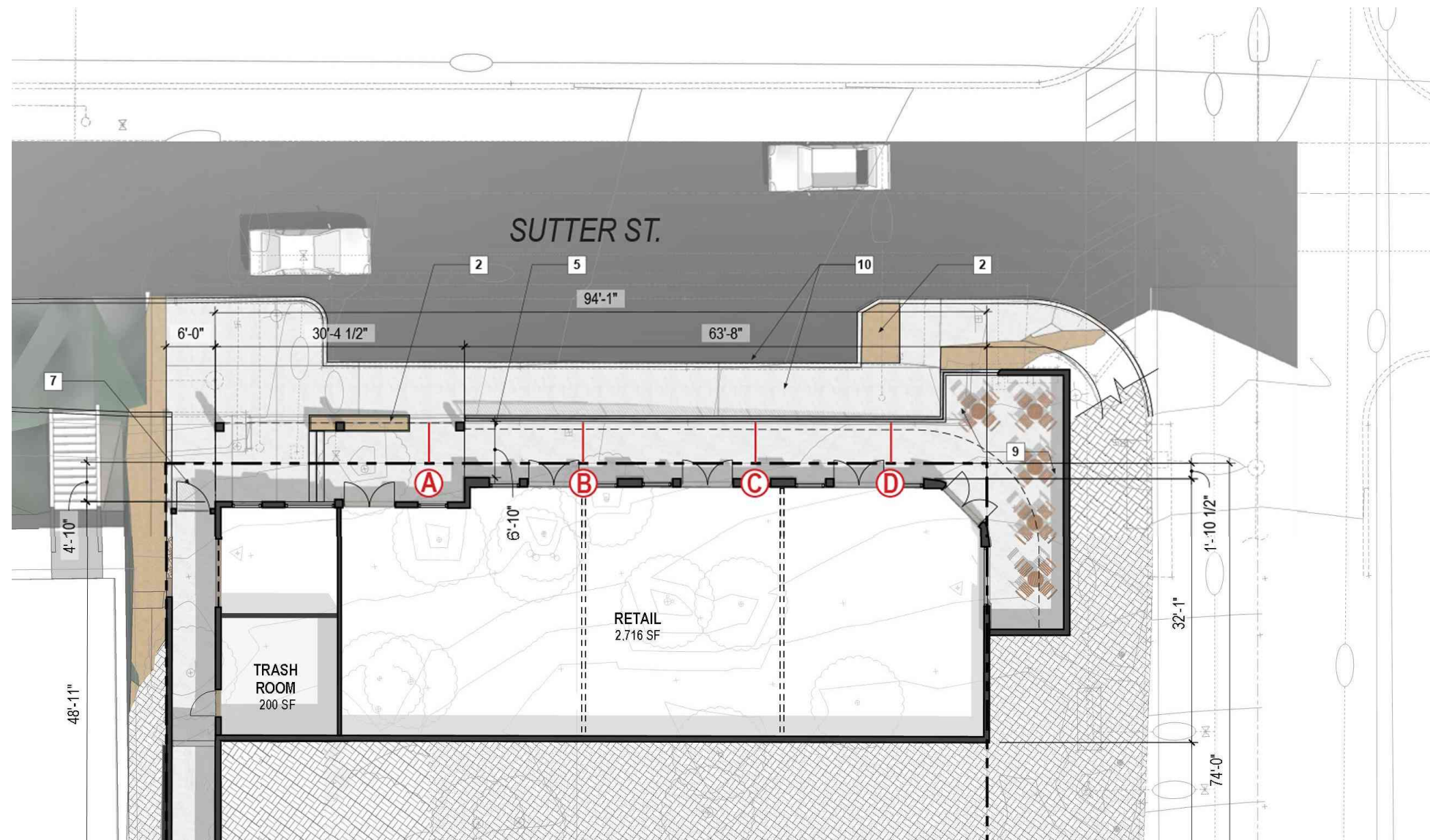
Copy Color: Medium Bronze

Copy Type:  
Option A: Trajan  
OR  
Option B: Benecarlo Medium  
Case: Upper OR Upper & lower



Side view access to change Face

CLIENT	ZGlobal Attn: ZIad Alaywan, P.E. 604 Sutter Street Folsom, CA 95630
PROJECT	603 Sutter Street
GRAPHIC CONSULTANT	 Alpha Architectural Signs & Lighting 5410 Warehouse Way Sacramento, CA 95826
DRAWING SUBMITTALS	08/09/2022
DRAWING TITLE	Hanging Tenant Sign Type A
PAGE NUMBER	2 of 7



**4 Tenant Blade Signs**

ABCD Possible locations,  
mounted to top of ceiling.

CLIENT

ZGlobal  
Attn: Ziad Alaywan, P.E.  
604 Sutter Street  
Folsom, CA 95630

PROJECT

**603 Sutter Street**

GRAPHIC CONSULTANT



Alpha Architectural  
Signs & Lighting  
5410 Warehouse Way  
Sacramento, CA 95826

DRAWING SUBMITTALS

12/09/2022

DRAWING TITLE

**Hanging Tenant  
Sign Locations**

PAGE NUMBER

**3 of 7**



2" Thick stainless letters  
painted - black

603 SUTTER



1 3D VIEW - AERIAL

2 3D VIEW - CORNER PERSPECTIVE

CLIENT

ZGlobal  
Attn: Ziad Alaywan, P.E.  
604 Sutter Street  
Folsom, CA 95630

PROJECT

603 Sutter Street

GRAPHIC CONSULTANT



Alpha Architectural  
Signs & Lighting  
5410 Warehouse Way  
Sacramento, CA 95826

DRAWING SUBMITTALS

12/09/2022

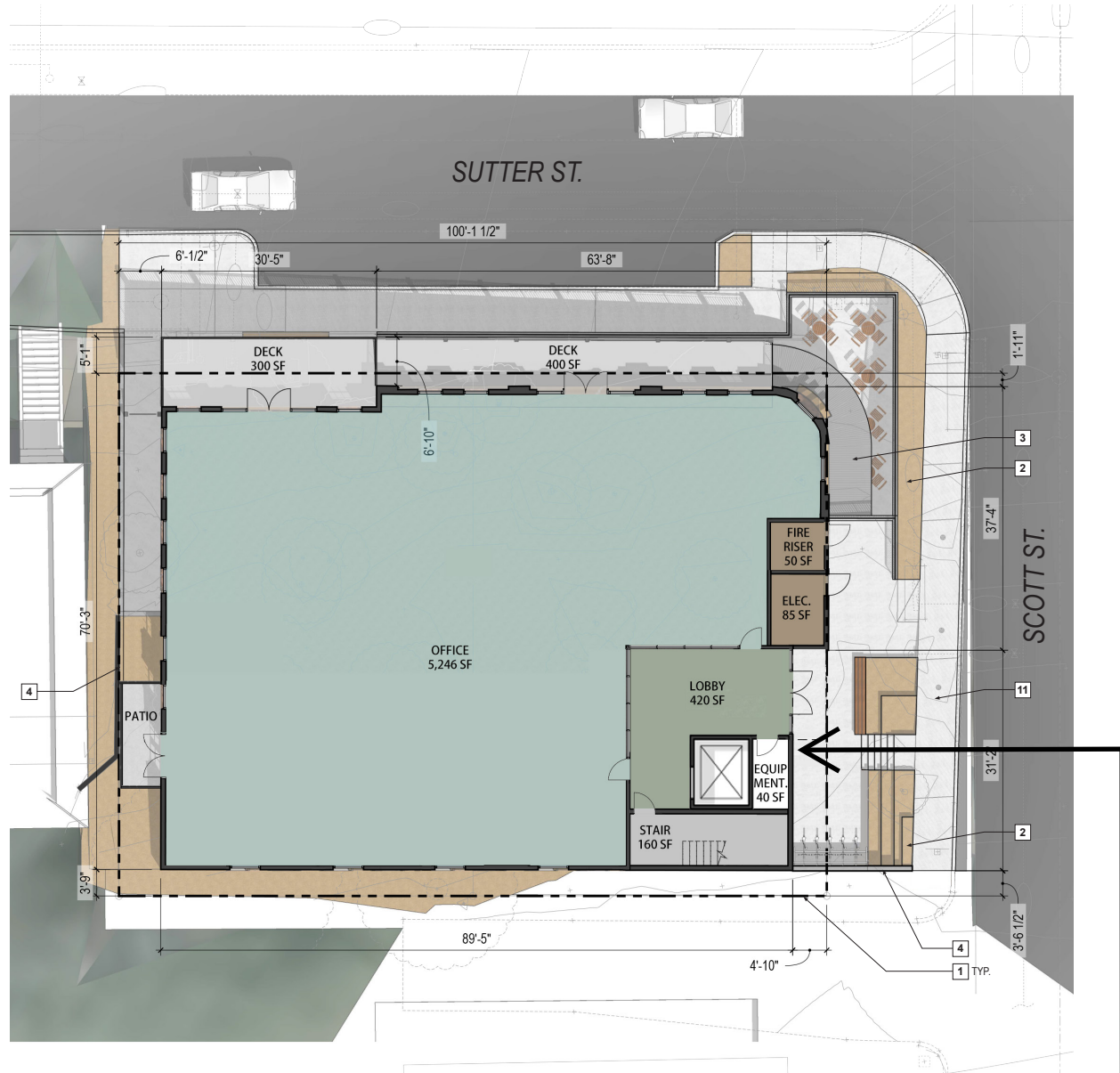
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Addressing

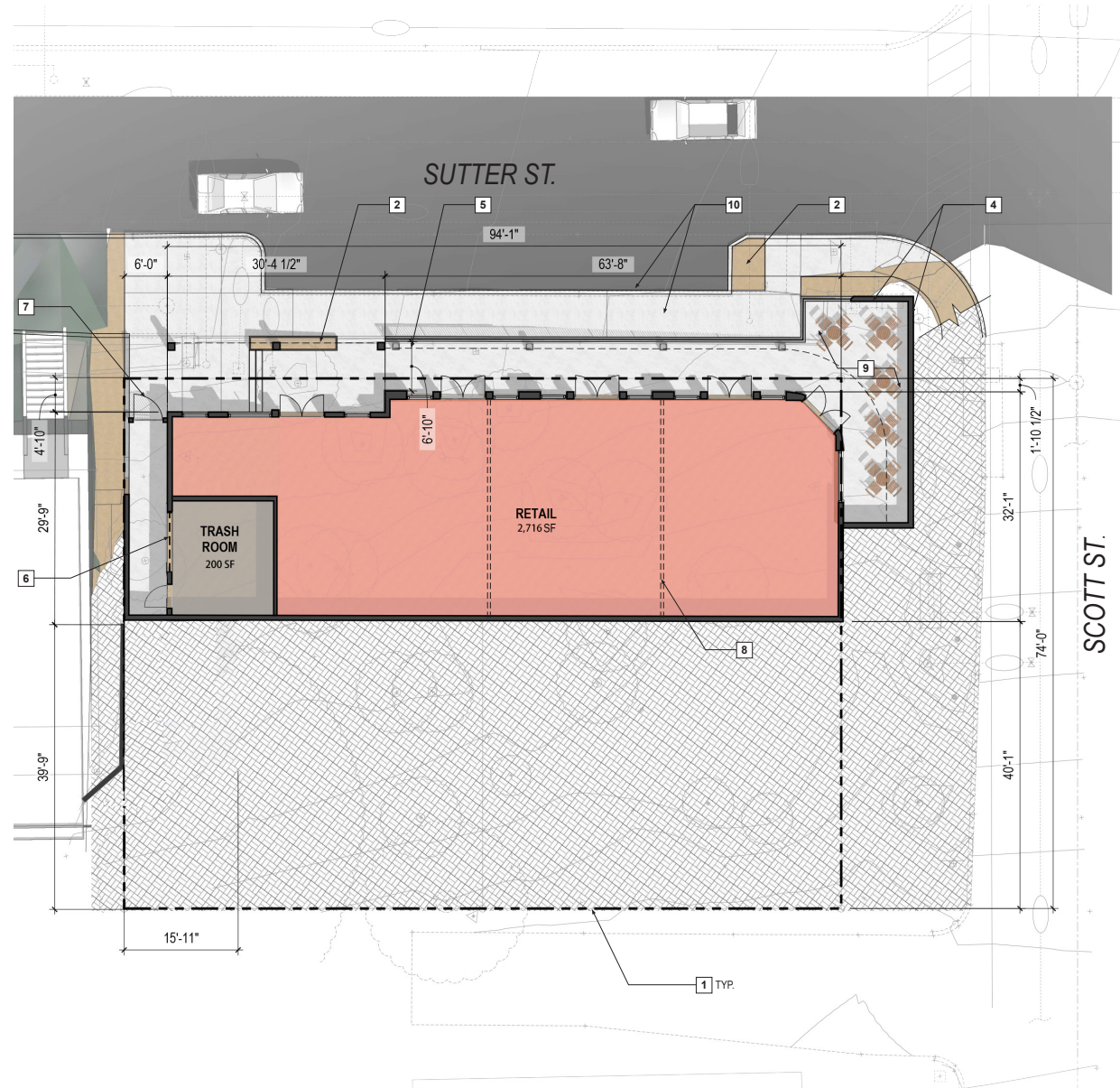
PAGE NUMBER

4 of 7





Sign Directory goes here, right of entrance



- SHEET NOTES A-111**
- 1 PROPERTY LINE
  - 2 LANDSCAPE PLANTER
  - 3 CORRUGATED METAL ROOF
  - 4 RETAINING WALL
  - 5 LINE OF ROOF AND/OR DECK OVERHEAD
  - 6 ROLL-UP DOOR ACCESS TO TRASH ROOM
  - 7 4FT WIDE ORNAMENTAL IRON GATE
  - 8 POTENTIAL DEMISING WALL LOCATION
  - 9 POTENTIAL DINING PATIO
  - 10 (E) SIDEWALK AND ON STREET PARKING TO REMAIN
  - 11 (N) SIDEWALK IMPROVEMENTS

CLIENT

ZGlobal  
Attn: Ziad Alaywan, P.E.  
604 Sutter Street  
Folsom, CA 95630

PROJECT

603 Sutter Street

GRAPHIC CONSULTANT



AlphaArchitectural  
Signs & Lighting  
5410 Warehouse Way  
Sacramento, CA 95826

DRAWING SUBMITTALS

12/09/2022

DRAWING TITLE

Sign Directory  
Location

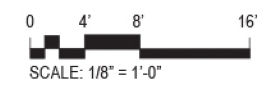
PAGE NUMBER

5 of 7

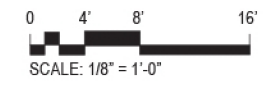




**2 EAST ELEVATION**



**4 WEST ELEVATION**



CLIENT

ZGlobal  
Attn: Ziad Alaywan, P.E.  
604 Sutter Street  
Folsom, CA 95630

PROJECT

**603 Sutter Street**

GRAPHIC CONSULTANT



AlphaArchitectural  
Signs & Lighting  
5410 Warehouse Way  
Sacramento, CA 95826

DRAWING SUBMITTALS

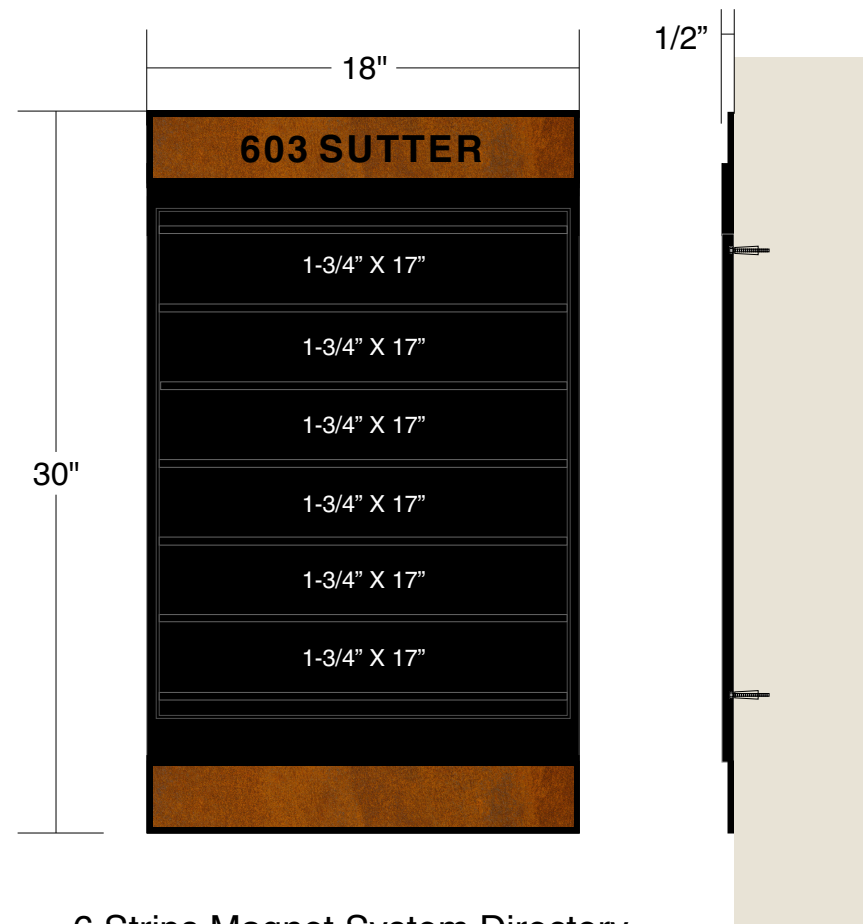
12/09/2022

DRAWING TITLE

**Sign Locations**

PAGE NUMBER

**6 of 7**



6 Strips Magnet System Directory

CLIENT

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604 Sutter Street  
Folsom, CA 95630

PROJECT

**603 Sutter Street**

GRAPHIC CONSULTANT



**Alpha Architectural**  
*Signs & Lighting*  
5410 Warehouse Way  
Sacramento, CA 95826

DRAWING SUBMITTALS

08/09/2022

DRAWING TITLE

**Sign Directory**

PAGE NUMBER

**7 of 7**



# **Attachment 17**

## **Project Narrative, dated August 23, 2023**



## Project Narrative

### 603 Sutter Street Mixed-Use Building Project Design Review Application (PN 17-145) 603 Sutter Street (APN: 070-0111-010)

**SITE:** The proposed 603 Sutter Street project (“Project”) is a mixed-use building to be located on the corner of Sutter and Scott Streets within the commercial portion of the Folsom Historic District. The Project is located on a 0.19 acre, approximately 74 by 100 foot (7,400 sq. ft.) parcel (APN# 070-0111-010). The lot is zoned as HD/C-2 within the Sutter Street Subarea of the Historic Commercial Primary Area of the Historic District, with an underlying zoning of C-2, Central Business District. The proposed Project is located on the south side of Sutter Street, west of Scott Street. The parcel is a corner lot on the upper end of Sutter Street. To the north is Sutter Street with the Folsom Electric and Lighting Company Building (604 Sutter Street) directly across the street. To the east is a commercial zoned lot with two residential structures (Cohn Mansion). To the south of the parcel, on Scott Street, is a residence located on a commercial zoned lot, situated directly across Scott Street from the Cohn Mansion. To the west is the original historic library that is now Studio 605 Salon. The site drops approximately 24 feet from the back side to Sutter Street and approximately nine feet along Sutter Street from the lower to upper end traveling from west to east.

#### ADJACENT LAND USES AND ZONING:

North: Sutter Street and Folsom Electric and Lighting Company Building HD-C2.  
 South: Residential use with HD/C-2 Zoning.  
 East: Scott Street Residential use (Cohn Mansion) with HD/C-2  
 Zoning. West: 605 Sutter Street (Salon) HD/C-2 Zoning.



**APPLICANT/OWNER:** The applicants and the owners are Ziad and Deborah through their company, Cedrus Holdings (the Applicant). Ziad and Deborah own three properties on Sutter Street: 510 A & B Sutter, 512 Sutter and the proposed 603 Sutter Street.

The owners have strong ties and a deep respect for Folsom, particularly the Historic District and Sutter Street. Not only is their business located at 604 Sutter Street, but their two other Sutter Street properties are also located in the Historic District and one of their children owns his house on Wool Street.

Ziad and Deborah are the owners of ZGlobal Inc., an engineering firm located at 604 Sutter Street which employs over thirty professionals between two office locations, one on Sutter Street and the second office in Southern California. It is their hope to eventually occupy office space at the proposed 603 Sutter Street location.

ZGlobal currently manages the electricity needs for Marin, Contra Costa, Placer, El Dorado, Santa Clara, Solano, and Napa Counties in addition to twenty-eight city agencies throughout California<sup>1</sup>, and various generating facilities across California, Arizona, Utah, Nevada, and New Mexico.

**BACKGROUND:** After several initial feasibility studies dating back to 2012, the 603 Sutter Street building, as originally proposed, was formally submitted to the City in May of 2017. The Applicant's submission included an application for approval of Variances (a building height variance and parking variance) and Design Review for development of a three-story, 23,486 square foot mixed-use building with underground parking. The Project, as initially proposed, was informally evaluated by the Historic District Commission at the September 6, 2017 meeting as an informational item only. At this meeting, the Commission, representatives of the Heritage Preservation League, and members of the public provided comments and feedback regarding the proposed project.

In addition to the feedback received from the Historic District Commission in September of 2017, the Applicant received a letter from the Heritage Preservation League noting their concerns. The Applicant also solicited feedback from neighboring residents by hosting several meetings between August and September of 2017.

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<sup>1</sup> This includes the cities of Anaheim, Campbell, Cupertino, Corona, Concord, Danville, Benicia, El Cerrito, Lafayette, Gilroy, Los Altos, Los Altos Hills, Los Gatos, Martinez, Moraga, Milpitas, Monte Sereno, Morgan Hills, Mountain View, Oakley, Richmond, San Ramon, San Pablo, Pinole, Pittsburg, Saratoga, Sunnyvale, and Walnut Creek.

Listed below are some of the most notable comments from the Historic District Commission, the Heritage Preservation League, and residents:

- Concern regarding building height (originally proposed at 57 feet, 6 inches tall)
- Concern regarding the size and scale of building.
- Concerning architecture and design of the building – recommended to redesign the plans to be more reflective of buildings constructed prior to 1900.
- Concern regarding limited on-site parking provided for the building (15 parking spaces were proposed).
- Concern regarding pedestrian safety in the underground parking garage.
- Concern regarding building encroachment into Scott Street right-of-way.

On March 14, 2019, the Applicant submitted a revised development application to the City in response to the above-stated concerns. The most significant changes to the proposed project included reducing the size of the building from 23,486 square feet to 14,811 square feet, reducing the height of the building from 57 feet, 6 inches to 50 feet, 6 inches, modifying the building footprint to avoid encroachment into the Scott Street right-of-way, eliminating the underground parking garage, and updating the architecture and design of the building.

Leading up to the scheduled Historic District Commission hearing on August 19, 2020 on the revised Project design, the Applicant received several written comments from neighbors and members of the public. To better understand these concerns, the Applicant hosted two public outreach sessions on August 12<sup>th</sup> and 13<sup>th</sup> of 2020. After the public outreach meetings, the Applicant requested a continuance of the Commission hearing to provide the design team additional time to consider comments and feedback. Still with concerns to address, the Applicant prepared two alternative solutions to solicit feedback from the Historic District Commission via an informal workshop hearing on October 21<sup>st</sup> of 2020.

Notable feedback from the Historic District Commissioners and members of public included:

- Regarding architecture and design of building – references to pre-1900 architecture were improved.
- Concern regarding building height (42-feet, 0-inches tall) – suggested proposing a solution with no height variance required.
- Concern regarding limited or no parking provided for the Project (0-7 parking spaces) – suggested proposing a solution that did not require a parking variance.



The Applicant and their design team heavily considered the suggestions of the City, Historic District Commission, Heritage Preservation League, and neighbors. The proposed responses are summarized as follows:

**BUILDING HEIGHT:** The building height has been reduced from the previously proposed heights of 56 feet, 6 inches and 50 feet, 6 inches to 35 feet, 0 inches. The Project now conforms to the Historic District’s height limitation for buildings fronting Sutter Street and no variance is required.

**PARKING:** Due to site constraints and subsurface conditions, on-site parking is not provided. The enactment of Government Code Section 65863.2 (Assembly Bill 2097 (2022 Friedman)) prohibits public agencies from imposing or enforcing minimum automobile parking requirements for residential, commercial, and other developments if the project is located within one-half mile of public transit. Under Government Code Section 65863.2, the definition of public transit is a major transit stop as defined in Section 21155 of the Public Resources Code.

- Public Resources Code Section 21155 defines a major transit stop to include (1) as major transit stop is defined in Public Resources Code Section 21064.3, and (2) major transit stops that are included in the applicable regional plan.
- Public Resources Code Section 21064.3 defines “major transit stops” as a site containing, an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The Project is served by an existing rail station within one-half mile of the site, and thus is exempt from providing on-site parking requirements. The Applicant will work with the City public work to have one street level parking stall as an ADA compliance. The Applicant will be responsible for all improvement needed to the satisfaction of the city requirements. .

**INFILL EXEMPTION:** Height and parking variances are not required for the Project, as currently proposed. Since no variances are requested, the Project, given its site and other characteristics, meets the criteria for an exemption from the California Environmental Quality Act (CEQA) as an infill project. CEQA Guidelines Section 15332 identifies the Class 32 categorical exemption for in-fill development projects:

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

(14 Cal. Code Regs. § 15332.) This exemption is intended to promote infill development within urbanized areas, such as the proposed Project.

**HISTORIC CONTEXT:** The Historic Preservation League challenged the Applicant to justify the building design relative to pre-1900's architecture. "California Gold Rush Commercial" was the chosen precedent. This style is found throughout the District and is characterized mostly by brick masonry buildings. The Project design team also drew references from regional architecture built during the same period. The resulting proposed solution incorporates characteristic brick detailing, cornice work, storefront, and window design.

In addition, the highly respected historic preservation firm, Page & Turnbull reviewed the building design. The building design was found to comply with, and meet, the design requirements for projects located within the Historic District. The resultant design is appropriate in both its use and size providing added character to the beautiful existing fabric of the Historic District. Both the scale and attention to detail evoke a timeless architectural character underscored by high quality materials.

**DESIGN SOLUTION:** The revised design proposes a building mass which has been broken into two sections along the length adhering to the scale and proportion of other buildings along Sutter Street. In consideration of height and massing, the building is also stepped back to the third level. Given the subsurface conditions and steep terrain of the site, the building is stepped into sections to avoid excessive need for excavation. No blasting is necessary with this Project design. There is a small retail footprint which allows for multiple tenant divisions along Sutter Street to promote a pedestrian-friendly walkable experience.

The applicant voluntarily agreed to fund a third-party review by an independent



historic architect specialist. We understand that the independent review of proposed design was positive.

After much thought regarding building use, the Applicant came to the decision that the addition of residential loft space would fit nicely within the adjacent residential neighborhood. The entire third floor incorporates two, 2-bedroom loft spaces, approximately 3,630 square feet of the occupied conditioned 12,177 square feet, making the Project a true live-work space. In providing residential loft space, while decreasing office and retail space, it is the Applicant's intention to respect the relationship between the building location and the adjacent residential neighborhood.

### **PRE-CONSTRUCTION AND CONSTRUCTION ACTIVITIES**

The Project's building permit application will be submitted under the 2019 Code cycle. The Applicant will update the Project's existing Geotechnical Engineering Report and conduct grading in accordance with design and construction measures contained in the Report and City standards and requirements.

**PROTECTION OF RESOURCES DURING CONSTRUCTION:** Prior to initiation of construction on the Project site, all construction personnel that are involved in ground-disturbing activity on the Project site will be provided with a training program on cultural and tribal cultural resources provided by a qualified professional archaeologist either in person or via DVD. The United Auburn Indian Community may attend the initial in-person training or provide a video segment for inclusion in the DVD training. The program will include information regarding cultural resources, and their recognition, avoidance, and treatment in the event of discovery; federal and state regulations pertaining to cultural resources and tribal cultural resources, including enforcement and penalties for non-compliance; the subsurface indicators of tribal cultural resources that require a work stoppage; and procedures for notifying the City of any occurrences of cultural resources or tribal cultural resources.

The Project plans will also contain a notation requiring that if any archaeological, cultural, historical resources, artifacts, or other features are discovered on the Project site during construction, or if there is a discovery of human skeletal remains on the Project site, work will immediately be suspended in that location. In the event that undiscovered cultural resources are found on the Project site during construction, all construction activities will stop and the construction manager at the site, or the Applicant, will notify the Folsom Historical Society, Heritage Preservation League, and City staff regarding the find. The Applicant will work with a qualified archaeologist, in consultation with all interested parties, including Native Americans, to develop a recovery or mitigation plan that will be

implemented by the City. In the event that human skeletal remains are found at the Project site during construction, the Applicant and all contractors will act in accordance with Health and Safety Code section 7050.5 and Public Resources Code section 5097.98.

Prior to initiation of construction, the Applicant will obtain an encroachment permit from the City of Folsom for construction within the Sutter and Scott Street rights of way and prepare a Traffic Control Plan according to the City's requirements. The Applicant will publicly disseminate construction-related information through notices to adjacent neighbors, press releases, and/or the use of changeable message signs. The Applicant, or its construction manager, will notify all affected residences and businesses and post the construction impact schedule.

The Applicant will avoid construction or tree removal during nesting season or if construction activities will occur during the nesting season and trees on the site have not been removed, the Applicant will conduct pre-construction surveys for the presence of special-status bird species or any nesting bird species 30 days or less prior to the start of construction. These surveys will be conducted by a qualified biologist within a 500-foot radius of the construction area. If active nests are identified in these areas, construction will be delayed until the young have fledged or the California Department of Fish and Wildlife has been consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities.

The Project will comply with the City's Tree Preservation Ordinance, obtaining a Tree Removal Permit and implementing a City-approved Tree Protection and Mitigation Plan, as required.

**ENSURING MINIMAL IMPACT ON NEIGHBORS:** The 603 Sutter Street property is surrounded by commercially zoned properties on all sides. The Applicant has made every effort to significantly modify their design to accommodate requests from their neighbors. These modifications are summarized below:

- a) Reduced building height to avoid the need for a height variance.
- b) Reduced the building mass from approximately 23,486 square feet to 12,177 conditioned square feet.
- c) Reduced noise impact to the neighborhood by making the upper two floors office and residential loft space.
- d) Eliminated the roof top deck area.
- e) Relocated the trash area away from a residence to the south.
- f) Raise the retaining wall facing at the back (south side) of the parcel,



parallel to Sutter Street, so that complete privacy can be enjoyed by neighbors to the south.

To minimize any disturbance to the neighbors, the Applicant will limit construction activities, delivery of materials or equipment, and servicing of construction equipment to between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. to 5:00 p.m. on Saturdays. Construction activities are not proposed on Sundays and on all holidays. The Applicant will also abide by best construction practices, including:

- Ensuring that motorized equipment is outfitted with proper mufflers in good working order and selecting quiet equipment, such as air compressors, whenever possible.
- Prohibiting unnecessary idling of internal combustion engines and turning off all equipment and vehicles when not in use.
- Locating all stationary noise-generating construction equipment, such as air compressors, as far as practical from adjacent homes and acoustically shielding such equipment when it must be located near adjacent residences.
- Siting equipment storage as far as possible from nearby sensitive receptors.

**PROJECT TIMELINE:** Once approved, the hope is to immediately work on finalizing plans and submit building permit applications with an estimated timeline for submission by early 2023. Building plan approval is anticipated by Spring/Summer of 2023, with construction starting early 2024.

**Prepared by: Ziad and Deborah Alaywan**

**Allison Smith, Stoel Rives LLP**

**August 23, 2023**

**Attachment 18**

**CEQA Categorical Exemption Analysis**  
**Dated August 2023**



**CATEGORICAL EXEMPTION  
SUPPLEMENTAL ANALYSIS**

**FOR THE**

**603 SUTTER STREET MIXED-USE  
BUILDING PROJECT**

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**CITY OF FOLSOM**

50 Natoma Street  
Folsom, CA 95630

Prepared with the Technical Assistance of:



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August 2023

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## 2.1 EXISTING SITE CONDITIONS

The vegetation community present on site is a mix of ruderal (weedy) grassland, mainly consisting of bamboo, vinca, non-native annual grasses, and woodland composed of a mixture of native and horticultural trees. The parcel contains 20 trees, 11 native oak trees and 9 non-native ornamental trees. The eleven native oak trees meet the definition of “Protected Trees” under the Folsom Tree Preservation Ordinance. (Planning Partners 2023, CalTLC 2022)

Subsurface soil conditions include silty sand overlaying silty sands, underlain by bedrock as shallow as eight feet below the ground surface. Bedrock underlying the site can be characterized as highly to moderately weathered, and soft to moderately hard. (Youngdahl 2017, 2022)

The site slopes from southeast to northwest, with the lowest elevations located adjacent to Sutter Street. Existing elevations on the project site range from 252 feet above mean sea level (MSL) to 228 feet MSL. From south to north along the west side of the project site, the slope is approximately 19 percent.

Public utilities (domestic water, wastewater, stormwater drainage, natural gas, and electricity) are available from existing service lines within Sutter and Scott Streets or their adjacent public rights-of-way.

The site is an infill parcel surrounded by developed land uses as indicated in Table 1.

	<b>Existing Use</b>	<b>General Plan Designation</b>	<b>Zoning Designation</b>	<b>Historic District Designation</b>
Project Site	Vacant	Historic Folsom Mixed Use - HF	Historic District - HD	Sutter Street Subarea of Historic Commercial Primary Area
North	Sutter Street; Fire & Rain Building Mixed-use (restaurant/office) 3-story building with parking below	Historic Folsom Mixed Use - HF	Historic District - HD	Sutter Street Subarea of Historic Commercial Primary Area
East	Scott Street; Cohn House (National Register of Historic Places listed)	Historic Folsom Mixed Use - HF	Historic District - HD	Sutter Street Subarea of Historic Commercial Primary Area
South	Single-family residence; Additional single family residences	Historic Folsom Mixed Use - HF	Historic District - HD	Sutter Street Subarea of Historic Commercial Primary Area
West	Commercial, currently vacant (historic library building) 2 -3 story commercial buildings	Historic Folsom Mixed Use - HF	Historic District - HD	Sutter Street Subarea of Historic Commercial Primary Area

Source: Planning Partners 2023.



## 2.2 PROPOSED PROJECT CHARACTERISTICS

The following discussion is based upon a plan set submitted by the applicant to the City of Folsom in February 2023.

The applicant, Cedrus Holdings, LP, proposes to construct and operate a three-story, 12,177-square-foot building (conditioned area) at 603 Sutter Street on the southwest corner of Sutter Street and Scott Street within the Folsom Historic District. Figures 4, 5 and 6 illustrate the proposed structure and building elevations.

The proposed project would be constructed on an undeveloped 0.17-acre parcel, and would feature a mixture of retail/restaurant, residential, and office uses. The first floor of the building would include an area for retail/restaurant uses (2,716 square feet) and a small area for building maintenance. An outdoor dining area of five tables would be provided. The second floor of the building would include 5,246 square feet dedicated to office-related uses. The third floor would consist of two 2-bedroom apartments (3,630 square feet). Rooftop decks on the second and third floors would total 700 square-feet and 1,430-square-feet respectively.

Proposed uses and the area of each floor are set forth in Table 2.

Use	Floor 1: Retail/Restaurant (sq ft)	Floor 2: Office (sq ft)	Floor 3: Residential (sq ft)
Primary Conditioned Area	2,716	5,246	3,630
Conditioned Lobby	n/a	420	165
Stairwells, fire risers, electric boxes, elevator	n/a	420	220
Trash Room	200	n/a	n/a
Outdoor Dining Patio	5 tables	n/a	n/a
Deck Area	n/a	700	1,430
Patio	n/a	100	n/a
Residences (Number)	n/a	n/a	2 x 2 bedroom
<b>Building Square Footage - Conditioned</b>		12,177 square feet	
<b>Building Square Footage - Unconditioned</b>		840 square feet	
<b>Outdoor Decks and Patios</b>		2,230 square feet	
<b>Lot Area</b>		7,400 square feet	

Source: Williams + Paddon 2023.

In order to minimize the removal of bedrock underlying the project site, the proposed building has been designed to stairstep up the slope from north to south. As illustrated in Figures 7, 8, 9 and 10, the first floor of the building extends 32± feet from the front façade on Sutter Street toward the rear of the site. Floor 2 extends 74± feet from its front building façade to the rear of the building. Floor 3 extends 67± feet from its front building façade to the rear of the building.

Additionally, the third floor on the west side of the building has been set back 29± feet from the front façade to approximate the height of the historic library building to the west. See Figures 6 and 8.

An outdoor dining patio with a capacity of 20± persons would be located on the proposed building's first floor, adjacent to the Sutter Street/Scott Street intersection. The building would feature a 700-square-foot deck on floor 2 fronting on Sutter Street. A 1,000-square-foot third floor deck would be anchored to the northwest corner of the building. Also on the third floor, a narrow deck (totaling 430 square feet) would wrap around the Sutter Street and a portion of the Scott Street elevations of the building. There would be no roof deck. See Figures 5 through 8.

Individual access doorways to the first floor retail and restaurant uses would be provided along the Sutter Street façade of the building. The main entrance to the second and third floor office and residences would be provided by a common entrance on Scott Street. See Figures 5 through 8.

As proposed, the building height would be a maximum of 35 feet, 0 inches from the ground (building pad) to the roof surface, the maximum allowed by FMC §17.52.510.C within the Sutter Street subarea of the Historic District. Parapets would be constructed along the Sutter Street and Scott Street frontages of the roof, but would be no higher than 39 feet, 0 inches from the building pad. See Figures 9 and 10. All building-attached mechanical equipment would be screened from public view, either within a mechanical equipment well to reduce operational noise and visibility from surrounding areas and streets, or hidden by parapets on the north and east sides of the building. See Figures 5, 6 and 8.

The front of the building would be constructed approximately two feet from the Sutter Street property line. The building's east side would have varying setbacks from the property line ranging from no setback to incursion into the public right of way (ROW) as discussed below. Building setbacks from the west side would be 6 feet, although a patio serving the second floor apartment would extend to the property line. The rear property line setback to the proposed building would be 3 feet, 9 inches. The enclosed trash room along the west side of the building would be constructed within the building envelope. The distance from the rear of the building to the nearest structure would be approximately 27 feet. The distance from the westerly building facade to the nearest structure, a small single-story commercial building, would be approximately 5 feet.

Portions of the proposed project would encroach into the ROW of both Sutter and Scott Streets. The proposed outdoor seating area on the first floor would extend into the ROW of both Sutter and Scott Streets. A second floor deck facing Sutter Street would encroach into the air rights above the City's ROW. Planters, steps, and a building entrance plaza along the buildings east side would encroach into the Scott Street ROW.

No vehicle parking at the 603 Sutter Street location would be provided<sup>1</sup>; five bicycle parking racks would be located on the Scott Street frontage of the project adjacent to the lobby entrance. Pedestrian circulation improvements would include the installation of a public sidewalk on the Scott Street frontage of the project site. The existing sidewalk on Sutter Street would be retained in its current configuration with the exception of the removal of an existing retaining wall.

<sup>1</sup> For more information regarding the application of State standards to local agency parking requirements, see Section 4.4 and Table 4 of this document.



With respect to energy efficiency, the building would be compliant with the Energy Code and Green Building Standards Code adopted by the City.

The applicant's intent is that the proposed building would appear similar to other commercial projects recently developed on the 600 block of Sutter Street, and elsewhere within the Historic District, consistent with Historic District Design and Development Guidelines.

### 2.3 GRADING AND CONSTRUCTION

As indicated on Figure 11, the existing 603 Sutter Street site slopes from its southeast corner to the northwest corner, with elevations ranging from 252 feet MSL at the site's southeast corner adjacent to Scott Street to 228 feet MSL at the northwest corner adjacent to Sutter Street. With implementation of the project, the front 30 feet of the site would be excavated and levelled approximately 12 inches below the finished floor elevations to permit the construction of footings, foundations, and subgrades. The first-floor finished floor elevation would be 229 feet MSL for the trash room and 232 feet MSL for the retail/commercial space. The back 40 feet of the second floor would be graded to slightly below a finished floor elevation of 245 feet MSL. Establishment of foundations, subgrade, and the building pad at these first and second floor elevations would require some cutting back into the hillside. See Figures 9 and 10. Preliminary calculations indicate that approximately 2,000 cubic yards of fill would be removed from the site for disposal for use at regional landfills. As estimated by the applicant, transport of this amount of fill would require filling 200± large dump trucks (400 trips including return trips).

Grading of the project site to establish the foundations, subgrades, and building pads would require cuts on the project site ranging up to 14 feet at the southeast corner of the first floor. As currently designed, small amounts of bedrock would be encountered (see Figures 9 and 10). Because bedrock would likely be encountered below the ground surface, special construction techniques that could include ripping with large bulldozers may be used depending upon the condition of the bedrock. Exposed cut slopes would be protected by temporary shoring and soil nails. In addition to the dump trucks cited above, equipment used during the grading phase could include dozers, backhoes, frontloaders, and smooth wheeled rollers; the precise mix of equipment would be determined by the building contractor.

To permanently maintain the stability of the cut slopes, retaining walls would be constructed along the western site boundary, at the rear of the first floor, adjacent to Sutter Street to the northeast corner of the building, along the easterly face of the building adjacent to the first floor adjacent to the outdoor seating area, and adjacent to the building entrance plaza on the second floor. See Figure 12. Retaining walls would act to prevent collapse or settlement of existing structures both south and west of the site, in addition to protecting the proposed building from the potential failure of surrounding slopes.

Retaining walls would be incorporated into the rear of the first floor of the building. A portion of the rear of the building's second floor would also be used to retain the slope. Excavation and construction activities associated with incorporated retaining walls on the west side and the rear of the building could encroach into the planned building setbacks. However, these areas would be backfilled and leveled at the completion of construction.

Freestanding retaining walls would be constructed along the west edge of the project parcel, near the northeast corner of the project site adjacent to the intersection of Sutter and Scott Streets, along a portion of the Scott Street frontage, and at the rear of the proposed second floor entry plaza. Retaining walls along the Scott Street frontage, on the west property line, and near the intersection of Sutter and Scott Streets, would be separated from the building to provide an outdoor seating area and walkways. See Figures 3, 5, and 6.

The 20 trees growing on the 603 Sutter site would be removed to allow building construction. Three newly planted trees would be placed in planters along the Scott Street frontage of the project site. One tree would be planted in a tree well on Sutter Street near its intersection with Scott Street.

## 2.4 PROJECT PHASING

Construction of the proposed project is scheduled to begin three to four months following project approval. Based on the applicant's proposed schedule, the project would be constructed in a continuous period lasting approximately 18 months. The initial phases of project development are expected to be complete within 4-6 weeks from initiation (bedrock removal) followed by 2 months of construction of underground and civil improvement.

## 3. ENTITLEMENTS

Because the proposed project's height would meet Folsom Zoning Code requirements, and due to changes in State law and regulations, the only discretionary entitlement to be issued by the City to permit construction and occupancy of the proposed project would be Commercial Design Review, as described below. No variances or exceptions to Municipal Code requirements or regulations, including those involving height or on-site parking, would be necessary for the current project.

**Design Review:** The Historic District Commission shall have final authority relating to the design and architecture of the following structures within the Historic District boundaries as set forth in MFC §17.52.300:

- A. All new office, industrial, commercial and residential structures; and
- B. All exterior renovations, remodeling, modification or addition to existing structures.

Pursuant to FMC §17.52.330, in reviewing projects, the Historic District Commission shall consider the following criteria:

- A. Project compliance with the General Plan and any applicable zoning ordinances;
- B. Conformance with any city-wide design guidelines and historic district design and development guidelines adopted by the City Council;
- C. Conformance with any project-specific design standards approved through the planned development permit process or similar review process; and
- D. Compatibility of building materials, textures and colors with surrounding development and consistency with the general design theme of the neighborhood.

## 4. STATE LAWS AND REGULATIONS

Following is a listing of State regulations guiding land use and environmental assessments and permitting for the proposed Historic Sutter Street Mixed-Use Building project.

### 4.1.1 STATE REGULATION - CEQA CATEGORICAL EXEMPTIONS FOR QUALIFYING PROJECT TYPES AND ACTIVITIES

Section 15300 of the State CEQA Guidelines states that:

*Section 21084 of the Public Resources Code requires these Guidelines to include a list of classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA.*

*In response to that mandate, the Secretary for Resources has found that the following classes of projects listed in this article do not have a significant effect on the environment, and they are declared to be categorically exempt from the requirement for the preparation of environmental documents.*

Pursuant to PRC 21084, the State has established a list of 33 project types and activities that have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. Whether CEQA applies to projects identified as “categorically exempt” requires an evaluation of the immediate situation of a project to determine whether any exceptions to the categorical exemptions exist.

### 4.1.2 STATE REGULATION - CEQA EXCEPTIONS TO CATEGORICAL EXEMPTIONS

The State CEQA Guidelines §15300.2(a) through (f) lists exceptions to the applicability of a Categorical Exemption. The discussion below identifies each exception that may apply to the proposed project.

**15300.2(a): Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

**15300.2(b) Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

**15300.2(c) Significant Effects Under Unusual Circumstances.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

**15300.2(d) Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.



**15300.2(e) Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code.

**15300.2(f) Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

#### **4.1.3 STATE REGULATION - CATEGORICAL EXEMPTION CLASS 32, INFILL DEVELOPMENT PROJECTS**

Class 32 consists of projects characterized as in-fill development meeting the following conditions set forth in the CEQA Guidelines.

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project site has no value as habitat for endangered, rare, or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

The City has identified that Categorical Exemption Class 32, Infill Development Projects, as set forth in §15332 of the State CEQA Guidelines, may apply to the proposed Historic Sutter Street Mixed-Use Building project.

#### **4.1.4 STATE LAW - PROHIBITION ON PARKING REQUIREMENTS**

##### **State Law – Prohibition on Parking Requirements - Government Code, §65863.2:**

- (a) A public agency shall not impose or enforce any minimum automobile parking requirement on a residential, commercial, or other development project if the project is located within one-half mile of public transit, defined as a major transit stop.

##### **State Law – Definition of Major Transit Stop – Public Resources Code, §21155(b)(3):**

- (3) (The proposed project must) be within one-half mile of a major transit stop or high-quality transit corridor included in a Regional Transportation Plan. A major transit stop is as defined in §21064.3, except that, for purposes of this section, it also includes major transit stops that are included in the applicable Regional Transportation Plan.

##### **State Law – Definition of Major Transit Stop – Public Resources Code, §21064.3:**

“Major transit stop” means a site containing any of the following:

- (a) An existing rail or bus rapid transit station.

## **5. CITY REGULATION OF URBAN DEVELOPMENT**

In addition to implementing State laws and regulation, the City of Folsom regulates both the construction and operational aspects of urban development through enforcement of the General Plan, Zoning Code, Folsom Historic District Design and Development Guidelines, Community

Development Department Standard Construction Specifications (CDD Specifications), and Design and Procedures Manual and Improvement Standards, Standard Construction Specifications and Details (City Design Standards) as set forth in Sections 5.1 through 5.4 of this document. These regulations apply equally to all proposed and approved development projects within the City, and not solely to the proposed Historic Sutter Street Mixed-Use Building project. The implementation of these requirements and regulations act to avoid or reduce potential land use inconsistencies and environmental effects and are applied throughout the City, with the exception of the Historic District Design and Development Guidelines, which apply solely to projects and activities within the Historic District.

## 5.1 GENERAL PLAN DESIGNATION AND POLICIES

The City of Folsom updated and adopted its current 2035 General Plan in August 2018, and approved amendments to the 2035 General Plan in August 2021. The General Plan is a long-term planning document that guides growth and land development in the City. It provides the foundation for establishing community goals and supporting policies, and directs appropriate land uses for all land parcels within the city. The General Plan land use designation for the proposed project is Historic Folsom Mixed Use (HF). According to the 2035 General Plan, the HF designation provides for a mixture of commercial and residential uses designed to preserve and enhance the historic character of Folsom's old town center. As set forth in the 2035 General Plan, the floor area ratio<sup>2</sup> (FAR) for uses within the HF designation should range from 0.5 to 2.0.

## 5.2 ZONING DISTRICTS AND DEVELOPMENT REGULATIONS

Developed land uses in the City of Folsom are regulated by the City's Zoning Code (Title 17 of the Folsom Municipal Code (FMC)), in addition to the other adopted regulations and programs that apply to all proposed development within the City. In more detail than the General Plan, the Zoning Code regulates land uses on a parcel-by-parcel basis throughout the City. In order to achieve this regulation, the City assigns each parcel within the City to a zoning district: for example, a district for single-family homes. Regulations for each district apply equally to all properties within the district. The City of Folsom updated and adopted its current Zoning Code in 2018.

FMC Chapter 17.52 regulates land uses within the Historic District (H-D) zoning district. The 603 Sutter Street Mixed-Use Building project is located within the H-D zoning district, and specifically the Sutter Street subarea of the Historic commercial primary area (FMC 17.52.150 and 17.52.160). Specific regulations for this area are set forth in FMC §17.52.510, Sutter Street Subarea Special Use and Design Standards. With exceptions, §17.52.510.A.1 and .A.3 permit a mixture of retail, service, office, and residential uses in a single building, such as those proposed by the 603 Sutter Street Mixed-Use Building project.

<sup>2</sup> **Floor Area-Ratio (FAR).** Standards of building intensity for nonresidential uses, such as mixed-use development, are stated as a range (i.e., minimum and maximum) of FARs. A FAR is the gross building area on a site, excluding structured parking, compared to the net developable area of the site. The net developable area is the total area of a site excluding portions that cannot be developed (e.g., right-of-way). For example, on a lot with 25,000 square feet of land area, a FAR of 0.50 will allow 12,500 square feet of useable building floor area to be built, regardless of the number of stories in the building (e.g., 6,250 square feet per floor on two floors or 12,500 square feet on one floor). On the same 25,000- square-foot lot, a FAR of 1.00 would allow 25,000 square feet of useable floor area, and a FAR of 2.00 would allow 50,000 square feet of useable floor area. While FAR provides for the overall development size and intensity, it does not specify the form or character of the building.

Land uses developed within the H-D zoning district must meet a limitation on building height as set forth in FMC §17.52.510.C:

Building heights shall not exceed 35 feet adjacent to the sidewalk area on Sutter or Leidesdorff Street and 50 feet in other sections of the subarea. Towers, spires, or other similar architectural features may extend up to 15 feet above the building height.

FMC §17.52.510.F requires that retail, offices, restaurants, museum, and similar uses must provide one parking space per 350 square feet of building space. However, as noted above, State law prohibits the imposition of parking requirements for specified projects within a half-mile of a major transit stop such as the Historic Folsom light rail station. The proposed project site is located approximately 0.3 mile from the light rail station.

FMC Chapter 17.52.510 regulates the types of land uses that would be allowed in the HD zoning district, including permitted uses. FMC 17.52.510 A.1 specifically allows retail, service, public/quasi-public and office uses as permitted in Folsom’s modern central business district (C-2 zone). Allowable commercial uses within the C-2 zone and any special condition requirements are established in FMC 17.22.030.E, the commercial use table, and FMC 17.22.040. Additionally, FMC 17.52.510 C explicitly permits residential uses in the HD zoning district.

### **5.3 FOLSOM HISTORIC DISTRICT DESIGN AND DEVELOPMENT GUIDELINES**

The City of Folsom adopted the Historic District Design and Development Guidelines (Guidelines) in 1998. In more detail than the General Plan, the Guidelines provide policies for design and development within the Folsom Historic District. The Guidelines establish community goals and supporting policies at a local level in response to community and environmental concerns, and direct appropriate land uses for all parcels within the Historic District area. The Guidelines’ designation of the proposed project is Sutter Street Subarea of Historic Commercial Primary Area. According to §5.02.01(d)(1) of the Guidelines, there are no requirements that regulate lot area, lot width, or lot coverage within the Historic Commercial Primary Area.

Appendix D of the Guidelines sets forth Design Criteria for all areas of the Historic District, including the Sutter Street Subarea of Historic Commercial Primary Area. Section B of this Appendix regulates many aspects of building design. Compliance with the design requirements of the Design Criteria are subject to review by the Historic District Commission in its consideration of the Design Review application submitted by the project applicant. Within the Historic District, the Guidelines work in tandem with the City of Folsom Zoning Code as discussed above.

### **5.4 OTHER CITY REGULATION OF URBAN DEVELOPMENT**

The City of Folsom further regulates urban development through standard construction conditions and through evaluation, building, and construction requirements set forth in the FMC. Required of all projects constructed throughout the City, compliance with the requirements of the City’s standard conditions and the provisions of the Municipal Code avoid or reduce many potential environmental effects. City procedures to minimize negative environmental effects and disruptions include analysis of existing features, responsible agency and public input to the design process, engineering and design standards, and construction controls. The activities that mitigate typical environmental impacts to be implemented by the City during the project review, design, and construction phases are described in greater detail below.



## 5.4.1 COMMUNITY DEVELOPMENT DEPARTMENT STANDARD CONSTRUCTION SPECIFICATIONS

The requirements are set forth in the City of Folsom, Community Development Standard Construction Specifications as amended through July 2020. A summary of these requirements is set forth below, and hereby incorporated by reference as though fully set forth herein. Copies of these documents may be reviewed at the City of Folsom; Community Development Department; 50 Natoma Street; Folsom, California 95630. (City of Folsom 2020)

Any contractor constructing a public or private project within the City must comply with the CDD Specifications. Standards that regulate aspects of the environment are summarized below:

*Section 6.01 J - Use of Pesticides* – Requires contractors to store, use, and apply a wide range of chemicals in a manner that is consistent with all local, state, and federal rules and regulations.

*Section 6.07, Air Pollution Control* - Requires compliance with all Sacramento Metropolitan Air Quality Management District (SMAQMD) and City air pollution regulations.

*Section 6.08 - Water Pollution* - Requires compliance with City water pollution regulations, including National Pollution Discharge Elimination System (NPDES) provisions. Also requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to control erosion and the siltation of receiving waters.

*Section 6.09 - Noise Control* – Requires that all construction work comply with the Folsom Noise Ordinance (discussed further below), and that all construction vehicles be equipped with a muffler to control sound levels.

*Section 7.23 - Weekend, Holiday, and Night Work* – Prohibits construction work during evening hours, or on Sunday or holidays, to reduce noise and other construction nuisance effects.

*Section 8.2 - Reseeding* - Specifies seed mixes and methods for the reseeded of graded areas.

*Section 9.1 - Clearing and Grubbing* - Specifies construction specifications for signs, mailboxes, underground structures, survey monuments, drainage facilities, sprinklers and lights, trees and shrubbery, fencing, and concrete. Also requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) to control erosion and the siltation of receiving waters.

*Section 10.05 - Public Convenience* - Regulates automobile, bicyclist, and pedestrian traffic and access through the work area, the operation of existing traffic signals, roadway cuts for pipelines and cable installation, and the notification of adjacent property owners and businesses.

*Section 10.06 - Public Safety and Traffic Control* - Regulates signage and other traffic safety devices through work zones.

*Section 10.08 - Existing Utilities* - Regulates the location, relocation, and protection of utilities, both underground and overhead.

*Section 10.10 - Preservation of Property* - Requires the preservation of trees and shrubbery, and prohibits adverse effects to adjacent property and fixtures.

*Section 11.01 - Cultural Resources* - Requires contractors to stop work upon the discovery of unknown cultural or historic resources until such time that a qualified archaeologist can evaluate the significance of the resource and make recommendations to the State Historic Preservation Officer for further direction.

*Section 12.01 - Protection of Existing Trees* - Specifies measures necessary to protect both ornamental trees and native oak trees.

#### **5.4.2 DESIGN AND PROCEDURES MANUAL AND IMPROVEMENT STANDARDS, STANDARD CONSTRUCTION SPECIFICATIONS AND DETAILS**

These requirements are set forth in the City Design Standards, as amended through July 2020. A summary of these requirements is set forth below, and hereby incorporated by reference as though fully set forth herein. Copies of these documents may be reviewed at the City of Folsom; Community Development Department; 50 Natoma Street; Folsom, California 95630. (City of Folsom 2020)

Any contractor constructing a public or private project within the City must comply with these design standards. Standards that regulate aspects of the environment are summarized below:

*4.19 Grading Permit Requirements* – Defines requirements for obtaining a Grading Permit, including completion of a geotechnical/soils report, arborist's report, engineering geology report (if necessary), and construction details for any needed retaining walls. As applicable, prior to issuance of a Grading permit, applicants are required to obtain a Tree permit from the City, any environmental permits issued by State or federal agencies for the purposes of protecting environmental resources, evidence of coordination with the SMAQMD regarding naturally occurring asbestos, and a Stormwater Pollution Prevention Plan.

*10.3 Grading Plan Requirements* – Identifies additional Grading Plan requirements including information regarding existing trees and trees to be taken.

*10.4 Erosion and Sedimentation Control* – Requires a site specific erosion and sedimentation control plan of all construction projects within the City, including those that would result in the less of 1 acre in disturbed area.

*Section 13 Traffic Studies* – Sets forth requirements for traffic studies necessary to assess the impacts of a development on the existing and/or planned street system.

*Section 19 Storm Drainage Requirements and Policies* – Defines City policies, standards, master plans, and requirements that apply to stormwater and flooding.

#### **5.4.3 CITY OF FOLSOM MUNICIPAL CODE REQUIREMENTS**

The City regulates many aspects of construction and development through requirements and ordinances established in the FMC. These requirements are set forth below, and hereby incorporated by reference as though fully set forth herein. Copies of these documents may be reviewed at the City of Folsom; City Clerk; 50 Natoma Street; Folsom, California 95630.

**Table 3 City of Folsom Municipal Code Sections Regulating Urban Development within the City**

Code Section	Code Name	Effect of Code
8.42	Noise Control	Establishes interior and exterior noise standards that may not be exceeded within structures, including residences; establishes time periods for construction operations.
8.70	Stormwater Management and Discharge Control	Establishes conditions and requirements for the discharge of urban pollutants and sediments to the storm-drainage system; requires preparation and implementation of SWPPPs.
9.34	Hazardous Materials Disclosure	Defines hazardous materials; requires filing of a Hazardous Material Disclosure Form by businesses that manufacture, use, or store such materials.
9.35	Underground Storage of Hazardous Substances	Establishes standards for the construction and monitoring of facilities used for the underground storage of hazardous substances, and establishes a procedure for issuance of permits for the use of these facilities.
12.16	Tree Preservation	Regulates the cutting or modification of trees, including oaks and specified other trees; requires a Tree Permit prior to cutting or modification; establishes mitigation requirements for cut or damaged trees.
13.26	Water Conservation	Prohibits the wasteful use of water; establishes sustainable landscape requirements; defines water use restrictions; regulates the use of water for construction.
14.19	Energy Code	Adopts the California Energy Code, 2019 Edition, published as Part 6, Title 24, C.C.R. to require energy efficiency standards for structures.
14.20	Green Building Standards Code	Adopts the California Green Building Standards Code (CALGreen Code), 2019 Edition, excluding Appendix Chapters A4, A5 and A.6.1, published as Part 11, Title 24, C.C.R. to promote and require the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices.
14.29	Grading Code	Requires a grading permit prior to the initiation of any grading, excavation, fill or dredging; establishes standards, conditions, and requirements for grading, erosion control, stormwater drainage, and revegetation.
14.32	Flood Damage Prevention	Restricts or prohibits uses that cause water or erosion hazards, or that result in damaging increases in erosion or in flood heights; requires that uses vulnerable to floods be protected against flood damage; controls the modification of floodways; regulates activities that may increase flood damage or that could divert floodwaters.

Source: Folsom Municipal Code 2023.

## 6. WHY THE PROJECT IS EXEMPT

CEQA provides “categorical exemptions” that are applicable to categories of projects and activities that the California Natural Resources Agency has determined generally do not pose a risk of significant impacts on the environment. As noted in Section 4 of this document, the Class 32 categorical exemption is for “in-fill development” projects that meet the following criteria:

- a) The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations;
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- c) The project site has no value as habitat for endangered, rare, or threatened species;



- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e) The site can be adequately served by all required utilities and public services.

The proposed project meets all of the foregoing criteria to claim the application of the infill exemption, as explained below.

## **6.1 CONSISTENCY WITH GENERAL PLAN AND ZONING DESIGNATIONS, POLICIES, AND REGULATIONS**

### **6.1.1 GENERAL PLAN DESIGNATION AND POLICIES**

As previously indicated, the project site is designated HF (Historic Folsom Mixed Use) in the 2035 General Plan. The HF designation is applied to an area that "... provides for a mixture of commercial and residential uses designed to preserve and enhance the historic character of Folsom's old town center." Within areas designated HF, the 2035 General Plan allows a FAR range of 0.5 to 2.0.

The proposed project includes a mix of uses, including commercial uses, office uses, and residential uses. Thus, the project is consistent with mixed-use developments emphasized in the 2035 General Plan. The project's FAR is 1.95, which is within the allowed FAR established in the 2035 General Plan for the Sutter Street area. Thus, the proposed mixed-use project land uses and FAR are consistent with the 2035 General Plan HF land use designation.

The proposed project also is consistent with the policies of the 2035 General Plan, including the Housing Element. The City of Folsom 2035 General Plan outlines a number of goals, policies, and implementation programs designed to guide the physical, economic, and environmental growth of the City. Staff has determined that the proposed project is consistent with the applicable General Plan, and in turn, the broader goals and policies as outlined and discussed below:

#### ***Applicable General Plan Goals and Policies***

##### **GP Goal LU 1.1 (Land Use/Growth and Change)**

Retain and enhance Folsom's quality of life, unique identity, and sense of community while continuing to grow and change.

##### **GP Policy LU 1.1.12-1 (Infill Development)**

Respect the local context: New development should improve the character and connectivity of the neighborhood in which it occurs. Physical design should respond to the scale and features of the surrounding community, while improving critical elements such as transparency and permeability.

The proposed project is consistent with this policy in that the project features significant site and design improvements which will enhance the overall character of the area including development of a mixed-use building designed to complement the architecture and design of existing commercial buildings in the vicinity.

**GP Policy LU 1.1.12-2 (Infill Development)**

Work with neighbors: Infill development requires neighborhood consultation to understand the concerns, goals, and needs of existing neighborhoods. Ensure the planning and design process provides proper avenues for neighborhood input while fulfilling the community's larger goals for walkability and compact development.

The proposed project is consistent with this policy in that the project applicant solicited feedback from the public on a number of occasions including at the Historic District Commission meeting held on September 6, 2017, where the project was discussed as an informational item only. The applicant also sponsored several neighborhood outreach meetings that occurred between August 2, 2017 and September 6, 2017, at which the public was provided the opportunity to comment on the proposed project. The applicant subsequently met with various stakeholders over the course of the next few years to discuss the merits of the proposed project and solicit additional feedback. The proposed project was also presented to the Historic District Commission on August 19, 2020 and October 21, 2020, during which time the public and the Commission had the opportunity to provide comments on the mixed-use project.

**GP Policy LU 1.1.15 (SACOG Blueprint Principles)**

Strive to adhere to the Sacramento Regional Blueprint Growth Principles.

The proposed project is consistent with this policy in that the project has been designed to adhere to the primary SACOG Blueprint Principles including Compact Development and Quality Design. Compact Development involves creating environments that are more compactly built, and that use space in an efficient but attractive manner and help to encourage more walking, biking, and transit use and shorter auto trips. Quality Design focuses on the design details of any land development (such as relationship to the street, placement of buildings, sidewalks, street widths, landscaping, etc.), which are all factors that influence the attractiveness of living in a compact development and facilitate the ease of walking within and in and out of a community.

Consistent with SACOG principles, the project is sited near the Historic Folsom Light Rail Station, a major transit stop. Additionally, the project is compactly built and incorporates residential, retail, and office uses on the parcel while adhering to maximum height restrictions in the Sutter Street subarea. The project has incorporated various design elements to increase the visual quality of the project, to incorporate the building into the walkable environment of the commercial area, and to complement existing structures in the Historic District.

**6.1.2 ZONING DISTRICT USES AND DEVELOPMENT REGULATIONS**

The zoning designation of the project site is SUT/HD (Sutter Street Subarea of the Historic District). The land uses proposed by the project are consistent with the site's zoning designation that allows retail, service, office, and residential uses as permitted in Folsom's modern central business district pursuant to FMC §17.52.510 A of the Folsom Municipal Code. The project also meets building setback and height requirements. Table 4 lists the existing and proposed development standards for the proposed project.

**Table 4 Sutter Street Subarea Development Standards Table**

	<b>Front Yard Setback</b>	<b>Rear Yard Width</b>	<b>Side Yard Setbacks</b>	<b>Maximum Building Height</b>	<b>Minimum Parking Required</b>
Sutter Street Subarea	0 Feet Property Line	NA	NA	35 feet	0 Spaces
Proposed Project	0 Feet Property Line	3.75 Feet	0/6 Feet	35 feet	0 Spaces

Note: State law (Government Code §65863.2) enacted after adoption of the City's 2035 General Plan and applicable Zoning Code provisions prohibits the imposition of parking requirements for many types of urban development that are located within ½ mile of a major transit stop. The proposed project meets the requirements of this prohibition; therefore, to the extent that the City's General Plan or Zoning Code would otherwise require minimum parking for the project, these policies are determined to be inapplicable to this site. For more information regarding the definition of these requirements, refer to Section 4.1.4. Absent Government Code §65863,2, the City's Zoning Code would have required that the proposed project include 25 parking spaces.

Source: *City of Folsom 2023, Planning Partners 2023.*

In terms of land use compatibility, the project site is located at the southwest corner of Sutter Street and Scott Street within the Sutter Street Subarea of the Historic District. The project is bounded by Sutter Street to the north with the three-story Folsom Electric Building beyond; a single-family residence to the south with Peddlers Lane beyond; commercial development up to three stories to the west with Riley Street beyond, and Scott Street to the east with the Cohn House and single-family residential development beyond. All of the adjacent land uses, including the single-family residence to the south and the Cohn House across Scott Street to the east, are situated within the Sutter Street Subarea and have a zoning designation of HD (Historic District).

As described above, the project site is located within an area that is predominantly commercial in nature. The Sutter Street Subarea is an area in which the most intensive commercial development within the Historic District is located, including restaurants, bars, retail shops, and offices. The proposed three-story, mixed-use building is compatible with existing land uses, building massing and scale with other commercial and mixed-use buildings along Sutter Street in the project vicinity.

### 6.1.3 HISTORIC DISTRICT DESIGN GUIDELINES

The proposed project meets the development standards established by the Sutter Street Subarea Special Use and Design Standards. For additional information regarding the project's consistency with Design Guidelines, refer to Section 7.7 of this document.

## 6.2 PROJECT SITE SIZE AND SURROUNDINGS

The 0.17-acre site is entirely located within City limits. The size of the parcel (0.17 acre) allows the project to be considered as exempt because it is less than the threshold of five acres as set forth in §15332 of the State CEQA Guidelines. The proposed project would encompass the entire site. In terms of land use compatibility, the project site is located at the southwest corner of Sutter Street and Scott Street within the Sutter Street Subarea of the Historic District.

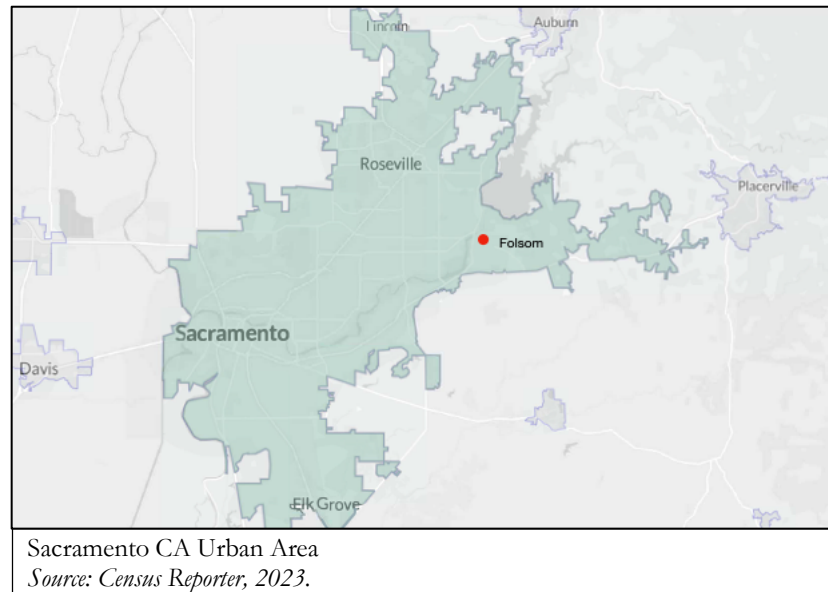


As described above, the project site is located within an area that is predominantly commercial in nature. The Sutter Street Subarea of the Historic District is an area in which the most intensive commercial development within the Historic District is located including restaurants, bars, retail shops, and offices. As noted above, the proposed three-story mixed-use building is compatible with existing land uses, building massing and scale with other commercial and mixed-use buildings along Sutter Street in the project vicinity.

CEQA does not provide a definition of “urban uses” that must be found to substantially surround a project in order to qualify for the exemption in CEQA Guidelines §15332. However, the project site is within the Historic District of the city, and both the Historic District and the adjacent area of the city are characteristic of a densely populated area.

The United States Census Bureau delineates urban and rural areas of the United

States based on information obtained during each decennial<sup>3</sup> census, including the 2020 census. According to the Census Bureau, the City of Folsom, including the project area, is located within the larger Sacramento, CA Urbanized Area. This large urban area stretches from West Sacramento to Elk Dorado Hills, and from Elk Grove to Lincoln. The population of this 471.2 square mile urbanized area is 1,919,826, representing an average density of 4,074.6 persons per acre (Census Reporter 2023). Additionally, at a local level, the project site is completely surrounded by other urban uses, including offices, commercial and fraternal uses, restaurants, and residences.



### 6.3 HABITAT FOR RARE, THREATENED, AND/OR ENDANGERED SPECIES

The previously disturbed project site is characterized as a small sloping ruderal area within an otherwise urban setting. The vegetation community present on site is a mix of ruderal grassland, mainly consisting of non-native annual grasses, and woodland that is a mixture of native and horticultural trees. The surrounding land uses are developed commercial and residential uses within the context of a densely developed urban area (LSA 2017, ECORP 2019). The nearest undeveloped habitat is located within the American River Parkway, approximately 425 feet west/northwest of the project site, separated from the project by buildings, parking lots, and multi-lane roadways. The nearest point on the American River (Lake Natoma) is approximately 1,000 feet northwest of the site, again separated by intervening urban development. Wildlife use of the site is limited to species that are adapted to urban environments.

<sup>3</sup> The most recent census was completed in 2020.

Research completed to determine the biological resources associated with the proposed project included: (1) a query of the California Natural Diversity Database (CNDDDB) to identify occurrences of special-status species within one mile of the project site; (2) a query of federally listed Threatened and Endangered species from the USFWS and the California Native Plant Society's (CNPS) Electronic Inventory; and (3) a review of the USFWS National Wetland Inventory (NWI) map to identify the presence of wetlands within the project area.

According to the USFWS and CNDDDB records searches, there are 5 plant, 3 crustaceans, 1 insect, 1 fish, 2 amphibian, 1 reptile, and 1 bird special-status species that have the potential to occur in the vicinity of the project site. Additionally, 15 bird species protected by the MBTA have the potential to seasonally occur in the project vicinity. Because the proposed project would be constructed within an existing disturbed lot surrounded by developed urban uses, suitable habitat to support the majority of the listed species is not present.

Sensitive natural habitats are those that are considered rare within the region, support sensitive plant or wildlife species, or function as corridors for wildlife movement. No sensitive natural habitats were identified by the CNDDDB and CNPS lists for the proposed project area. A review of the USFWS NWI Map was completed to identify the presence of wetlands in the vicinity of the project. There are no wetland features identified on the NWI map within the project area.

The State-threatened Swainson's hawk has occurred in the project vicinity. There is a single occurrence within 0.5 miles of the project site. Swainson's hawks generally forage within 10 miles of their nest tree, and more commonly within 5 miles; however, there is no foraging habitat on the project site. Existing trees within the project parcel may serve as nesting trees, though there is no evidence of use of the trees by Swainson's hawks.

As set forth in the project application documents, in response to the requirements in the Folsom Municipal Code Chapter 12.16 (Tree Preservation Ordinance) and Section 4.19 (Grading Permit Requirements) of the City's Design Standards, the applicant proposes to comply with the Migratory Bird Treaty Act and California Fish and Game Code provisions protecting special status and migratory birds by including the following standard requirement<sup>4</sup> in the project design.

The project will avoid construction or tree removal during nesting season, or if construction activities will occur during the nesting season and trees on the site have not been removed, the applicant will conduct pre-construction surveys for the presence of special-status bird species or any nesting bird species 30 days or less prior to the start of construction. These surveys will be conducted by a qualified biologist within a 500-foot radius of the construction area. If active nests are identified in these areas, construction will be delayed until the young have fledged or the California Department of Fish and Wildlife has been consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities.

Thus, as proposed the project would not interfere with the value of the project site as habitat for endangered, rare, or threatened species.

<sup>4</sup> An agency may rely on generally applicable regulations to conclude an environmental impact will not be significant and therefore does not require mitigation. (*San Francisco Beautiful v. City and County of San Francisco* (2014) 226 Cal.App.4th 1012, 1033, citing *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 932–934; *Association for Protection Etc. Values v. City of Ukiab* (1991) 2 Cal.App.4th 720, 734–736 [categorical exemption].)

It is noted that 11 native trees would be removed. The potential for disturbance to nesting birds protected under state and federal regulations is discussed above.

## 6.4 SIGNIFICANT EFFECTS RELATING TO TRAFFIC, NOISE, AIR QUALITY, OR WATER QUALITY

### 6.4.1 TRAFFIC

The following regulations of the City of Folsom govern various aspects of the transportation system.

#### FOLSOM 2035 GENERAL PLAN

**Policy M 1.1.3: Accessibility.** Strive to ensure that all streets are safe and accessible to people with limited mobility and other disabilities. New and reconstructed facilities shall meet the requirements of the Americans with Disabilities Act.

**Policy M 2.1.1: Pedestrian Master Plan.** Maintain and implement a pedestrian master plan that guides the development of a network that links residential developments with employment centers, public open spaces, parks, schools, shopping districts, and other major destinations.

**Policy M 4.1.3: Level of Service.** Strive to achieve at least traffic Level of Service “D” throughout the city. Level of Service “E” conditions can be acceptable due to costs of mitigation or when there would be other unacceptable impacts, such as right-of-way acquisition or degradation of the pedestrian environment due to increased crossing distances or unacceptable crossing delays. Level of Service “E” may also be accepted during peak commute periods at major intersections within one-quarter mile of a freeway interchange or river crossing.

**Policy M 2.1.4: Sidewalk Network.** Strive to fill gaps in the city’s existing sidewalk network.

**Policy M 2.1.5: Bikeway Master Plan.** Maintain and implement a bikeway master plan that guides the development of a network that links residential developments with employment centers, public open spaces, parks, schools, shopping districts, and other major destinations.

**Policy M 3.1.1: Access to Public Transit.** Strive to ensure that all residents have access to safe and convenient public transit options.

**Policy M 4.2.1: Parking.** Maintain and implement a comprehensive on- and off-street parking system that serves the needs of residents and businesses while supporting the use of multiple modes of transportation.<sup>5</sup>

**Policy M 4.2.2: Reduce Minimum Parking Standards.** Consider reducing parking standards for private vehicles in transit-oriented developments, mixed-use developments and developments in high-density areas over time, while increasing parking for shared vehicles, alternative energy vehicles, bicycles, and other modes of transportation. Reduced parking standards must be supported by a demand analysis that supports the reduction.

<sup>5</sup> As noted previously in Section 5.2 of this document, State law (Government Code §65863.2) enacted after adoption of the City’s 2035 General Plan and the applicable Zoning Code provisions prohibits the imposition of parking requirements for many types of urban development that are located within ½ mile of a major transit stop. The proposed project meets the requirements of this prohibition; therefore, to the extent that the City’s General Plan or Zoning Code would otherwise require minimum parking for the project, these policies are determined to be inapplicable to this site. For more information regarding the definition of these requirements, refer to Section 4.1.4.



**Policy M 5.1.2: Off-Peak Deliveries.** Encourage business owners to schedule deliveries at off-peak traffic periods in residential, commercial, or mixed-use areas.

## HISTORIC DISTRICT DESIGN GUIDELINES

**Goal 4. Circulation** - To facilitate movement of vehicles, transit systems, pedestrians, and bicycles through the Historic District in such a way as to provide adequate access for local and through traffic without excessive traffic impacts on the character of the Historic District area and to facilitate adequate parking.

**Policy 4.4** - Pedestrian and bicycle circulation shall be encouraged through construction and improvement of pathways and safety features. Such paths shall connect to existing and future routes to serve both tourists and commute needs.

**Policy 4.6** - Adequate public parking shall be provided in proximity to commercial uses, including provision for tour buses. Such parking shall be designed and constructed to blend with historic structure or shall be screened.

The **Pedestrian Circulation Plan** illustrated in §3.02.04.c.3 of the Design Guidelines indicates that Sutter Street west of Scott Street is considered to be a “major” sidewalk route.

## ACTIVE TRANSPORTATION PLAN

In 2022 the City of Folsom adopted an Active Transportation Plan (ATP). The ATP is the City’s plan for improving mobility for all residents and visitors who walk, bike, run, and roll<sup>6</sup> in and around Folsom. The Plan sets forth policies, infrastructure projects, supporting programs, and implementation priorities. The ATP is an update to the previously-adopted Bicycle Master Plan (2007) and Pedestrian Master Plan (2014). The ATP focuses on improving the safety and comfort of active transportation facilities, improving connections among on- and off-street facilities, and supporting connections to destinations across the city.

ATP Policies that apply to the proposed project include:

- *Policy 2.1.1:* Identify and fill sidewalk gaps in the pedestrian network to provide for a complete and connected network.
- *Policy 2.2.2:* Provide connections between modes, including bicycle and pedestrian connections to local and regional transportation options, including transit, buses that can accommodate bicycles, and park-and-ride lots.

The ATP indicates that the sidewalk network is not continuous on Scott Street in the project vicinity. As proposed, implementation of the project would result in the installation of a sidewalk on the project’s Scott Street frontage consistent with Policy 2.1.1.

Bicycle facilities are not currently provided along Sutter Street or Scott Street. The ATP designates Sutter and Scott Streets in the vicinity as a future Class IIIB Bicycle Boulevard. Because the project

<sup>6</sup> The term “roll” refers to a person who might use a wheelchair, assistive mobility devices, or other human-powered device on wheels.

is not proposing to modify either Sutter or Scott Streets in the project vicinity, it would not interfere with the future provision of a Bicycle Boulevard by the City.

## Evaluation

Implementation of the proposed project would increase traffic volumes on adjacent streets and at nearby intersections. However, while increases in traffic would decrease operations at studied intersections, all intersections would continue to meet General Plan and City operational goals and policies. With respect to transit and bicycle facilities, none are located within or adjacent to the project site, and the project would have no effect on such facilities or conflict with adopted City goals and policies for such facilities. Implementation of the project would result in the reconstruction of sidewalks along Sutter Street, and the new construction of a sidewalk on Scott Street. The improvement or addition of pedestrian facilities would implement General Plan, Historic District Design Guidelines, and ATP policies regarding the provision and improvement of pedestrian facilities within the Historic District. Project implementation would not conflict with any adopted City policies with respect to transit, roadway, bicycle, or pedestrian circulation.

Section 15064.3, subdivision (b) of the CEQA Guidelines describes criteria for analyzing transportation impacts. According to §15064.3(b)(1), land use projects that...are located within one-half mile of an existing major transit stop ... should be presumed to cause a less-than-significant transportation impact. At a distance of 0.3 mile from the Historic District light rail station located at the west end of Sutter Street, the proposed project is less than the one-half mile threshold. This light rail station is considered to be a major transit stop (Pub. Resources Code, § 21064.3(a)). Additionally, because the project does not provide for on-site vehicle parking, it would act to encourage alternative modes of travel (such as by transit, walking, or biking), thereby decreasing the number of vehicle miles travelled from those that might be expected from a similar use that did provide vehicle parking.

As noted above, the project would not result in any modification to Sutter or Scott Streets except for the reconstruction of existing sidewalks on Sutter Street and the construction of new sidewalks along the Scott Street property frontage. Following the completion of construction, the paved sections of both Sutter and Scott Streets would be returned to their original conditions. Implementation of the proposed project would not result in any permanent changes to the design features or uses of adjacent roadways. There would be no increase in hazards related to a geometric design feature, or due to incompatible uses.

Project construction would involve trenching within Sutter and Scott Streets to connect the project to existing underground utilities. Additionally, construction operations could result in lane closures on both streets that could cause delays and queuing of vehicle traffic, and thereby interfere with emergency services. Based on the applicant's proposed schedule, the project would be constructed in a continuous period lasting approximately 18 months. The initial phases of project development are expected to be complete within 4-6 weeks from initiation (bedrock removal) followed by 2 months of construction of underground and civil improvement.

These operations could include such activities as truck loading during site preparation to haul excess earth materials from the site, or delivering construction materials during building erection and finishing. Consistent with standard City CDD Specification requirements (Sections 10.05, Public Convenience, and 10.06 Public Safety and Traffic Control) and City Design Standards Section 13, a detailed Traffic Control Plan (TCP) would be required to detail how the applicant, any successor in

interest, and/or its contractor will manage continuous roadway access for both emergency and non-emergency uses, and will include Best Management Practices (BMP), such as covering the trenched areas after work hours. As set forth in the project application documents, the applicant proposes to comply with the City's CDD Specifications and Design Standards by including the following requirement in the project design.

Prior to initiation of construction, the Applicant will obtain an encroachment permit from the City of Folsom for construction within the Sutter and Scott Street rights of way, and prepare a Traffic Control Plan according to the City's requirements. The Applicant will publicly disseminate construction-related information through notices to adjacent neighbors, press releases, and/or the use of changeable message signs. The Applicant, or its construction manager, will notify all affected residences and businesses and post the construction impact schedule.

Thus, as proposed the project would not unnecessarily interfere with circulation during project construction.

The 2035 General Plan strives to maintain the established LOS D or better at throughout the City (M4.1.3). Level of service is typically used to evaluate traffic operations, in which operating conditions range from LOS "A" (free-flowing) to LOS "F" (forced-flow). The 2035 General Plan also accepts a lower LOS and higher congestion at major regional intersections (M4.1.3). Although LOS is no longer used as a metric for determining significance of transportation impacts under CEQA, a traffic impact study was prepared for the project in accordance with City requirements. The study found that the intersection LOS analysis results show that all study intersections would operate at an acceptable LOS established by 2035 General Plan policies during both AM and PM peak hours under "existing plus project" conditions (Kimley-Horn 2019/2023), and thus, the project would not result in traffic levels which would conflict with City LOS policies. The proposed project is also located in proximity to pedestrian and bicycle facilities that could be used for some of the project's daily trips.

#### **6.4.2 NOISE**

The City's Noise Ordinance (FMC 8.42.060.C) states that noise sources associated with construction, provided such activities do not take place before 7 a.m. or after 6 p.m. on any day except Saturday or Sunday, or before 8 a.m. or after 5 p.m. on Saturday or Sunday, shall be exempt from the provisions of the Noise Ordinance. Additionally, Sections 6.09 (Noise Control) and 7.23 (Weekend, Holiday, and Night Work) of the City's CDD Specifications act to reduce the potential effects of construction noise.

Noise generated during construction would depend on the construction phase and the type and amount of equipment used at the construction site. Noise would be generated during site clearing, excavation, grading, placement of fill, hauling etc. Noise would also be generated during foundation work and framing, and during exterior and interior finishing by equipment such as saws, hammers, the radios and voices of workers, and other typical provisions necessary to construct a medium sized commercial/residential building. The highest construction noise levels would be generated during grading and leveling of the sites, with lower noise levels occurring during building construction and finishing.



During construction, maximum noise levels ranging from 70 to 90 dBA can be expected at a distance of 50 feet from the operating equipment. Although construction activities would be temporary in nature, project construction could result in short-term increases in ambient noise levels at the nearest residences, primarily during site clearing and grading, which could result in annoyance<sup>7</sup>. Due to the required construction hours, impacts related to sleep disturbance are not anticipated. In addition, exposure of persons in the project vicinity to levels of construction noise which could cause damage to hearing is also not expected.

Compliance with the City's Noise Ordinance and the provisions of the CDD Specifications restricting the hours of construction will ensure there are no significant noise impacts resulting from the project. Additionally, the project applicant has offered the following commitment in order to reduce construction noise further than required by the City's Noise Ordinance. As set forth in the project application, the applicant would:

Limit construction activities, delivery of materials or equipment, and servicing of construction equipment to between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. to 5:00 p.m. on Saturdays. Construction activities are not proposed on Sundays and on all holidays. The Applicant will also abide by best construction practices, including:

- Ensuring that motorized equipment is outfitted with proper mufflers in good working order, and selecting quiet equipment, such as air compressors, whenever possible.
- Prohibiting unnecessary idling of internal combustion engines and turning off all equipment and vehicles when not in use.
- Locating all stationary noise-generating construction equipment, such as air compressors, as far as practical from adjacent homes and acoustically shielding such equipment when it must be located near adjacent residences.
- Siting equipment storage as far as possible from nearby sensitive receptors.

Policy SN 6.1.8 of the Folsom 2035 General Plan pertains to vibration. That policy states that construction projects and new development anticipated to generate a significant amount of vibration are required to ensure acceptable interior vibration levels at nearby noise-sensitive uses based on Federal Transit Administration criteria as shown in Table SN-3 of the General Plan Safety element.

Table 7-5 of the Federal Transit Administration's publication, *Transit Noise and Vibration Impact Assessment Manual*, contains criteria for assessing potential damage to structures resulting from construction vibration. That table is reproduced below as Table 5.

<sup>7</sup> Based on the applicant's proposed schedule, the project would be constructed in a continuous period lasting approximately 18 months. The initial phases of project development are expected to be complete within 4-6 weeks from initiation (bedrock removal) followed by 2 months of construction of underground and civil improvement.

**Table 5 FTA Vibration Damage Criteria**

Building/ Structural Category	Approximate LV*
Reinforced-concrete, steel or timber (no plaster)	102
Engineered concrete and masonry (no plaster)	98
Non-engineered timber and masonry buildings	94
Buildings extremely susceptible to vibration damage	90

\* RMS velocity in decibels, VdB re I micro-in/sec

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual (2018)*

As an undeveloped project site located within an existing commercial and residential area, there are no existing sources of vibration or groundborne noise on the project site or in the project vicinity. During construction of the project, heavy equipment would be used for grading excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of the construction. Because of the shallow depth to bedrock across much of the site, the leveling of the building pad would require ripping by heavy equipment. However, given the subsurface conditions and steep terrain of the site, the project applicant has designed the building to be stepped back from the Sutter Street elevation to the rear lot line to avoid excessive need for excavation. See Figure 9. No blasting would be necessary with this project design.

The range of vibration source levels for construction equipment commonly used in similar projects (not including blasting) are shown in Table 6. The vibration levels depicted in Table 6 are representative of measurements at a distance of 25 feet from the equipment source, which represents the approximate distances to the nearest existing structure to the project site.

**Table 6 Vibration Source Levels for Construction Equipment**

Equipment	Approximate RMS LV1 at 25 feet
Large bulldozer	87
Loaded trucks	86
Jackhammer	79
Small bulldozer	58

Notes: RMS velocity in decibels (VdB) re 1 micro-inch/second

Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual (2018)*

As indicated in Table 5, a vibration level of 90 VdB is required before the onset of damage would occur to buildings which are extremely susceptible to vibration damage. Because vibration levels generated by the type of construction equipment which will be required for this project are not anticipated to exceed 90 VdB at the nearest structures, no damage to nearby buildings is anticipated to result from project vibration.

The proposed project would not result in a substantial increase in permanent noise levels. The project consists of a mixed-use, commercial, office, and residential development. None of the project uses (commercial, office, or residential) would be associated with activities that would generate substantial permanent increases in ambient noise levels.

With respect to daily (not peak hour) traffic noise level increases due to the project, the transportation consultant has projected that the project would generate approximately 360 daily trips. Existing traffic volumes on these roadways are estimated by the City of Folsom to be approximately 2,100-4,500 ADT on Sutter Street and 1,400 – 2,800 ADT on Scott Street. Based on a conservative assumption that existing traffic volumes are at the lower end of the ranges cited above, the predicted project-related increases in traffic noise levels along Sutter and Scott Streets would be 0.4 dB and 0.5 dB  $L_{dn}$ , respectively, assuming all the project daily traffic would utilize both roads. The project-related traffic noise level increases cited above, which are based on conservative assumptions, would likely be imperceptible at the nearest residences to the project site.

The project proposes three distinct exterior areas where people could congregate. One location is a ground floor (Level 1) outdoor dining area. The second is a small deck area on Level 2. The third location is a larger deck area associated with the proposed residences on Level 3. No outdoor use space is proposed on the roof of the building. There will be no outdoor speakers installed in any of these areas, and no live or recorded music will be performed or played at any of the outdoor spaces. As a result, the only noise source associated with these outdoor spaces would be people conversing.

The proposed ground level dining area is located approximately 100 feet from the closest residential receptor to the southeast. At that distance, and assuming no shielding by intervening structures whatsoever, the predicted average and maximum noise levels would be 40 dB  $L_{eq}$  and 45 dB  $L_{max}$ , respectively. Due to the considerable shielding of the 2<sup>nd</sup> and 3<sup>rd</sup> level decks from the nearest residences, noise generated during outdoor conversations at those locations would be considerably lower. The predicted sound originating from the outdoor spaces of the project would be well below the noise standards of the City of Folsom 2035 General Plan, and well below measured existing ambient noise levels at the nearest residences.

Mechanical equipment associated with the building heating, ventilating and air conditioning, as well as any mechanical equipment associated with a future restaurant use on the project site, would be located within an enclosed mechanical equipment well which would contain the noise. As a result, project mechanical equipment noise associated with the building operation is not predicted to exceed the applicable City of Folsom noise standards or substantially exceed existing ambient noise levels in the immediate project vicinity.

The trash room serving the project is located on the ground level at the northwestern corner of the proposed building. The proposed trash collection area and proposed roll-up door is shielded from view of the nearest residences in the project area by the proposed project building and other existing structures in the project vicinity.

Solid waste and organic waste removal services would be provided by the City of Folsom (solid waste) and a private hauler (organic waste). Depending upon the volume of waste generated by the restaurant, commercial, and office uses, trash and organic waste pickup could occur several times per week. During waste removal, noise would be generated by vehicle engines, collection operations, and backup alarms. Each collection event would last 15 minutes or less. Collection times could vary throughout the day, but would tend to occur most often during morning hours.

As a matter of public health, safety and convenience, the City has exempted garbage collection generated by commercial uses from meeting Noise Ordinance standards. While early morning collection (typically used to prevent conflicts between large garbage collection vehicles and other



activities) may introduce a source of noise that is irritating to some, the City has determined that it is within the public interest to collect garbage regularly and at times that would inconvenience the smallest group of residents possible.

FMC §8.42.060 G of the Noise Ordinance exempts noise sources associated with the collection of waste or garbage from property devoted to commercial or industrial uses. The project site is zoned for commercial uses (as are the adjoining residences), and the proposed 603 Sutter Street Mixed-Use Building project would house commercial activities, including a restaurant, retailing, and offices. Thus, waste and garbage pickup would be exempt from Noise Ordinance requirements. In addition, due to the substantial shielding of the garbage collection area from the nearest residences, excessive noise levels during regular garbage collection operations are not anticipated.

### 6.4.3 AIR QUALITY

#### CRITERIA AIR POLLUTANT EMISSIONS

Construction and operation related emissions were calculated using the California Emissions Estimator Model (CalEEMod) Version 2020.4.0. Output files and assumptions are available at the City of Folsom Community Development Department. CalEEMod default construction equipment with project-specific estimated phasing was used for modeling. Similarly, default trip generation and operational assumptions were used for a conservative estimate.

Emissions of criteria air pollutants associated with construction and operation of the proposed project as estimated by CalEEMod are shown on Tables 7 and 8. Maximum daily emissions would not exceed the applicable Sacramento Metropolitan Air Quality Management District (SMAQMD) significance thresholds related to air quality. Because air emissions would be well below SMAQMD thresholds, project air pollutant emissions during both construction and operations would result in a less-than-significant impact.

Year	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
	Pounds per day					
2024	0.95	10.46	7.22	0.017	5.87	2.98
2025	7.45	5.58	7.45	0.012	0.36	0.24
Maximum Daily	<b>7.45</b>	<b>10.46</b>	<b>7.45</b>	<b>0.017</b>	<b>5.87</b>	<b>2.98</b>
SMAQMD Threshold	n/a	85	n/a	n/a	80	82
Threshold Exceeded?	n/a	NO	n/a	n/a	NO	NO

Note: ROG = reactive organic gases; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; SO<sub>x</sub> = sulfur oxides; PM<sub>10</sub> = respirable particulate matter; PM<sub>2.5</sub> = fine particulate matter

The values shown are the maximum summer or winter daily emissions results from CalEEMod.

Emissions thresholds are included in SMAQMD *Guide to Air Quality Assessment in Sacramento County* (2009, updated through April 2021).

CalEEMod model results are on file with the City of Folsom Community Development Department.

Source: *Planning Partners 2023*.

Within the City, consistent with Section 6.0.7 (Air Pollution Control) of the City's CDD Specifications, Section 4.19 (Grading Permit Requirements) of the City Design Standards, and the

SMAQMD regulations, all construction projects are required to implement the District's Basic Construction Emission Control Practices, as applicable. These practices include the following:

*Basic Construction Emission Control Practices* (SMAQMD 2009, Section updated July 2019)

- Control of fugitive dust is required by District Rule 403 and enforced by District staff.
- 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.
- 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 [California Code of Regulations, Title 13, §s 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- Provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [California Code of Regulations, Title 13, §s 2449 and 2449.1]. For more information contact CARB at 877-593-6677, doors@arb.ca.gov, or www.arb.ca.gov/doors/compliance\_cert1.html.
- 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.

**Table 8 Unmitigated Operation Related Emissions**

Category	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
	Pounds per day					
Area	0.27	1.91E-003	0.17	1.0E-005	9.2E-004	9.2E-004
Energy	0.01	0.097	0.08	5.9E-004	7.43E-003	7.43E-003
Mobile	0.89	0.73	5.37	9.08E-003	0.91	0.25
Total	1.17	0.82	5.62	9.68E-003	0.92	0.26
SMAQMD Threshold	65	65	n/a	n/a	80	82
Threshold Exceeded?	NO	NO	n/a	n/a	NO	NO

Note: ROG = reactive organic gases; NO<sub>x</sub> = oxides of nitrogen; CO = carbon monoxide; SO<sub>x</sub> = sulfur oxides; PM<sub>10</sub> = respirable particulate matter; PM<sub>2.5</sub> = fine particulate matter

The values shown are the maximum summer or winter daily emissions results from CalEEMod.

Emissions thresholds are included in SMAQMD *Guide to Air Quality Assessment in Sacramento County* (2021).

CalEEMod model results are on file with the City of Folsom Community Development Department.

Source: *Planning Partners 2023*.

In order to support the use of the SMAQMD's non-zero thresholds of significance for operational PM emissions, the SMAQMD provides guidance on Best Management Practices (BMP) to reduce

operational PM emissions from land use development projects (SMAQMD 2009, Section updated October 2020). As required by existing regulations, the following BMPs provided by the SMAQMD will be included by the City of Folsom as Conditions of Approval:

1. Compliance with District rules that control operational PM and NO<sub>x</sub> emissions. Reference rules regarding wood burning devices, boilers, water heaters, generators and other PM control rules that may apply to equipment to be located at the project. Current rules can be found on the District's website: <http://www.airquality.org/Businesses/Rules-Regulations>
2. Compliance with mandatory measures in the California Building Energy Efficiency Standards (Title 24, Part 6) that pertain to efficient use of energy at a residential or non-residential land use. The current standards can be found on the California Energy Commission's website: <http://www.energy.ca.gov/title24/>
3. Compliance with mandatory measures in the California Green Building Code (Title 24, Part 11). The California Building Standards Commission provides helpful links on its website: <https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen>
4. Current mandatory measures related to operational PM include requirements for bicycle parking, parking for fuel efficient vehicles, electric vehicle charging, and fireplaces for non-residential projects. Residential project measures include requirements for electric vehicle charging and fireplaces.
5. Compliance with anti-idling regulations for diesel powered commercial motor vehicles (greater than 10,000 gross vehicular weight rating). This BMP focuses on non-residential land use projects (retail and industrial) that would attract these vehicles. The current requirements include limiting idling time to 5 minutes and installing technologies on the vehicles that support anti-idling. Information can be found on the California Air Resources Board's website:  
<https://ww2.arb.ca.gov/our-work/programs/idle-reduction-technologies/idle-reduction-technologies>.

Additionally, the California Air Resources Board adopted a regulation that applies to transport refrigeration units (TRUs) that are found on many delivery trucks carrying food. Information on the TRU regulation can be found on the California Air Resources Board's website:

<https://ww2.arb.ca.gov/our-work/programs/transport-refrigeration-unit>.

Since the proposed project may not have control over the anti-idling technologies installed on commercial vehicles coming to the project, the BMP is to provide notice of the anti-idling regulations at the delivery/loading dock and to neighbors. The notice to the neighbors should also include who at the retail or industrial project can be contacted to file a complaint regarding idling and the California Air Resources Vehicle Complaint Hotline 1-800-363-7664.

#### 6.4.4 WATER QUALITY

The proposed project does not involve any discharges that would violate any water quality standards or waste discharge requirements. The City is a signatory to the Sacramento County-wide NPDES permit for the control of pollutants in urban stormwater. Since 1990, the City has been a partner in the Sacramento Stormwater Quality Partnership, along with the County of Sacramento and the Cities of Sacramento, Citrus Heights, Elk Grove, Galt, and Rancho Cordova. These agencies are implementing a comprehensive program involving public outreach, construction and industrial



controls (BMP), water quality monitoring, and other activities designed to protect area creeks and rivers (Sacramento Stormwater Quality Partnership 2019). The project would be required to implement all appropriate program requirements.

In addition to these activities, the City maintains the following requirements and programs to reduce the potential impacts of urban development on stormwater quality and quantity, erosion and sediment control, flood protection, and water use.

### **CDD Construction Specifications**

- *Section 6.08 Water Pollution* - requires compliance with City water pollution regulations, including NPDES provisions.
- *Section 8.2 Reseeding* - specifies seed mixes and methods for reseeded of graded areas.
- *Section 9.1 Clearing and Grubbing* - specifies protection standards for existing signs, mailboxes, underground structures, drainage facilities, sprinklers and lights, trees and shrubbery, and fencing. Also requires the preparation of a SWPPP to control erosion and siltation of receiving waters.

### **City Design Standards**

- *Section 4.19 Grading Permit Requirements* – Defines requirements for obtaining a Grading Permit, including completion of a geotechnical/soils report, arborist’s report, engineering geology report (if necessary), and construction details for any needed retaining walls. As applicable, prior to issuance of a Grading permit, applicants are required to obtain a Tree permit from the City, any environmental permits issued by State or federal agencies for the purposes of protecting environmental resources, evidence of coordination with the SMAQMD regarding naturally occurring asbestos, and a Stormwater Pollution Prevention Plan.
- *Section 10-4 Erosion and Sedimentation Control* – Requires a site specific erosion and sedimentation control plan of all construction projects within the City, including those that would result in the less of 1 acre in disturbed area.
- *Section 19 Storm Drainage Requirements and Policies* – Defines City policies, standards, master plans, and requirements that apply to stormwater and flooding.

Additionally, the City enforces the requirements of the FMC summarized in Table 9.

**Table 9 City of Folsom Municipal Code Sections Regulating the Effects on Hydrology and Water Quality from Urban Development within the City**

Code Section	Code Name	Effect of Code
8.70	Stormwater Management and Discharge Control	Establishes conditions and requirements for the discharge of urban pollutants and sediments to the storm-drainage system; requires preparation and implementation of SWPPPs.
13.26	Water Conservation	Prohibits the wasteful use of water; establishes sustainable landscape requirements; defines water use restrictions.
14.29	Grading Code	Requires a grading permit prior to the initiation of any grading, excavation, fill or dredging; establishes standards, conditions, and requirements for grading, erosion control, stormwater drainage, and revegetation.
14.32	Flood Damage Prevention	Restricts or prohibits uses that cause water or erosion hazards, or that result in damaging increases in erosion or in flood heights; requires that uses vulnerable to floods be protected against flood damage; controls the modification of floodways; regulates activities that may increase flood damage or that could divert floodwaters.

*Source: Folsom Municipal Code 2021.*

Construction activities associated with project implementation would include grading, excavation, and site leveling. As proposed, post-construction stormwater would be conveyed to an existing storm drain in the Sutter Street sidewalk adjacent to the northwest corner of the proposed building, and to an existing storm drain in Scott Street (see Figure 9). At these points, the project would be connected to the City's stormwater drainage system.

The proposed project would be required to comply with various State and local water quality standards (including full capture and treatment of runoff from the trash area), which would ensure the proposed project would not violate water quality standards or waste discharge permits, or otherwise substantially degrade water quality. The project site would be subject to National Pollution Discharge Elimination System (NPDES) permit conditions, which include the preparation of a Stormwater Pollution Prevention Plan (SWPPP). As described above, the proposed project would also be subject to all of the City's standard Code and construction requirements (listed in Table 9), including conditions for the discharge of urban pollutants and sediments to the storm-drainage system and restrictions on uses that cause water or erosion hazards.

Further, prior to the issuance of grading and building permits, the applicant will be required to submit a drainage plan that shows how project BMPs capture and treat stormwater runoff during project construction and operations. Compliance with these requirements would ensure that water quality standards and waste discharge requirements are not violated, and water quality is protected.

Compliance with regulations contained in the Municipal Code regarding implementation of stormwater BMPs, grading requirements and implementation of erosion control plans (noted) above as well as preparation and implementation of a SWPPP during construction, would avoid/minimize potential effects to water quality from stormwater runoff.

Implementation of the proposed project would have the potential to generate stormwater and contaminated runoff from developed areas of the project site. Developed community stormwater

conveyance facilities are located in both Sutter and Scott Streets. Because the site is currently undeveloped, the construction of the proposed project would result in the addition of new impervious surfaces to the project site. While the majority of the developed project site would be covered with impervious surfaces, the remaining areas would be landscaped. On-site drainage improvements include drainage collection pipes within the interior and along the margins of the property.

The project site is within the existing urban area of the City served by urban stormwater facilities. As described above, the proposed project would also be subject to all of the City's standard Code and construction requirements (listed in Table 9), including requirements for the treatment of discharges of urban pollutants and sediments to the storm-drainage system, and restrictions on uses that cause water or erosion hazards.

The implementation of these requirements would ensure that no adverse effects due to stormwater generation or contamination would take place.

## 6.5 UTILITIES AND PUBLIC SERVICES

The project site is fully served by urban levels of all utilities and services. Public utilities provided by the City within the project area include domestic water, wastewater collection, storm water drainage, and solid waste disposal. Private and public utilities other than the City provide electricity, natural gas, telephone, and cable television services. Wastewater treatment and disposal is provided to the City of Folsom by the Sacramento Regional County Sanitation District (SRCSD) at the SRCSD's Wastewater Treatment Plant in Elk Grove. According to the City of Folsom and major utility providers, all utility and service systems are currently adequate to serve the proposed project.

## 7. POTENTIAL EXCEPTIONS TO CATEGORICAL EXEMPTIONS

### 7.1 LOCATION

The potential exception in §15300.2(a) does not apply because projects in the Class 32 category are not excluded on the basis of location.

### 7.2 CUMULATIVE IMPACTS

Under CEQA Guidelines section 15300.2(b), a categorical exemption shall not be used when the cumulative impact of successive projects of the same type in the same place, over time is significant. There is no specific time requirement for the consideration of cumulative impacts "over time." "The same place" is not defined in the CEQA Guidelines, but it is generally understood by the City to mean the project site and its vicinity, the proper scope of which is determined by the context of the project and potentially affected resources.<sup>8</sup>

<sup>8</sup> [W]e construe "the same place" to refer to an area whose size and configuration depend on the nature of the potential environmental impact of the specific project under consideration. For example, in determining whether there may be a cumulative impact from an otherwise categorically exempt project that may affect water quality in a stream, consideration must be given to potential similar projects located in the watershed of the same stream. For a project producing noise pollution, the area to be considered would be that within which the noise could be expected to be audible." (*Robinson v. City and County of San Francisco* (2012) 208 Cal.App.4th 950, 959.)



CEQA requires a lead agency to consider cumulative impacts from “reasonably foreseeable” projects (CEQA Guidelines section 15355(b)).

Successive, recent projects of the same type in the same place (i.e., on or near the proposed project site) have not been approved or proposed. The most recent project that has been approved or proposed in the immediate vicinity of the project is the Barley Barn Tap Room, approved in 2022. However, the Barley Barn project is a bar/entertainment business, substantially different from the proposed Historic Sutter Street Mixed-Use Building project, which consists of retail/office/residential uses. Furthermore, once the construction of the proposed project is complete, there would be no available space on the site for future development.

## 7.2.1 CUMULATIVE IMPACTS WITHIN THE HISTORIC DISTRICT

Several projects have been completed near the proposed project and within the Sutter Street Subarea over the last few years. On the same block as the proposed project, two buildings have been constructed relatively recently. In 2013, a Commercial Design Review and a parking variance were approved to construct a 35-foot-high (on the Sutter Street frontage), three-story, mixed-use building at 607 Sutter Street (Fire and Rain Building). Additionally, a three-story, 29,998-square-foot mixed-use building was approved in 2006 for construction at 602-604 Sutter Street (Folsom Electric Building; also known as the Sutter Street Steakhouse Building), directly across the street from the proposed project site. The Folsom Electric Building is 42 feet tall along Sutter Street and 65 feet tall adjacent to the Public Parking Lot. City approvals for the Folsom Electric Building project consisted of a Commercial Design Review and variances for height and parking. Both buildings have been completed and are occupied<sup>9</sup>.

Since the approval of the Railroad Block 2004 Implementation Plan in January 2006, several projects have been completed at the south end of the Sutter Street Subarea as part of a planned effort to redevelop the area into a mixed-use, civic-oriented development that preserves and enhances the historic railroad buildings and features in the area. Completed projects have included the construction of a multi-story parking garage, public plaza, landscaped amphitheater, restaurant, and two mixed-use buildings at 905 and 916 Sutter Street; renovation of the Southern Pacific Depot and interpretive center; commemorative paving and landscaping; and the creation of new interpretive displays.

Taken together, these projects combined with the proposed project at 603 Sutter Street would not detrimentally affect the integrity of the Sutter Street Subarea. The subarea includes a variety of buildings types and uses. Historic buildings include restaurants, bars, stores, hotels, residences, and other types of buildings dating from roughly 1850 to 1950. Reflecting this long period of development, the subarea broadly displays a variety of styles, size, ornament, and forms. The large-scale new buildings and redevelopment projects in the Railroad Block area reference the railroad-

<sup>9</sup> The City of Folsom prepared and certified separate Mitigated Negative Declarations for the Fire and Rain Building (607 Sutter St.), and the Folsom Electric Building (602/604 Sutter St.). Project impacts to visual quality were determined to be less than significant for the Fire and Rain Building. No adverse aesthetic effects were identified for the Folsom Electric Building. With respect to cultural and historic resources, no adverse effects to known cultural or historic resources were identified on either of the project sites or in their vicinity. Standard mitigation measures were adopted to avoid adverse effects to unknown cultural or historic resources. Thus, the two projects would not have established, or contributed to, cumulative impacts to these resources in the vicinity of the Historic Sutter Street Mixed-Use Building.

related development that historically characterized the area and preserve surviving historic railroad features, thus allowing the redeveloped area to continue to convey its association with Folsom's railroad history.

Meanwhile, the projects on the 600 block of Sutter Street, including the proposed project at 603 Sutter Street, continue the historic pattern of continuous commercial facades and storefronts along Sutter Street. The other recently completed projects on the 600 block are of a larger scale and more contemporary in design. Thus, they are not entirely compatible with the characteristics of the Sutter Street subarea. The 600 block as a whole has a less cohesive character than the Sutter Street blocks to the south that thereby allow for a greater variety of development. The proposed project is more compatible in scale and design than other recently completed buildings, and reinforces the block's connection to the more cohesive collection of historic commercial and mixed-use buildings that are concentrated on the 700 and 800 blocks of Sutter Street. Due to the peripheral location of the 600 block, the proposed project and other recent projects in the area do not directly impact the core area of the Sutter Street Subarea to the south. The Sutter Street Subarea is a large district that continues to retain the vast majority of its contributing resources. The proposed project at 603 Sutter Street, in combination with other recently completed projects in the area, will not detract from the Sutter Street Subarea's ability to convey its historic significance as the historic commercial center of Folsom. It does not appear, therefore, that the proposed new building and other recent projects would represent a cumulative impact on the Sutter Street Subarea or the setting of identified individual historic resources (the Cohn House and historic library building) pursuant to CEQA.

## 7.2.2 CITYWIDE CUMULATIVE IMPACTS

The Folsom 2035 General Plan EIR analyzed the environmental impacts associated with adoption of the City of Folsom 2035 General Plan allowing for development, open space preservation, and provision of services for approximately 17,430± acres of land in the City of Folsom. Implementation of the 2035 General Plan would result in future land development, construction of infrastructure, and other actions that would result in increased levels of human activity, and that would convert or cover portions of the landscape. These actions would occur within areas designated by the 2035 General Plan for urban uses. Future development would consist of a variety of land uses, including residences, commercial activities, industrial uses, and the infrastructure necessary to support urban development.

Buildout of the area subject to the Folsom General Plan envisions construction of up to 15,250 new dwelling units and 3,993 acres of residential, commercial and industrial uses. The Folsom 2035 General Plan contemplates the full range of land uses that would constitute a balanced community, including residential uses at a variety of densities, as well as commercial, office, employment, and open space uses. Additionally, public or quasi-public uses are contemplated by the Folsom 2035 General Plan, including schools, parks, fire stations, government offices, and other uses.

The Folsom 2035 General Plan EIR analyzed the environmental impacts associated with adoption of the City of Folsom 2035 General Plan allowing for development, open space preservation, and provision of services for approximately 17,430± acres of land in the City of Folsom, including the project site.

The 2035 General Plan EIR identified citywide significant impacts arising from urban development pursuant to the General Plan for the issue areas as shown in Table 10. Table 10 also presents the potential for the project to make a considerable contribution to the cited impacts.

<b>Table 10 Citywide Cumulative Effects Identified in the Folsom 2035 General Plan Program EIR</b>		
<b>Environmental Topic</b>	<b>Considerable Contribution by Project?</b>	<b>Where Discussed in This Document</b>
<b>Aesthetics and Visual Resources</b>		
Adverse effects on a scenic vista or substantial degradation of scenic character, damage to scenic resources within a scenic corridor, creation of a new source of light or glare.	No. Project design consistent with Historic District guidelines; Project not visible from sensitive viewpoints.	7.3.1/7.4
<b>Air Quality</b>		
Increase in operational emissions of criteria air pollutants and precursors associated with 2035 General Plan buildout that could contribute to a violation of air quality standards, Increase in health risks associated with exposure of sensitive receptors to emissions of toxic air contaminants, Increase in exposure of sensitive receptors to emissions of odors.	No. Project located within a Transit Priority Area; Served by major transit stop; No parking offered. Additionally, the project's modeled construction and operational emissions are minimal, and less than all SMAQMD thresholds of significance.	6.4.3
<b>Biological Resources</b>		
Have a substantial adverse effect on special status species; Have a substantial adverse effect on federally protected wetlands.	No. No sensitive habitat; Nesting bird avoidance is included in the proposed project; A City Tree permit is required.	6.3/7.3.2/7.3.3
<b>Cultural and Historical Resources</b>		
Cause a substantial adverse change in the significance of a historical resource, Cause a substantial adverse change in the significance of an archaeological resource, <i>Damage or destruction of previously unknown unique paleontological resources during construction related activities.</i>	No. Project would not adversely affect adjacent historical resources.	7.3.1/7.3.3/7.6
<b>Geology, Soils, and Mineral Resources</b>		
Result in the loss of availability of a locally important mineral resource recovery site.	No. No mineral resources at project site.	7.3.3
<b>Global Climate Change</b>		
<i>Potential to conflict with an applicable plan, policy, or regulation adopted for reducing GHG emissions, Potential to conflict with long term statewide GHG emissions reduction goals for 2050.</i>	No. Project located within a Transit Priority Area; Served by major transit stop; No parking offered.	n/a



<b>Table 10 Citywide Cumulative Effects Identified in the Folsom 2035 General Plan Program EIR</b>		
<b>Environmental Topic</b>	<b>Considerable Contribution by Project?</b>	<b>Where Discussed in This Document</b>
<b>Hazards and Hazardous Materials</b>		
<i>Expose people or structures to a significant risk of loss, injury, or death involving wildland fires.</i>	No.	7.3.3/7.5
<b>Hydrology and Water Quality</b>		
<i>Alter the course of a stream or river increasing runoff resulting in flooding, Contribute runoff that exceeds stormwater drainage capacity or contributes additional polluted runoff, Place housing or other structures within 100 year flood hazard area.</i>	No. Site outside of floodplain; No surface water features; project will connect to City stormwater drainage system which has adequate capacity to serve project.	6.4.4/6.5/7.3.3
<b>Noise</b>		
Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project, <i>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, exposure of people residing or working in the area to excessive noise levels resulting from the proposed project.</i>	No. Compliance with City construction requirements and additional voluntary applicant commitments beyond minimum City requirements. Minimal operational noise would not contribute to any substantial permanent increase in ambient noise levels.	6.4.2
<b>Public Services and Recreation Resources</b>		
<i>Require construction or expansion of recreational facilities that might have an adverse physical effect on the environment – State and Regional facilities.</i>	No. All urban services available.	6.5
<b>Transportation/Circulation</b>		
Traffic level of service on local intersections, Traffic level of service on US Highway 50.	No. Project located within a Transit Priority Area; Served by major transit stop; No parking offered	6.4.1
<b>Utilities and Service Systems</b>		
None	No. All urban services available	6.5
Note: Identified effects listed in “normal” type were identified by the 2035 General Plan EIR as being significant and unavoidable. Effects listed in “italics” were determined to be less than significant after the implementation of adopted mitigation measures set forth in the 2035 General Plan EIR. <i>Source: Planning Partners, 2023.</i>		

Additionally, the 2035 General Plan EIR identified topics as having no impact or a less-than-significant impact, as shown in Table 11.

**Table 11 Potential Citywide Impacts Determined to be Less than significant or No Impact by the 2035 General Plan EIR**

Potential Impact	Less-than-Significant Impact	No Impact	Considerable Contribution by Project?
<b>Agriculture and Forestry Resources</b>			
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	X		No. No agricultural or forest resources in Project area.
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?	X		
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?		X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?		X	
<b>Biological Resources</b>			
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	X		No. Project would comply with City Tree Ordinance requirements.
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	X		No habitat conservation plan in Project area.
<b>Geological Resources</b>			
a) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ( <i>V.I.e</i> )	X		No. Project served by community wastewater facilities.
<b>Hazards and Hazardous Materials</b>			
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?		X	No. No airports in the project vicinity.
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?		X	

**Table 11 Potential Citywide Impacts Determined to be Less than significant or No Impact by the 2035 General Plan EIR**

Potential Impact	Less-than-Significant Impact	No Impact	Considerable Contribution by Project?
<b>Hydrology and Water Quality</b>			
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	X		No. Folsom is served by surface water. Coincident earthquakes and a filled Folsom Lake would be unlikely to occur.
j) Inundation by seiche, tsunami, or mudflow?	X		
<b>Noise and Vibration</b>			
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.	X		No. No harmful levels of vibration.
f) For a project within the vicinity of a private airstrip, exposure of people residing or working in the project area to excessive noise levels.		X	No private airports in project vicinity.
<b>Traffic and Circulation</b>			
a) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	X		No. No changes in air traffic patterns.
b) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	X		No new roadways.
c) Result in inadequate emergency access?	X		No changes in emergency access.
d) Eliminate or adversely affect an existing bikeway, pedestrian facility, or transit facility in a way that would discourage its use	X		Project takes advantage of nearby transit facility.
e) Interfere with the implementation of a planned bikeway or planned pedestrian facility, or be in conflict with a future transit facility	X		No effects on bikeways or pedestrian facilities.
f) Result in unsafe conditions for bicyclists or pedestrians including conflicts with other modes	X		See above.
g) Result in demands to transit facilities greater than available capacity	X		See above.

Source: Planning Partners, 2023.



## Conclusion

As indicated in Tables 10 and 11, the proposed mixed-use project would not make a considerable contribution to any of the citywide impacts identified in the 2035 General Plan EIR. Therefore, even if the City were required to consider a citywide context for the cumulative impact exception of a categorically exempt project (which it is not, according to relevant CEQA case law), this potential exception of significant cumulative impacts of successive projects of the same type and in the same place does not apply to the project.

### 7.3 SIGNIFICANT EFFECTS DUE TO UNUSUAL CIRCUMSTANCES

Under CEQA Guidelines §15300.2(c), a categorical exemption shall not be used where there is a reasonable possibility that the activity will have a significant effect on the environment due to “unusual circumstances.” Unusual circumstances may be established by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location, and that there is a reasonable possibility of a significant effect due to that unusual feature or circumstance, or by showing that the project would have a significant environmental effect. For the unusual circumstances exception to apply, it is not enough alone that there is a reasonable possibility the project would have a significant environmental effect; instead, there must be a reasonable possibility that the activity would have a significant effect on the environment *due to unusual circumstances*.

The nature of a project may be “unusual,” particularly if its scope and size differ from conditions in the surrounding vicinity. This includes whether the project is or is not consistent with the surrounding zoning and land uses, including consistency with the underlying General Plan and zoning designations and development standards. Conversely, the scope and size may be “unusual” if the use, height, or density vastly differ from surrounding uses. Therefore, “the presence of comparable facilities in the immediate area adequately supports [a]n implied finding that there [are] no ‘unusual circumstances’ precluding a categorical exemption.” (*Walters v. City of Redondo Beach* (2016) 1 Cal. App.5th 809, 821, quoting *Bloom v. McGurk* (1994) 26 Cal.App.4th 1307, 1316.)

The project site possesses no unusual features or environmental characteristics that distinguish it from other properties of the same size in the downtown area. The project site is located within an urban area, surrounded by development, and sensitive resources are not present as explained below. The project site’s immediate area, and the Sutter Street subarea of the Historic District in general, have similar 2035 General Plan and zoning designations as the subject property. There are no “unusual circumstances” that differentiate the project from the general class of similarly situated projects. For example, other existing properties in the surrounding area (604/602 and 607 Sutter Street) have developed similar mixed-used projects with similar dimensions to the proposed 603 Sutter Street mixed-use project. As proposed, the building height would be a maximum of 35 feet, 0 inches from the ground (building pad) to the roof surface, the maximum allowed by FMC §17.52.510.C within the Sutter Street subarea of the Historic District. This also would be consistent with the height of surrounding properties on the 600 block of Sutter Street.

Finally, the proposed project does not include uses that would be considered unusual in the Sutter Street subarea of the Historic District. As indicated above in Section 5.2, all proposed project uses are allowed in the Sutter Street subarea of the Historic District by the 2035 General Plan and the City’s Zoning Code.

### 7.3.1 AESTHETICS

The City of Folsom is located along the western edge of the Sierra Nevada foothills. The surrounding area to the east of the city includes residences, commercial uses, and grassy rolling hills at varying elevations. To the west is the substantially urbanized Sacramento metropolitan area. The area in the vicinity of the project site is considerably developed with urban land uses. Developed uses in the project vicinity include single family residences to the south and east, and commercial uses to the north and west. The Cohn House, listed on the National Register of Historic Places, is immediately east of the project site, separated by Scott Street. Lake Natoma and the American River Parkway are located to the north, beyond the commercial corridor of Sutter Street. The project site is predominantly hidden by intervening buildings, bridges, and vegetation from viewpoints within the American River Parkway, developed recreation areas such as Black Miners Bar, and the Folsom Powerhouse State Historic Park. From informal recreation areas on the Natoma Bluffs, the project site and nearby uses including the Cohn House are barely visible within the urban fabric of the Folsom Historic District and the city at large. The existing urban visual character of the project vicinity is defined by the nearby commercial and residential uses. Scenic vistas within the city and in the project vicinity vary from short-range to long-range views, depending upon the topography, intervening buildings, and the presence of mature vegetation.

Views into the project site tend to be short-range, and activities on the site are potentially visible by several residents of the surrounding homes (especially those immediately to the south and east), patrons of nearby commercial uses, or motorists on Sutter Street, Scott Street, Riley Street on its approach to the Rainbow Bridge, and from the Folsom Crossing bridge. Views from the Natoma Bluffs, Lake Natoma, the Folsom Lake State Recreation Area, and the Folsom Powerhouse State Historic Park are minimized by distance, by infrastructure such as the Folsom Crossing Bridge, changes in elevation, and intervening vegetation.

Since the City characterized the visual resources of the Historic District in 1998, several changes have occurred within the District's viewshed that have altered views of the Historic District as seen by outside viewers and by viewers within the Historic District itself. These changes include: construction of the Folsom Crossing bridge across Lake Natoma; construction of new public and private structures along and adjacent to Sutter Street, including the new three-story buildings adjacent to the proposed project at 604/602 and 607 Sutter Street, and modification of the building facades along Sutter Street west of Riley Street.

The applicant's intent is that the proposed building would appear similar to other commercial projects recently developed on the 600 block of Sutter Street and elsewhere within the Historic District consistent with the Historic District Design and Development Guidelines. As proposed, the building height would be a maximum of 35 feet, 0 inches from the ground (building pad) to the roof surface, as allowed by Folsom Municipal Code sections 17.52.510 C and 17.58.080. Parapets would be constructed along the Sutter Street and Scott Street frontages of the roof, but would be no higher than 39 feet, 0 inches from the building pad. Air conditioning and other mechanical equipment would be located within a sunken equipment well to reduce operational noise and visibility from surrounding areas and streets.

The proposed 603 Sutter Street building would be visible from viewpoints immediately adjacent to the project, including from within several single-family dwellings and the Cohn House to the south and east. The proposed project would not be a significant part of the viewshed as seen from the

Natoma Bluffs and Black Miners Bar. Due to intervening bridges, evergreen vegetation, and buildings, the project would not be plainly visible from viewpoints within the American River Parkway nor the Folsom Powerhouse State Historic Park.

California Public Resources Code (PRC), §21099 sets forth the following standards with respect to infill projects to be constructed within a Transit Priority Area.

**PRC §21099.**

(a) For purposes of this section, the following terms mean:

- (1) “Employment center project” means a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and that is located within a transit priority area.
- (2) “Floor area ratio” means the ratio of gross building area of the development, excluding structured parking areas, proposed for the project divided by the net lot area.
- (3) “Gross building area” means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.
- (4) “Infill site” means a lot located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.
- (5) “Lot” means all parcels utilized by the project.
- (6) “Net lot area” means the area of a lot, excluding publicly dedicated land and private streets that meet local standards, and other public use areas as determined by the local land use authority.
- (7) “Transit priority area” means an area within one-half mile of a major transit stop that is existing or planned, ...

- (d) (1) Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.
- (2) (A) This subdivision does not affect, change, or modify the authority of a lead agency to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers provided by other laws or policies.
- (B) For the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.

**Evaluation of Applicability of §21099**

The General Plan land use designation for the project site is Historic District – Mixed Use, and the zoning is Historic District (HD). The project lies within the Sutter Street subarea of the Historic District. FMC §17.52.510 expressly permits mixed-use commercial/office projects within the subarea such as that proposed by the 603 Sutter Street Mixed-Use Building project. The floor area ratio (FAR) of the project exceeds 0.75, and as discussed below, the project is located within a transit priority area. Thus, the project qualifies as an Employment Center Project.

The project site is surrounded by other urban uses, either adjoining the site or separated from it by improved public rights-of-way, thereby qualifying it as an Infill Site.



The project is located 0.3 mile from the Historic Folsom Light Rail Station, designated by the Sacramento Area Council of Governments as a major transit stop. The proposed 603 Sutter Street Mixed-Use Building project is located within the Transit Priority Area surrounding the station.

Construction and operation of the proposed building would not have an adverse effect on historical or cultural resources in the project vicinity, or more generally within the Sutter Street Subarea of the Historic District. For more information regarding the project's effect on historic structures and the Sutter Street Subarea, please refer to 7.6 of this document.

Based on the foregoing, consistent with the requirements of PRC §21099, the aesthetic effects of the proposed project would not considered to be significant pursuant to CEQA or unusual.

### 7.3.2 TREE REMOVAL

Chapter 12.16 of the City of FMC provides regulations for the protection, preservation, and maintenance of protected trees in Folsom. The ordinance protects native oak trees, heritage trees, regulated trees, and landmark trees. Protected trees are defined as shown in Table 12. (Folsom 2019)

<b>Table 12 Definition of Protected Trees Pursuant to FMC §12.16</b>	
<b>Protected Tree Class</b>	<b>Definition</b>
Native Oak Tree	Any tree over 6 inches (DSH) of the genus quercus and species lobata (valley oak), douglasii (blue oak), wislizenii (interior live oak), agrifolia (coast live oak) or hybrids, thereof, or a multitrunked native oak tree having an aggregate diameter of 20 inches (DSH) or more.
Heritage Tree	An eligible tree on the City's Master Tree over 30 inches in diameter DSH or an eligible multitrunked tree having an aggregate diameter of 50 inches or more at DSH.
Regulated Tree	Trees required by the City's Zoning Code (parking lot trees and street trees) or required as conditions of a development approval, or required as mitigation by FMC §12.16.
Landmark Tree	A tree or group of trees determined by the city council to be a significant community benefit.

Note: DSH indicates the diameter at standard height. See the footnote on this page for further definition.<sup>10</sup>

Source: *City of Folsom Municipal Code §12.16, 2021.*

Additionally, both the City's CDD Specifications and City Design Standards regulate tree removal and requirements.

#### CDD Construction Specifications

*Section 12.01 - Protection of Existing Trees* - Specifies measures necessary to protect both ornamental trees and native oak trees.

#### City Design Standards

*Section 4.19 Grading Permit Requirements* – Defines requirements for obtaining a Grading Permit, including completion of a geotechnical/soils report, arborist's report, engineering geology report (if necessary), and construction details for any needed retaining walls. As applicable, prior to issuance of a Grading permit, applicants are required to obtain a Tree permit from the City, any

<sup>10</sup> Diameter at Standard Height is a method of expressing the diameter of the trunk of a standing tree. Under this protocol, measures of tree diameters are to be taken four feet, six inches above the ground surface on the high side of the tree.

environmental permits issued by State or federal agencies for the purposes of protecting environmental resources, evidence of coordination with the SMAQMD regarding naturally occurring asbestos, and a Stormwater Pollution Prevention Plan.

*Section 10.3 Grading Plan Requirements* – Identifies additional Grading Plan requirements including information regarding existing trees and trees to be taken.

In compliance with City requirements, tree surveys of the project site were completed in 2017, 2019, and 2022 (Arborwell 2017, ECORP 2019, Cal TLC 2022). The most recent (2022) survey concluded that within the proposed building footprint there are 11 native oak trees representing three species: valley oaks, blue oaks, and interior live oaks. Additionally, there are nine horticultural trees within the building footprint, which are all species of Prunus (fruit trees). Outside of the footprint there is one valley oak and one horticultural camphor tree. (Folsom 2019c, ECORP 2019, Cal TLC 2022)

Except for 11 native oak trees and several ornamental trees, there are no riparian or other sensitive habitats existing on, or adjacent to, the project site. Trees on the site may provide nesting habitat for special status bird species, or for species protected by the Migratory Bird Treaty Act. If construction occurred during the nesting season, nesting birds could be disturbed, leading to nest abandonment.

The valley oak and ornamental trees on the project site could provide nesting habitat for bird species found in the vicinity of the project. Tree-cutting and excavation activities could potentially impact nesting birds that are protected under the federal MBTA of 1918 (16 USC 703-711) and California Department of Fish and Game (CDFG) codes (§s 3503, 3503.5, and 3800). The laws and regulations prohibit the take, possession, or destruction of birds, their nests, or eggs.

If construction activities are conducted during the nesting season (from March to September), nesting birds could be directly impacted by tree removal, and indirectly impacted by noise, vibration, and other construction related disturbance. As set forth in the project application documents, in response to the requirements set forth in the Folsom Municipal Code Chapter 12.16 (Tree Preservation Ordinance) and the regulations set forth in the City's CDD Specifications and City Design Standards, the applicant proposes to comply with the Migratory Bird Treaty Act and California Fish and Game Code provisions protecting special status and migratory birds by including the following standard requirement in the project design.

The project will avoid construction or tree removal during nesting season, or if construction activities will occur during the nesting season and trees on the site have not been removed, the applicant will conduct pre-construction surveys for the presence of special-status bird species or any nesting bird species 30 days or less prior to the start of construction. These surveys will be conducted by a qualified biologist within a 500-foot radius of the construction area. If active nests are identified in these areas, construction will be delayed until the young have fledged or the California Department of Fish and Wildlife has been consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities.

Thus, as proposed the project would not interfere with the value of the project site as habitat for nesting birds.

Additionally, the project applicant has initiated compliance with the City's Tree Preservation Ordinance consistent with FMC Chapter 12.16. Pursuant to City Standards Design Standards §4.19,

Grading Permit Requirements, obtaining a Tree Permit will be necessary prior to the issuance of a grading permit.

Removal of oak or other protected trees is permitted by City regulations under specified circumstances and with required tree replanting at ratios specified by the City. Approval of a tree removal permit automatically requires replacement trees or payment of an in-lieu fee. Removal of a tree that is consistent with the criteria, provisions, and requirements set forth in City regulations would not result in a conflict with a local ordinance, and thus, removal of protected trees consistent with City regulations and requirements would not be considered a significant impact of the project or an unusual circumstance.

The proposed tree removal is similar to other approved projects throughout the city that have also included removal of protected trees and replanting replacement trees. Removal of protected trees would not result in a significant impact due to unusual circumstances as properties and projects throughout the city are able to remove protected trees through compliance with the criteria for removal, approval of permit, and replanting replacement trees as required by City regulations. Thus, the project and its location do not differ from other projects of any type and location throughout the city that are bound by the same regulations. In addition, the trees themselves do not represent an unusual feature. While several trees are larger trees and visible along Sutter and Scott Streets in the immediate vicinity of the project site, the trees are not visible from a wide-ranging area, are not visually prominent or distinctive, and are not considered scenic resources. The trees do not represent a significant or prominent visual element of the surrounding area, and removal would not substantially alter the visual character of the area. While any tree may possess aesthetic qualities, the trees that would be removed are not unusual for the species, nor are they visually distinctive or prominent from a wide area. Therefore, the trees would not be considered an unusual feature.

### 7.3.3 OTHER POTENTIAL IMPACTS

There is no substantial evidence that the proposed project would result in a significant impact as explained below. Therefore, there are no unusual circumstances related to the project or its surroundings that may lead to a significant effect on the environment.

The project site and area are not located within a 1 percent (100-year) flood plain or 0.2 percent (500-year) floodplain as identified by the Federal Emergency Management Agency (FEMA) (FEMA 2021). For these reasons, the project site does not contain unusual hydrologic conditions or circumstances, and the project would not result in significant impacts related to drainage or water quality degradation.

Most mixed-use and other development projects throughout the City of Folsom are required to prepare a geotechnical engineering study. The geotechnical investigation conducted for the project addressed identified issues related to the excavation of undocumented fills, excavations into bedrock, drainage related to the shallow bedrock and other geologic features, and retaining walls, and provided recommendations to address these concerns (Youngdahl Consulting 2017/2022). Implementation of these recommendations would be verified through design documents that would be submitted to the City for review and approval prior to issuance of construction (grading or building) permits. The investigation concluded that the project is geotechnically feasible given the existing soil conditions and implementation of construction and design recommendations included in the geotechnical investigation. The investigation did not reveal any conditions that differ from



other sites in the downtown area and throughout the city, and thus, there are no soils or geological features that would be considered unusual that aren't encountered at other sites throughout the city.

As explained in Sections 6.3 and 7.3.2, except for the suitability for nesting by Swainson's hawks, the project site is not located in a potentially sensitive biological area, and with implementation of the applicant's commitment to comply with federal and state provisions protecting Swainson's hawk and other bird species, the project would not result in any adverse effects to biological resources. Thus, there are no conditions on the project site that differ from other sites with trees in the Historic District or elsewhere within the city. There are no sensitive biological resources on the project site that would be considered unusual that aren't encountered at other sites throughout the city.

The proposed project site is located on a Pre-Pleistocene to Older Pleistocene landform which is composed of Argonaut-Auburn-Urban land complex situated on 3 to 8 percent slopes. This landform is considered to be of very low sensitivity for encountering buried archaeological deposits (LSA 2017). A cultural resource evaluation was conducted, which included archival research and a surface reconnaissance. The archival research revealed that no previously recorded archaeological resources are located within the proposed project area (LSA 2017). Although the project area does contain historical resources outside of the project site, implementation of the project would not adversely affect historic resources as explained below in Section 7.6.

The City of Folsom Emergency Operations Plan (Folsom 2020a) includes a section that addresses wildfires: Threat Assessment 1: Urban/Wildland Fire. This section provides general information regarding potential wildfire situations, outlines potential impact areas within the city, and describes potential impacts of a wildland/urban fire scenario. The City of Folsom has also prepared and adopted a Community Wildfire Protection Plan in cooperation with the California Department of Parks and Recreation. The plan meets United States Forest Service and Bureau of Land Management standards, and complies with requirements of the Health Forest Restoration Act of 2003. (Folsom 2013)

According to California Fire and Resource Management Program (FRAP), the proposed project area is located within the Local Responsibility Area (CalFIRE 2019). The Sacramento Countywide Local Hazard Mitigation Plan identifies the project site as within an area of moderate to high fire threat (Sacramento County 2016). Exposure of the project site to wildfire risks is similar or less hazardous than other areas of the city. In response, the City has adopted and implemented fire avoidance and management plans to reduce the risk of wildland fire. Wildland fire threats at the project site would not result in an unusual circumstance.

### 7.3.4 CONCLUSION

For these reasons explained above, there are no unusual circumstances surrounding the project or project site. Furthermore, there is no evidence that would suggest a reasonable possibility of a significant effect on the environment, let alone any evidence demonstrating any such effects will occur, and this exception does not apply to the project.

## 7.4 SCENIC HIGHWAYS

Under CEQA Guidelines §15300.2(d), a categorical exemption shall not be used for a project that may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The project site is not located adjacent to or near a highway; the nearest highway, State Route 50 is located approximately 2.3 miles south of the project site. Furthermore, there are no officially designated state scenic highways within or adjacent to the City of Folsom (Caltrans 2023). Therefore, the project would not result in damage to scenic resources within an officially designated state scenic highway, and this exception does not apply to the project.

## 7.5 HAZARDOUS WASTE SITES

Under CEQA Guidelines §15300.2(e), a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to §65962.5 of the Government Code (i.e., the Cortese List). The project site is not included on a list of hazardous waste sites compiled pursuant to Government Code §65962.5. The following Cortese List online data resources (CalEPA 2023) were reviewed during the preparation of this document: (1) the list of hazardous waste and substances sites from the Department of Toxic Substances Control's (DTSC) EnviroStor database (DTSC 2023a); (2) the list of leaking underground storage tank sites from the State Water Resources Control Board's (SWRCB) GeoTracker database (SWRCB 2023); (3) the list of solid waste disposal sites identified with Waste Constituent Above Hazardous Waste Levels Outside the Waste Management Unit (CalEPA 2023b); and (4) the list of hazardous waste facilities subject to corrective action pursuant to §25187.5 of the Health and Safety Code, identified by DTSC (CalEPA 2023c). No documented sites with the potential to impact the project site were identified on the project site or in the immediate project vicinity. A review of regulatory databases and local/state agency record repositories revealed that the closest cleanup site in the general vicinity of the project site is the Keefer Property LUST cleanup site. It is located approximately 0.15 miles to the east of the project site, and its status is Completed – Case Closed. Therefore, based on the above review, the project site is not included on any list compiled pursuant to Government Code §65962.5 and this exception does not apply to the project.

## 7.6 HISTORICAL RESOURCES

Under CEQA Guidelines §15300.2(f), a categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. CEQA Guidelines §15064.5 defines a historical resource as:

- A resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR);
- A resource listed in a local register of historical resources.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historic resource. Generally, a resource is considered historically significant if it meets criteria for listing in the California Register of Historical Resources, including:
  - Is associated with events that made a significant contribution to the broad patterns of California's history and cultural heritage.

- Is associated with the lives of people important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded or may be likely to yield information important in prehistory or history;  
OR
- A resource determined to be a historical resource by a project's lead agency.

In 2021, the firm of Page & Turnbull, Inc. prepared an assessment of historic resources and their current historic status, and the character-defining features of the Sutter Street Subarea, part of the Folsom Historic District's Historic Commercial Primary Area (Page & Turnbull 2021). The study considered the proposed project in relation to the Subarea's character-defining features to assess the project's compatibility with surrounding individually listed and individually eligible historic resources, such as the National Register-listed Cohn House at 305 Scott Street, and the historic library building at 605 Sutter Street. The study also analyzed project-specific and subarea-wide cumulative impacts of the proposed project on the Sutter Street Subarea of the Folsom Historic District. The following discussion summarizes these reports.

Records of the known cultural resources found in Sacramento County are included in the files of the Office of Historic Preservation, California Historical Resources Information System. The North Central Information Center (NCIC), housed at California State University, Sacramento, locally administers these records. A cultural resources records search was conducted at the NCIC for the project site and surrounding area to determine its historic and cultural sensitivity (LSA 2017). The Cultural Resources Study also outlines results of a field survey, and an archaeology sensitivity assessment.

The NCIC Records Search parameters included a 200-foot radius around the project site. The records search of the NCIC database did not identify any previously conducted studies on the project site, nor any previously recorded cultural resources in or adjacent to the site. One investigation has been conducted within the 200-foot study radius. That study included an inventory of historic-period built environment resources associated with the Folsom Historic District, including the Cohn House at 305 Scott Street, and the original location of the Folsom Library building located immediately adjacent to the proposed project site. The original library building still stands, located at 605 Sutter Street and is included on the City of Folsom Cultural Resources Inventory. (Folsom 2022)

Non-privileged portions of the records search are available for review by request through the City of Folsom Community Development Department, 50 Natoma Street, Folsom, CA 95630. Requests should be directed to the attention of Steven Banks, Principal Planner.

### 7.6.1 LOCAL REGULATION OF HISTORIC RESOURCES

**City of Folsom 2035 General Plan.** The General Plan includes goals and policies regarding cultural resources in Chapter 6, *Natural and Cultural Resources*. Goal NCR 5.1 encourages "... the preservation, restoration, and maintenance of cultural resources, including buildings and sites, to enrich our sense of place and our appreciation of the city's history." Policy NCR 5.1.4, *Applicable Laws and Regulations*, requires the proposed project to comply with City, State, and federal historic preservation laws, regulations, and codes to protect and assist in the preservation of historic and



archaeological resources. Policy NCR 5.1.6, Historic District Standards, requires that the proposed project maintain and implement design and development standards for the Historic District. (Folsom 2018)

**Historic District Ordinance.** FMC Chapter 17.52 defines the City’s Historic District and establishes standards and regulations for development of property within specific subareas of the Historic District. The proposed project lies within the Sutter Street Subarea. (Folsom 2019)

**Historic District Design and Development Guidelines.** The Design and Development Guidelines provide a comprehensive policy manual to assist with the implementation of the regulations contained in the FMC. In addition to design review standards, the guidelines set forth criteria to guide future development within the Historic District; policy direction concerning private and public development; and policy direction concerning public infrastructure and circulation improvements. (Folsom 1998)

**Standard Construction Specifications and Details.** The City of Folsom developed a Standard Construction Specification and Details document in 2004, and updated it in January 2017. The document includes Article 11 - Cultural Resources, which provides direction on actions to be taken in the event that materials are discovered that may ultimately be identified as a historical or archaeological resource, or human remains (Folsom 2017).

## 7.6.2 EXISTING HISTORIC DESIGNATIONS

The following section examines the national, state, and local historic status currently assigned to two historic resources that are adjacent to the proposed project site: the Cohn House at 305 Scott Street and the historic library building at 605 Sutter Street. The site of the proposed project at 603 Sutter Street is an undeveloped lot and has no historic status.

The **National Register of Historic Places** (National Register) is the nation’s most comprehensive inventory of historic resources. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

The Cohn House is listed on the National Register of Historic Places. The historic library building at 605 Sutter Street is not listed on the National Register of Historic Places.

The **California Register of Historical Resources** (California Register) is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the California Register through a number of methods. State Historical Landmarks and National Register-listed properties are automatically listed in the California Register. Properties can also be nominated to the California Register by local governments, private organizations, or citizens. The evaluative criteria used by the California Register for determining eligibility are closely based on those developed by the National Park Service for the National Register of Historic Places.

Because it is listed on the National Register, the Cohn House is listed on the California Register of Historical Resources. The historic library building at 605 Sutter Street is not listed on the California Register of Historical Resources.

Properties listed or under review by the State of California Office of Historic Preservation are listed within the Built Environment Resource Directory (BERD) and are assigned a California Historical Resource Status Code (Status Code) of “1” to “7” to establish their historical significance in relation to the National Register or California Register (CA OHP 2020). Properties with a Status Code of “1” or “2” are either eligible for listing in the California Register or the National Register, or are already listed in one or both of the registers. Properties assigned Status Codes of “3” or “4” appear to be eligible for listing in either register, but normally require more research to support this rating. Properties assigned a Status Code of “5” have typically been determined to be locally significant or to have contextual importance. Properties with a Status Code of “6” are not eligible for listing in either register. Finally, a Status Code of “7” means that the resource has not been evaluated for the National Register or the California Register, or needs reevaluation.

The Cohn House is listed in the BERD database for Sacramento County with a status code of 1S, meaning an “individual property listed in the National Register by the Keeper. Listed in the California Register.” (CA OHP 2020). The historic library building at 605 Sutter Street is listed in the BERD database for Sacramento County as the Folsom Library with a status code of 6Y, meaning a property “determined ineligible for National Register by consensus through Section 106 process – Not evaluated for California Register or Local Listing<sup>11</sup>.” The most recent update to the BERD database was in March 2020.

In 1998, the City of Folsom adopted the Historic Preservation Master Plan, which created the *City of Folsom Cultural Resources Inventory*, a list of historic resources in the city that is updated over time. The Cultural Resources Inventory, including registration forms, is kept by the City of Folsom Community Development Department.

The Cohn House at 305 Scott Street and historic library building at 605 Scott Street are listed on the City of Folsom Cultural Resources Inventory.

### 7.6.3 HISTORIC SIGNIFICANCE

The **Cohn House** property was listed on the National Register in 1982. The following physical description and summary of its historic significance is excerpted from the resource’s National Register nomination form:

The 100 foot by 140 foot property contains essentially four structures: the large 1890s house; the original 1860s house and barn, attached to the later house and serving as its kitchen/service area; and a small outbuilding in the garden to the north of the house. The Cohn House is a particularly fine local representative of late 19th century residential architecture. The complex juxtaposition of forms and the great variety of architectural detail of this Queen Anne style structure establish its fine design qualities. Its large size and impressive siting on a hill overlooking the town and valley below add to its visual importance. Derived from a published architectural “pattern book”, the design of the building reflects the widespread and established practice of building according to published designs. The two buildings still incorporated into the larger house represent a rare vestige of working class housing of the city’s earliest decades.

<sup>11</sup> Page & Turnbull found a discrepancy with the address listed for the library building on Sutter Street. The library is listed in the BERD database as 607 Sutter Street, Folsom Library, but its actual location is at 605 Sutter Street.

**Historic Library Building.** According to the listing in the Folsom Cultural Resources Inventory, the historic library building at 605 Sutter Street was constructed around 1915. It consists of a one-story wood frame building with a simple rectangular floor plan and a front-facing gable roof with wide overhanging eaves and exposed rafter tails. The front, northwest façade has a full-width porch; both the building and porch supports are clad with painted wood shingles. Non-original windows and doors at the front façade are surrounded by molded wood trim, and modern concrete stairs extend up the steep sloping grade of the site to the front porch from Sutter Street. As noted above, the historic library building is not listed on the National Register of Historic Places or the California Register of Historical Resources, but is listed on the City’s Cultural Resource Inventory list.

**Sutter Street Subarea of the Folsom Historic District.** A *Historic Assessment and Project Evaluation Report for City of Folsom Streetscape Improvements* was prepared in 2008 (Page & Turnbull 2008). The evaluation included the Sutter Street Subarea (called the Sutter Street Historic District in the report) for listing on the California Register. The report found that the Sutter Street Subarea “is significant under Criterion 1 (Events) as the commercial downtown of Folsom which served as the City’s commercial, social, and cultural center between the 1860s and 1950s, and under Criterion 3 (Architecture) as a group of representative buildings that exemplify the vernacular commercial building styles popular in Folsom between the 1860s and 1950s. However, the Sutter Street Historic District does not retain integrity of design, materials, and workmanship, and does not retain sufficient integrity to portray its historic significance. Therefore, the district is not eligible for listing in the California or National Registers.

The Sutter Street Subarea is listed in the Folsom Cultural Resources Inventory as the Sutter Street Commercial District.

#### 7.6.4 CEQA REQUIREMENTS

According to CEQA, a “project with an effect that may cause a substantial adverse change in the significance of an historic resource is a project that may have a significant effect on the environment”. Substantial adverse change is defined as: “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired.” The significance of a historical resource is materially impaired when a project “demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance” and that justify or account for its inclusion in, or eligibility for inclusion in, the California Register. Thus, a project may cause a substantial change in a historic resource but still not have a significant adverse effect on the environment as defined by CEQA as long as the impact of the change on the historic resource is determined to be less-than-significant, negligible, neutral or even beneficial.

In completing an analysis of a project under CEQA, it must first be determined if the project site possesses a historical resource. A site may qualify as a historical resource if it falls within at least one of four categories listed in CEQA Guidelines §15064.5(a). The four categories are:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, §4850 et seq.).
2. A resource included in a local register of historical resources, as defined in §5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of §5024.1 (g) of the Public Resources Code, shall be presumed



to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, §4852).
4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to §5020.1(k) of the Pub. Resources Code), or identified in an historical resources survey (meeting the criteria in §5024.1(g) of the Pub. Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Pub. Resources Code §§ 5020.1(j) or 5024.1.

In general, a resource that meets any of the four criteria listed in CEQA Guidelines §15064.5(a) is considered to be a historical resource unless "the preponderance of evidence demonstrates" that the resource "is not historically or culturally significant."<sup>12</sup>

### 7.6.5 EVALUATION CRITERIA

For the purpose of this analysis, Page & Turnbull, Inc. developed the following list of character-defining features of the Sutter Street Subarea, based on the Folsom Streetscape Improvements Historic Assessment Report (dated March 2008) and a site visit on February 10, 2021.

The character-defining features of the Sutter Street Subarea include, but are not limited to:

#### **BUILDINGS**

##### *Massing and Form*

- Commercial and mixed-use building footprints typically fill the width of the parcel and have tall, narrow massing
- Commercial and mixed-use buildings typically with flat, stepped, or Mission style parapets or false fronts in front of flat or gabled roofs
- Residential buildings with gabled or hipped roofs

##### *Size, Scale, and Proportion*

- Typically one- or two-story buildings with regular, rectangular floor plans
- Frontages of commercial and mixed-use buildings typically between 25 and 50 feet wide

<sup>12</sup> The existing property at 603 Sutter Street does not qualify as a historic resource under any of the above categories. The Sutter Street Subarea does qualify as a historic resource, as described under Category 2, because it is listed in a local register of historical resources, the Folsom Cultural Resources Inventory.

### ***Materials***

- Buildings clad with traditional materials – such as wood siding, brick, stone, plaster, or stucco - with the highest quality materials and ornamentation facing Sutter Street
- One primary cladding material used on facades facing Sutter Street

### ***Fenestration***

- Traditional commercial storefront elements, such as fixed ground-floor display windows, arched or rectangular transom windows, and some recessed entries and bulkheads
- Pedestrian-scaled entries
- Wood panel front doors with integrated glass
- Operable tall, narrow wood sash windows, some with arched or segmentally arched profiles, especially at upper floors

### ***Design Features & Architectural Details***

- Coverings (i.e., awnings, canopies, or balconies) with narrow wood supports or columns; coverings at commercial and mixed-use buildings along Sutter Street typically cover the majority if not all of the sidewalk
- Details consistent with architectural style of the individual building, such as wood spindlework, brackets, and molded window trim on Italianate and Queen Anne style buildings; red clay tile roofs and decorative inlaid tiles on Spanish Colonial Revival buildings; pilasters and dentilled cornices on Neoclassical buildings, and wide eaves with exposed rafter tails on Craftsman style buildings

### ***Streetscape and Other Features***

- Commercial and mixed-use development south of Scott Street; residential development north of Scott Street
- Commercial and mixed-use building footprints are set with minimal or no setback from the sidewalk, creating a continuous wall frontage along Sutter Street
- Single-family residential buildings typically have landscaped set back from the sidewalk
- Width of street right of way
- Ascending slope of Sutter Street from the southwest to northeast
- Approximate 10-foot sidewalk width
- Change in grade from the street level to raised sidewalk level
- Granite curbs
- Granite stair at the northeast corner of Sutter Street and Wool Street
- Concrete sidewalks with concrete stamps, used by concrete contractors as a means of advertising and dating their work
- Railroad turntable
- Railroad tracks and alignments

### **Conclusion**

Because the project site at 603 Sutter Street is an undeveloped lot and is, therefore, a non-contributing resource within a historic district, the project site itself is not considered a historic resource. Consequently, the analysis focuses on potential impacts to the surrounding individual historic resources and on the Sutter Street Subarea.

## 7.6.6 PROJECT-SPECIFIC IMPACT ANALYSIS

The proposed project includes the construction of a new mixed-use building at the northeast end of the locally designated Sutter Street Subarea of the Folsom Historic District. The proposed project will occur on an undeveloped lot and, thus, does not include the demolition or physical alteration of any individual historic resources. Therefore, the construction of a new building does not represent a direct project-specific impact to a historic resource.

### COMPATIBILITY OF PROPOSED PROJECT WITH NEARBY INDIVIDUAL HISTORIC RESOURCES

The proposed project is evaluated in terms of its compatibility with the nearby historic resources using Standard 9 of the *Secretary of the Interior's Standards for Rehabilitation* as a guiding principle, which reads: "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."

The proposed project differs in scale, massing, materials, and design from those of the Cohn House and historic library building. Unlike the Cohn House and library building, which have generous setbacks and greenspace, the proposed new building has a much larger footprint that fills nearly the entirety of the parcel and is minimally set back from the public right-of-way. The three-story building exhibits wide, horizontal massing and a flat roof in contrast to the tall, narrow massing and gabled roofs of the Cohn House and the smaller, boxy massing of the library building. Subtle setbacks at the northwest end of the north façade and southeast end of the east façade provide some visual relief between the minimal setback and larger massing of the proposed new building and the deeper setbacks and one-story massing of the library building and an adjacent house at 305 Scott Street. Although this massing is inconsistent with the individual massing of the Cohn House and library building, it is consistent with the larger massing, continuous wall faces, and lack of front or side setbacks that are typical of the historic commercial and mixed-use buildings that characterize the majority of the Sutter Street Subarea to the southwest. The design of the proposed new building, thus, reflects the historic character of its immediate setting along the primarily commercial Sutter Street corridor where the street begins to transition to smaller historic residential development at the north end of the Sutter Street Subarea and into the adjacent Figueroa Subarea. Therefore, the difference in massing between the proposed new building, Cohn House, and library building, does not detract from the integrity of the historic setting of the adjacent historic resources.

At three stories tall and tucked into the sloping grade of the project site, the proposed building's height provides a smooth transition from the small, one-story height of the library building to the essentially three-story Cohn House at the top of the hill with its tall, visually dominant turret. The first two stories of the proposed new building roughly align with the ridge height of the adjacent library building; the setback of the third story from Sutter Street and Scott Street and its increased step back immediately adjacent to the library building minimize the appearance of the building's third story and give the impression of a smaller two-story building from the street level. Due to the sloping grade of the site, the building appears as a two-story building at its east façade, facing the Cohn House, and as a one-story building at its south façade, facing an adjacent, non-historic residence at 306 Scott Street. Thus, the building's height is compatible with the height of the neighboring historic resources and their immediately surrounding setting.



The materials of the proposed new building, while different from those of the Cohn House and library building, are compatible with the mix of materials that are displayed on historic commercial and residential buildings along this section of the Sutter Street Subarea. The Cohn House and library building are both wood framed buildings with wood cladding, wood window and door trim, wood porch supports, wood ornamentation, and shingled roofs. The proposed new building, on the other hand, features brick veneer cladding on the first two floors; horizontal cement fiber siding on the set-back third story; a mix of steel and wood balcony and awning structural systems; and corrugated metal roofing. The use of wood balcony supports at the northwest corner of the building is compatible with the wood cladding and materials of the Cohn House and historic library building. Although it is not made of wood, the use of horizontal cement fiber siding on the recessed third story will be designed to visually appear like wood. Thus, this material will be compatible with the historic materials in the subarea while being clearly differentiated from them. This horizontal cement fiber siding will also cover the entirety of the south façade that faces an adjacent residential property at 306 Scott Street and roughly three-quarters of the east façade facing the Cohn House, softening the transition between the new building and the primarily wood materiality of the adjacent historic resources. Although the brick veneer cladding on the first two stories of the new building is inconsistent with materials of the immediately adjacent historic resources, it reflects similar masonry facades of several historic commercial and mixed-use buildings on blocks of the Sutter Street Subarea to the southwest of the project site. Thus, similar to the discussion on massing, the use of varied materials on the proposed new building is compatible with the mixed commercial and residential character of the immediately surrounding block, and does not detract from the integrity of the neighboring individual historic resources' setting.

Perched on a large, elevated parcel on a hill at the corner of Sutter and Scott streets, overlooking the rest of the Sutter Street Subarea to the southwest, the tall 1890s house at the Cohn House property is a visual landmark that characterizes views at the northeast end of the Sutter Street Subarea as it transitions to the primarily residential Figueroa Subarea to the north and east. The library building, which is diminutive in size and generously set back from the street, generally recedes into the background and does not present a prominent visual focal point of the streetscape. Although the proposed project will obstruct some views of the Cohn House from the far south end of Sutter Street closer to Riley Street, other tall developments at 604/602 and 607 Sutter Street have already affected views of the property as well as the historic library building. Both resources will remain visible from the middle of the block as one travels north along Sutter Street, and when looking from Scott Street to the north and south. The three-story height of the new building and its siting into the sloped grade of the lot, as well as the unimpacted garden at the northwest side of the Cohn House property, allow the Cohn House to maintain its visual dominance at the top of Sutter Street.

Although the proposed project is larger in scale than these two specific buildings and differs in its use, massing, materials, and design, these differences reflect the mixed commercial and residential character and variety of historic and non-historic buildings of the immediately surrounding blocks of the Sutter Street Subarea. Based on the above, the proposed project would not affect the ability of the two individual historic resources to convey their historic significance.

## **COMPATIBILITY OF PROPOSED PROJECT WITH THE SUTTER STREET SUBAREA OF THE FOLSOM HISTORIC DISTRICT**

The proposed project would be located within the boundaries of the Sutter Street Subarea of the Folsom Historic District. The proposed project is located at the southeast corner of Sutter Street

and Scott Street at the northeast periphery of the subarea. At this peripheral location, the character of the subarea shifts from predominately commercial development along Sutter Street to the southwest to predominately residential development to the north and west. As described in the previous section, the National Register-listed Cohn House is situated to the northeast of the project site across Scott Street, and the locally listed historic library building is located immediately adjacent to the project site at 605 Sutter Street. Recent mixed-use infill buildings have been constructed directly across from the project site at 604/602 Sutter Street and next to the library building at 605 Sutter Street. Thus, the proposed building will be located at the edge of the district, surrounded by a mix of historic and non-historic buildings, and result in the replacement of an undeveloped lot in the subarea with a new infill building. Due to the peripheral location of the proposed project, the effect of minor incompatibility issues on the overall historic character of the district as described in the following paragraphs would be expected to be minimal.

The following discussion analyzes the proposed project's compatibility with the character-defining features of the district, as described above, as well as Standard 9 of the *Secretary of the Interior's Standards for Rehabilitation*.

### ***Massing and Form***

The proposed building at 603 Sutter Street will adhere to some characteristics of form and overall continuity of the surrounding Sutter Street Subarea. Like the majority of historic buildings in the subarea, the proposed new building has a flat roof with a stepped parapet wall; however, its wide horizontal massing contrasts with the tall, narrow massing that is typical of historic buildings in the subarea. Brick pilasters and the use of subtle setbacks at the northwest end of the north façade and southeast end of the east façade break this larger massing into narrower volumes that are more consistent with the narrow massing of subarea's historic buildings. A curved corner at the intersection of Sutter and Scott streets is a departure from the regular, rectilinear forms of the surrounding historic buildings that subtly differentiates the new building from the old.

### ***Size, Scale, and Proportion***

The proposed project shares some elements of scale and proportion with the Sutter Street Subarea. The building will have approximately 94 feet of frontage on Sutter Street. While this is much wider than the typical 25- or 50-foot frontages of historic buildings in the subarea, the use of a setback at the northwest corner of the north façade along Sutter Street and slight variation in the detailing of the brick veneer cladding breaks the façade into a roughly 30-foot frontage and 64-foot frontage, more in line with the scale of frontages at historic buildings.

The building will be composed of three stories. It will be 35 feet tall to the roof surface and 39 feet tall to the rooftop parapet. While most of the historic buildings within the subarea are one or two stories tall, the prevalence of parapet walls and taller floor-to-ceiling heights create the appearance of buildings that are taller than two stories. The height of the proposed building meets the 35-foot maximum allowable zoning height for buildings in the Sutter Street Subarea, as well as the 15-foot maximum height allowance for architectural features above the building height. The visual impact of the height of the new building is minimized by setting back the third story volume and using a different exterior cladding that is of a lighter color and material than the heavy brick masonry veneer of the first two floors. This makes the building appear as a two-story building from Sutter Street, even though it is taller. The size of the building is further mitigated by setting it down into the sloping grade of the site, which allows the building to appear as a two-story building at its east façade, facing Scott Street, and as a one-story building at its south façade, facing an adjacent

property at 306 Scott Street. In summary, despite the difference between the wide, horizontal massing and slightly taller height of the proposed building from historic buildings in the subarea, the proposed project will be generally compatible in scale and proportion to the overall character of the surrounding historic district and one- to two-story heights of historic buildings in the subarea.

### ***Materials***

The proposed building will be clad in a mix of brick veneer and horizontal cement fiber siding. Brick veneer will cover the first and second floors of the north façade and north portions of the east and west facades, while horizontal cement fiber siding that is made to look like wood will be used on the third floor, south façade, and south portions of the east and west facades. Windows will have aluminum sashes painted to match painted wood trim. An awning across the north façade will be supported by a painted steel structure and corrugated metal covering, while a balcony at the west end of the north façade will be supported by a wood structure. The balcony and third-story deck will have iron railings.

Though historic buildings in the Sutter Street Subarea typically display one primary cladding material facing the street, the use of brick veneer and horizontal cement fiber cladding that imitates the appearance of wood reflects the use of brick or wood siding on the majority of commercial and mixed-use buildings in the subarea. Historic residential buildings directly to the north and west of the project site are predominately clad with wood siding, and the use of horizontal cement fiber siding that looks like wood on secondary and rear facades presents a compatible but differentiated solution that softens the transition from the masonry construction of buildings along Sutter Street to the adjacent residential buildings and neighborhood. Although the fenestration, awnings, railings, and balconies display a mixture of contemporary and traditional historic materials, because the overall form, scale, function, placement, and configuration of these features is generally in keeping with those of historic buildings in the subarea, they reflect a compatible but differentiated interpretation of these characteristic features.

The texture of materials in the Sutter Street Subarea is generally rough and varied, consisting of raw and painted brick, wood, granite, and decorative wood embellishments that introduce additional texture to wall surfaces and architectural features. These surfaces are periodically broken up by smooth panes of glass windows. The brick veneer cladding of the proposed new building maintains the rough texture of the Sutter Street Subarea. While the unpainted brick veneer cladding reflects this roughness, the painted steel structural elements, iron balcony railings, and aluminum windows have a smoother texture than their historic counterparts. Overall, however, these smoother textures are limited to a small proportion of the exterior of the building and do not detract from the rich and varied texture that characterizes the Sutter Street Subarea. Rather, this smoothness of these features provides a subtle differentiation between the new building and surrounding historic buildings.

### ***Fenestration***

The fenestration of the proposed project is generally compatible with the fenestration of historic buildings in the Sutter Street Subarea, though there are some differences. Historic commercial and mixed-use buildings along Sutter Street typically have ground-floor storefronts with fixed wood or steel frame display windows, glazed wood doors, and transom windows; some have bulkheads or recessed entries. Fenestration on the upper floors of these buildings, as well as all floors of historic residential buildings in the subarea, primarily consist of regularly spaced tall, narrow windows with operable wood sashes and molded wood trim.



Fenestration of the proposed project differs somewhat in material from the fenestration of historic buildings in the Sutter Street Subarea but is generally compatible in overall form, pattern, and scale. The new building will have a system of aluminum windows with painted wood trim. Windows on the first floor of the new building's north façade will be aluminum, but they include many traditional storefront features – such as glazed doors, fixed display windows with bulkheads, and transom windows – thus reflecting a contemporary interpretation of historic commercial storefronts in the subarea. Upper-story windows will also be aluminum and will have operable single-hung sashes that are tall and narrow in form, consistent with the operability, form, and scale of windows in the subarea. As such, although the sash material and detailing of fenestration at the proposed project differ from those of historic buildings, in general, they are compatible with the fenestration that characterizes the Sutter Street Subarea.

### ***Design Features & Architectural Detail***

The proposed building offers a contemporary interpretation of the design of historic commercial and mixed-use buildings that were constructed along Sutter Street during the mid- to late nineteenth century. The brick veneer cladding is ornamented with a dentilled brick cornice that references similar brick cornices on historic buildings in the subarea and other Gold Rush-period towns. The building also has a simple, stepped parapet, similar to the false fronted buildings with street-facing parapet walls that line Sutter Street. Covered awnings that extend over the sidewalk, some of which also act as second-story balconies, are characteristic of the Sutter Street Subarea. The proposed new building features an awning, balcony, and rooftop deck that are similar in function, scale, and design to those of historic buildings, though, as previously discussed, they differ in materials. The curved corner at the intersection of Scott and Sutter streets, meanwhile, introduces a more modern element to the building's design; however, because it is only visible from secondary vantage points, it does not detract from the overall appearance and continuity of Sutter Street's streetscape. The new building has an otherwise minimal design that is reflective of its time. The combination of modern interpretations of historic design features adds visual detail and richness to the design of the proposed new building that enhance its compatibility with the surrounding historic subarea.

### ***Streetscape and Other Features***

The proposed building's design is consistent with the historic streetscape elements of the Sutter Street Subarea. The proposed building's footprint is set back a few feet from the sidewalk along Sutter Street to accommodate a lightwell and entries at the north façade, and has no setback from the property line along Scott Street. This is consistent with the typical minimal or zero lot line setbacks of historic commercial and mixed-use buildings from the sidewalk within the Sutter Street Subarea. Characteristic street and sidewalk widths of the district will be retained. Although the project proposes to excavate a portion of the site to construct the building on a level grade, this will be limited to the project site and will not impact the characteristic ascending slope of Sutter Street.

## **7.6.7 CONCLUSIONS REGARDING SUTTER STREET SUBAREA COMPATIBILITY**

In summary, the proposed new building at 603 Sutter Street is compatible with the character-defining features of the Sutter Street Subarea, including its flat roof and minimal setback from the sidewalk; ground-floor storefront and tall, narrow upper-story windows; use of brick exterior cladding; and incorporation of characteristic architectural features such as a covered awning, stepped parapet wall, and decorated brick cornice. The building's broad horizontal massing and large scale have been addressed through the use of side and rooftop setbacks and the articulation of the facades into more compatible volumes. Some aspects of the proposed project are not strictly compatible

with the characteristics of the historic district, including the rounded corner design at Sutter and Scott streets and the use of contemporary materials and features, such as horizontal cement fiber siding, divided-lite aluminum windows and French doors, corrugated metal roofing, and steel structural supports. These differences generally represent modern interpretations of historic programmatic needs and construction technology that characterize the subarea. Overall, these differences serve to distinguish the building from the historic fabric, per Standard 9 of the *Secretary of the Interior's Standards for Rehabilitation*.

Overall, while a few aspects of compatibility could be improved, these considerations do not appear to represent a significant impact to the surrounding historic district such that the subarea would no longer be able to convey its historic significance. Additionally, the minor elements of incompatibility of the proposed project are tempered by the location of the proposed project, at the subarea's northeast periphery. Thus, the project would not cause a substantial adverse change in the significance of a historical resource and this potential exception does not apply to the project.

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## Attachment 19

### Special Studies Found on City Website at:

<https://www.folsom.ca.us/government/community-development/planning-services/current-project-information>

- Traffic Impact Study, dated July 30, 2019
- Trip Generation Memorandum, dated August 8, 2023
- Project Analysis Memorandum, dated March 24, 2021
- Project Analysis Memorandum, dated August 25, 2023
- Cultural Resources Study, dated March 2017
- Noise and Vibration Assessment, dated April 16, 2021
- Arborist Inventory, dated March 21, 2017
- Arborist Survey, dated March 12, 2019
- Arborist Report, dated July 14, 2022
- Geotechnical Study, dated March 2017
- Geotechnical Study Update, dated July 21, 2022



# **Attachment 20**

## **Public Comments Regarding Current Proposed Project**

## Christina Kelley

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**From:** Vee Sanchez <vee@empowermissouri.org>  
**Sent:** Wednesday, March 22, 2023 8:37 PM  
**To:** Steven Banks  
**Subject:** Support for 603 Sutter Street Mixed Use Project

You don't often get email from vee@empowermissouri.org. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mr. Banks,

I am emailing you to express my support for more affordable housing - and support for the 603 Sutter Street Mixed Use Project.

The project would provide much needed affordable housing in the area. I understand that there may be some opposition against the build.

However, without prioritizing affordable housing, homelessness is bound to increase. Inclusive and well integrated communities are more prosperous and are safer for all.

Thank you for your consideration,

--

Vee Sanchez  
Affordable Housing Policy Manager  
Empower Missouri  
C:417-824-6679  
[vee@empowermissouri.org](mailto:vee@empowermissouri.org)



<https://empowermissouri.org/woa2023/>

**Christina Kelley**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Friday, August 18, 2023 8:31 AM  
**To:** Desmond Parrington; Pam Johns  
**Cc:** Steven Banks; Sari Dierking; kcolepolicy@gmail.com  
**Subject:** Re: 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

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Pam and Desmond:

Mr. Banks' email below states that "the applicant is not proposing to provide any parking (on-site or off-site) to serve the proposed project per new State Legislation (Assembly Bill 2097) which states the cities in California can no longer impose minimum parking requirements on new developments within a half-mile of major public transit stop." Mr. Banks then states that the project is no longer required to obtain a parking variance. This position fails to recognize the continued applicability of the City's handicapped parking standards.

When I had the opportunity a few weeks ago to discuss a few planning matters with Desmond, I mentioned that I was concerned CDD was overlooking the need for the 603 Sutter Street project to provide accessible parking or to obtain a variance from the City's handicapped parking requirements. That aspect of this project remains unaddressed, yet your department is advertising that the project is ready for an approval decision. I am respectfully requesting that you retract the public notice for a Sept 6 hearing and postpone any further processing of this application until the applicant submits all required application materials, including an application and applicant's rationale for a handicapped parking variance.

AB 2097 added Section 65863.2 to the Government Code which does preclude the City's imposition of minimum parking standards in certain circumstances. However, the law expressly does not dismiss or disallow the City from requiring compliance with parking standards for the provision of parking spaces accessible to persons with disabilities. Gov. Code Section 65863.2(f) states, "**This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.**"

Based on the proposed first floor retail (2,716 sf) and second floor office (5,246 sf), without AB 2097 the project would otherwise be required to provide at least 22 parking spaces or apply for and obtain a variance from the City's minimum parking standard of 1 space per 350 sq ft of office/retail in the Historic District. FMC Section 17.57.050(B) specifies the number of parking spaces that "shall be provided for the handicapped" and requires that one (1) handicapped parking space is required when the total number of standard parking spaces otherwise required is between 0 and 40.

The project is therefore required to either provide a minimum of 1 parking space that meets the handicapped parking space design requirements of FMC 17.57.050 (e.g., located so as to provide for safety and optimum



proximity for direct access to the primary entrance of the building, at least 14 feet wide, etc. applicant needs to apply for and obtain approval of a variance from the City's handicapped parking standard. Per FMC 17.62, to be considered for a variance, an applicant must submit an application with evidence showing 1) exceptional or extraordinary circumstances, 2) that the variance is needed for the preservation of property rights, and 3) that the granting of the variance will not be detrimental to the public welfare.

It may be that this applicant could make a strong argument for why the project should be eligible for a handicapped parking variance, and the FMC provides a mechanism for the applicant to request the variance and explain his rationale. City decision makers can then decide whether or not that variance should be granted and along with that can consider whether the project needs to be conditioned in any way to help address the deficiency in accessible parking.

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
**Sent:** Wednesday, August 16, 2023 2:19 PM  
**Subject:** 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

Good afternoon,

The purpose of this message is to inform you that the proposed 603 Sutter Street Mixed-Use project (PN 17-145) has been scheduled to be heard by the Historic District Commission at their regularly scheduled meeting on September 6, 2023. Attached is a copy of the Public Notice for the proposed project with additional details regarding the Historic District Commission meeting. As you may be aware, the applicant revised their Development Application in February of this year, the updated application, relevant development plans, environmental document, and special studies can be found on the City's website located at: <https://www.folsom.ca.us/government/community-development/planning-services/current-project-information> There are three notable changes to the Development Application that I wanted to make sure that you were aware of. The first change or modification is that the applicant is not proposing to provide any parking (on-site or off-site) to serve the proposed project per new State Legislation (Assembly Bill 2097) which states the cities in California can no longer impose minimum parking requirements on new developments within a half-mile of major public transit stop. The second change is that the applicant is reducing the number of proposed residential rental units from three to two. The two proposed residential rental units will still be located on the third floor of the mixed-use building. Lastly, the applicant has modified the Development Application and is now only seeking Design Review approval from the Historic District Commission for development of the proposed project as a Height Variance, Parking Variance, and Conditional Use Permit are no longer required based on the modifications to the proposed project and recent changes in State law.

If you have any comments or questions regarding the proposed project, City staff welcomes you to reach out to us via email ([sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)) or phone (916-461-6207). City staff also encourages you to attend the Historic District Commission meeting on September 6, 2023.

Best regards,

Steve

10/10/2023 Item No. 10.

Steven Banks  
Principal Planner  
City of Folsom  
(916) 461-6207  
sbanks@folsom.ca.us

**Christina Kelley**

---

**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Wednesday, August 23, 2023 11:55 AM  
**To:** Desmond Parrington; Pam Johns  
**Cc:** Steven Banks; kcolepolicy@gmail.com; Sari Dierking  
**Subject:** 603 Sutter Street - Vibration Impacts to Adjacent Properties

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Desmond:

I am concerned about construction vibration impacts on the historic library building and its unique cobble-surfaced retaining wall fronting Sutter Street. Planning Partners' discussion of potential vibration impacts is obviously mistaken in stating, "*[t]he vibration levels depicted in Table 6 are representative of measurements at a distance of 25 feet from the equipment source, which represents the approximate distances to the nearest existing structure to the project site.*"

In reviewing project drawings, I do not see the specific distance identified between the proposed excavation and the adjacent historic library building and its unique cobble-surfaced retaining wall. However, it is obvious that the distance between the project excavation areas and the historic library building is much less than 25 feet and more on the order of 5 feet or less.

I request that before you take this project to the HDC, you address the obvious deficiencies in the vibration impact analysis (and other deficiencies in PP's evaluation document; e.g., see PP's Figure 2 which labels a sewer pump station as the light rail station) and, in doing so, I request that you also recognize that the project's unique circumstances and potential to result in significant impacts preclude the use of a CEQA exemption.

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)



**Christina Kelley**

---

**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Wednesday, August 23, 2023 12:53 PM  
**To:** Pam Johns; Desmond Parrington  
**Cc:** Sari Dierking; kcolepolicy@gmail.com; Steven Banks  
**Subject:** 603 Sutter Street - Maximum Height

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Pam and Desmond:

Planning Partners' Supplemental Analysis for 603 Sutter Street states, "[a]s proposed, the building height would be a **maximum of 35 feet, 0 inches** from the ground (building pad) to the roof surface, the maximum allowed by FMC §17.52.510.C within the Sutter Street subarea of the Historic District."

Figure 5 of the PP document includes a drawing illustrating the North Elevation along Sutter Street, and provides a red dashed line demonstrating what is labeled as the "Max. Allowable Height Plane" angling upward from west to east following the Sutter Street slope. The drawing also labels and illustrates the "roof surface" with a blacked dashed line. Centrally in the drawing, the lines cross each other obviously demonstrating that the proposed roof surface extends above the maximum allowable height. Perhaps this is just a few inches of this one portion of the building, but it is entirely unclear how your consultant concluded that the building is a max of 35.0 feet, when at the same time information is presented that clearly shows the building's roof would exceed this height. (Note that I am not referring to the parapet wall which is clearly several feet above the allowable height and also should be factored into the max allowable height assessment.)

**A determination that the building doesn't exceed the maximum allowable height is clearly contradicted by evidence in the drawings that show the proposed building height does exceed the maximum allowable height. Therefore, the project as proposed requires a height variance or the project needs to be redesigned to lower it to be below the max allowable height.** This project is not sufficiently evaluated and applications for the variances this project requires (height, as well as disabled parking per separate communication) have not been submitted. This project is simply not ready for a hearing.

(Pam: You might recall a few years ago in acknowledging the missteps at 908 Bidwell and the side-yard setback variance situation there, you advised that had the new structure been moved *even an inch* closer to the side property line, that would have triggered the need to revisit the variance approval. Your commitment to precise measurement is appreciated and needs to be applied here as well.)

Thanks,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**Christina Kelley**

---

**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Wednesday, August 23, 2023 10:44 AM  
**To:** Pam Johns; Desmond Parrington; Steven Banks  
**Cc:** Sari Dierking; kcolepolicy@gmail.com  
**Subject:** 603 Sutter Street - Architectural Review Documents

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pam, Desmond, and Steve: The following documents related to architectural design and impact evaluation are referenced in, but not included with, the materials posted on the Pending Development Applications webpage for the 603 Sutter Street project. Can you please provide the documents ASAP so I can consider in my review?

**1. City of Folsom Cultural Resources Inventory, as amended July 20, 2022.** I was not aware of an amendment to the cultural resources inventory, but this is discussed, cited, and listed in the references of the "Categorical Exemption Supplemental Analysis" (Planning Partners, Aug 2023). I would like not just the list per the 2022 amendment, but also any documentation/analysis that went along with any such July 2022 amendment, including documents/records associated with any HDC and/or public review and input opportunities for that amendment.

**2. Third-party Independent Historic Architect Specialist Review.** The "Categorical Exemption Supplemental Analysis" (Planning Partners, Aug 2023) references a March 2021 Page & Turnbull project analysis that was prepared for a building design different than the currently proposed building. The 2021 P&T report (evaluating a now-superseded building design) is included in the materials posted on the PDA webpage and I do not see any other more recent review or any review of the currently proposed building design. However, the applicant's narrative of Feb 2023 states, "the applicant voluntarily agreed to fund a third-party review by an independent historic architect specialist. We understand that the independent review of the proposed design was positive." Can you please either provide documentation of that third-party review or advise if the third-party review being referenced is actually the 2021 P&T evaluation of the now-superseded building design?

**3. Non-privileged Portions of the Records Search, including the actual request submitted requesting the records search.** Page 46 of the Planning Partners Aug 2023 report states, "Non-privileged portions of the records search are available for review by request through the City of Folsom Community Development Department, 50 Natoma Street, Folsom, CA 95630. Requests should be directed to the attention of Steven Banks, Principal Planner." Please consider this to be my request for those documents.

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

To: Deputy City Clerk/Records/direction to elected council and city lawyers;  
 cc: copied to Investigative agencies, local residents  
 From: Laurette Laurent  
 August 24 2023

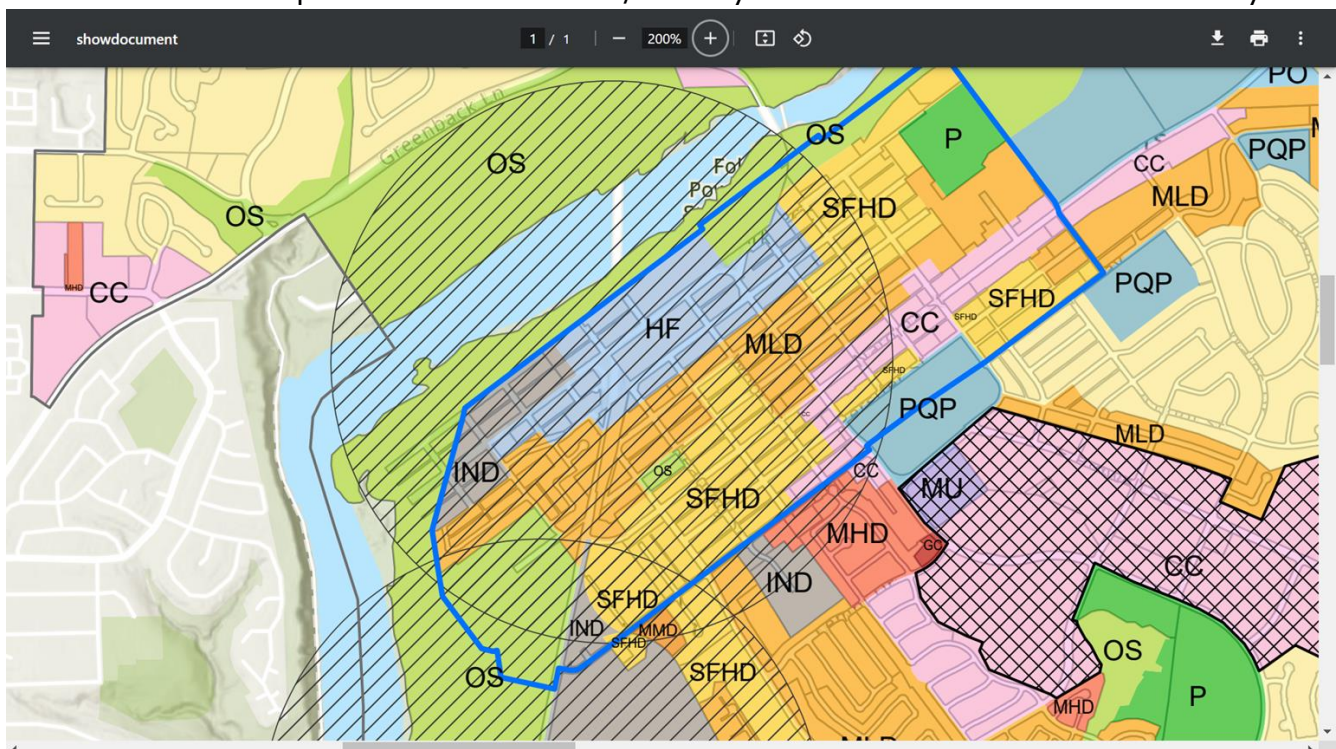
Re: Apparent false publication data; false or no Filings with County; False claim of Infill CEQA application

Context: Public Notice WRONGLY states EITHER the resident APPEARS and tries to speak objections in minutes OR they must DELIVER Objections at meeting. WRONG!!! Apparently many Other FALSE claims are in PUBLIC NOTICE 8 24 2023 in Telegraph, and Actual apparent Pattern of recurring Failures in Legal Compliance. [It is PN-17-145 back to haunt Abutting Residential Zone District citizens with NO city Lawyers-Certification in Re: Misstatements of Governing Laws] Years of this is abusive, wrongful PATTERN of behaviors, attributable ultimately to Elected Officials Failures.

Clearly THIS does NOT meet CEQA and California Government CODE Laws because this is really a REZONING to a NON-Existent ZONE DISTRICT. Thus it's de-facto REZONING by means of having TWO Distinct "plan commissions" & NO Licensed Engineer to APPROVE and PREVENT such misdeeds. Folsom thinks it can have TWO plan commissions not the legal One per entity. Folsom thinks Advisory groups can MAKE REZONING DECISIONS without Legal Due Processes being applied.

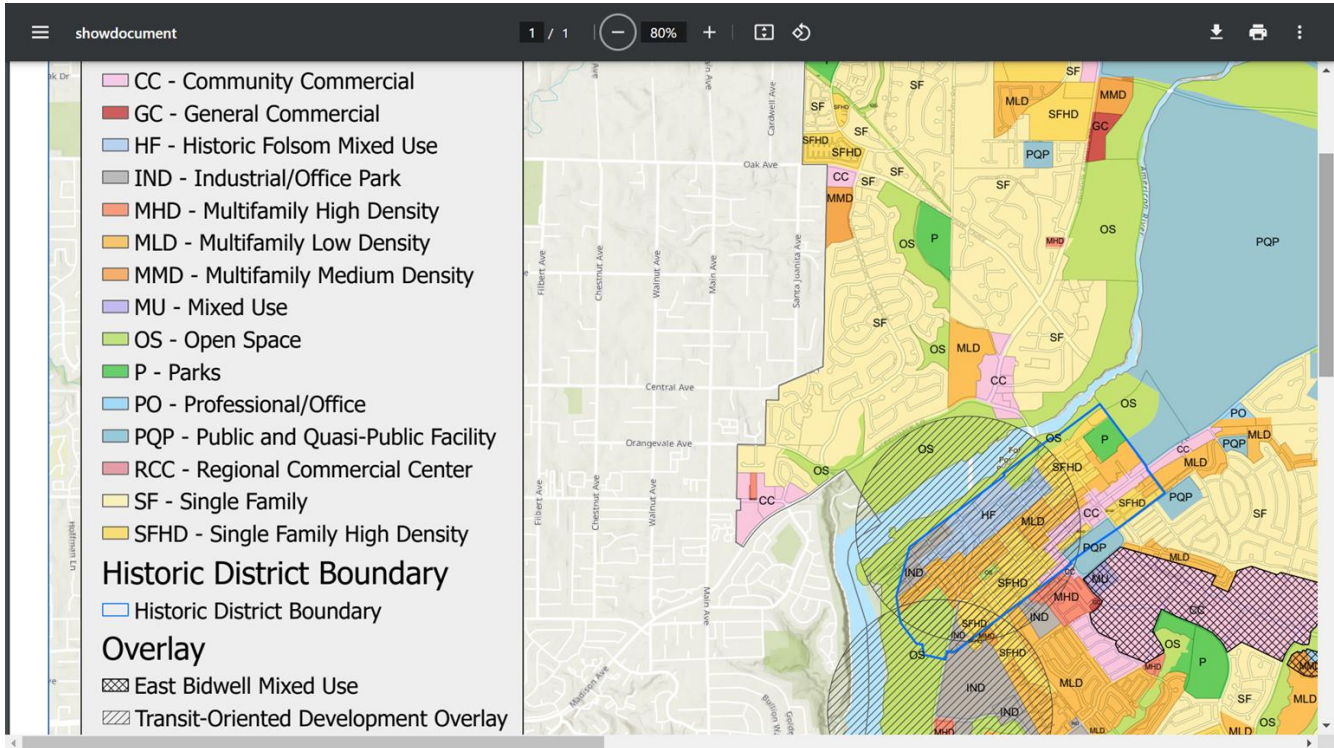
Proof of this is clear in California Government Code Laws which I have repeatedly supplied directly to city lawyers [always silent on violations], and city council elected persons who routinely DENY APPEALS to such highly questionable & likely wrongful Patterns of Wrongful Violations.

Any law-abiding Licensed Attorney at Law can verify doing a quiet "de Facto" rezoning in this manner is NOT permitted in this state/country. There is NO DEFINITION of any





“mixed use Zone District” in city Laws. There is NO ADMISSION Law absolutely Prohibits having TWO “plan commissions” which creates TWO distinct cities and an improper group of private appointed citizens actually Changing Land Uses AT WILL, with some city council Refusal to enforce laws by following proper Signed & Sealed Reports of Licensed Expert and Independent City Engineer in charge.



Transit-Oriented Development Overlay = NOTE OVERLAY IS NOT ZONE DISTRICT  
 East Bidwell Mixed Use Overlay = NOTE OVERLAY IS NOT ZONE DISTRICT  
 Historic District Boundary BLUE LINE

**ISSUE:** Light BLUE COLOR labeled as “HF” Historic Folsom MIXED USE Zone District. However, consult the included Folsom Chapter 17 in this report. There is NO Legal Zone District called “Mixed Use” which includes, like real Zone District Definitions all the Standards, Regulations, Infrastructure, Road widths, Safety & CA FIRE CODE laws into its actual Legal Definition as a State of California Legally Sufficient under Government Code 65000 laws, to be such a complete Legal Definition of All Components of a ZONE DISTRICT DEFINITION.

Below is ENTIRE FMC Statement of ZONE DISTRICTS in city of Folsom. There is no such thing as a “mixed use Zone District.” No city Engineers could Possibly ADAPT the Infrastructure and Public Services to such Arbitrary diffuse improper “laws” and the Demands they create on Infrastructure and SERVICE Provision in a single city.

**Folsom OFFICIAL & Legally BINDING DEFINITION of ZONE DISTRICTS within city Limits must be fully defined in Folsom Municipal Code which is the Controlling Zoning LAW:**

NOTE: Legally Folsom law is improperly labeling Legal ZONE DISTRICTs “classes of general districts.” State and Federal law DO NOT allow for distinguishing a “difference” between a “class” of Zone District and actual Legal Definition of Each ZONE DISTRICT,

with statements of all Standards which apply in Each Defined & Named ZONE DISTRICT.

Overlays, such as those included magically, WITHOUT PUBLIC VOTING, are NOT ZONE DISTRICTS at all. Overlays and "Mixed Use" "districts" are NOT LEGALLY DEFINED by city of Folsom employees, such as city lawyers CERTIFYING with their Licenses, that NEW ZONE DISTRICT Definition have been, were, or Will be created and Approved in Open Sessions, and possibly subject to Public Vote.

Creating Willy-nilly, new commissions without any Right to be a SECOND, ONLY Part of city Land Use Laws IS NOT Granted to cities or counties by CA Govt Code Enabling Legislation. It is ONE plan commission for each ONE CITY.

Any unlicensed Trained Expert employed by city, or in elected office, who Claims a Right to a "second commission creation" with Legal powers to treat One, very old part a city Differently in ZONE DISTRICT Definitions & Administration is NOT obeying CA Govt Code Prohibitions on More Than one single Set of City Zone Laws, and One single Plan Commission.

In this country, cities cannot have Multiple "plan Commissions" to administer different parts of city --- which creates Multiple cities with NO applicable Standards in the "second, third" of subsequent improper divisions of that one city. Such a Right is DENIED to any city or other entity in this state, or this country.

Furthermore, where in CA Government Code does State grant to cities the Right to Make NEW Zone Districts and New Commissions to 'grant Exceptions to Law' without PUBLIC HEARINGS and Preferably VOTE of Residents to approve such huge Land Use Alterations.

Note there is NO 21<sup>st</sup> century Hard Proof of Public Notices being given, and multiple bogus "extra plan commissions created." City law clearly states the 20<sup>th</sup> century Laws are STILL the Prevailing law ---- no matter how many "overlays" are used by these bogus additional "commissioners" and others, to Treat this like TWO distinct cities with 2 distinct sets of Standards, Regulations, ENFORCEMENT bodies.

Note in FMC: Very Old, Prior Century City Laws/Ordinances are CITED as the Legal Authority granted to Folsom by State Laws. However, this bogus set of OVERLAYS are NOT created and not allowed by CA Government Code --- hence the city's actions DO NOT OBEY State Laws - which are the Final Authority.

While "architectural" groups are allowed, NOTHING they decide can be LEGALLY Valid because if they were --- then Folsom is claiming it is Legal to have TWO plan commissions with TWO separate sets of laws --- which is against higher laws. OVERLAYS are NOT ZONE DISTRICT LAW Definitions at all. Advisory-Only people, including those with Conflicts of Interests, cannot legally make Zone Law Alterations in this country. Each Zone District requires Conformity with Higher Levels of Law Enforcement. Our US Constitution gives us these Rights to be Equal Americans under Laws.

Had not a prior elected man put Entire city Laws and Charter ONLINE ONLY, this nonsense of changing laws without Open Public Notice & Hearings, could never have happened. This current council Must be held RESPONSIBLE for ignoring the Failure of Folsom CA to have any longer a Title/Duties/Responsibilities and longterm Contract of an Independent Licensed Civil Engineer in Charge.

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## Chapter 17.10

### DESIGNATION OF DISTRICTS

Sections:

[17.10.010 Established.](#)

[17.10.020 Special districts established.](#)

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#### 17.10.010 Established.

The several classes of general districts established and into which the city is divided are designated as follows:

- A. R-1-L, R-1-ML, R-1-M, single-family residence districts;
  - B. R-2, two-family residence district;
  - C. R-3, neighborhood apartment district;
  - D. R-4, general apartment district;
  - E. C-1, neighborhood business district;
  - F. C-2, central business district;
  - G. C-3, general commercial district;
  - H. CH, highway service commercial district;
  - I. CM, commercial-manufacturing district;
  - J. M-1, light industrial district;
  - K. M-2, general industrial district;
  - L. M-L, limited industrial district;
  - M. MF, industrial frontage district;
  - N. PD, planned development district;
  - O. R-M, residential, multifamily dwelling district;
  - P. BP, business and professional office district. (Ord. 378 (part), 1979: prior code § 3102.01)
- 

#### 17.10.020 Special districts established.

In addition to the foregoing classes of districts, certain **combining districts** are established and are designated as follows:

- A. A, special agricultural district;
- B. B, special building site district;
- C. F, special highway frontage district;
- D. P, special parking district;



E. H, special height limit district;

F. CD, special civic district. (Ord. 378 (part), 1979: Ord. 239 § 1, 1969; prior code § 3102.02)

Home

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**The Folsom Municipal Code is current through Ordinance 1336, passed January 10, 2023.**

Disclaimer: The City Clerk's office has the official version of the Folsom Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.folsom.ca.us>

City Telephone: (916) 355-7270

[Code Publishing Company](#)

COMMENTS: PLEASE NOTE, Combining Districts are NOT ONLY NOT DEFINED, but city Laws DO NOT PROVIDE Actual enforceable STANDARDS for Public Infrastructure in these "combining districts."

In Plain Words, "combining district" has NO DEFINITIONS for What they are and WHAT STANDARDS, Bulk Regulations, and Restrictions APPLY. Clearly this is "ZONING" without Obeying CA State Govt Code 65000 et seq.

<https://www.nevadacityca.gov/files/documents/NevadaCityHistoricNeighborhoodsDistrictInitiative1338040331070722PM.pdf>

Example of Historic Neighborhood District with REGULATIONS Requiring VOTE of LOCAL RESIDENTS to APPROVE ANY "changes" to nature of any buildings --- not specified in HND LAW whether Future Buildings are ALSO SUBJECT TO VOTE OF HND or City-Wide RESIDENTS for approval of NEW CONSTRUCTION of any TYPE.

There is considerable evidence from city's own Charter and FMC in their "online-only" state, that both are NOT in compliance with either State, Federal laws, or the Constitutions of both these higher levels of government. If you live adjacent to a Residential Zone, and NO such legal entity as a "Mixed Use Zone District" even EXISTS [nor does "combining district" have any Legal basis] it would appear you have every Right to seek Formal Investigations and file Formal Complaints with an agency which has Authority under law to enforce Patterns of organized Violations of laws by multiple persons.

How can your Parcel and home maintain any True Value if the city claims to have the RIGHT to Densify, Deversify, Alter, ADD dis-allowed Zone District Uses --- which impact the value of YOUR property. But, Worst of all your raw sewage lines are impacted. Your roadways are mis-used and over-crowded by Other Zone District Uses such as Commercial, Live-Entertainment Commercial, Outdoor consumption of Restricted food or beverage on Public Property AND your property. Your parcels have been used as public toilets, illegal commercial Use parking.

This city has seen fit to make you In EFFECT a second city where YOUR Property Rights and Your Zone District Definition and Legal Uses are mixed & confused with all sorts of Land Uses NOT legally permitted in your Residential Zone District.

You also have seen repeatedly the city illegally using a second [not allowed] "plan commission" group to actually ALTER Zone District LAND USES which is clearly NOT consistent with California State Government Code.

For your information, Formal Reports have been filed that using this illegal "second Land Use Exception- granting body" nonsense, has led to huge, really huge amounts of Real Estate Tax Revenue to the Entire Sacramento County.

It adds to home owner & other Residential Zone RE Tax Assessments Rising, so that city can make City Owned Parcels the "off street parking" by a simple declaration of this "h.d. Commission" which is NOT under CA Law allowed to ENACT Land Use Exceptions, NOT permitted as a Second plan commission in this state/country.

It is time to consider: in such fast-changing political conditions, is it acceptable for a city to continue to operate in this decades long fashion?

How much harm and expense have you suffered on your own Parcel?

How many Public Infrastructure projects have NEVER happened nor been paid for by New Development owners/builders – who are apparent kings of city?

Why is every roadway, raw sewage pipe full of 3 prisons plus most city raw sewage, suddenly caused you money, time, inconvenience, concern --- and finally city admits a sudden Giant shortfall of \$600,000 and looming larger shortfalls and new taxes to cover ignored & willfully occurred actions which harm residents?

**FAULTS** in Telegraph Public Notice include following:

THIS is NOT a CEQA "infill project" because there is NO ZONE DISTRICT DEFINITION for this type of Land Use in Commercial Zone contained in preserved PRINT VERSIONS of City Laws and Zoning maps.

PROOF: Entire city Zone District DEFINITIONS law is cited --- and there is NO "Mixed Use Zone District Defined". It would be insane to think that without APPROVED City Engineer Plans, this rock pile abutting Residential Zone Districts would be suitable for Land Use WITHOUT all the City Services, Infrastructure, Roadways, being Protected, enlarged as needed for a Legal Zone District Commercial Zone Application. Plainly put, this is a 2<sup>nd</sup> "plan commission" pretending to have the Rights and Power to REZONE this Parcel into a NON-EXISTENT Multi-uses & incompatible Zone Districts as defined by city, and Regulated by State Law.

Cal. Code Regs. tit. 14 § 15300.2 ("ange without regulatory effect amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).")

<https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-19-categorical-exemptions/section-153002-exemptions>

Clearly, Folsom's lawyers FORGOT to check the LAW BOOKS before having planners proceed with a Clear EXCEPTION to use of So-called "infill" rule. A,B, C all apply.

There is tremendous evidence and Signed Reports proving Infrastructure is so poor in this area that Waterworks Engineers stated to Folsom: NO densification of Uses, NO

Uses of Conditional Use Permits/exceptions to densify or alter Zoning until AFTER the Raw Sewage system in this American River Impacting Sewageshed is Made sufficiently in Hydraulic Capacity to AVOID making [again] the Federal Waters and Watershed forests, an Open Folsom & Prisons raw sewage conveyance. Link to study supplied to planners, council & city lawyers, dozens of times.

**MAJOR LEGAL ISSUE:** Lookup by APN SHOWN results in NO RESULTS, BUT using ADDRESS 603, the city SIZE OF PARCEL APN # is TOTALLY WRONG.

PARCEL INFORMATION: Check NOTICE APN = 070 0111 010  
**DOES NOT EXIST**

The screenshot shows the Sacramento County Assessor Parcel Viewer interface. The search bar contains the APN '070 0111 010 0000'. The search results tab is active, displaying a message: 'No results found'. The map shows a street grid in Folsom, CA, with labels for streets like Sutter St, Figueroa St, Leidesdorff St, and others. The Folsom Lake State Recreation Area is also visible. The interface includes navigation controls and a legend.

Is this a case of city employees making up what SHOULD have been FILED with Sacramento County Recorder & Tax Assessor by our Missing Folsom City Engineer in Charge??? Who makes such critical errors and places Legal Notice with False information???

One might stop here, but the Implications of false filings by non-licensed employees, goes far further in terms of LOST TAX REVENUE because of FALSE FILINGS. Look at TAX Information for this ADDRESS, but NOT Parcel APN.

Net Assessed Value **\$135,450**

[https://www.google.com/maps/place/603+Sutter+St,+Folsom,+CA+95630/@38.6782716,-121.175545,121m/data=!3m1!1e3!4m6!3m5!1s0x809ae6ab15a19b87:0xb78f15c27d259a35!8m2!3d38.6782676!4d-121.1751775!16s%2Ffg%2F11c4gm\\_w\\_0?entry=ttu](https://www.google.com/maps/place/603+Sutter+St,+Folsom,+CA+95630/@38.6782716,-121.175545,121m/data=!3m1!1e3!4m6!3m5!1s0x809ae6ab15a19b87:0xb78f15c27d259a35!8m2!3d38.6782676!4d-121.1751775!16s%2Ffg%2F11c4gm_w_0?entry=ttu)

Check Google Map --- this is an urban forest lot !!! It abuts according to Sacramento Cty Single family homes, including one which is a true Historic Treasure.

NOTE Sacramento County alleged ZONE DISTRICT ----



**HD Zone District** --- which is NOT a ZONE DISTRICT at all, but a mere OVERLAY with NO binding Legal Authority to ever call "h.d." a ZONE DISTRICT under Law.

ISSUE:

Unless this OWNER: "Cedrus Holdings Co." can justify and PROVE it bought this lot LONG AGO --- which justifies the tiny Annual RE TAX BILL, how does this lot have Assessed Current Evaluation which is so low?

Who believes this beautiful lot 7,400 sq ft was only \$135K in 2020?

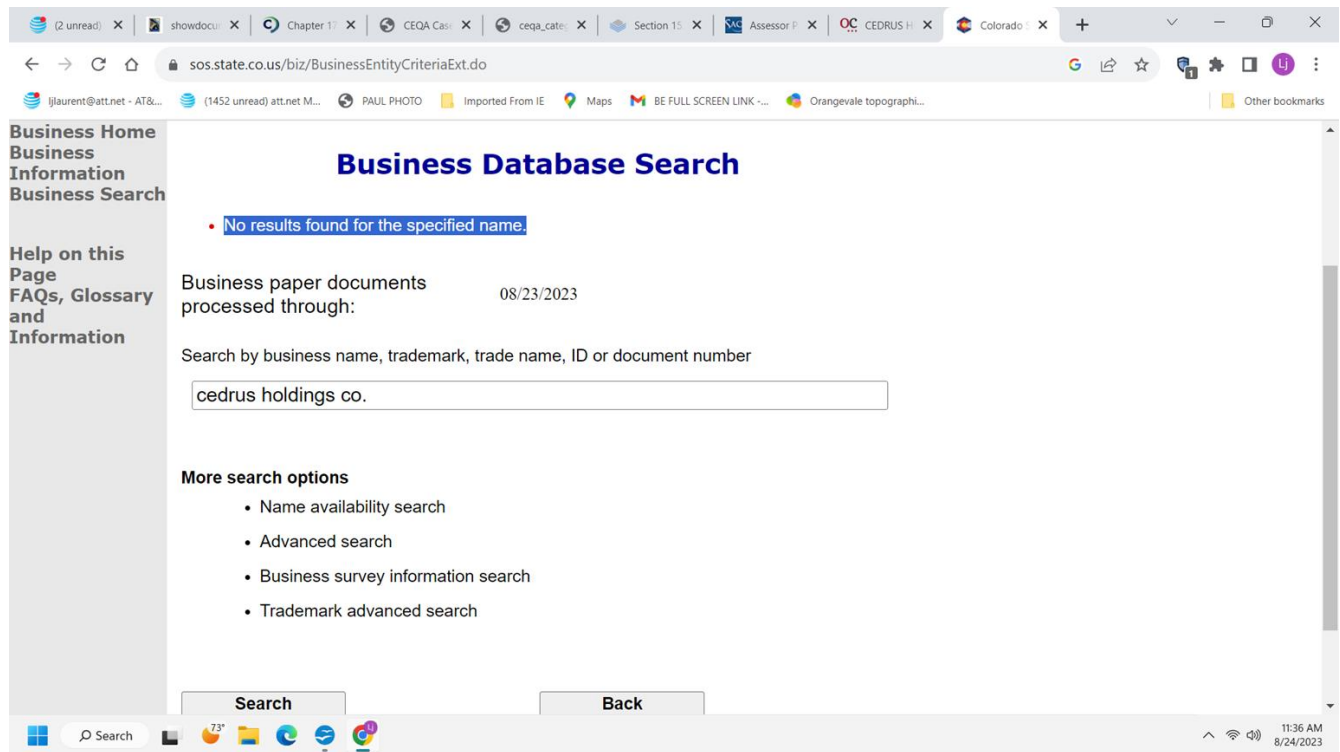
Last Ownership Transfer Document Type **GRANT DEED/CORP. DEED/GIFT DEED/JNT TEN DEED**

County Recorder's Document Number **Book 20200827, Page 833**

Event Date **Thu Aug 27 2020**

Assessor's LOT DESCRIPTION states: **LOTS 1 & 2**

**Sec. Of State says this Co. does NOT EXIST. What is with city staff with licenses to protect against errors, omissions, wrong filings?**



## Advanced Search

· No results found for the specified name.

SUMMARY QUESTIONS:

Who at city is PROVING this is NOT a false owner name,

Who, without any License, filed Folsom Reports resulting in questionable Difference between 2020 Price plus two different results for address vs APN?

Why is Valuation since 2020 so LOW, and the "Cedrus Holding Co." is not a California company according to California Secretary of State?

<https://finance.saccounty.gov/AuditorController/Documents/TaxAcct/RATE%20BOOK%2022-23%20Combine.pdf>

Who gave city permission to violate the State Government Code Rule: one city --- ONLY one plan commission which merely makes Recommendations to council on REZONE Actions with huge impacts on a troubled Sewershed above/abutting American River?

Who really advised this planner to make a FALSE CLAIM that this WAS NOT a Real CEQA EXCEPTION to the so-called INFILL notion?

Who said this lot is anything EXCEPT Residential Zone from the "real Printed Folsom laws & Charter in print" but dropped off the printing press by a certain mayor, to expedite his interests?

**Christina Kelley**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Monday, August 28, 2023 11:27 AM  
**To:** Desmond Parrington  
**Cc:** Steven Banks; Pam Johns; Sari Dierking; Elaine Andersen; Rosario Rodriguez; YK Chalamcherla; Sarah Aquino; Anna Rohrbough; Mike Kozlowski; kcolepolicy@gmail.com  
**Subject:** Re: 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Parrington:

On June 22<sup>nd</sup> you wrote in an email to me, "I am interested in working with you, HPL, HFRA, FHDA, and others in a productive way to *improve the process*, improve the zoning regulations in the Historic District, and *develop objective design standards* for the area to do what we can to protect it given all the changes in state law."

Based on Mr. Banks' email below and my review of the 603 Sutter Street project-related materials on the City's pending development applications webpage, it appears that you and your staff are intending to bring forward a project to the Historic District Commission that fails to comply with *existing* objective standards in the Folsom Municipal Code (FMC). If you and Ms. Johns are truly interested in a productive way to improve the process and protect the Historic District, I suggest you begin immediately by performing a more careful review of the 603 Sutter Street project and recognize that the project has thus far been inadequately reviewed and processed.

Project documents include a report by Planning Partners entitled "Categorical Exemption Supplement". Instead of updating the previous CEQA Initial Study (several draft versions of which have been prepared for various previous iterations of this project), the Planning Partners document was apparently prepared with the sole purpose of making an argument for why the City can claim that the project is exempt from CEQA. Consider this approach in light of information you presented to the community in a virtual meeting on August 17, in which you and your consultant presented a slide on the purposes of the CEQA process, explaining that important purposes of CEQA include "public involvement and disclosure" and "informed decision making." While there are other reasons that the project does not qualify for a CEQA exemption, attempting to avoid those two important purposes for the 603 Sutter Street project is inexcusable for the 603 Sutter Street project.

Immediately across Scott Street from the 603 Sutter Street site is Folsom's premier historic property, the NRHP-listed Cohn House. To the immediate west of 603 Sutter Street is the historic Folsom library property, on which sits the historic library building and a unique and perhaps one-of-a-kind cobble-faced retaining wall. East and south of 603 Sutter Street is a Historic Folsom residential neighborhood in which live many Folsom residents who care deeply about this community, its historic character, and our ability to enjoy living here safely and comfortably. Yet, instead of embracing the public involvement, disclosure, and informed decision-making that a comprehensive CEQA process would entail, it appears you are now intending to assert a CEQA exemption in an effort to avoid those aims. City staff have previously circulated at least two draft Initial Studies for previous iterations of this project, both of which identified potentially significant



environmental impacts and mitigation measures recommended to address those impacts; yet the basic project remains essentially the same - a new building that is too large for the property's setting - you now appear to have decided to avoid the public involvement, disclosure, and informed decision-making (and mitigation) that would be involved with a meaningful CEQA process. How you arrived at that approach is baffling and truly disappointing, and I strongly encourage you to reconsider.

Further insulting this community, last week Mr. Banks circulated a revised public notice for the HDC hearing which eliminates the ability of "any interested party" to appeal an HDC decision to the City Council, and now specifies that an appeal can only be filed by a person whose property rights are affected. The language in the revised notice substantially restricts standing to appeal an HDC decision to the City Council. Even if property rights are broadly interpreted, the revised language effectively denies the right of many Folsom residents to even attempt to show standing. For instance, many residents are renters and do not own property in the City, so it would be seemingly impossible for those non-property-owning residents to qualify for an appeal, and non-profit organizations interested in protecting the Historic District but which do not own property would be similarly limited in demonstrating standing to appeal. Further, many individuals and organizations who, based on the revised language may not have standing to appeal to the City Council, will still have standing to legally challenge the claimed CEQA exemption. Therefore, the approach of your revised hearing notice creates a situation in which an HDC decision could subject the City to a lawsuit without first providing an opportunity for the City Council to hear from concerned residents and organizations and giving the City Council an opportunity to address concerns and avoid a lawsuit. Previous HDC hearing notices advised that an appeal could be filed by any interested party. Rescinding that ability severely restricts the public's right to be heard by our elected officials and puts the City at a heightened legal risk.

Below is discussion of some of the objective standards of the Folsom Municipal Code with which the currently designed project does not comply and for which the project must be required to obtain variances or be redesigned to comply with (and there may be others):

**FMC 17.52.420 "Architectural features. Fireplaces, bay windows, attached porches and decks and patios higher than 30 inches above grade, may extend into a required setback area a maximum of 2 feet, but shall not be closer than 3 feet to a property line or closer than 6 feet to any portion of another structure. The combined length of all such features shall not account for more than 25 percent of the length of the wall surface on which the features are located."** The project fails to comply with the objective standards of 17.52.420. The proposed second floor deck along Sutter Street extends 5ft 1in over the property line (into the public right of way) and therefore does not comply with the "shall not be closer than 3 feet to a property line" objective standard. The proposed third floor deck extends to the property line along Scott Street and therefore does not comply with the "shall not be closer than 3 feet to a property line" objective standard. Additionally, the proposed design includes second and third floor decks that both extend along the building's entire Sutter Street frontage. These combined length of these features compose **200 percent** of the wall and do not comply with the "shall not account for more than 25 percent of the wall surface" objective standard. Additionally, the third-floor deck extends along 50 percent of the building wall facing Scott Street, and therefore this feature does not comply with the "shall not account for more than 25 percent of the wall surface" objective standard. The proposed second and third floor decks do not comply with the FMC 17.52.420 objective standards and require variances or the project needs to be redesigned to comply with this code section.

**FMC 17.52.510 "Sutter street subarea special use and design standards. C. Height. Building heights shall not exceed 35 feet adjacent to the sidewalk area on Sutter or Leidesdorff Street and 50 feet in other sections of the subarea. Towers, spires, or other similar architectural features may extend up to 15 feet above the building**

height." According to the project drawings (see North Elevation on Figure A-211), the proposed parapet wall would extend above the 35ft level on northwest corner of the third floor and the proposed parapet wall would extend as much as **4 feet above the maximum allowable height** plane as illustrated in the drawings. Even if the parapet wall was excused from the building height consideration (which it cannot be), the roof itself still extends above the max height plane as illustrated by the project design plans. Further, the 17.52.510(C) height provision pertains to "building height" not "roof height." The parapet walls that extend above the roof elevation are part of the building and exceed the height limitation. The parapet walls are not towers or spires, and are not similar to towers or spires, they are part of the building and are subject to the height limitation. The building height does not comply with FMC 17.52.510(C) objective height standard and requires a variance or the project needs to be redesigned to comply with this code section.

**FMC 17.57.050(B)** is an objective standard that specifies the number of parking spaces that "shall be provided for the handicapped" and requires that one (1) handicapped parking space is required when the total number of standard parking spaces otherwise required is between 0 and 40. Although AB 2097 added Section 65863.2 to the Government Code which precludes the City's imposition of minimum parking standards on this project, **the law expressly does not dismiss or disallow the City from requiring compliance with parking standards for the provision of parking spaces accessible to persons with disabilities.** Gov. Code Section 65863.2(f) states, ***"This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply."*** Based on the proposed first floor retail (2,716 sf) and second floor office (5,246 sf), without AB 2097 the project would otherwise be required to provide at least 22 parking spaces. FMC Section 17.57.050(B) specifies the number of parking spaces that "shall be provided for the handicapped" and requires that one (1) handicapped parking space is required when the total number of standard parking spaces otherwise required is between 0 and 40. The project is therefore required to either provide a minimum of 1 parking space that meets the handicapped parking space design requirements of FMC 17.57.050 (e.g., located so as to provide for safety and optimum proximity for direct access to the primary entrance of the building, at least 14 feet wide, etc.) or the project applicant needs to apply for and obtain approval of a variance from the City's handicapped parking standard.

This project is not ready for the HDC. An applicant can propose a project that does not comply with design standards, but to do so, must file an application for a variance for each non-compliant project component and provide the applicant's attempt at justifying the variance. Rather than your staff's current approach of attempting to help this applicant circumvent the FMC's objective design standards and variance obligations, please readjust your trajectory for this project and process it in compliance with the requirements of the FMC and in a manner that is protective of the City's Historic District and its historic properties, resources, and residents.

Thank you,  
-Bob Delp

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**From:** Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>

**Sent:** Wednesday, August 16, 2023 2:19 PM

**Subject:** 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

Good afternoon,

The purpose of this message is to inform you that the proposed 603 Sutter Street Mixed-Use project (PN 17-145) has been scheduled to be heard by the Historic District Commission at their regularly scheduled meeting on September 6, 2023. Attached is a copy of the Public Notice for the proposed project with additional details regarding the Historic District Commission meeting. As you may be aware, the applicant revised their Development Application in February of this year, the updated application, relevant development plans, environmental document, and special studies can be found on the City's website located at: <https://www.folsom.ca.us/government/community-development/planning-services/current-project-information> There are three notable changes to the Development Application that I wanted to make sure that you were aware of. The first change or modification is that the applicant is not proposing to provide any parking (on-site or off-site) to serve the proposed project per new State Legislation (Assembly Bill 2097) which states the cities in California can no longer impose minimum parking requirements on new developments within a half-mile of major public transit stop. The second change is that the applicant is reducing the number of proposed residential rental units from three to two. The two proposed residential rental units will still be located on the third floor of the mixed-use building. Lastly, the applicant has modified the Development Application and is now only seeking Design Review approval from the Historic District Commission for development of the proposed project as a Height Variance, Parking Variance, and Conditional Use Permit are no longer required based on the modifications to the proposed project and recent changes in State law.

If you have any comments or questions regarding the proposed project, City staff welcomes you to reach out to us via email ([sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)) or phone (916-461-6207). City staff also encourages you to attend the Historic District Commission meeting on September 6, 2023.

Best regards,

Steve

Steven Banks  
Principal Planner  
City of Folsom  
(916) 461-6207  
[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)



**Christina Kelley**

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**From:** Adena Blair <adenacblair@yahoo.com>  
**Sent:** Monday, August 28, 2023 5:53 PM  
**To:** Steven Banks  
**Cc:** Bob Delp; Jennifer Lane  
**Subject:** Re: Amended Public Notice for 603 Sutter Street Mixed-Use Project  
**Attachments:** HDC Amended Public Notice 11x17 603 Sutter Street Mixed-Use Building (PN 17-145) 9-6-23.docx

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Steve,

Thank you for sending this amended notice.

You say that it "simply clarifies who is eligible to file an appeal," but this doesn't seem like a simple issue. The notice you sent before this one said anyone could file an appeal and I think that's what other notices for Historic Commission meetings have said in the past, but this revised notice seems to really limit who can file an appeal. Can you do that?

I live about a block from 603 Sutter and I'm really concerned about the project, but I haven't really thought about if my "property rights" would be affected. The proposed building is too big (taller than what the city code allows), the businesses and restaurant and whoever else would use the building will make an already ridiculous parking situation in this neighborhood even worse (I know the City can't impose minimum parking standards any more, but there are a lot of other things the City could do to address impacts related to parking, and I'm afraid you and the Historic Commission won't try to do anything about those).

The very thought of an eating establishment and the corresponding smelly dumpster makes me want to gag if one is located anywhere on the site. Try walking anywhere near the one on the corner of Riley and Scott in the heat of the day to get a preview.

I don't see how they could justify it, but if the Historic Commission does approve this building I think we should be able to ask the the City Council to reconsider. Is this revised notice saying that I and my neighbors can't appeal to the City Council?

Respectfully,  
Adena Blair, 607 Figueroa St

On Thursday, August 24, 2023 at 08:36:12 AM PDT, Steven Banks <sbanks@folsom.ca.us> wrote:

Good morning,

Please find the amended public notice for the 603 Sutter Street Mixed-Use project which be heard by the Historic District Commission on September 6, 2023. The amended public notice simply clarifies who is eligible to file an appeal regarding the proposed project to the City Council and the process for filing an appeal.

Best regards,

Steven Banks

Principal Planner

City of Folsom

(916) 461-6207

sbanks@folsom.ca.us

**Christina Kelley**

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Tuesday, August 29, 2023 10:18 AM  
**To:** Desmond Parrington  
**Cc:** Steven Banks; Pam Johns; Sari Dierking; Elaine Andersen; kcolepolicy@gmail.com; Nathan Stroud  
**Subject:** Re: 603 Sutter Street [Oak Tree Impacts]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Desmond: I'm sure you're already planning to, but can you please make sure the staff report fully addresses the project's impacts to "protected" oak trees and clearly discusses:

1) the applicant's rights, or lack thereof, to destroy/damage protected trees that are on City property (per mapping in most recent arborist report, two protected oak trees that would be eliminated by the project are on City property and are not on the 603 Sutter parcel);

and

2) the findings that the HDC would need to make to allow the destruction of these two protected oak trees on City property, in particular, the required finding that, "*[u]se of the property consistent with the Zoning Code cannot be made unless the Protected Tree is removed and there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.*"

I suggest that reasonable use of the property could be made while preserving even some of the protected trees that are *on* the property; and reasonable use of the property could certainly be made without destroying both of the two oak trees that are not even on the property.

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Monday, August 28, 2023 2:24 PM  
**To:** Desmond Parrington <dparrington@folsom.ca.us>  
**Cc:** Steven Banks <sbanks@folsom.ca.us>; Pam Johns <pjohns@folsom.ca.us>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>  
**Subject:** Re: 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

If you intend to proceed with the Sept 6 hearing, I will await the staff report and provide my input to the HDC. If you decide to take seriously my concerns about this project not being ready for hearings, I would be glad to discuss with you and the applicant and whomever else ways in which I think the City could correct deficiencies and move a 603 development project to the finish line.



Thanks, Desmond.

-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Desmond Parrington <[dparrington@folsom.ca.us](mailto:dparrington@folsom.ca.us)>  
**Sent:** Monday, August 28, 2023 2:10 PM  
**To:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Cc:** Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Sari Dierking <[sdierking@folsom.ca.us](mailto:sdierking@folsom.ca.us)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>  
**Subject:** RE: 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

Hi Bob:

We have received all your emails and are currently gathering the information you've requested and looking into the issues you've raised. Since August 18<sup>th</sup>, we have received 8 separate emails from you requesting information or raising issues that you want staff to address. If there are further issues or information you need, please let us know as soon as possible so that we can get that to you. Staff will be providing you this week with one consolidated email response containing the information that you have requested. Please note that any issues raised after the release of the staff report later this week will be addressed by staff at the Historic District Commission meeting on September 6th.

-Desmond



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE



**Desmond Parrington, AICP**  
*Planning Manager*  
**City of Folsom**  
50 Natoma Street, Folsom, CA 95630  
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o:916-461-6233 c:916-216-2813  
[www.folsom.ca.us](http://www.folsom.ca.us)

## **Attachment 21**

# **Public Comment Letters Regarding Original Project and Subsequent Iterations**

## HERITAGE PRESERVATION LEAGUE OF FOLSOM PROJECT APPLICATION REVIEW

June 24, 2020

*HPL does not have regular meetings during the COVID-19 Pandemic. The HPL Board has discussed the proposed project by email and phone.*

**PROJECT:** 603 Sutter Street Commercial Building in the Sutter Street Sub-Area of the Historic District (File: 17-145)

**REQUEST:** Design Review, Parking Variance, Height Variance and Encroachment Permit for a mixed-use commercial building with retail/restaurant use on the first floor and office space on the second and third floors.

### PROJECT

**HISTORY:** Original application Circulated by City on May 18, 2017 (feedback requested by June 2). The current application including an Initial Study was circulated by the City on June 11, 2020.

## BACKGROUND

HPL provided review comments regarding the original application (named Historic Sutter Mixed-Use Building) on June 14, 2017. In the current application package (dated March 19, 2019), the building design has been revised and a garage level is no longer included. However, the proposed size and height of the visible part of the building structure remains similar to the original proposal.

## GENERAL STATEMENT

The applicant has described the project as follows: *...the proposed building would appear similar to other commercial projects recently developed on the 600-block of Sutter Street and elsewhere within the Historic District.* This statement appears to refer to the commercial building at 607 Sutter Street (former location of 'Fire and Rain'). In 2016 a 3-story building with an area of 9,174 square feet and a front façade of 50 feet was approved at this address. The façade design also resembles the proposed design for Sutter Street Commercial Building. However, the proposed 14,822 square foot building in the current application will be substantially larger.

## PROJECT REVIEW

### SITE PLAN

The project site has an elevation difference of 18 feet (from the northwest corner along Sutter Street up to the southeast corner along Scott Street). The first floor is proposed to be built into the rear hillside and will therefore mainly be visible from Sutter Street. Based on the sloped lot configuration, a structure on this property could have a stepped foundation with a higher finished floor elevation close to Scott Street.



As proposed, the commercial building has a 95-foot wide frontage along Sutter Street and a 64-foot frontage along Scott Street. In addition, a recessed walkway and retaining wall (with a height up to 15 feet) extend 6-feet into the adjacent public right-of-way areas. As a result of this encroachment, the landscape area along Scott Street has been limited to 7 feet and the sidewalk along Sutter Street has been reduced from the standard 9 feet to 7 feet.

#### HPL Recommendations

- Consider a foundation design that steps up along Sutter Street with the existing grade.
- Eliminate the recessed walkway that encroaches into the Sutter Street and Scott Street public right-of-way areas.

#### BUILDING DESIGN

As a general impression, the building design for the first two floors appears to be compatible with the design theme for Sutter Street. However, HPL has not found any evidence that the large windows and heavy top cornice proposed along the third floor were used in Folsom (or the Sacramento Area) before year 1900. The building façade facing Sutter Street has the width of two Theodore Judah lots and is therefore also larger than most buildings in the Subarea. This is especially evident since the historic building to the west at 605 Sutter Street (Folsom's first library) is only one story high.

Together with the project entitlements, a variance from the 35 foot height requirements along Sutter Street has been requested. The proposed building height along Sutter Street ranges from 54-46 feet and the height along Scott Street ranges from 46-35 feet. A 3.5 foot high raised parapet provides a barrier around the roof deck and an elevator lobby extends 9 feet above the top of the parapets. A 525 square foot canopy cover has also been proposed next to the elevator/staircase shaft. The structures on the roof deck have been set back from Sutter Street and Scott Street but could be visible from the higher elevations of the surrounding streets (southeast and northeast of the project site).

The 2,585 square-foot roof deck can be accessed from an elevator and two stair cases. Building tenants and potentially also the general public will have access to this area. It is possible that larger events could be planned on the roof deck in the future. Twenty feet of the deck area is open to the residential development to the south. Because noise is already a problem for homeowners in this area, a large roof deck does not appear to be appropriate.

The façade along Scott Street is less developed. An open staircase and a large trash enclosure suggest that this is the rear side of the building.

#### HPL Recommendations

- Reduce the building height to an average of 35-feet along both Sutter Street and Scott Street.
- Design the building façade along Sutter Street with two separate themes to resemble two buildings on standard Theodore Judah lots (as recommended in the Historic Commercial Design Criteria). Each façade segment could have a different height.

- Eliminate the proposed public gathering area and canopy cover from the roof. As a part of this change the elevator shaft no longer needs to extend to the roof and the raised parapets can be lowered.
- Enclose the staircase along the east building façade.

### PARKING VARIANCE

The Site Plan shows a parking pocket along Sutter Street with room for 4 parallel cars. The same area will need to be shared by delivery trucks. No street parking will be available along Scott Street. This suggests that the project will not only increase the need for parking in the vicinity but also remove some of the currently existing street parking.

The existing lack of parking in the Sutter Street Subarea has negatively impacted the surrounding residential areas. If the proposed 14,811 square foot building with a restaurant, retail spaces and offices is developed without additional parking this problem will be intensified. The building will also add a 665 square foot outdoor seating area next to the first floor restaurant and a 2,585 roof deck designated for public use.

Based on zoning code for the Historic District, parking only has to be provided for indoor spaces. The applicant is requesting a variance from the current requirement to provide 43 parking spaces (one parking space per 350 square feet). The limited amount of public parking located in the general vicinity of the project site will not be able to accommodate this demand.

### HPL Recommendations

- Before a parking variance can be approved for the property at 603 Sutter Street, the applicant should work with the City to develop an additional public parking facility at the east end of the Sutter Street Subarea.
- The City may also want to consider if the current parking requirements for the Sutter Street Subarea should be modified.

### CULTURAL RESOURCES

Based on the age of development along Sutter Street and Scott Street, it is likely that historic objects will be uncovered during the excavation of the building site. These items could provide information about the early history of Folsom.

### HPL's Recommendation:

- An archeologist or environmental consultant should be present at the project site during excavation down to bedrock.

## HERITAGE PRESERVATION LEAGUE OF FOLSOM INITIAL STUDY REVIEW

June 19, 2020

*HPL does not have regular meetings during the COVID-19 Pandemic. The HPL Board has discussed the Initial Study by email and phone.*

**PROJECT:** 603 Sutter Street Commercial Building in the Sutter Street Sub-Area of the Historic District (File: 17-145)

**REQUEST:** Design Review, Parking Variance and Height Variance for a mixed-use commercial building with retail/restaurant use on the first floor and office space on the second and third floors.

### PROJECT

**HISTORY:** Original application Circulated by City on May 18, 2017 (feedback requested by June 2). Initial Study and Mitigated Negative Declaration circulated by the City on June 11, 2020 (Public Review Period: June 11–30, 2020)

## BACKGROUND

HPL provided review comments regarding the original application (named Historic Sutter Mixed-Use Building) on June 14, 2017. In the current application package (dated March 19, 2019), the building design has been revised and a garage level is no longer included. However, the proposed size and height of the visible part of the building structure remains similar to the original proposal.

## INITIAL STUDY REVIEW COMMENTS

### 1. Aesthetics

Based on Appendix B of the Design and Development Guidelines, commercial buildings in the Sutter Street Subarea should: *'maintain the existing scale and pattern of the Historic District'*. In order to meet this intent, the Zoning Code limits the height of buildings and the Design Criteria specifies that larger commercial buildings should be designed as standard size buildings located next to each other (see B.11).

The Initial Study does not consider building design. However, 'scenic vistas' and 'scenic resources' have been evaluated. It is HPL's opinion that the streets and buildings of the Historic District could be included with this category.

As a part of the aesthetic considerations, light and glare associated with the proposed building has also been evaluated. HPL has concluded that lighting on the 2,585 square feet open roof deck in close proximity to residential development presents a special problem that should be addressed individually.



Recommendations:

- Evaluate how the massing of the proposed building (including footprint area and height), will impact existing historic development next to the project site and in the overall Sutter Street Subarea.
- Discuss how any negative impact of lighting on the roof deck can be minimized.

**5. Cultural Resources**

Mitigation Measures CUL-1 through CUL-3 recommends that construction personnel should be provided with ‘Cultural Sensitivity Training’ that will help them identify cultural resources and human remains at the project site. HPL does not believe that this type of expertise can be absorbed in a training session. The training also does not appear to be mandatory.

Based on the age of development along Sutter Street and Scott Street, it is likely that cultural resources will be uncovered during the excavation of the building site.

Recommended Mitigation Measure:

- An archeologist or environmental consultant should be present at the project site during excavation down to bedrock.

**7. Geology and Soil**

Excavation along the south side of the building foot print will range between 13-17 feet and bedrock has been found at a depth of 8-feet. Substantial blasting (extending into the public right-of-ways) will therefore be required.

The Initial Study should discuss what effect blasting could have on surrounding structures and underground utilities. A mitigation measure may also need to be added.

Recommendation:

- Specify how surrounding structures and public utilities can be protected from the impact of blasting on the project site.

**13. Noise**

Before the building foundation and sub-walls can be installed, the applicant anticipates that blasting up to a depth of 18 feet below grade will be required. The Initial Study should discuss how noise associated with this excavation phase can be mitigated.

An elevator and two stair cases have direct access to a 2,585 square-foot roof deck. Building tenants and potentially also the general public will have access to this area. Along the south side of the building, screening has not been proposed along twenty feet of the deck area. Because noise is

already a problem for homeowners in this area, the Initial Study could discuss what type of noise is appropriate on the deck area.

Recommendation:

- Discuss how noise from blasting can be minimized

Recommended Mitigation Measure:

- Amplified sounds are not permitted on the roof deck.

## 15. Public Services

The existing lack of parking in the Sutter Street Subarea of the Historic District has negatively impacted the surrounding residential areas. If the proposed 14,811 square foot building with a restaurant, retail spaces and offices is developed without additional parking this problem will be intensified.

The Initial Study should therefore analyze if a public parking structure needs to be added close to the proposed building.

Recommended Mitigation Measure:

- Before new commercial buildings are added at the east end of the Sutter Street Subarea, the City should develop a plan for how additional public parking spaces can be provided.

## 16. Transportation

The Site Plan shows a parking pocket along Sutter Street with room for 4 parallel cars. The same area will need to be shared by delivery trucks. No street parking will be available along Scott Street. This suggests that the project will not only increase the need for parking in the vicinity but also remove some of the currently existing street parking.

Recommendation:

- Analyze if the project will impact emergency access by increasing the existing congestion of parked cars and circulating vehicles in the vicinity.

June 29, 2019

Steven Banks  
 City of Folsom Planning Department  
 50 Natoma Street  
 Folsom, CA 95630  
 Via email to: sbanks@folsom.ca.us

**Subject: 603 Sutter Street Commercial Building Mitigated Negative Declaration  
 Comments**

Dear Mr. Banks:

This letter provides comments on the May 10, 2020, Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the proposed 603 Sutter Street development project. I have previously requested an extension of time to comment due to the City's inability to provide a complete project application for review concurrent with review of the IS/MND. My comments here are not expressed with support or opposition to development of 603 Sutter Street, and are intended to solely focus on the adequacy of the IS/MND and the City's compliance with the California Environmental Quality Act (CEQA).

In summary:

1. The project description in the IS/MND is insufficient in defining important components of the project, including those that must be clearly defined for a proper CEQA analysis and full disclosure as required by CEQA;
2. The IS/MND is fundamentally flawed in its attempt to tier from the General Plan Environmental Impact Report (EIR) and the City must revise its approach for project CEQA compliance;
3. The IS/MND fails to fully evaluate and address potential visual and lighting impacts of the project, including effects on views of historic resources and views from historic properties;
4. The IS/MND cultural resources evaluation is based on a report that inaccurately reports the project site as 510 and 605 Sutter Street and full review of potential impacts on cultural resources is impossible until the report inaccuracies are addressed; and
5. The IS/MND fails to fully evaluate and disclose impacts associated with noise and vibration impacts, and mitigation measures for significant impacts are not evaluated sufficiently to provide evidence that they would reduce significant impacts to less than significant levels.

**1. The project description in the IS/MND is insufficient in defining important components of the project, including those that must be clearly defined for a proper CEQA analysis.**

Page 1. The IS/MND states, "*The proposed project evaluated in this Initial Study is **consistent with the policies and requirements of the City of Folsom General Plan (2035 General Plan) and Chapter 17.52 of the Folsom Municipal Code (FMC), both of which have been subject to the preparation and certification of Environmental Impact Reports (EIR) consistent with California Environmental Quality Act (CEQA) requirements. ... Section 21083.3 of the California Public Resources Code permits CEQA environmental documents prepared for proposed projects that are consistent with all relevant planning and zoning designations and policies to be focused on***

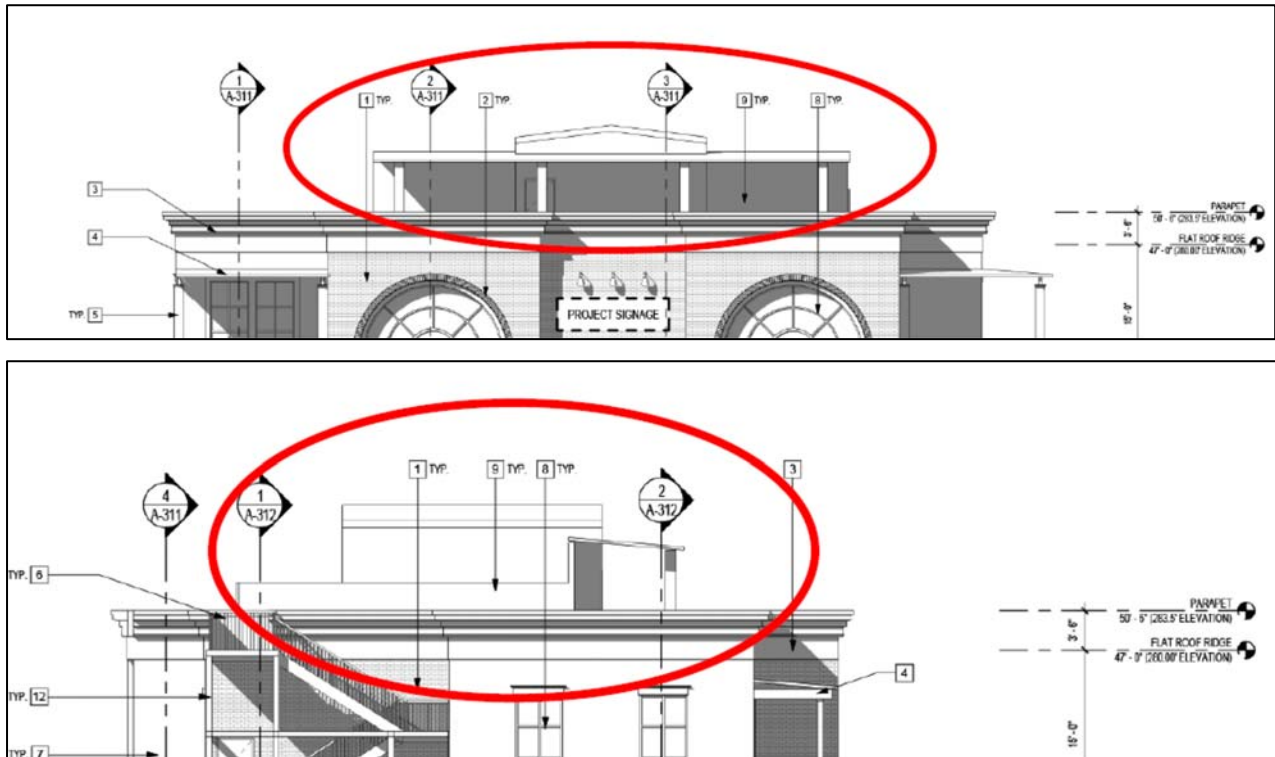


*the environmental effects that are peculiar to the project or to the parcel on which the project would be located, and that were not previously evaluated in an applicable General Plan EIR. **The project assessed in this Initial Study meets these statutory requirements for focused review.***” Yet, the proposed project is NOT consistent with the General Plan and zoning and that is the reason why the applicant is requesting two variances from the City zoning code. The IS/MND must be revised to remove such inaccurate statements.

The project would exceed the 2.0 maximum floor area ratio (FAR) permitted by the zoning code. Therefore, the project requires an additional variance for the FAR exceedance and the FAR exceedance must be recognized in the analysis as new information that affects the severity of impacts of development under the City of Folsom General Plan and as evaluated in the General Plan EIR. The IS/MND fails to specifically disclose that the FAR exceeds the 2.0 requirement. Per information in IS/MND Table 2, both with and without the proposed roof deck, the calculated FAR is greater than 2.0. In fact, with the roof deck included, the FAR of the project exceeds 2.5. The City’s CEQA document must evaluate and disclose the change in impacts as compared to those in the GP EIR from which the IS/MND is tiering.

The IS/MND fails to disclose the total height of the proposed project structure. The IS/MND discusses that the building height would be a maximum of 50 feet, 6 inches, but also discusses that “building features” associated with the elevator and air conditioning equipment would be mounted on the roof in excess of this height – although no discussion of the actual height of these “features” is provided. The applicant’s drawings illustrate features well above the labeled 50’6” rooftop, but the drawings do not identify the height of these features (see Exhibit 1). The height of all project elements, not simply the height of the building rooftop, are critical for understanding the project’s visual, lighting, and noise impacts, and without this information, the IS/MND project description and analysis of the project are insufficient.

**Exhibit 1. Excerpts of IS/MND Figure 5**



**2. The IS/MND is fundamentally flawed in its attempt to tier from the General Plan Environmental Impact Report (EIR) and the City must revise its approach for project CEQA compliance.**

The IS/MND attempts to tier from the General Plan EIR, but the tiering approach attempted in the IS/MND is fundamentally flawed. First, when tiering from a previously certified EIR an EIR must be prepared for the “later project” (in this case, the proposed 603 Sutter Street project).<sup>1</sup> The City has not prepared an EIR for the 603 Sutter Street project and instead has only prepared an IS/MND.

Second, tiering from a previously prepared EIR is suitable only when the later project “is consistent with the applicable...zoning.”<sup>2</sup> The proposed project is not consistent with the

<sup>1</sup> CEQA section 21068.5, Tiering or Tier: “Tiering“ or “tier” means the coverage of general matters and environmental effects in an environmental impact report prepared for a policy, plan, program or ordinance followed by narrower or site-specific **environmental impact reports** which incorporate by reference the discussion in any prior environmental impact report and which concentrate on the environmental effects which (a) are capable of being mitigated, or (b) were not analyzed as significant effects on the environment in the prior environmental impact report.

<sup>2</sup> CEQA section 21094: “Later Projects; Tiered Environmental Impact Reports; Initial Study; Use of Prior Reports”  
 (b) This section applies only to a later project that the lead agency determines is all of the following:  
 (1) **Consistent with the program, plan, policy, or ordinance for which an environmental impact report has been prepared and certified.**  
 (2) **Consistent with applicable local land use plans and zoning of the city, county, or city and county in which the later project would be located.**  
 (3) Not subject to Section 21166.

applicable zoning, which is the very reason why the project applicant is requesting variances for the project.

Finally, although the IS/MND discusses the General Plan EIR and summarizes impacts identified in the General Plan EIR, the IS/MND fails to evaluate whether the project variations from the land use and zoning assumptions in the General Plan EIR would result in new impacts or increase the severity of significant and unavoidable impacts identified in the General Plan EIR. Part 4 of the IS/MND discusses the General Plan EIR and provides a summary of the General Plan EIR impacts. However, Part 5 of the IS/MND, including the discussion of approach at “Purpose and Legal Basis for the Initial Study” and the “Initial Study Environmental Checklist” sections (IS/MND pg. 22), discuss the methodology for the IS/MND analysis and completely ignore the tiering concept.

Because the proposed project is inconsistent with applicable zoning code requirements – including but not limited to height, FAR, setbacks – the project would create the potential to result in new impacts and increase the severity of significant impacts identified in the General Plan EIR. The key aspect of tiering from a previously prepared CEQA document is to evaluate whether impacts of the later project would have the potential to cause new impact or increase the severity of impacts identified in the prior EIR, yet, the IS/MND fails to do this comprehensively. Although the IS/MND attempts to evaluate certain environmental effects of the project, no comparison of those project-specific impacts to impacts identified in the General Plan EIR is attempted and no discussion of the applicability and efficacy of General Plan EIR mitigation is provided. This failure is a fundamental flaw in the CEQA approach to the project and must be remedied in a revised CEQA document.

Significant impacts identified in the General Plan EIR that could be worsened as a result of the project elements that are inconsistent with zoning and are not sufficiently evaluated or disclosed in comparison to the General Plan EIR include the following:

**Aesthetics and Visual Resources** – General Plan significant and unavoidable impact: *Adverse effects on a scenic vista or substantial degradation of scenic character, damage to scenic resources within a scenic corridor, creation of a new source of light or glare.* The proposed project would exceed the height limitation of the applicable zoning and thus would result in a larger building with greater visibility than the 35-foot height-limited structures considered in the General Plan EIR. The additional height and mass of the building would increase the effects of the change in visual character of the area and would result in greater visibility and increases in offsite areas from which the structure would be visible. Furthermore, the increased height would result in lighting at higher elevations than lighting considered in the General Plan EIR. Although the IS/MND discusses visual and lighting impacts of the proposed project (see comments on the adequacy of the analysis later in this letter), the IS/MND provides no discussion of the degree to which the project would increase the severity of impacts identified in the General Plan EIR.

**Cultural Resources** - General Plan significant and unavoidable impact: *Cause a substantial adverse change in the significance of a historical resource.* The proposed project would exceed the height limitation of the applicable zoning and thus would result in a larger building with greater visibility than the 35-foot height-limited structures

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*(c) For purposes of compliance with this section, an initial study shall be prepared to assist the lead agency in making the determinations required by this section. The initial study shall analyze whether the later project may cause significant effects on the environment that were not examined in the prior environmental impact report.*



considered in the General Plan EIR. The additional height and mass of the building would increase the effects of the change in visual character of the area and would result in greater visibility and increases in offsite areas, including the Historic District and historic properties, from which the structure would be visible and within the viewsheds of which the project would be visible. Although the IS/MND discusses cultural resources impacts of the proposed project (see comments on the adequacy of the analysis later in this letter), the IS/MND provides no discussion of the degree to which the project would increase the severity of impacts identified in the General Plan EIR. Furthermore, as discussed in the IS/MND, potential blasting associated with project construction would have the potential to adversely impact structures in the area, including historic structures, and the IS/MND does not discuss this potential impact or describe how this potential impact relates to impact identified in the General Plan EIR.

**Noise** - General Plan significant and unavoidable impact: *Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project.* The proposed project would exceed the height limitation of the applicable zoning and thus would result in a greater potential for noise impacts to surrounding areas since the line-of-sight from noise-generating activities (indoor and outdoor/rooftop uses) and equipment (including air conditioning and elevator operation) that would result in noise generation sources on the rooftop of the building at elevations higher than would have been considered in the General Plan EIR. Although the IS/MND discusses noise impacts of the proposed project (see comments on the adequacy of the analysis later in this letter), the IS/MND provides no discussion of the degree to which the project would increase the severity of impacts identified in the General Plan EIR.

**Cumulative Impacts** *associated with Aesthetics and Visual Resources, Air Resources, Biological Resources, Cultural Resources, Noise and Vibration, and Transportation and Circulation.* The proposed project would exceed the height limitation of the applicable zoning and thus would result in greater potential for cumulative impacts as compared to the General Plan EIR cumulative impacts analysis. The IS/MND provides no discussion of the potential for the proposed project to increase the severity of cumulative impacts as compared to those evaluated in the General Plan EIR.

### **3. The IS/MND fails to fully evaluate and address potential visual and lighting impacts of the project, including effects on views of historic resources and views from historic resources.**

The project would have a significant impact on the visual quality of views within the Historic District and from areas within the Folsom Lake State Recreation Area (SRA), including historic properties, and these impacts are not properly evaluated or disclosed in the IS/MND. The IS/MND (pg. 25) discusses that “*views from the project site include views of nearby residential and commercial uses, motorists on surrounding roadways, and, more distantly, Lake Natoma, the Folsom Lake State Recreation Area (FLSRA), and the Folsom Powerhouse State Historic Park.*” As an initial matter, views *from* the project site are not at issue for the CEQA analysis, as it is views *of* the project site and of the proposed structure that are relevant to the impact analysis. Even if views from the project site were used to determine those offsite areas from which the project would be visible, this approach would be flawed in that it would not encompass areas that could be viewed from the 50-foot-plus height of the building and rooftop structures. The project building structure would be visible from important areas not disclosed in the IS/MND. These include historical resources, including Folsom’s historic Rainbow Bridge,

the American River Bike Trail in Folsom Lake SRA on the north side of Lake Natoma, the bluffs west of Negro Bar in Folsom Lake SRA overlooking Lake Natoma and Folsom's Historic District. Each of these sensitive viewpoints would have a direct line of sight to the upper portions of the proposed building and rooftop structures, and the mass and visible exterior components of the project would have the potential to result in significant aesthetic/visual impacts that must be evaluated and disclosed.

By way of example and substantial evidence that the project could have a significant visual impact, Exhibit 2 illustrates the potential structure visibility from Folsom's iconic and historic Rainbow Bridge. The proposed structure would be visible from the Rainbow Bridge (and from areas within the Folsom Lake SRA) as a structural feature in an otherwise predominantly vegetated/natural viewshed. The structure would extend above the tree canopy and above the horizon creating the potential for a significant adverse visual impact and that would occur from and include views of historical resources. Lighting on the structure, especially in consideration of the excessive height of the structure and the height at which lighting would be placed, would also have the potential to result in significant visual impacts associated with lighting. These impacts must be fully evaluated and disclosed in the City's CEQA document. Because the IS/MND fails to account for visual impacts to these resources, the analysis must be revised to account for and fully evaluate and disclose these impacts.

### Exhibit 2. Views from Historic Rainbow Bridge



Furthermore, the IS/MND (page 38) states, “*For the closest residential neighbors, the building would represent an intrusion into the immediate-range viewshed. However, **the building as proposed would be consistent with the commercial uses planned for the project site by the City’s Zoning Code (FMC Section 17.52.510).***” This statement is inaccurate and fails to account for the fact that the project is, in fact, not consistent with the site zoning. Inaccurate and misleading statements in the analysis are both disappointing to see in a City document and result in a failure of the IS/MND to adequately disclose project impacts.

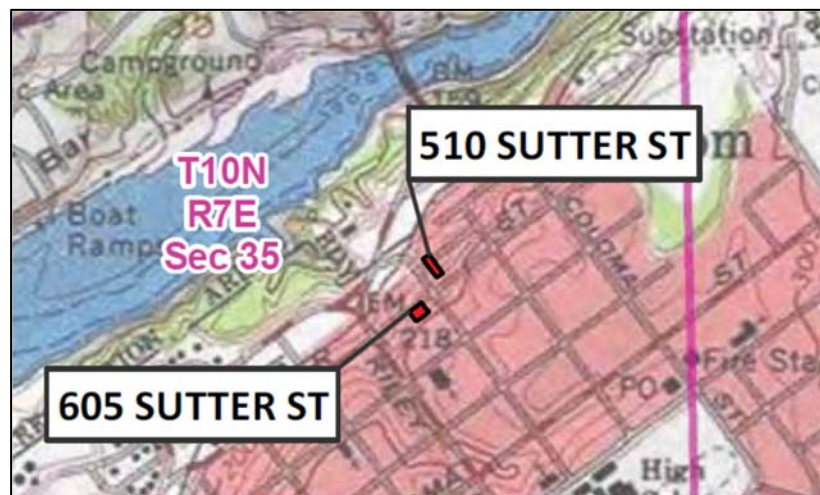
The IS/MND incorrectly concludes that CEQA Section 21099 exempts the project from visual impact analysis. Section 21099 discusses that aesthetic impacts of certain projects in a transit priority areas shall not be considered significant. However, Section 21099(d)(2)(B) states “for the purposes of this subdivision, aesthetic impacts do not include impacts on historical or cultural resources.” That statement in the CEQA statute means that when a project in a transit priority area would have visual/lighting impacts on historical/cultural resources, the project is not exempt from aesthetic impact evaluation or from a potential determination of significance. The project would be visible from several historical resources and is located within Folsom’s Historic

District. Thus, the project is not exempt from aesthetic impact analysis, and the City must revise the CEQA document to fully disclose the aesthetic impacts of the project and determine whether the impact(s) would be significant.

**4. The IS/MND cultural resources evaluation is based on a report that inaccurately reports the project site as 510 and 605 Sutter Street and full review of potential impacts on cultural resources is impossible until the report inaccuracies are addressed.**

The IS/MND cultural resources evaluation is flawed and insufficient. The information presented and analysis is based on the “Cultural Resources Study - 510 Sutter Street and 605 Sutter Street Properties” (LSA, 2017), neither of which properties is the project site (603 Sutter Street). Exhibit 3 is an excerpt of the cultural resources study showing the properties considered to be the “project site” in that report. Yet, the IS/MND states that the cultural resources report was prepared for the project site. Several aspects of the cultural resources’ evaluation are therefore subject to inaccuracy, including site records that were based on areas within 200 feet “of the project site”. The cultural resources study and the City’s CEQA analyses must be corrected to properly reference and evaluate the actual project site. The project would substantially modify Folsom’s Historic District in a manner inconsistent with the site zoning and in a manner that would create the potential to adversely affect the Historic District and specific historical resources. The cultural resources study (LSA 2017) references several historic properties in the vicinity of the project site. This comment letter does not address specific potential impact issues associated with these properties as it would be premature to do so until such time as an accurate cultural resources study is prepared for the project and the CEQA document is updated to address this error.

**Exhibit 3. “Project Site” as Evaluated in LSA 2017**



**5. The IS/MND fails to fully evaluate and disclose impacts associated with noise and vibration impacts, and mitigation measures for significant impacts are not evaluated sufficiently to provide evidence that they would reduce significant impacts to less than significant levels.**

The IS/MND (pg. 94) concludes that construction noise impacts would be significant. Mitigation Measure NOI-1 contains several measures that would serve to reduce noise levels; however, no analysis is presented to show that Mitigation Measure NOI-1 would sufficiently reduce construction noise to less than significant. In the absence of such analysis and evidence



that the impact would be sufficiently reduced, the analysis must conclude that the impact would remain significant. A significant and unavoidable impact requires the preparation of an EIR.

The IS/MND (page 95) discusses offsite traffic noise as measured from Riley Street, and states “increases in traffic as a result of the project would be minor, and substantially less than a double of traffic volumes at any location.” This is a naked conclusion with no explanation of the relevance or areas that would be affected by project-related off-site traffic noise. The project would generate vehicle trips and would increase noise levels associated with vehicle trips; however, the analysis in the IS/MND is insufficient to conclude whether or not the increase in vehicle noise would be significant.

The IS/MND (page 95) states that “*Operation of the proposed 603 Sutter Street Commercial Building project would result in several intermittent sources of noise one of which would be subject to the requirements of the City’s Noise Ordinance (FMC Chapter 8.42): noise from trash pickup; and noise created by activities on the rooftop deck.*” The IS/MND (pg. 96) discusses that noise from trash collection is exempt from the City Noise Ordinance. An exemption from the City noise ordinance does not avoid, reduce, or mitigate the noise impact, it simply means the noise level would not be deemed a violation of City ordinance. Thus, the CEQA noise impact still must be disclosed and, in fact, must acknowledge that, notwithstanding the impact, the adjacent landowner may have no means to address the impact through the City noise ordinance. Furthermore, although the IS/MND states that the project would result in “several intermittent sources of noise” (as cited above), the IS/MND only identifies two such sources. All intermittent noise sources must be identified and the potential impacts of each, and in combination with each other, must be evaluated.

Furthermore, the IS/MND (page 96) discusses that noise from use of the building rooftop would be screened by rooftop elements including air conditioning units and the elevator. Both of these “screening” elements are themselves noise-generating and would have the potential to result in significant noise impacts on adjacent land uses. The CEQA document must identify and evaluate all sources of exterior noise, predict noise levels at adjacent land uses, and identify whether those impacts would be significant and warrant mitigation.

The IS/MND (pg. 96) discusses that the project could result in groundborne vibration from blasting during construction and that such blasting vibration can cause damage to buildings. The analysis identifies that impacts associated with blasting are considered significant, but fails to provide any prediction of actual predicted vibration levels associated with blasting. No discussion of the distance from the site potential vibration impacts might be anticipated and no analysis of the susceptibility to damage from blasting vibration of area structures (many of which are historical) is provided. Mitigation Measure NOI-3 requires notifications and inspections of structures within the blasting “zone of influence,” yet no zone of influence is identified in the IS/MND, so the requirements of the mitigation measure are not sufficiently defined.

Furthermore, Mitigation Measure NOI-3 requires that “*the applicant or successor in interest be responsible for reimbursing nearby property owners for damages due to blasting.*” In the absence of identifying the potential zone of influence for structural damage, NOI-3 is insufficient in that it does not clearly establish where notifications and structural evaluations are required. Furthermore, without an understanding of the potential zone of influence, it is impossible to understand how many and to what extent structures might be damaged by blasting. The feasibility of the applicant to reimburse for damages therefore cannot be, or at least has not been, established. Finally, the project is within an area with historic structures including the adjacent Cohn House and adjacent historic library building. Damage to historic structures cannot necessarily simply be repaired or remedied through reimbursement. The IS/MND must be

revised to provide a complete quantitative analysis of potential blasting impacts, identify actual structures that could be affected, and provide feasible mitigation to address such impacts.

Sincerely,

A handwritten signature in black ink, appearing to be 'B Delp', with a long horizontal line extending to the right.

Bob Delp  
612 Mormon Street  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

Date: June 29, 2020

To: Historic District Commission Members and City Staff:

We're writing in advance of your July 15th meeting, where we're told you'll be considering a proposal to develop the property located at 603 Sutter St. While others may object to the somewhat contemporary style of the building and/or other aspects of this development, we have chosen to keep our comments focused and narrow. As you contemplate how to proceed, please keep the following thoughts/concerns in mind:

1. The proposed building is HUGE in mass and scope, dwarfing adjacent residential properties to the south and the west, as well as the Cohn mansion to the east. Since this building is proposed to be built on the last open commercial lot on the south side of Sutter Street near Scott, it seems to us that it should be more appropriately sized to reflect a transitional bridge between commercial buildings and the residential neighborhood. Instead, the MASS of the building dominates rather than transitions. This domination is enhanced by the building's location on the up-slope side of Sutter as opposed to other large commercial buildings located on the down-slope side of the same Sutter Street hill -- those are sunk into the hillside, rather than perched atop it.

2. The developer has indicated a desire to construct a 3-story building so he can rent the ground floor space to food and/or service uses, ***not*** to house his own offices. Why? Well, we suspect he wants to collect more money from more people renting space from him. Nothing wrong with that, except when it causes a conflict with the City's code for height. We're pretty comfortable stating there would be NO height variance being sought if the proposed building was 2 stories rather than 3.

If we understand the City's Design and Development Guidelines correctly, the maximum height for a commercial building in the Historic District is 50 feet from ground level. As proposed, this building is just over 50 feet to the top of the parapet wall, so it's slightly more than the City allows already. In addition, rooftop screening walls that cover HVAC and other mechanical equipment will add even more height to the building, putting it much higher than the City code.

3. The developer is requesting a variance for parking -- ***he doesn't want to provide any at all.*** His rationale, from documents he submitted, is that someone at sometime in 2017 reportedly said they'd rather have him eliminate the underground parking his first proposal contained in exchange for lowering the height of the building.

We've spoken with multiple people who attended the meeting where he says this remark was made, and none of them have any recollection of it.



As a matter of fact, during a meeting with the developer just last year, I (John Shaw) personally told him that such a comment was incomprehensible to me and to the people I know who are involved in Historic District events/activities. John noted that **no one he knows of who lives in the Historic District would make such a suggestion**, especially when the parking situation in the Historic District is on life support and desperately in need of new spaces.

**In any event, if taking suggestions from anyone is the criteria this developer prefers to use for developing this parcel, then we've got a couple of additional suggestions for him. We're sure other people do as well.**

As you know, the City's current parking code is 1 space for every 350 square feet of proposed development. Depending upon whatever number of square feet you use for this finished development, it should provide more than 50 parking spaces.

Our question is simple -- if he doesn't provide that parking, where will the building employees/customers park?

The City has already acknowledged there is a parking shortage in the Historic District today. As a matter of fact, it recently formed an Ad Hoc Committee to explore this very issue and provide the City with a list of recommendations on how to resolve it. We're pretty sure one of those recommendations wasn't to build a new project in the Historic District that requires 50+ spaces, but not provide them.

Therefore, we respectfully request that you deny the two variances (for height and for parking).

Instead, we encourage you to work with this developer to re-submit plans for a more-appropriately scaled down version of this project -- one that better transitions to the surrounding residential buildings, one that provides for on-site (or nearby) adequate parking, and one that stays within the City's height requirement.

Because individual members of the public cannot easily personally attend the HDC meeting on July 15th, because there is not a way to participate thru video conferencing, and because the only easily accessible way to participate directly in the meeting is via the telephone, we have secured the approval of more than 60 Historic District residents/property owners to co-sign this letter. Their names and addresses are below.....

Thank you for taking the time to wade thru this lengthy e-mail.

Respectfully,

**John Shaw**, 216 Sutter Street  
**Becky Shaw**, 216 Sutter Street

**Co-Signers**

**Jeff Voll**, 502 Mormon Street; **Rosa Vais**, 414 Figueroa Street; **Pat Binley**, 1209 Sutter Street; **Mitch Wright**; 607 Mormon Street; **Irv Dickson**, 221 Dean Way; **Dave Clarke**, 506 Canal Street; **Michael Poncin**, 915 Sutter Street, #20; **Kevin Thompson**, 414 Mormon Street; **Kale Elledge**, 402 Sutter Street; **Kelli Gianettoni**, 508 Sutter Street; **Brian Bennett**, 310 Sutter Street; **Ramey Hart**, 411 Figueroa Street; **Noelle Moss**, 415 Figueroa Street; **Jeff Ferreira-Pro**, 808 Figueroa Street; **Allison Caruso**, 307 Bridge Street; **Tony Cox**, 514 Mormon; **Deino Trotta**, 402 Figueroa Street; **Mike Scarr**, 516 Figueroa & 507 Figueroa & 902 Figueroa Street; **Dean Handy**, 1376 Young Wo Circle; **Justin Gilhuly**, 509 Mormon Street; **Nancy Oldham**, 1348 Young Wo Circle; **Jim Gannon**, 407 Scott Street; **Mike Beltram**, 501 Figueroa Street; **Ben Fuentes**, 306 Scott Street; **Evelyn Bigelyaizen**, 306 Coloma Street; **Jennifer Sorenson**, 1216 Forrest; **Sylvia Clarke**, 506 Canal Street; **Robin Pharis**, 713 Figueroa Street; **Raymond Vassallo**, 1110 Fong Ct.; **Mike Reynolds**, 413 Leidesdorff Street; **Charlie Green**, 601 Figueroa; **Adena Blair**, 607 Figueroa Street; **Marie E. Marsh**, 306 Scott Street; **Margaret Weaver**, 301 Figueroa Street; **Sabrina Flynn**, 208 Bridge Street; **Janice Brial**, 1203 Sutter Street; **Todd Dambly**, 605 Mormon Street; **Tom Picarella**, 416 Sutter Street; **Ryan Moss**, 415 Figueroa Street; **Glenna Cox**, 514 Mormon Street; **Elaine Ferreira-Pro**, 808 Figueroa Street; **Jobekah Trotta**, 402 Figueroa Street; **Stephanie Gilhuly**, 509 Mormon Street; **Meggie Elledge**, 402 Sutter Street; **Dayna Palmer**, 414 Mormon Street; **Phil Carey**, 306 Coloma Street; **Dori Keast**, 808 Mormon Street; **Mary Rigney**, 1372 Young Wo Circle; **Olivia Huber**, 606 Figueroa Street; **Christopher DelGrande**, 307 Bridge Street; **Cheryl Gonzales**, 413 Leidesdorff Street; **Irene Green**, 601 Figueroa Street; **Rhonda Gannon**, 407 Scott Street; **JoAnn M. Handy**, 1376 Young Wo Circle; **Michael Flynn**, 208 Bridge Street; **Bruce Magnani**, 415 Leidesdorff Street; **Lisa Scarr**, 516 Figueroa & 507 Figueroa & 902 Figueroa Street; **Mike Huber**, 606 Figueroa Street; **Bonnie Darah**, 607 Mormon Street; **Frances Beltram**, 501 Figueroa Street; **Helen Bennett**, 310 Sutter Street; **Dan Winkelman**, 1374 Young Wo Circle; **Terry Sorenson**, 1216 Forrest; **Joyce Roderick**, 1213 Sutter Street; **Dave Ochoa**, 513 Figueroa; **Michelle Church**, 609 Figueroa; **Arlyne Alison**, 610 Peddlers Lane.

Cindy Pharis  
713 Figueroa St  
Folsom, CA 95630

June 26, 2020

City of Folsom  
Historic District Commission  
50 Natoma Street  
Folsom, CA 95630

RE: Notice of Public Hearing, Historic District Commission, PN-17-145, 603 Sutter Street Mixed Use Building

Dear Commissioners,

I am writing to you today in objection to the proposed project for development known as 603 Sutter Street, located at the southwest corner of the intersection of Sutter Street and Scott Street. The proposed project includes a request for approval of Design Review, a Parking Variance, and a Height Variance for development of a three-story, 18,965 square-foot mixed-use (retail and office) building on a .17 acre site.

The proposed mixed-use building will include retail/restaurant uses on the first floor and office uses on the second and third floor and a 2,585 square foot roof deck. The roof deck would be accessible to building tenants, although according to the Project Initial Study and Mitigated Negative Declaration the general public potentially could attend private events in this area.

My objections/concerns regarding the project are as follows:

1. Parking Variance: **No onsite parking would be provided for this project.** The retail and restaurant space on the first floor will require employee and patron parking. ZGlobal currently employs approximately 50 employees, these employees will occupy the office space on the second and third floors of this building and no onsite parking will be provided for their employees.

According to Folsom Municipal Code, *"All uses must provide parking spaces at the following ratios; 1. Retail, offices, restaurants, museums, and similar uses; **1 parking space per 350 square feet of building space.**"*



- According to a recent parking survey (Kimley Horn, October 2018) there will be a deficit of 522 parking spaces as the Historic District approaches build out. And, the Historic District Parking Solutions Ad Hoc Committee's Recommendations Report (May 8, 2020), confirmed that businesses require parking for employees and patrons throughout the day and night. The limited availability of parking spaces near business locations (specifically in the 600-700 blocks) is putting greater demand on existing spaces and pushing business patron and employee parking out into residential areas. There is a definite lack of high-demand parking availability for historic district residents and visitors; therefore, approval of a Parking Variance for this project would be irresponsible and completely against Folsom Municipal Code.
2. Height Variance: According to Folsom Municipal Code, "*Building heights shall not exceed 35 feet adjacent to the sidewalk area on Sutter or Leidesdorff Street and 50 feet in other sections of the subarea*". As proposed, the building height for this project would be a maximum of 50 feet 6 inches from the ground to the roof parapet. This building far exceeds the height limit specified in Folsom Municipal Code; therefore, approval of a height variance for this project should be denied.
    - Building features associated with the elevator and air conditioning equipment would be mounted on the roof **in excess of the height of 50' 6"**. The Preliminary Utility Plan, A-211 Exterior Elevations clearly shows an additional roof structure above the 50' 6" parapet. Please clarify the purpose of this additional roof structure which sits far above the parapet and indicate height elevation details for this roof structure.
  3. Encroachment Permit: As proposed, the project includes developed uses associated with the building in the public right of way. These uses include outdoor seating and a second floor balcony on the Sutter Street frontage, and a concrete walkway, stairs and a trash enclosure access ramp on the Scott Street frontage. My concerns regarding this encroachment permit are as follows:
    - The outdoor seating and second floor balcony (as well as roof top deck) will undoubtedly create additional noise and nuisance for residences living within close proximity of this project.
    - Due to the close proximity of this project to residences, the trash enclosure and trash enclosure access ramp is not aesthetically pleasing for residents and visitors, especially for the neighboring property (APN: 070-0111-011). Additionally, there will be added noise and smell from the trash receptacles.
  4. Setbacks: According to Folsom Municipal Code, "*Contiguous shops on Sutter Street frontage shall maintain continuity of facades along public sidewalk*." This project does not follow the "continuity of facades" with the neighboring building to the

West (A-19 Street View Renderings). The distance from the westerly building façade to the nearest structure, a small single story commercial building, would be approximately 9 feet. The proposed materials, features, size, scale and proportion do not match the existing historic neighboring building (APN: 070-0111-009).

I do not object to growth in the historic district; however, new construction projects that do not fit the size and scale of the existing historic buildings will forever change the landscape of the historic district. Buildings that do not enhance the historic district or provide adequate parking will take away from the historic charm and ambiance of this rare and cherished piece of Folsom’s history. Please don’t forget the purpose of the Historic District Commission “to *ensure the protection of the historic and cultural character of the City’s Historic District*”. I respectfully ask that you vote “no” on the requests for variances and the design review for this project.

Sincerely,



Cindy Pharis

Folsom Historic District Resident

**Christina Kelley**

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**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Tuesday, June 23, 2020 8:03 AM  
**To:** Steven Banks  
**Cc:** Pam Johns  
**Subject:** 603 Sutter Street - Request for Information

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Steve.

I am reviewing the proposed Initial Study / Mitigated Negative Declaration (IS/MND) dated June 10, 2020 for the proposed development at 603 Sutter Street, and have a some questions/data needs I'm hoping you can provide feedback on to help my review. This information is relevant and necessary for review of the IS/MND, so I am asking that you please expedite your reply or extend the IS/MND review period. I am sending this as communication intended to be between me and the City, and request that you do not voluntarily provide this to the applicant. If the applicant submits a public records act request, or if you otherwise are required or compelled to provide this to the applicant, I would like to be made aware of that communication. My preference is that you either email or provide a link to the City's website for the documents requested below; however, if I need to schedule to come to the City offices this week to review or obtain copies, I will do that.

1. By way of this email, I am requesting that the City extend the period of time for review and comment on the IS/MND to provide time to review relevant project information, including that requested in this message, that was not circulated with the IS/MND. Furthermore, I am also requesting that the City postpone the noticed July 15, 2020 hearing before the Historic District Commission on this matter. Even if the City does not extend the period of time to comment on the IS/MND, it is not reasonable to expect that staff can meaningfully review and address public comments on the proposed IS/MND, develop a staff report and recommendations to the HDC, and circulate that staff report for a reasonable amount of time for public review in advance of the HDC hearing, all within a 15-day period that includes the 4th of July holiday.

2. Please either email me or send a link to the City website where I can obtain the full project application, including a completed Development Application form and Design Review form and any other application materials for the currently proposed project. In particular, but not limited to, I am interested in seeing the applicant's explanation of the two requested variances as required by zoning ordinance code 17.62.020.

3. The IS/MND cites the following documents. Please email these to me or let me know where I can obtain them.

- Arborwell, 2017. Tree Inventory Letter Report, 512 and 603 Sutter Street, Folsom, California. March 21, 2017.
- ECORP Consulting, Inc., 2019. Arborist Survey Report, Z Global – 603 Sutter Street, Folsom, CA. March 12, 2019
- Youngdahl Consulting Group, Inc., 2017. Geotechnical Engineering Study for Sutter Street (603), 603 Sutter Street, Folsom, California. March 2017.
- LSA Associates, Inc., 2017. Cultural Resources Study, 510 Sutter Street and 605 Sutter Street Properties, City of Folsom, Sacramento County, California. March 2017. (Understanding that confidential elements of site records/information may be redacted.)



- Historic District Access Study, Technical Memorandum #1, Kimley-Horn and Associates, 2018.
- Technical Memorandum #1 – Implementation Plan Update, Historic District Parking Implementation Plan Update, Kimley-Horn and Associates, Inc., October 18, 2018.

4. The IS/MND references zoning code 17.52.510, Sutter street subarea special use and design standards, item D which states, "D. Setbacks. Contiguous shops on Sutter Street frontage shall maintain continuity of facades along public sidewalk." It's not clear how the City interprets that in terms of applicability to the project. I do not see specific setbacks for the Sutter Street subarea (just item D which doesn't seem applicable or at least isn't discussed with context in the IS/MND); however, there are two codes for the historic district in general, not specific to sub area, that appear to require a 3ft minimum setback from property lines for all eaves/overhangs. I don't see these discussed in the IS/MND and my understanding of the project is that it would construct buildings on (or actually across) the parcel boundary, which would require a variance from these code requirements. I would like to know if the City has advised the applicant of the need for these additional variances and/or what the City's intent is for addressing these requirements in your application review process?

*17.52.410 Eaves. **Roof overhangs** may extend into a required setback area a maximum of 2 feet, **but shall not be closer than 3 feet to a property line** or closer than 6 feet to any portion of another structure. (Ord. 890 § 2 (part), 1998)*

*17.52.420 Architectural features. Fireplaces, bay windows, **attached porches and decks and patios higher than 30 inches above grade**, may extend into a required setback area a maximum of 2 feet, **but shall not be closer than 3 feet to a property line** or closer than 6 feet to any portion of another structure. The combined length of all such features shall not account for more than 25 percent of the length of the wall surface on which the features are located. (Ord. 890 § 2 (part), 1998)*

5. I may have missed it, but the total height of the proposed structure and rooftop features is not clearly discussed in the IS/MND and is not indicated on the application drawings. Can you direct me to where in the IS/MND or application materials I can find specific discussion of the maximum height of the requested structure and any rooftop elements?

6. The full purpose of the Encroachment Permit for the project is unclear in the IS/MND. In most instances, the IS/MND appears to discuss that the Encroachment Permit is to allow for construction activities within City street rights-of-way. However, the IS/MND also discusses that an Encroachment Permit is needed for development and use of the structure within the public right of way. That suggests to me that at least two Encroachment Permits are needed - a temporary permit for construction in public rights-of-way and a second permit for the permanent placement and use of structures. Also, would the City not require that the applicant obtain an Easement (or fee title) of City-owned rights-of-way, and not just an Encroachment Permit, for the permanent placement and use of structures? Any clarification you can provide on this would be helpful - perhaps the application materials will provide additional information, but I would also like to know City staff's position on this. Related to the setback requirements above, permanent building within public rights-of-way would indicate a negative setback (i.e., crossing the property line) that would seem to indicate a need for a variance (see note 4, above).

7. In reviewing the State Clearinghouse CEQAnet database, it looks like the City has not filed an NOC with SCH for the IS/MND. I assume that means the City has decided to distribute the MND directly to relevant state agencies for review. Can you confirm that and, in particular, can you let me know when and to whom at State Parks you sent the MND to? I would also like to know if the City has solicited review and input from State

Parks on this project, and how the City has addressed, or intends to address, the Folsom Lake SRA/Powerhouse SHP RMP goals/guidelines listed on page 33 of the IS/MND for visibility of the project from areas within State Parks jurisdiction. (The IS/MND doesn't appear to fully consider views of the project from the Powerhouse SHP, but I'm hopeful that the City understands the importance of coordinating with State Parks when approving development visible from the SHP.)

8. Has a tree removal permit been issued for the project property? It appears that several trees on the property have recently been cut (branches removed as well as some completely felled) and I would like to know when this was authorized and whether those trees were or were not accounted for the IS/MND tree inventory. (The tree inventory map in the IS/MND is a draft, and expect that a final version will be provided in the ECORP 2017 document requested above, but would like to know whether the City has authorized tree removal in advance of a decision on the development request.)

Thank you,

Bob Delp

916-812-8122

[bdelp@live.com](mailto:bdelp@live.com)

Dear Mr. Banks,

6/21/2020

Here are my comments on the proposed mixed-use building at 603 Sutter St. by developer Zglobal, set for review and public comment on July 15, 2020 at 5:00 P.M.

1. Height variance. The current proposal sets the roof line at 47 feet with a visible three-foot parapet wall above that. On the roof there is a structure that is 10 feet above the roof line. From the sidewalk on Sutter Street the building will be 50 feet tall, viewing it from a distance it will be nearly 60 feet tall when the penthouse is in sight. With the current maximum height allowance set at 35 feet this building is way above compliance and nearly twice as tall as my house on the adjoining property. I fully object to the request for a height variance.
2. Parking variance. With no on-sight parking planned, this building will require a parking variance to satisfy its minimum parking requirements. If a variance is granted it will allow all of its parking to occur on the surrounding residential streets, compounding an already overcrowded condition that is at 100% capacity. Currently the neighboring residences have no way of allowing guests to come to private functions such as birthday parties or holiday gatherings without the inconvenience of parking long distances away from their destination. The addition of more on street parking by this project will compound an already impossible situation. I fully object to the request for a parking variance.
3. Insensitive location of the trash enclosure and access ramp. Current design for the east elevation calls for the trash enclosure and access ramp to be next to my driveway. This will expose my property to the smell of restaurant garbage and the industrial noise of trucks dumping the dumpsters. This design factor will immediately cause a devaluation of my property. In addition, the view of the building from across Scott street will present a fully unpleasant view of the garbage ramp and dumpster enclosure, something that should only be present in an alley not at a main intersection of the Historic District.
4. Fire escape stairs. An additional design element of the east elevation shows a fully exposed metal fire escape (stair way) that faces Scott street and my property. This element will contribute to a "back-alley" type view of the fire escapes metal steps and railing, giving this crucial intersection little consideration of how important the architectural viewshed is to the district. No consideration has been made to block this unsightly element with a curtain wall system.
5. Privacy intrusion. The south elevation has eight large windows and a balcony facing the bedrooms of my residence. A complete violation of privacy for my property. At the minimum, all glass on this side of the building should be obscure and the frames fixed and un-openable. A curtain wall should be installed to block the view on to my property from the balcony.



6. Architectural Design. The architectural style of the building is out of context with the surrounding residential neighborhood. The front elevation seems to be an attempt to compliment the building across the street while the other three elevations are completely absent of any enhancing features that blend into the residential neighborhood. This project has the opportunity to become something that will enhance the neighborhood, but this current design greatly misses the mark. A pertinent review of the design guidelines for the historic district would help to give the designer a better perspective on compatibility and an examination of newly built buildings in nearby communities could help the designer understand how new construction can blend into a historic community.

In conclusion I want to mention that the current design plans for 603 Sutter street was presented to a group of over thirty historic Folsom residents about a year ago by Doug Scalzi and was soundly rejected. The overwhelming comment was that the residents wanted this project to comply with the design guidelines and be allowed no variances.

As an experienced past member of the Historic Commission, I recognize when a project is incompatible with the district and I believe that this corner can and must be developed in a cohesive and responsible way. Crucial parking requirements must be met, and a reasonable building height proposed that will not give the appearance of a towering and out of place structure.

Thank you for this opportunity to comment,

Ben Fuentes  
306 Scott St.

**Christina Kelley**

**From:** rebmngt@aol.com  
**Sent:** Friday, June 19, 2020 8:13 AM  
**To:** Steven Banks  
**Cc:** mjwestcoastcarports@gmail.com; Sarah Aquino; Mike Kozlowski; Kerri Howell; Ernie Sheldon; daronbr@pacbell.net; president@thehfra.org; loretta@shaunv.com; bethjkelly@comcast.net; shanjuan1@aol.com; fuentesben@comcast.net; glennfait@aol.com  
**Subject:** PN-17-145, 603 SUTTER ST / 070-0111-010

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Banks,

Next month the mixed use building known as 603 Sutter Street (Z Global) is going up in front of the Commission for review and approval. This request is for Design Review and parking and height variances.

In reviewing the plans I have noticed several areas of real concern for the Historic District Residences in the area.

First; the design does not meet the historic look and appeal of other historic downtown buildings. The Historic Design and Development guidelines set standards for look and design and it does not appear that these were met. Put differently, this design appears modern and does not fit within the design specifications of a historic district. Instead of looking at a historic building from the 1880's, residents will be looking at a modern building from the 2000's. The open staircase and trash area add's a visual and smell problems for the surrounding residents.

Second; The building is too tall. Instead of a nice view of Sutter Street, residents will look at a huge building that will dwarf other structures and residences surrounding it. The side and rear are very unattractive creating an unsightly view for the residents. There is absolutely no reason for a building that big. The Historic Design and Development Guidelines set standards for the height of buildings on Sutter Street, these should be followed.

Third; As you probably know, according to the 2018 parking study, it was concluded that the Sutter Steak House end of Sutter Street was already at 100% parking capacity. Customers and employees on our end of the street do not park in the parking garage and walk 3 blocks but instead opt for parking in front of the residences. Residences have complained about this for years. Without a second parking structure, there will be no other place for the employees and patrons of Z Global to park except the residential neighborhood. This is extremely unfair for the residences who purchased their homes only to see their street turned into a public parking lot. The Historic Residential Neighborhood has enough of a parking problem already. It is Z Global's sole responsibility to provide adequate parking for it's employees and patrons.

Finally; The location of a large building so close to Scott and Sutter Street will present a visual hazard for car's turning at the Scott / Sutter intersection. This will present unsafe driving conditions.

In conclusion, There is absolutely no reason Z Global cannot run a successful business by following the Design and Development guidelines. I respectfully request that the City deny ALL variances and request that the building be developed in accordance with the approved Design and Development Guidelines.

Thank you for your consideration.

Sincerely,

Mike Brenkwitz  
603 Figueroa St

August 23, 2017

Amanda Palmer  
Administrative Assistant  
Community Development Department  
City of Folsom  
50 Natoma St  
Folsom, CA. 95630

Dear Amanda,

Enclosed is a copy of a 2 page letter with 3 pages of signatures, I have written to the City Council and Historic District Commission in regards to 512 and 603 Sutter.

Unfortunately, I cannot get my scanner to work property and it is very important that the letter be read by all of the Historic District Commissioners, City Council and staff prior to the September 6, 2017 Historic District Commission meeting. Would you do me a huge favor and send this letter to all of the Historic District Commission, City Council members and include it in the staff report, prior to September 6, 2017.

Thank you for your assistance!

Sincerely,



Mike Brenkwitz  
603 Figueroa St, Folsom



August 7, 2017

Honorable Mayor Andy Morin  
Distinguished Historic District Commission  
Distinguished Folsom City Counsel  
City of Folsom  
50 Natoma St  
Folsom, CA. 95630

RE: PN 17-145, 603 Sutter St  
PN 17-144, 512 Sutter St

Dear Honorable Mayor, Distinguished Counsel and Commission Members;

We wish to write to you today to express our deep concerns regarding two new developments being proposed in the downtown Folsom Historic District. The address for these developments are stated above.

Before we begin, we wish to express that as far as we know, at no time was any member of the residential community notified about this project or given a chance to comment prior to the August 2, 2017 meeting.

As you are all aware, we are very lucky in Folsom to have a true California gem. We have an original historic district. You can shop in buildings that have stood for over 100 years. Look at architecture that is symbolic of a long gone era. The Historic District Commission, Folsom Historic Society, City Planners, Counsel Members, and Residents have done a fantastic job retaining that historic appeal. We have lovely outdoor areas, a restored historic round-a-bout, and beautiful buildings. The surrounding residents have put considerable love and money into retaining the historic value and history of the residential area. The historic area is a draw for people who want to relive a by-gone time. They drive from distances to shop, eat, enjoy the farmers market, drive through the historic neighborhood and soak up the charm that can only be found in a historic area. Folsom has an entire modern corridor on Bidwell and will expand with the new South of 50 Project.

Sadly, our quaint historic district is getting consumed by large, modern developments. The historic integrity is getting lost to less expensive modern construction. Large buildings mean more profits for the developers but remove the quaint charm. A prime example is the two developments being proposed at 512 and 603 Sutter. These are large three story buildings that will dwarf the other buildings along Sutter Street. Sutter is only four blocks long, you are going to see two story historic buildings at one end and large three story modern buildings at the other. The other issue is that these buildings are not historic in any way, they do not fit with the look, size or continuity of the Historic District. No doubt that they are beautiful modern building's, but they would be a better fit in the new areas of Folsom.

Another issue is the parking. As you know, Historic Folsom has dealt with parking issues in the past. Drive the intersection of Scott and Figueroa streets on any Friday or Saturday nights and you will see considerable downtown parking on the residential streets. The employees of the steakhouse park in the residential neighborhood because the building lacks sufficient parking. There are more and more buildings being constructed downtown that are allowed little or no parking altogether. 512 and 603 Sutter include a proposal for a variance to lower the required parking spaces or remove them altogether as well. Please let there be no doubt about it, the parking for the 2 new buildings and others in the area will be the residential streets on Sutter, Scott, Figueroa and Mormon Streets. There is no other place for these customers, employees and residents to park! It is very unfair to turn the homes people have lovingly restored into city's parking lot so the developers can maximize square footage and profits.

Naturally, we would prefer to see these developments not take place, but if that is not possible then please consider the following proposals;

- 1) Have the buildings proposed for 512 and 603 Sutter Street reduced in size to blend in with the continuity of the Historic Folsom area.
- 2) Have the buildings designed with historic look, feel and details in keeping with the historic appeal of the surrounding area. The intention of these 2 requests is to keep the quaint historic charm.
- 3) Require the developer to install sufficient parking within their own property so that all of the buildings employees, customers and residences have a place to park that is not in the historic residential area.

In discussing these two projects with other homeowners in the surrounding residential neighborhood the feeling has been overwhelmingly negative. We would greatly appreciate your considering our concerns when making your decisions on these two projects.

Thank you sincerely for your time and assistance.

Sincerely;



Mike and Shannon Brenkwitz  
603 Figueroa St

I am a resident of Folsom and agree with all of the statements as stated within the letter dated August 7, 2017 from Mike and Shannon Brenkwitz.

NAME

ADDRESS

[Signature]  
Blonda Green

4607 Scott St

407 Scott St

602 Figueroa St.

602 Figueroa St.

[Signature]  
Gene A. Green

[Signature]  
Olivia S. Huber

606 Figueroa St.

[Signature]

606 Figueroa St.

Calvin E. Allison

610 PEDDLERS LANE

[Signature]  
Bryan B. Hunt

306 Scott St. Folsom CA

Maria E. Marsh

306 Scott St., Folsom

[Signature]  
Jay Carter

606.5 Merman St Folsom

Leon Hubbard

408 SCOTT ST FOLSOM

[Signature]

610 Morner St, Folsom



I am a resident of Folsom and agree with all of the statements as stated within the letter dated August 7, 2017 from Mike and Shannon Brenkwitz.

<u>NAME</u>	<u>ADDRESS</u>
Michele Penner	610 Mormon Street
Thomas W. Bilinski	405 SCOTT STREET
Melody Bilinski	405 SCOTT STREET
Michele Church	610 Figueroa St.
Adeva Blair	607 Figueroa St
Malcolm Lee	406 Scott St.
Jennifer Lane	604 Sibley st.
Ben Faint	305 Scott St Folsom, CA 95630

I am a resident of Folsom and agree with all of the statements as stated within the letter dated August 7, 2017 from Mike and Shannon Brenkwitz.

NAME	ADDRESS
<p><i>Paula Felt</i> STEPHANIE LORDEMAN <i>Paula Felt</i></p>	<p>412 MORMON ST FOLSOM 412 MORMON ST. FOLSOM, CA 95630</p>
<p>Mike Belton <i>Tom Wilson</i> Jude Wife</p>	<p>507 FIGUEROA ST. 501 FIGUEROA ST. 503 SUTTER ST 503 Sutter St.</p>
<p>Thomas &amp; Morte</p>	<p>506 Mormon St.</p>

**Christina Kelley**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Thursday, March 11, 2021 12:06 PM  
**To:** Steven Banks  
**Cc:** rjklong@comcast.net; annebishop868@gmail.com; bonniedarrah1984@gmail.com; fuentesben@comcast.net; folsomcandy@sbcglobal.net; tony\_powers@comcast.net; arp893@gmail.com; lkatfisher@netscape.net; stellarpass@comcast.net; lbottallo14@gmail.com; sgcode3@gmail.com; glennfait@aol.com; lgullone@gmail.com; juliereedwrites@gmail.com; omar.itani@live.com; mrpdk@comcast.net; labban2@aol.com; ssbarva@gmail.com; melissa.pruden@gmail.com; rebmngt@aol.com; HPLBoard; bethjkelly@comcast.net; gary.richard@nocalgold.com; powerhousepub@aol.com; xf8m8@sbcglobal.net; president@thehfra.org; celainefp@gmail.com; adenacblair@yahoo.com; annebishop868@gmail.com; catherine.omordha@gmail.com; melissa.pruden@gmail.com; loretta@shaunv.com; jpshawman@gmail.com; vassallo.ashley@gmail.com  
**Subject:** Re: 603 Sutter Street Mixed-Use Building Project (PN 17-145) Update

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve: Thank you for this update. I do have a few comments.

Per our separate correspondence over the past two weeks, it is clear that the City still does not have a complete application for this project and that staff should stop all processing of this project (including the consultant working on the env doc) until you have a complete/adequate application for this new project proposed by a new applicant (Cedrus Holdings). The piecemeal submittal of application materials and proceeding with environmental review when an application is not yet complete is a disservice to this community and does not comply with the City's application processing requirements.

Furthermore, substantial evidence was submitted by community members and organizations in comments on the 2020 initial study prepared for the prior version of this project that clearly showed the project would result in significant, unmitigated impacts. Although the current version of the project has been marginally reduced in scale, it is still too large for the setting and would substantially and negatively affect the visual and historic character of adjacent historic properties. Without mentioning several others here, this significant impact alone means that for the City to approve the project in compliance with CEQA, the project will need an environmental impact report, not simply a mitigated negative declaration. A staff determination that an MND will suffice before the initial study analysis has been completed is pre-mature and inconsistent with evidence already available.

An EIR could be avoided. City staff could simply take the current proposal to the HDC with a recommendation for denial. The project's failure to address its parking demand and the resulting effects on the health, safety, and welfare of neighbors caused by overflow parking into the adjacent residential neighborhood would further exacerbate parking-related health and safety risks that already exist in the 400-600 blocks of Figueroa, Scott, Bridge, Sutter, Leidesdorff streets. Therefore, City decision makers will be unable to make Finding #3 required for a variance. Although he might not recognize it as such, staff would be doing the applicant a favor and would save him substantial cost and angst by simply taking the proposal to the HDC for a denial decision.



However, assuming you intent to continue processing the project, please consider the following documents recently posted to the City website:

1. The March 8, 2021 application form signed by Mr. Alaywan indicates that the property is owned by Cedrus Holdings; however, the title report (from 2017) shows a different owner. A current title report is required as part of a complete application and its obviously important that the title report and application are consistent with their representation of property ownership. Furthermore, and as I previously pointed out to you when that same title report accompanied the prior project application, the title report has the incorrect site address. Instead of 603 Sutter Street, the address is shown as 605 Sutter Street, which is the neighboring parcel where the small, historic library building is located. The City's application content requirements require a recent title report, and an old, outdated 2017 report with the wrong address and apparently the wrong current owner, is insufficient.
2. The 300 ft radius map for notification of nearby property owners is either the same as previously used or was reproduced with the same error as previously made. The City requirement is that the applicant is to identify properties within 300 feet of the project *parcel boundary*; not within 300 feet of a single point on the property. It's obvious by just looking at the map, that there are several properties within 300 ft of the project parcel that are nevertheless omitted from the list. For the application to be complete and to ensure notifications about the project are received by nearby property owners, the map and list of properties must be revised. (As an aside, it was brought to my attention last night that when a former version of this project went to the HDC in ~2017, at least one owner of a property within 300 feet had not received the required written notice. Apparently, staff acknowledged and apologized for the error at that time, yet 5 years later the same error persists.)

Thank you for your consideration,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
**Sent:** Thursday, March 11, 2021 9:39 AM  
**To:** [rjklong@comcast.net](mailto:rjklong@comcast.net) <[rjklong@comcast.net](mailto:rjklong@comcast.net)>; [annebishop868@gmail.com](mailto:annebishop868@gmail.com) <[annebishop868@gmail.com](mailto:annebishop868@gmail.com)>; [bonniedarra1984@gmail.com](mailto:bonniedarra1984@gmail.com) <[bonniedarra1984@gmail.com](mailto:bonniedarra1984@gmail.com)>; [folsomcandy@sbcglobal.net](mailto:folsomcandy@sbcglobal.net) <[folsomcandy@sbcglobal.net](mailto:folsomcandy@sbcglobal.net)>; [fuentesben@comcast.net](mailto:fuentesben@comcast.net) <[fuentesben@comcast.net](mailto:fuentesben@comcast.net)>; [arp893@gmail.com](mailto:arp893@gmail.com) <[arp893@gmail.com](mailto:arp893@gmail.com)>; [lkatfisher@netscape.net](mailto:lkatfisher@netscape.net) <[lkatfisher@netscape.net](mailto:lkatfisher@netscape.net)>; [tony\\_powers@comcast.net](mailto:tony_powers@comcast.net) <[tony\\_powers@comcast.net](mailto:tony_powers@comcast.net)>; [lbottallo14@gmail.com](mailto:lbottallo14@gmail.com) <[lbottallo14@gmail.com](mailto:lbottallo14@gmail.com)>; [stellarpass@comcast.net](mailto:stellarpass@comcast.net) <[stellarpass@comcast.net](mailto:stellarpass@comcast.net)>; [melissa.pruden@gmail.com](mailto:melissa.pruden@gmail.com) <[melissa.pruden@gmail.com](mailto:melissa.pruden@gmail.com)>; [sgcode3@gmail.com](mailto:sgcode3@gmail.com) <[sgcode3@gmail.com](mailto:sgcode3@gmail.com)>; [annebishop868@gmail.com](mailto:annebishop868@gmail.com) <[annebishop868@gmail.com](mailto:annebishop868@gmail.com)>; [bdelp@live.com](mailto:bdelp@live.com) <[bdelp@live.com](mailto:bdelp@live.com)>; [glennfait@aol.com](mailto:glennfait@aol.com) <[glennfait@aol.com](mailto:glennfait@aol.com)>; [loretta@shaunv.com](mailto:loretta@shaunv.com) <[loretta@shaunv.com](mailto:loretta@shaunv.com)>; [lgullone@gmail.com](mailto:lgullone@gmail.com) <[lgullone@gmail.com](mailto:lgullone@gmail.com)>; [catherine.omordha@gmail.com](mailto:catherine.omordha@gmail.com) <[catherine.omordha@gmail.com](mailto:catherine.omordha@gmail.com)>; [juliereedwrites@gmail.com](mailto:juliereedwrites@gmail.com) <[juliereedwrites@gmail.com](mailto:juliereedwrites@gmail.com)>; [powerhousepub@aol.com](mailto:powerhousepub@aol.com) <[powerhousepub@aol.com](mailto:powerhousepub@aol.com)>; [omar.itani@live.com](mailto:omar.itani@live.com) <[omar.itani@live.com](mailto:omar.itani@live.com)>; [mrpdk@comcast.net](mailto:mrpdk@comcast.net) <[mrpdk@comcast.net](mailto:mrpdk@comcast.net)>; [celainefp@gmail.com](mailto:celainefp@gmail.com) <[celainefp@gmail.com](mailto:celainefp@gmail.com)>; [labban2@aol.com](mailto:labban2@aol.com) <[labban2@aol.com](mailto:labban2@aol.com)>; [ssbarva@gmail.com](mailto:ssbarva@gmail.com) <[ssbarva@gmail.com](mailto:ssbarva@gmail.com)>; [xf8m8@sbcglobal.net](mailto:xf8m8@sbcglobal.net) <[xf8m8@sbcglobal.net](mailto:xf8m8@sbcglobal.net)>; [jpshawman@gmail.com](mailto:jpshawman@gmail.com) <[jpshawman@gmail.com](mailto:jpshawman@gmail.com)>; [adenacblair@yahoo.com](mailto:adenacblair@yahoo.com) <[adenacblair@yahoo.com](mailto:adenacblair@yahoo.com)>; [rebmngt@aol.com](mailto:rebmngt@aol.com) <[rebmngt@aol.com](mailto:rebmngt@aol.com)>; [bethjkelly@comcast.net](mailto:bethjkelly@comcast.net) <[bethjkelly@comcast.net](mailto:bethjkelly@comcast.net)>; [gary.richard@norcalgold.com](mailto:gary.richard@norcalgold.com) <[gary.richard@norcalgold.com](mailto:gary.richard@norcalgold.com)>; [vassallo.ashley@gmail.com](mailto:vassallo.ashley@gmail.com) <[vassallo.ashley@gmail.com](mailto:vassallo.ashley@gmail.com)>; [melissa.pruden@gmail.com](mailto:melissa.pruden@gmail.com) <[melissa.pruden@gmail.com](mailto:melissa.pruden@gmail.com)>; [president@thefra.org](mailto:president@thefra.org)

**Subject:** 603 Sutter Street Mixed-Use Building Project (PN 17-145) Update

Good morning all,

I wanted to take a moment to provide you with an update on the status of the 603 Sutter Mixed-Use Building project (PN 17-145). In response to extensive input provided by residents, the Historic Folsom Residents Association (HFRA), the Heritage Preservation League (HPL), and the Historic District Commission (HDC) over the course of the past year, the project applicant made the decision to revise the proposed project. The most notable changes to the proposed project include a reduction in the square footage of the building, a reduction in the height of the building, changes to minimize the mass and scale of the building, and architectural design modifications to the building to better reflect the historic character of Sutter Street. The following is a link to the City's website where the updated plans are available for the public to review:

[https://www.folsom.ca.us/community/planning/current\\_project\\_information.asp](https://www.folsom.ca.us/community/planning/current_project_information.asp)

Due to the extent of the aforementioned project modifications, the Initial Study and Mitigated Negative Declaration that was originally prepared for the project is in the process of being updated by Planning Partners, Inc. Once the Initial Study and Mitigated Negative Declaration are complete, the public and other responsible agencies will be given a minimum of 30 days to review and comment on the environmental document. In terms of timing, the proposed project will most likely be moving forward to the Historic District Commission in May or June. Please let me know if you have any comments or questions.

Best regards,

Steve

Steven Banks  
Principal Planner  
City of Folsom  
(916) 461-6207  
[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)

Steven Banks  
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March 16, 2021

Steve Banks, Principal Planner  
 Community Development Department  
 City of Folsom  
 50 Natoma Street

Folsom, CA 95630

via email to:

[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)

cc via email to:

Scott Johnson, Planning Manager - [sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)

Pam Johns, Community Development Director - [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)

Subject: December 2020 Cedrus Holdings Proposed 603 Sutter Street Mixed-Use Building (PN 17-145)

Dear Mr. Banks:

The Historic Folsom Residents Association (HFRA) Board is submitting these comments on “PN 17-145 - UPDATED PROJECT: 603 Sutter Street Mixed-Use Project - Parking Variance, Design Review and Encroachment Permit” documents on the City’s “Current Planning Projects Under Review” webpage as of March 8, 2021. Site plan drawings, a project narrative, and a variance statement are dated December 2020. The following comments provide our initial input on the currently proposed project and variance request:

1. **A Complete Application Must be Submitted.** This is a new applicant (Cedrus Holdings) and a revised project from the project(s) at 603 Sutter Street previously requested between 2017 and September 2020. Regardless of similarities, the City should treat this as a new application by a new applicant and staff should adhere to the Folsom Municipal Code (FMC) requirements for design review and variance applications. Staff should not process this project until the application is complete and all required application materials have been submitted by the current applicant.
2. **A Mitigated Negative Declaration is Insufficient.** City staff advised that an initial study and a Mitigated Negative Declaration (MND) are being prepared for the project. It is premature for city staff to predetermine the outcome of an initial study by suggesting that a mitigated negative declaration will be prepared. An MND is only available when a project’s impacts can and will be mitigated to a level of insignificance. For the 603 Sutter Street project proposed in the summer of 2020, the Heritage Preservation League and others presented substantial evidence of fair arguments that the project as then proposed would have significant impacts to historic properties. Sufficient

similarities and parking deficiencies remain with the currently proposed project, and staff should anticipate that an environmental impact report will be required for this project.

3. **The Project Does Not Qualify for a Parking Variance.** To make the findings required for a variance, City decision-makers must conclude that, “That the granting of [the variance] will not, under the circumstances of the particular case, materially affect the health or safety of persons, residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.” (Folsom Municipal Code 17.62.020; Finding #3) Finding #3 must be made independent of other required findings; therefore, even if decision-makers were to determine that circumstances warranted making Findings #1 and #2 (we believe they do not), City decision-makers will be unable to make Finding #3. A development in the Historic District that does not provide parking sufficient to meet its parking demand, will result in increased parking and vehicle travel within the residential neighborhood of the Historic District exacerbating well-documented existing detrimental conditions. That reason alone is sufficient to conclude that the required findings for a parking variance cannot be met and the variance cannot be granted. *(We note, and the applicant also notes at project narrative pg. 4, that at its October 21, 2020 meeting and discussion of potential development options at 603 Sutter Street, the Historic District Commission very clearly advised that a project at this location would not warrant findings required for a parking variance.)*
  
4. **Off-Street Parking Must be Identified and Evaluated.** The applicant’s project narrative states that the applicant is willing to participate in a parking assessment district once established. Staff previously proposed a condition of approval with this requirement. Staff also previously proposed a requirement that parking be provided on a nearby but unspecified property. A speculative and uncertain future parking assessment district is insufficient for addressing the parking and related safety issues in the Historic District and would not mitigate or offset the currently proposed project’s lack of parking. Furthermore, a requirement for offsite parking in the absence of identifying and evaluating a specific location is unacceptable. Off-street parking must be identified for this development and the traffic, ingress/egress, noise, lighting, visual and other environmental impacts of such off-street parking must be evaluated prior to any approval of development at 603 Sutter Street. To avoid the need for a parking variance (which cannot be granted as discussed above), the project must include off-street parking sufficient to comply with the FMC parking requirements and sufficient to provide for the parking demand that will be generated by the project.
  
5. **Request for Review of Draft Conditions of Approval.** We request an opportunity to review and comment on *drafts* of any staff recommended conditions of approval for this project prior to their inclusion in a staff report to decision makers. The staff report(s) for previous iterations of this project included several recommended conditions, yet conditions were only available for public review just days prior to public hearings. For many of the conditions, staff provided no rationale for its recommendation or any explanation of the purpose of the condition. Some of the conditions also appeared to be unenforceable or otherwise ineffective. We therefore request the opportunity to review, ask questions, and comment in any *draft* staff-recommended conditions before they are finalized for a staff recommendation to decision makers.



6. **Enforceable Conditions.** We also request that staff ensure that all proposed conditions are enforceable. Since the project as proposed does not request a conditional use permit, it is unclear how conditions requiring some future action by a property owner (which may be different than the current applicant) could be enforced. Please ensure a mechanism is established to enforce all proposed conditions of approval.
7. **Staff Should Recommend Denial.** For the reasons discussed above, we feel that the parking variance alone is sufficient cause for this project to be denied. Staff will have no basis for recommending approval of a parking variance, since variance Finding #3 cannot be made. We suggest that staff could save the applicant time and money by proceeding to the Historic District Commission (HDC) with a recommendation for denial of the current application. The HDC can deny the project without completing CEQA review resulting in further, unnecessary expenditure by the applicant. If staff instead decides to proceed with CEQA review, staff should advise the applicant that staff will have no choice but to recommend denial of the project and that City decision-makers will be unable to make the findings required for granting a parking variance.

The HFRA Board and individual HFRA members may provide further input to the City on this project as the City's review proceeds. Thank you for considering these comments.

#### **Historic Folsom Residents Association Board**

Michael Reynolds, President

Paul Keast, Vice President, Government Liaison

Mike Brenkwitz, Vice President, Commerce

John Shaw, Secretary

Laura Fisher, Treasurer

Jennifer Lane, Membership Director

Cindy Pharis, Communications Director

**Christina Kelley**

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**From:** LJ Laurent <ljl Laurent@att.net>  
**Sent:** Saturday, August 21, 2021 11:30 AM  
**To:** Steven Banks  
**Subject:** 603 sutter,. request U acknowledge receipt of my Filings

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Steve,

Please acknowledge receipt of today's 603 sutter SCH File Report, and the two prior Reports which I sent you, before I was informed of OPR CEQA file of July 21, 2021.

I could have sworn I have several Requests for ALL public Notices on FILE with City Clerk Office. Of course, I suspect planning ignores the Laws requiring Clerk to keep all these land use files.

Still I have friendships with Clerks and have FILE Notice Requests on Record ---- where they BELONG legally -- with city clerk office.

Steve, it makes me wonder how often city attorney[s] review these critical land documents. How can so many omissions and errors occur when lawyers have licenses, and State and city laws are so extremely convoluted?

Also, we all wonder why old city residents on "h.d. parking committee" were never given the direct support/information on Law enforcement, from city engineer Krahn, under your same manager, and never from Sr. traffic engineer Rackovan.

I do know city lawyers are privy to my "work products", but never once responded to me --- not even in front of a superior court judge. That was a hoot. I had five witnesses, but judge only admitted one into otherwise empty courtroom after Wang, Cline exited in a hurry.

He was afraid they'd suffer direct retaliation, as I have. But it was nothing unusual to me --- but the slap in the face he gave those 2 was worth the Price of Admission. I have written books about my adventures because even to me they are extraordinary.

Thanks in advance.

LSB, the 3 of us.

**Christina Kelley**

**From:** LJ Laurent <ljl Laurent@att.net>  
**Sent:** Wednesday, September 1, 2021 11:21 AM  
**To:** Bob Delp; Laura Fisher; Gary Richard; douglas.powell@twinriversusd.org; Casey Kempenaar; adenacblair@yahoo.com; John Shaw; rebmngt@aol.com; dorothykeast@comcast.net; shanjuan1@aol.com; beckysueshaw@gmail.com; jgilhuly@gmail.com; crpharis@att.net; arm@artpass.net; dwhandy@sbcglobal.net; terry.l.sorensen@gmail.com; fuentesben@comcast.net; arp893@gmail.com; tony\_powers@comcast.net; lbottallo14@gmail.com; stellarpass@comcast.net; melissa.pruden@gmail.com; sgcode3@gmail.com; annebishop868@gmail.com; glennfait@aol.com; loretta@shaunv.com; lgullone@gmail.com; catherine.omordha@gmail.com; juliereedwrites@gmail.com; powerhousepub@aol.com; omar.itani@live.com; mrpdk@comcast.net; celainefp@gmail.com; labban2@aol.com; ssbarva@gmail.com; xf8m8@sbcglobal.net; bethjkelly@comcast.net; president@thefra.org; vassallo.ashley@gmail.com; Steven Banks; Steve Krahn; Steven Wang  
**Cc:** Mike Kozlowski; Sarah Aquino; Rosario Rodriguez; YK Chalamcherla; Lydia Konopka; Ken Cusano; Lauren Ono; Rick Hillman; SacMetro  
**Subject:** Re: 603 Sutter Street Mixed-Use Project Update

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Steve,

One question, basically for City Attorney, City Engineer

Will the CEQA submission and all Comments received by Agencies, Utilities, Fire Districts, Waterboards, etc., be reviewed by and Sealed/Signed by City Engineer?

Will ALL those submitting Public Comments get a Response indicating WHY is city permitting only certain Applicants to be totally exempted from Folsom Street Standards, Fire Code Standards, and Zone District Requirements set forth in FMC Chapter 17, and CA Govt Zoning Code 65800 et seq?

Will City Attorney sign-off with his License that Applicants have a legal Right to be exempted from city, state, federal laws? [including the "federal transportation funds" used to a "commuter parking facility at light rail station -- which is now officially proposed as accruing to benefit of Private owners?]

While I have raised these and other Objections in my own Public Comments, and discussed them with OPR manager and other city engineers, these two should cover "immediate concerns". These Residents of the most poorly-served part of this old part of town, deserve to know Justifications for constant streams of "exceptions" to prevailing laws.

As City Engineer and City Attorney both refuse to address these concerns with me and others in this old part of city, it is my view that these State License holding city

official/staff ought to be held to Account for Failures for Conformity to Law address what might appear to be violations of their License Obligations, or failure to address specifically identified "issues."

It is also concerning that they fail to address the LOS traffic impact issues created by favoring or "excepting" this Application from Standards and Fire Codes. The LOS level of service dropping to the lowest/unsatisfactory level, is unacceptable, and unconstitutional. K&H predicted this occurring rapidly.

As for the Failure to address non-compliance, or non-enforcement of Folsom and Caltrans street standards, [plus again Fire Code] is equally concerning.

Possibly, our Licensed Professionals have a lot to explain --- to us, and to higher jurisdictions.

For the Record, my Public Comments were filed with CEQA Clearinghouse, OPR manager, and a number of cities, counties, and agencies -- all sent directly.

Hopefully our Licensed staff will have a Formal Response prepared PRIOR to this advancing to any new Public Hearings on this huge matter, deferred to a "design review" group with no Authority to Issue Rezones, nor Exceptions to Standards or Fire Codes.

cc: City Clerk Office for File on this PN & CEQA NOI

cc: councilpersons

On Wednesday, September 1, 2021, 10:34:26 AM PDT, Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)> wrote:

Good morning all,

I wanted to let you know that the 603 Sutter Street Mixed-Use Project (PN 17-145) remains continued off-calendar and no public hearing date has been established. The applicant has requested additional time be provided so that they can continue to evaluate potential parking options for the proposed project. Please let me know if you have any questions.

Best regards,

Steve

Steven Banks

Principal Planner



**Christina Kelley**

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**From:** LJ Laurent <ljl Laurent@att.net>  
**Sent:** Thursday, August 19, 2021 2:11 PM  
**To:** Steven Banks  
**Cc:** Eileen Sobeck; Clerk of the Board; state.clearinghouse@opr.ca.gov  
**Subject:** Fw: 603 Sutter St. REZONE, etc. Public Comment for CEQA Filing  
**Attachments:** 603 Sutter 8 19 21 SENT.odt

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Steve Banks, Prin. Planner, Comm. Dev.  
cc: Sacramento County, SWRCB, OPR Clearinghouse Manager  
From: Laurie  
August 19, 2021

RE: Folsom uses appearance group for REZONES, Exceptions, Violations of STANDARDS, regularly sending inaccurate reports to county records

Steve,  
Hope you are well in Folsom Community Development Dept.

Looks as if I might have omitted your address. Sorry.  
I did contact some agencies directly, fearing they might be omitted. My circulation was to people State, County, area people with whom I have had interactions for decades.

FYI, Upon reviewing FMC law governing Zones, and also the State Govt Code 65800, I found there is probably NO BASIS for the city of Folsom to call this anything EXCEPT an actual REZONE.

Moreover, since General Plan 2035 Map is Not Readable, and there is no Legal Definition by Parcel Number of the Defined Zone District, I believe OPR will have to take a "hard look" at this submission, and addressing Issues raised in my Research Report.

Frankly, NOTHING circulated by Folsom for Land Use can be trusted because it is ONLY ONLINE. No print edition has existed for long time. Changes to FMC have NOT been advertised the hundreds of times city has sprung them on us as total surprises.

I am recommending Sacramento County Recorder and Tax Assessor need to undertake a Full Investigation to the precise information supplied to them. For example, every time an Application is made, it seems the County expects to be notified of Application. Every time city submits a Parcel "ZONE" which reads "HD", it rankles me because "HD" is a mere, advisory, OVERLAY to existing Zone District and STANDARDS which require City Engineer Seal & Signature.

I have sent Sac County a large number of documented complaints. It is ridiculous to continue a Parcel by Parcel Examination, when it is abundantly apparent in City FMC that HD is OVERLAY and voluntary in most cases. Still the city persists in pretending HD is a "ZONE District" with attached Standards, Bulk Regs, City Engineer approved ACCESS, roadways, and much more. Folsom has actually sent county some Subdivisions in oldest part of city, and NOT INCLUDED the City Engineer Sealed documents. In particular, I can cite a Subdivision on City Property, when Abutting OWNERS were and still are, totally uninformed of city's bogus Filings with County Records.

We in Lake Natoma Shores and oldest parts of city, are quite incensed. City Council is totally Deaf to us, has been for many years. We have had to file civil suits to force city to obey & enforce its own laws and land use Zone Districts. Folsom blanket use of "Planned Development" is a joke because we are never permitted to participate due to Lack of Public Information Circulation to ALL parts of city.

At some point it will become clear Folsom is noncompliant and has been for years. Sacramento Bee made city their First new Format article, and cited the fact that SWRCB Engineer Kathy Bare made a decision Folsom did NOT have sufficient demonstrable, stable and PROVABLE Water Supply for S50.

Naturally the state did not actively enforce against their monetary supporters. I believe Sacramento County has a different attitude about being deprived of INCOME for county by city inaccurate ZONE District actions. City calls something HD without full public process.

Purchaser buys an empty parcel at a LOW PRICE, then shortly thereafter they show up at the Comm. Dev. Dept. with application for "mixed use" or planned development, or the most useful DECEPTION OF ALL, telling County ZONE is "HD". I am telling County that HD is NOT A DEFINED ZONE DISTRICT and COUNTY NEEDS to do their ENFORCEMENT on an OVERALL basis and stop this Parcel by Parcel nonsense.

I have two First Responder families living very near me, and they are so incensed about all this "HD" nonsense and city's wrongful uses and wrongful Processes and outright Omissions, that they and others are organizing us all. Would the city retaliate? You bet this city would. If Folsom will allow architectural committee to make HUGE land Use Alterations like adding a crematory with NO FIRE HYDRANTS and only a 3" water service pipe [with a 2" restriction on it], then we are all in IMMEDIATE DANGER. Plus, there is no FIRE ACCESS except our Subdivision's curving 18 foot entry off Folsom/Oakdale/Light rail tracks/Natoma/Forrest.

Our at-large businesspeople councils have never cared.

Northern California is ON FIRE, and we in oldest "HD" area have tiny lanes, and we are in Highest WILDFIRE Danger area. We are listed in Federal WUI Directory/website. Wildfire - Urban Interface Cities face being burned alive. For us, there is NO DIRECT FIRE access to federal and state parks parcels surrounding us.

Some might say I not correct, but I have made a considered judgment that BLM, both under DOI, have an obligation to make discrete formal complaints to the federal investigators. I have never been afraid to inform feds, and in fact did a major blow on the whistle, in service to our military, via Pentagon and FBI cooperation. Feds have been there for me in past, and I believe Reclamation, BLM, and DOI have a Duty to convey my Research.

When I spoke with CEQA Manager, she got full flavor of what I demonstrated in Report. She actually told me the Normal and Usual processes and definitions used by compliant entities who submit "Lead Agency" information.

I suspect Folsom city attorney office and at least one other top official demand to be informed of everything I submit. I believe that because every misdeed I noted, was changed except this nonsense of a committee on appearance being used as de-facto, free-standing Re-zoning entity, and illegal grantors of REZONING, Variances, Exceptions to real STANDARDS, and accepting applications which belong with only 1 Hearing group, called the Plan Commission. To suggest HDC is a Commission is disgusting to law-abiding folk. It is time to stop filling the bank accounts of those who buy a worthless parcel and seek the city to ABET and maybe actually DECEIVE Sacramento County. It worked all the time here in "HD" the imaginary zone district with NO real Standards.

I really have lost my fear of Folsom retaliation like that of the past. I am at MORE risk from crematory fire, LPG Explosion all the way to river & Sutter St., getting hit by a vehicle, or being burned alive because of all the IMPROPER Land Use nonsense here, and the total lack of consideration for us demonstrated by CA State Parks who "manage" federal land [extremely poorly I can prove.]

Anyone reading this might think I am "concerned." Wait until they see LNS Neighbors in action. My new, younger neighbors, with babies and children are livid --- protesting & doing the usual STOP actions. They are a credit. Those poor "HD" residents have organized very effectively. <https://www.thehfra.org/>

We, who actually ABUT a proposed furnace up to 2500 degrees F, and explosive LPG tanks, are a different breed because we are in touching the Hazards. We would certainly perish in the first blasts.

Does city council care? Or are they dominated by someone?

I know where bodies are buried and who paid for the shovels and bulldozers. These people are rightfully terrified and motivated to save their lives and property from outright GREEDY people.

I can prove how all this reached such a critical terrifying state of affairs.

Have a nice day, all of you, including my friend receiving bcc.  
Laurie



+ Add to







+ Add to





+ Add to



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+ Add to







+ Add to





+ Add to







+ Add to



There are many more, some by little children. What has City Engineer said in response to my emails? Nothing. Ditto Mayor, Vice Mayor, or Development layperson Manager.

FYI read in Today Folsom Telegraph an OPED by their employee Tom Rupp. Now even Telegraph gets it. 8 19 2021, "having a say at city council." Now he knows how it feels -- but in a less life-threatening way than we do.

Laurie

Context, **Sacramento County BOS Clerk**, this needs circulation to entire BOS, because it demonstrates inaccurate Reports, and failure of City Engineer to exert Oversight. Please share this equally with entire BOS, and investigators. Thank you.

----- Forwarded Message -----

**From:** LJ Laurent <ljl Laurent@att.net>

**To:** Lydia Konopka <lkonopka@folsom.ca.us>; state.clearinghouse@opr.ca.gov <state.clearinghouse@opr.ca.gov>

**Cc:** Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>; ykc@folsom.ca.us <ykc@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; The HFRA <thehfra@gmail.com>; Pd <mrpdk@comcast.net>; Jennifer Lane <lane.jenslucy@yahoo.com>

**Sent:** Thursday, August 19, 2021, 09:03:48 AM PDT

**Subject:** 603 Sutter St. REZONE, etc. Public Comment for CEQA Filing

To: Folsom City Clerk Lydia K. for file 603 Sutter St. OPR

cc: Steve Banks, council members

"hd" residents who deserve proper Enforcements

bcc

August 19, 2021

Re: Research Report. Objections filed with outside agencies

Attached please find Report on 603 Sutter St.

OPR Clearinghouse Manager was consulted, and is aware of CIRCULATION Requirements for this *de facto* REZONE of land usage.

Note: Public Comment includes my indication City Attorney needs to give us, residents of this hd Overlay to Zone Districts, and city council a signed written report on this application and Neg Dec approval. Not one city engineer has signed off with his/her Seal/signature.

**Please send me an Acknowledge of Receipt. Thank you Lydia.**



**Christina Kelley**

**From:** LJ Laurent <ljl Laurent@att.net>  
**Sent:** Saturday, August 21, 2021 11:15 AM  
**To:** Steven Banks; Steven Wang  
**Cc:** The HFRA; Jennifer Lane; Scott Rafferty; Debra; Alan Wade; Sarariverwatch Info; Ben Fuentes  
**Subject:** SCH2021 070492

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Steve Banks Planner, Folsom City Attorney, Planning Engineer, Sr. Traffic Engineer  
 From: Laurette Laurent  
 August 21, 2021

Re: Public Comments: NEW Folsom Filing 7 21 21: SCH 2021070492

Note: City Attorney S. Wang, you have failed to include my Public Comments in a number of Formally Submitted/Required Land Use Law documents which city of Folsom filed with OPR over years. If you fail to include all of my Research Reports, or ENSURE inclusion to State Files, what alternative remains but filing a formal License Complaint? All my copies of these Records covering a consistent pattern of omitting my Formal Public Comments are available. Are the city of Folsom City Clerk's copies? Law does require City Clerk to assemble all Land Use and other Applications. It is their Duty to convey them to Council. [I have witnessed you in CA Superior Court and heard assessment by Judge of your Dollar value per day when you sought "damages". Judge was correct.] For your expeditious "city service" i.e. understanding relationship of over-riding State and Federal Laws, plain word explanations are included.

Context: whereas Folsom staff chose to make a Formal CEQA Clearinghouse File for this On-going, many changes "Project" which is self-described as "Design Review & Parking Variance"

on Parcel Zoned thusly --- copied from CEQA documents.

**Present Land Use**  
 HD (Historic District)

The proposed project includes a request for approval of Design Review and a Parking Variance for development of a three-story, 12,183-square-foot mixed-use building on a .17-acre site located at the southwest corner of the intersection of Sutter Street and Scott Street

Folsom submission is **WRONG** about "**Present Land Use**" and staff have an **Obligation to know better**. That is why CA Laws **REQUIRE** the seal/signature of Lic. Civil Engineer. **Objection filed.**

August 26, 2021 "historic district" architectural group with **NO** legal Authority to REZONE, Grant Variances, or ANY exception to Folsom Municipal Codes, is sitting to grant all. This includes approving with **FINAL APPROVAL AUTHORITY**, Variations from Folsom CA Standards for land development. It includes REZONES of Historic/protected

sites. To accomplish this, city of Folsom employed new "noise expert stud  
have fully reviewed.  
Objection Filed.

Folsom Municipal Code is IN DIRECT CONFLICT with State Govt Code 65800 et seq as well as State B&P, and Subdivision Map Act.  
However, "Planning" director is in violation of FMC Subsection "Historic district overlay" additional considerations to Title 17 Zoning Requirements.

If Folsom staff bothered to consult FMC Title 17, or demand City Attorney actually read & interpret city's own law, they would have learned the "Parking Committee" and residents were always deprived of Legally Mandated Reports and documents. To an expert, it is moot, because architectural review groups of an OVERLAY to Zone District laws, is irrelevant. To Folsom staffers, who [for some "reasons" favor business over Safety of First Responders and all humans, "anything goes" to satisfy the greed of applicant who paid peanuts for a vacant residential area Parcel, and wishes the city to enable a "windfall" at the expense of Fire, Police, Residents, visitors, parkers, visitors to downhill American River watershed forest and river.  
Objection[s] filed.

There is no Obligation for me to supply my entire "Work Product" to city of Folsom. It is, in my expert opinion on Land Use Matters, the documents FILED with State of California are factually NOT supportive of application before this "architectural review" committee; That this Overlay group, the Plan Commission, and city council have NO Authority under State Laws to grant Exceptions to actual Standards as defined in State Law.

It is further objected that Folsom staff were directed to, or chose independently, to DEPRIVE this old areas Residents of Expertise of Civil Engineers -- law enforcers ---  
- whom they PAY directly from their taxes.

Objections filed.

Page 1

APPENDIX E Historic District Parking Committee Recommendations and Traffic Impact Study

HISTORIC DISTRICT PARKING COMMITTEE RECOMMENDATIONS, is two pages of text by NON ENGINEER persons, who had NO Civil Engineer advising them as an official Folsom city Review group.

Kimley & Horn Traffic Study July 2019 was Prepared for another Company. It OMITTS any reference to Sutter St. Scott St. Intersection OR the critical IMPACTs upon both American River Bridges, which are directly impacted by this insufficient parking, insufficient and INadequate "street" width on these 19th century 18 foot wide lanes. There is NO discussion of harms to First Responders, or victims of fire, explosions, riots, shooting, or other such events. There is no mention the Entire ACCESS routes for First Responders can be blocked by a Single Vehicle.

QUESTION: why was the subcontractor K&H traffic study of > two years ago for another con to APPENDIX E?

APPENDIX E Historic District Parking Committee Recommendations and Traffic Impact Study

COMMENT: These single family residents PAY FOR Civil Engineer Seal/Signed Reports, but city staff withheld this Expertise and LICENSE OBLIGATIONS from their "committee." Shame on Folsom licensed employees.

It appears after expert analysis the K&H study was done for another Submission, and not to July 26 2021 CEQA Clearinghouse Filed Documents.

OPR should find this interesting, in view of Folsom Licensed Civil Engineers Krahn is under Development Manager. Engineer Mark Rackovan is in PW Dept., and he's senior "Traffic Engineer" but Folsom staff seems to have chosen to "stack the deck" against the poor Single Family residents of this oldest, most-poorly served part of city. A Formal Complaint is in order.

Old K&H "subcontracted" sealed traffic study" PROVES this CEQA submitted project will take all of Folsom Sutter St., Riley St., and other old 19th century lanes of 18 foot width only, to LOS level of service which is the Worst Possible Ranking. This was submitted/utilized without any Improvements to Substandard "streets" for Emergency Access and two Bridge Access "streets" being considered. K&H study OMITTS the very Parcel intersection in question. Entire Sealed Report SHOULD HAVE BEEN examined by Folsom Engineers, like Krahn or Sr. Traffic Eng. Rackovan.

This was submitted without a Single Word from FPD or Fire Department, whom I care deeply about protecting.

I have already SUBMITTED to Steve Banks, Folsom Planner, two separate 603 Sutter St. Reports. I consulted, and found NEW materials. Thus I did more Research and this is the resultant material.

Below is 603 Sutter St., SCH 2021070492 Research Report August 21, 2021 material.

Fz yntw n j x ? N k y m j w j r x f h t s k a h y g j y | j j s f x y f y j f s i q h f q q | l x y f y j q | x t { j w n i j f s ~ h t z s y ~ t w q h f q t w i r s f s h j x 3 T h y 6 9 1 7 5 7 5  
L j s j w f q U w j j r u y t s Q f | n s H f q t w s r f ? T w i r s f s h j x j s f h y j i u z w z f s y t y m j u t q h j u t | j w f w j { f q i z s q j x x y m j ~ h t s k a h y | n y m x y f y j q | 3 F h t s k a h y } n y x r k y m j t w i r s f s h j h t s y w f i n y x l i z u q h f y j x l t w j s y j w f s f w j f t h h z u n j i g ~ l j s j w f q q | l j n y m j w j } u w j x x q t w g ~ q j l n x f y n { j r u q h f y t s 3 R f ~ 6 5 1 7 5 7 6  
Building "noise study" with signature if not License info.



## Introduction

The proposed Sutter Street Commercial Building (Project) is located at 60 southwest corner of the intersection of Sutter Street and Scott Street in the project site consists of an undeveloped rectangular plot of land with a measure (7,400 square feet).

Surrounding land uses to the project include Sutter Street to the north with the Lighting Company Building directly across the Street. To the east is a corner two residential structures (Cohn Mansion). The south side of the property borders on Scott Street that is commercially zoned and sits directly across from the west is the original historic library that is now Studio 605 Salon.

The project applicant plans to develop a three-story mixed-use building (totaling 12,183 square feet of useable area on an undeveloped site. An occupancy capacity of 20+ persons would be located on the proposed building's first floor at the Sutter Street/Scott Street intersection. The building would feature a deck on the second floor fronting on Sutter Street. A third floor balcony would be anchored to the side of the building. Walkways from this balcony would wrap around the Sutter Street and Scott Street elevations of the building. There would be no roof deck. The project is shown on Figure 1. The project floor plans are presented in Figures 2 and 3.

The City of Folsom has requested a noise study to determine potential noise associated with project construction and ongoing operations. In response to the request, Acoustical Consultants, Inc. (BAC) was retained to prepare this evaluation. The purposes of this study are to quantify noise and vibration generated by the project and compare those levels against applicable standards and, if necessary, to develop recommendations for mitigation appropriate.

Folsom city staff commissioned this "noise study".  
Incorrect descriptors are concerning prima facie "evidence."

**Ben Fuentes Single family home** was NEVER considered in "Noise study" paid for by Homeowners like his family.

Not once is there mention of the Fire, Escape, Odors, stray gases & emissions from this huge tall building with ALL Non-Residential Uses. It would loom over Ben's parcel, obstructing air, sun, freedom from odors & omissions, create more air pollution, traffic



jams obstructing Fire & Police, and effectively making his property devalue. A single family home is has been. His zoning was established 1859 by Judah map.

City Attorney, why does Folsom always OMIT filing "application" submitted to Sacramento County Recorder and RE Assessor???

Is it because NO Folsom Civil Engineer ever reviews city LAND REZONES and Infrastructure, or Subdivision compliance?

Objection Filed Re Parcel 070 0111 010

**SACRAMENTO COUNTY** Assessor Parcel Viewer

603 SUTTER ST, FOLSOM, CA 95630

Parcel Details | Layers | Measure | Search Results | Select Parcels | Recent Sales | Legend

value

Fixtures	\$0
Homeowner's Exemption	-\$0
Other Exemption	-\$0
Net Assessed Value	\$130,192

Property tax bill information [Link to ePropTax information](#)

Additional information regarding Assessor's roll values can be obtained by contacting the Assessor's Office at 916-875-0700 or [assessor@saccounty.net](mailto:assessor@saccounty.net).

**LAND INFORMATION**

**ZONING**

Zoning: HD - HISTORIC DISTRICT

**OWNER INFORMATION**

**PROPERTY BUILDING INFORMATION**

No Property Characteristics are available for this property

Additional information regarding property building information

1" = 148'



Recent About C  
Postings

## Draft Environmental Document [Draft IS, NOI\_NO OPR Summary Form, Appx,]

App A CalEEMod PDF 807 K

App B Tree Survey Data PDF 1110 K

App C Historic Assessment PDF 63268 K

App D Noise PDF 3998 K

App E Traffic PDF 3816 K

IS\_MND 072321 PDF 62610 K

Notice of Intent 603 Sutter St 072121 PDF 86 K

Summary\_Form\_for\_Document\_Submittal PDF 593 K



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APPENDIX E

Historic District Parking Committee Recommendations  
and Traffic Impact Study

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## HISTORIC DISTRICT PARKING COMMITTEE RECOMMENDATIO

On June 23, 2020 the Historic District Parking Solutions Ad Hoc Committee (Committee) presented recommendations from their year-long effort to explore solutions to alleviate parking concerns in the residential and commercial portions of the Historic District to the City Council. The core issues that the Committee evaluated included impacts to residential quality of life, access to parking for Historic District patrons, employee and commuter access to underutilized parking garage capacity, lack of dedicated parking enforcement, special event impacts, and immediate and future growth and parking demands. The Committee presented a number of different traffic and parking solutions to the City Council including short-term high priority recommendations, short-term low priority recommendations, long-term high priority recommendations, and long-term low priority recommendations. The following is a complete list of all the Committee recommendations:

### Short-term high priority recommendations

- Establish designated loading zones for ridesharing and Smart RT
- Design, implement, and enforce residential parking permit program
- Establish an in-lieu fee for parking
- Enhance pedestrian safety to and from the Railroad Block garage
- Improve and expand wayfinding signage to encourage use of parking garage
- Increase frequency and scope of parking enforcement
- Creation of a special district for parking

### Short-term low priority recommendations

- Provide shuttle options to parking garage and Light Rail
- Educate employees about parking options

### Long-term high priority recommendations

- Offer behavioral incentives to reward beneficial parking behavior
- Build an additional public parking garage

### Long-term low priority recommendations

- Consider establishing valet parking services at key locations
- Improve overall circulation design for access to the Historic District
- Consider use of small undeveloped or underdeveloped lots for infill parking

In addition to recommending a number of short-term and long-term solutions to traffic challenges in the Historic District, the Committee provided the City Council with suggestions to facilitate implementation of the solutions including creating or establishing the following:

- Parking Benefit District



# Historic Sutter Mixed-Use Building 603 Sutter Street, Folsom, California

July 30, 2019

**Prepared for:**

Environmental Planning Partners, Inc.

**Prepared by:**

**Kimley»Horn**

555 Capitol Mall, Suite 300  
Sacramento, California 95814

Phone: (916) 858-5800



cc: ten year Folsom PC member Lane; Counsel Folsom District Elections; Plaintiff, successful, Sutter St. Superior Ct Case; PPres. Save American River Assn. concerned party.  
bcc: Client; others

To: Governor's OPR CEQA Clearinghouse,

City of Folsom Community Development Dept, Folsom City Attorney

Note: Sacramento County agencies which must receive NOTICE for Tri-County impacts Health safety welfare issues; Access.

RWQCB to do analysis of “inground temporary Raw Sewage vaults all around this area.” Folsom PW Director Lorenz supplied blueprints for one such vault which this Rezone would impact.

Tri county Fire agencies comments, Folsom is Federally registered WUI fire city.

Outside council, to explain “architectural review group of small are Overlay Plan” does not have Authority to grant Exceptions to Zoning, nor any Exceptions at all which per Govt Code must go to Plan Commission.

Folsom GP Maps are NOT readable, but neighbors know this is a

Residential Zone Parcel historically. Folsom reported 603 as “historic District” which IS NOT an Approved FMC 17 “ZONE.” Folsom

fraudulently reports to Sacramento County RE Assessor HD is ZONE.

From: Laurette J. Laurent

August 19 2021

**Summary RE: SCH Number** 2021070492

**Lead Agency** City of Folsom

**Document Title** 603 Sutter Street Mixed-Use Project IS/MND (PN 17-145)

**Document Type** MND - Mitigated Negative Declaration **Received** 7/26/2021

**Present Land Use** HD (Historic District) *[which is “Overlay” not ZONE].*

**Document Description** Initial Study and Mitigated Declaration for the 603 Sutter Street Mixed-Use Project. The proposed project includes a **request for approval of Design Review and a Parking Variance** for development of a three-story, 12,183-square-foot mixed-use building on a .17-acre site located at the southwest corner of the intersection of Sutter Street and Scott Street (603 Sutter Street). The proposed mixed-use building will include retail/restaurant uses on the first floor and office uses on the second and third floors.

**APPENDIX A** Title: “**Remarks for the 603 Sutter Street Building Project Air Pollutant and Greenhouse Gas Emissions Modeling Calculations July 2019**”

**COMMENT: this is 84 Pages of irrelevant materials for Application.**

# All Air & greenhouse gas emissions are NOT involved in HD group “architectural Review.”

Remarks are typically used in CalEEMod to explain non-default inputs. For the current modeling this document replaces the remarks section of the referenced CalEEMod model to provide more space to both identify non-default inputs and to explain how CalEEMod is used to calculate emissions for the current project. When defaults were retained and no further explanation was necessary, no remarks are recorded below.

**603 Sutter Street Model Run – 2021 Operations**

**Land Use**

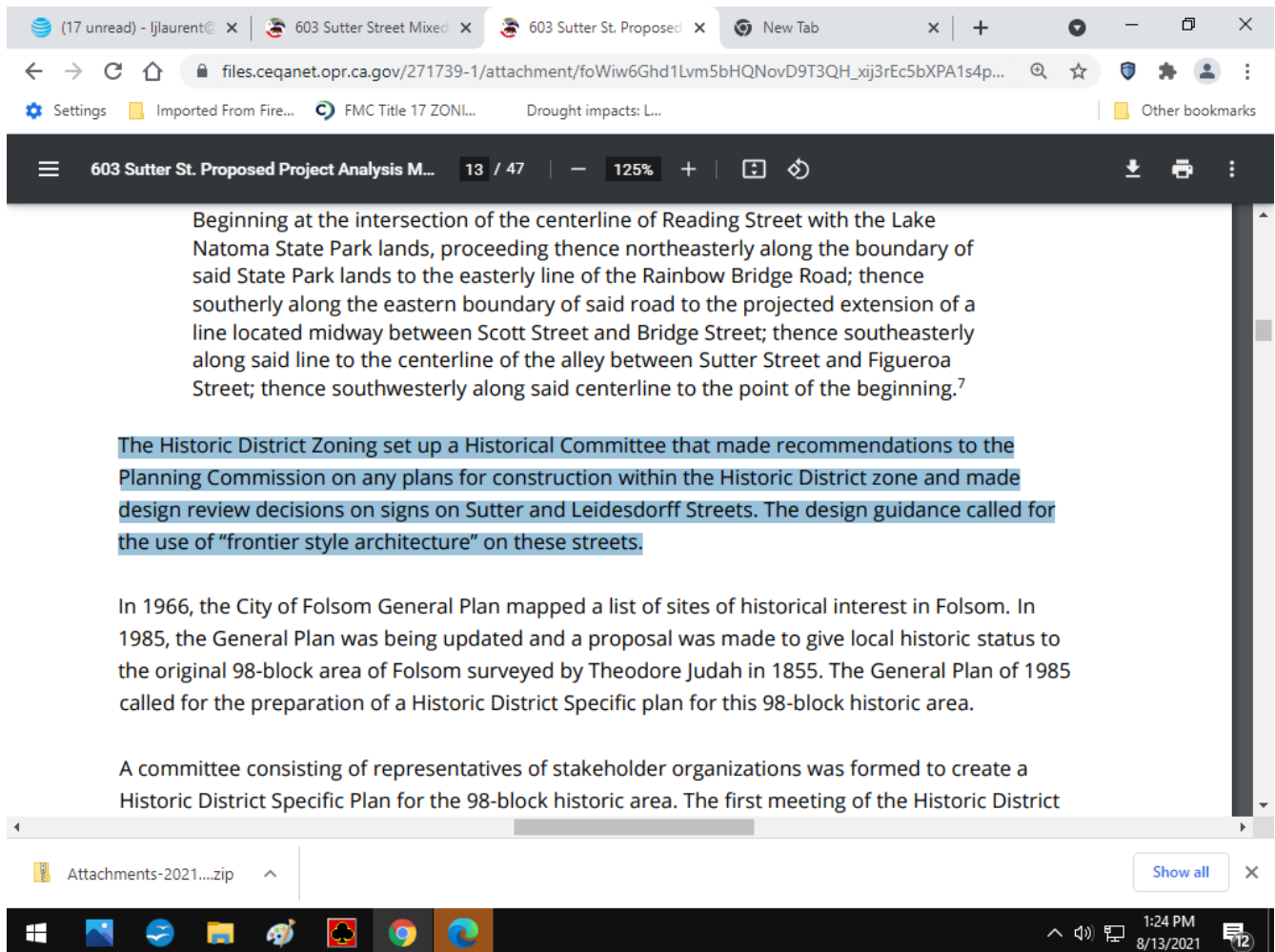
- This analysis uses land use estimates from the Traffic Impact Assessment prepared for the project, including: 10,300 square feet of office use (General Office Building), 2,500 square feet of retail (Shopping Center), and 2,500 square feet of restaurant (High-Turnover (Sit-Down) Restaurant). The project includes a 3-story building on an infill parcel surrounded by developed land uses on 0.17 acre (7,400 square feet parcel). There would be no onsite parking. The lot acreage was split between the office, retail, and restaurant uses.

**Construction Phase**

- No demolition. The proposed project would be constructed in a single phase beginning in early 2020 and lasting approximately 12.5 months, with a 2.5 month grading phase. Default construction equipment was used since no project specific information was available. Default equipment with an extended schedule would be a conservative approach.
- 2,800 cubic yards of fill removed

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603 Sutter Street Building Air Quality Modeling Calculations  
Page 8



Apparent evidence Fraudulent operations by Folsom Community Development staff and/or other employees of city had clear knowledge of limitations on HD Committee. This is a part of Applicant's Proposal.

Perhaps Circulation should include Sacramento County RE Assessor, because the VALUATION of 603 Sutter depends upon Truthful city reports.

Above proves "HD" is NOT a ZONE and HD Committee is NOT EMPOWERED by city to Grant Exceptions, Variations to Actual Zone Standards, or any WAIVER of parking requirements in Commercial Land Usage Areas ---- or any Zone District of Folsom.

Image is from City/Applicants own MITIGATED NEGATIVE IMPACT DECLARATION, which is source.

## APPENDIX C Historic Assessment Proposed Project Analysis



## Memorandum

### 603 SUTTER STREET PROPOSED PROJECT ANALYSIS MEMORANDUM FOLSOM, CA [21001] PREPARED FOR ENVIRONMENTAL PLANNING PARTNERS, INC. MARCH 24, 2021

Proposed Project Analysis Memorandum 603 Sutter Street Project Number 21001 Folsom, CA PAGE & TURNBULL 1 March 24, 2021 I. INTRODUCTION

This Proposed Project Analysis Memorandum has been prepared for Environmental Planning Partners, Inc. at the request of the City of Folsom for the proposed construction of a three-story mixed-use building on an undeveloped lot at 603 Sutter Street (APN 07001110100000). The site is located at the southeast corner of the intersection of Sutter Street and Scott Street in the Sutter Street Subarea of Folsom's Historic District.

### APPENDIX D Noise and Vibration Assessment

The project applicant plans to develop a three-story mixed-use building (retail/restaurant/office) totaling 12,183 square feet of useable area on an undeveloped site. An outdoor dining patio with a capacity of 20+ persons would be located on the proposed building's first floor, adjacent to the Sutter Street/Scott Street intersection. The building would feature a deck on the northwest corner of floor 2 fronting on Sutter Street. A third floor balcony would be anchored to the northwest corner of the building. Walkways from this balcony would wrap around the Sutter Street and a portion of the Scott Street elevations of the building. There would be no roof deck. The project location is shown on Figure 1. The project floor plans are presented in Figures 2 and 3.

The City of Folsom has requested a noise study to determine potential noise and vibration impacts associated with project construction and ongoing operations. In response to that request, Bollard Acoustical Consultants, Inc. (BAC) was retained to prepare this evaluation. Specifically, the purposes of this study are to quantify noise and vibration generated by the project, to compare those levels against applicable standards and, if necessary, to develop mitigation measures as appropriate.

**Conclusions** This analysis concludes that, with the recommended mitigation measures, noise and vibration generated from the proposed project would not result in any adverse noise or vibration impacts at the nearest sensitive receptors to the project site. This concludes BAC's noise and vibration assessment for the proposed 603 Sutter Street Commercial Building. Please contact BAC at (916) 663-0500 or paulb@bacnoise.com with any questions regarding this report.

**COMMENT: 33 PAGES OF "NOISE DURING CONSTRUCTION,**

**ONGOING OPERATIONS.”** He includes noise of garbage pickup, but not “added traffic.”

## **APPENDIX E**

### **Historic District Parking Committee Recommendations and Traffic Impact Study**

Traffic Impact Study Historic Sutter Mixed-Use Building 603 Sutter Street, Folsom, California July 30, 2019

Significant findings of this study include:

The proposed Project is estimated to generate **418 total new weekday trips**, with 35 new trips and 38 new trips occurring during the weekday AM and PM peak-hour periods, respectively.

**The addition of the proposed Project does not result in any significant impacts.**

The proposed Project is **estimated to generate demand for 43 to 76 parking spaces during a typical weekday.** In addition, the proposed Project is estimated to **generate demand for 18 to 51 parking spaces during a typical weekend day.**

o

**It is anticipated that the proposed Project parking demand will be satisfied by existing off- and on-street parking supply documented to be available within the Historic District.**

**Excess parking demand should be diverted to existing off- and on-street parking supply within the Historic District to avoid parking in residential areas adjacent to the Project site. This strategy may be accomplished by the following actions:**

o

**Offer incentives to employees for parking in the parking garage along Reading Street**

o

Provide freely available maps of the Historic District parking facilities to customers by adding information to the proposed Project website

o

**Remind customers not to park in residential areas** and offer incentives to customers who park in the parking garage along Reading Street

o

Direct customers and employees to the **newly installed wayfinding signs** for the parking garage

o

Establish or contribute to a privately operated or coordinated **trolley service between Historic District parking and the proposed Project site.**

### APPENDIX E ABOVEAN ALYSIS OF “STATEMENTS OF FACT” &/OR UNPROVED CONCLUSIONS: COMMENTS:

Pg 15 of 144:

Existing (2019) peak-hour turn movement volumes are presented in **Figure 5**, and the traffic count data sheets are provided in **Appendix A**. Analysis worksheets for this scenario are provided in **Appendix B**. **Table 3** presents the peak-hour intersection operating conditions for this analysis scenario. As shown in **Table 3**, the study intersections operate from LOS A to LOS F during the AM and PM peak-hours.

**Table 3 – Existing (2019) Intersection Levels of Service**

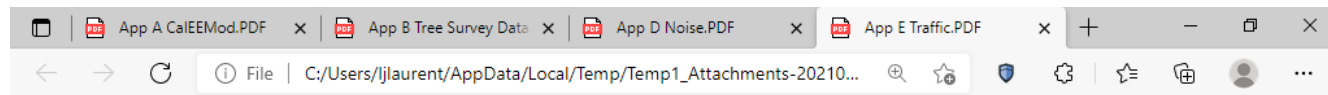
#	Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
			Delay (seconds)	LOS	Delay (seconds)	LOS
1	Riley Street/Greenback Lane @ Folsom-Auburn Road	Signal	<b>103.1</b>	<b>F</b>	<b>100.5</b>	<b>F</b>
2	Riley Street @ Scott Street	Signal	7.8	A	13.2	B
3	Riley Street @ Leidesdorff Street	Signal	2.9	A	9.6	A
4	Riley Street @ Sutter Street	Signal	4.2	A	12.2	B
5	Sutter Street @ Scott Street	AWSC	9.0	A	9.2	A

Notes: **Bold** values indicate unacceptable intersection operations. AWSC = All Way Stop Controlled intersection.

**EXISTING (2019) PLUS PROPOSED PROJECT CONDITIONS**

Peak-hour traffic associated with the proposed Project was added to the existing traffic volumes and levels of service were determined at the study intersections. The analysis worksheets for this scenario are provided in **Appendix C**. **Table 4** provides a summary of the intersection analysis and **Figure 6** provides the AM and PM

# Horn PREDICTED, according to Folsom 2035 General Plan TRAFFIC CONDITIONS: LOS



## CUMULATIVE (2035) CONDITIONS

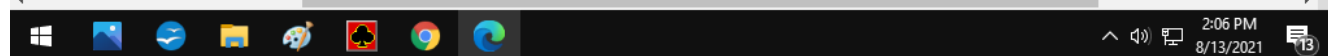
Traffic volume for the Cumulative (2035) Condition were obtained from the City’s General Plan<sup>1</sup>. The analysis worksheets for this scenario are provided in **Appendix D. Table 5** provides a summary of the intersection analysis and **Figure 7** provides the AM and PM traffic volumes for this analysis scenario. As shown in **Table 5**, the study intersections operate from LOS A to LOS F during the AM and PM peak-hours.

**Table 5 – Cumulative (2035) Intersection Levels of Service**

#	Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
			Delay (seconds)	LOS	Delay (seconds)	LOS
1	Riley Street/Greenback Lane @ Folsom-Auburn Road	Signal	<b>145.1</b>	<b>F</b>	<b>190.0</b>	<b>F</b>
2	Riley Street @ Scott Street	Signal	10.6	B	<b>46.4</b>	<b>D</b>
3	Riley Street @ Leidesdorff Street	Signal	5.5	A	<b>36.5</b>	<b>D</b>
4	Riley Street @ Sutter Street	Signal	10.2	B	<b>53.5</b>	<b>D</b>
5	Sutter Street @ Scott Street	AWSC	9.0	A	9.1	A

Notes: **Bold** values indicate unacceptable intersection operations. AWSC = All Way Stop Controlled intersection.

## CUMULATIVE (2035) PLUS PROPOSED PROJECT CONDITIONS





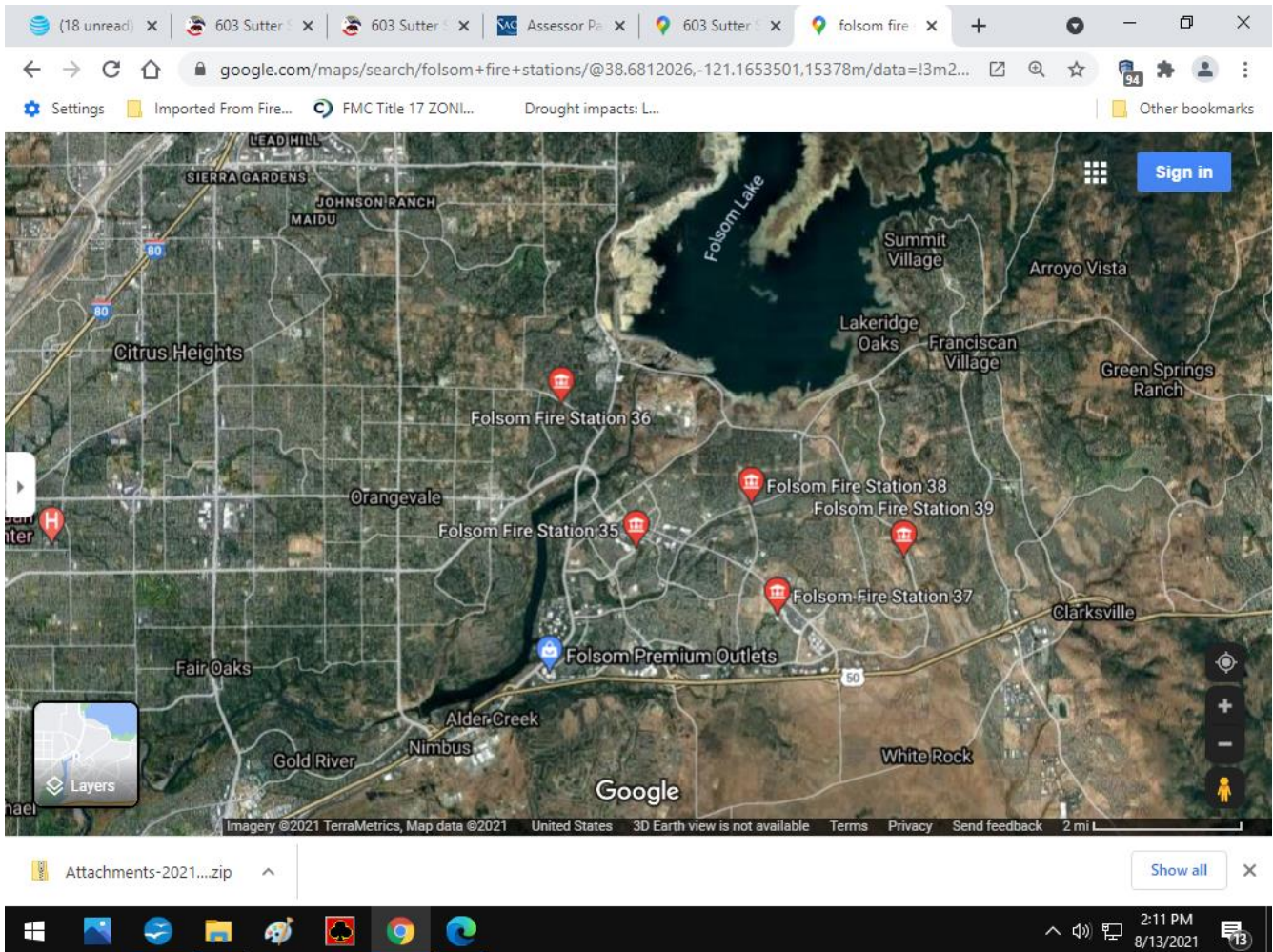


Image clearly indicates Riley St. and Scott St. are used for 3 county access to and First Responder Access to this proposed REZONE Site.  
Context : Proof this proposal poses a direct DANGER to health safety and Welfare by LIMITING THROUGH Traffic utilizing a 3 county bridge, Rainbow Bridge, and thereby ALSO impacts the only other area bridge, on Folsom Blvd. This must be approved by Sacramento County traffic, fire, safety agencies.

# Time 2:00pm 8 13 2020 Eight minutes at this time. No Data for Rush Hours.

The screenshot shows a Google Maps interface with a search bar at the top containing the address "603 Sutter St, Folsom, CA 95630". Below the search bar, there are two destination options: "Folsom Fire Station 35, 535 Glenn Dr, Folsom, CA 95630" and "Add destination". The "Leave now" button is visible. The main map area displays a blue route starting from 603 Sutter Street and ending at Folsom Fire Station. The route is labeled with "4 min" and "1.2 miles". An alternative route is shown in grey, labeled "5 min" and "1.4 miles". A third route is shown in red, labeled "15 min every 5 min". The map includes various landmarks such as Folsom City Lions Park, Theodore Judah Elementary School, Folsom Fire Station, and several residential areas like Citron Townhouses, Cobble Ridge, and Lands of Natomas. The bottom of the screen shows the Windows taskbar with the time "2:13 PM" and date "8/13/2021".

and levels of service were determined at the study facilities. The analysis worksheets for this scenario are provided in **Appendix E. Table 6** provides a summary of the intersection operating conditions for this analysis scenario. **Figure 8** provides the AM and PM traffic volumes for this analysis scenario. As shown in **Table 6**, the study intersections operate from LOS A to LOS F during the AM and PM peak-hours with the addition of the proposed Project.

**Table 6 – Cumulative (2035) plus Proposed Project Intersection Levels of Service**

#	Intersection	Traffic Control	AM Peak Hour		PM Peak Hour	
			Delay (seconds)	LOS	Delay (seconds)	LOS
1	Riley Street/Greenback Lane @ Folsom-Auburn Road	Signal	<b>149.7</b>	F	<b>186.0</b>	F
2	Riley Street @ Scott Street	Signal	20.9	C	<b>47.3</b>	D
3	Riley Street @ Leidesdorff Street	Signal	21.3	C	<b>38.3</b>	D
4	Riley Street @ Sutter Street	Signal	26.4	C	<b>53.5</b>	D
5	Sutter Street @ Scott Street	AWSC	9.8	A	9.1	A

Notes: **Bold** values indicate unacceptable intersection operations. AWSC = All Way Stop Controlled intersection.

Above: CONTEXT:

Applicant's Traffic Study DOES NOT INDICATE VIABLE THREE COUNTY SIZE roadways would exist.

## IMPACTS AND MITIGATION

### Standards of Significance

Project impacts were determined by comparing conditions with the proposed Project to those without the Project. Impacts for intersections are created when traffic from the proposed Project forces the LOS to fall below a specific threshold.

LOS will deteriorate.

As presented in the Historic District Parking Study<sup>3</sup>, the District was observed to have 622 existing off-street (see Figure 9) and 179 existing on-street parking spaces (see Figure 10). In addition, the District's parking occupancy was observed to peak at 60-percent during weekday peak-periods, and at 55-percent during weekend peak-periods. As a result of the observed parking occupancy levels, it is reasonably anticipated that the Prop

osed Project's parking demand will be satisfied by existing off- and on-street supply documented to be available within the Historic District.

COMMENTS on remaining 124 pages of numerical charts, which do not resolve the deperate SHORTAGE OF COMMERCIAL, and ALL NON-RESIDENTIAL Uses in OLDEST part of city, served by 19<sup>th</sup> Century Arterials serving THREE COUNTIES.

**COMMENT** There is a HUGE SHORTAGE of PARKING SPACES EXISTS. Kimley Horn did NOT do Actual Real-Time July 2021 TRAFFIC COUNT SURVEYS with Civil Engineer Seal & Signature.

LEVEL OF SERVICE LOS indicate from 2019 DATA that the ONE and ONLY Access to this Parcel which is LARGER/WIDER than Eighteen 18 feet, is Folsom Blvd.

ALL Folsom Streets serving this AREA, and this Parcel, PLUS THREE COUNTY THRU TRAFFIC using Rainbow Bridge, Lake Natoma Bridge, Sutter, Reading, Scott, Riley, Figueroa "Streets" that meet 19<sup>th</sup> Century STANDARDS.

ACCESS for First Responders is currently at F level or level Lower than A. Using Folsom 2035 General Plan, Kimley Horn state the area can expect further deterioration of Access.

FOLSOM STREET STANDARDS: Look hard at Section 11.  
<https://www.folsom.ca.us/home/showpublisheddocument/384/637466585843430000> Standards must be Caltrans acceptable.

Direct Quote:

### **Section 11: ROADWAY AND STREET DESIGN**

**GENERAL** Criteria not specifically addressed in these standards shall be consistent with California Department of Transportation design standards.

### **TYPICAL STREET CROSS SECTIONS**

Typical cross sections of the various street types showing pavement widths, curb and gutter types and locations, and rights-of-way are shown on the Standard Details.



The street designations and right-of-ways are as follows:

Designations	Right-of-Way	Width (feet)
Alley		24
Residential/Cul-de-Sac		44
Minor Collector		50
Collector		64 Minor Arterial (Undivided)
Collector		78
Divided Major Arterial (4 Lanes)		82
Divided Major Arterial (6 Lanes)		106

COMMENTS on Project, Kimley Horn warnings, and comparison to Folsom Street STANDARDS for STREET WIDTH by Usages:

Kimley Horn admits this Parcel is mainly accessed by F LOS roadway. Although not mentioned in this Project study, NONE OF THE AREA “Streets” meet Folsom Street Standards, nor Caltrans STANDARDS.

This is an appalling & disgraceful situation which is perpetuated by lumping together all sorts of Land Usages into a single entity called “Historic District”. HD is an OVERLAY of Extra requirements added onto those contained in Folsom Laws and Standards. Yet this group who decide “architectural” acceptably designs is being put forth to Residents and citizens as Final Arbitors and Grantors of “Parking exceptions”, Land Usage exceptions, REZONING which skips the legal PLAN COMMISSION hearings & recommendations to City Council to legislate REZONING.

COMMENT: read Folsom Standards for roadways definitions and further set-backs and requirements for ROW Right-of-Way.

**C. Minor Collector** – Residential streets serving fewer than 100 lots shall be classified as a minor collector street. Minor collector streets shall be permitted to have driveways serving single family residential and duplex units. Minor collector streets shall be constructed in accordance with Standard Detail RD-25.

**D. Collector** – Residential streets serving more than 100 lots shall be classified as a collector street. Driveways on Collector streets (Standard Detail RD-23 serving single family residential and duplex units shall not be permitted unless otherwise approved by the City Engineer. Additional right-of-way and pavement at intersections shall be provided on collector streets for deceleration lanes and tapers, bus turnouts and turn

lanes if specified by the City Engineer.

**E. Minor Arterial** (Undivided)/Minor Arterial (Divided) – Minor Arterial streets shall require a four lane roadway. Minor Arterial streets (undivided) (Standard Detail RD-27) shall provide a center two-way left-turn lane. Minor Arterial streets (divided) (Standard Detail RD-27) shall provide a raised median. Additional right-of-way and pavement at intersections shall be provided on minor arterial (undivided) and minor arterial (divided) streets for deceleration lanes and tapers, bus turnouts and turn lanes if specified by the City Engineer.

**F. Major Arterial** – Major Arterial streets shall require a six lane roadway (Standard Detail RD-27). Major arterial streets shall provide a raised median. Additional right-of-way and/or pavement may be required for bus turnouts and at intersections and driveways for acceleration lanes, deceleration lanes, right-turn lanes and multiple left-turn lanes if required by the City Engineer.

**11.3 RIGHT-OF WAY WIDTH** The right-of-way for residential/cul-de-sac, minor collector and collector streets shall be provided at the back of sidewalk regardless of whether or not the proposed streets have separated sidewalks. The right-of-way for minor and major arterial streets shall be provided at the back of curb. Building setbacks, landscape requirements, parking requirements, etc. shall be based on the ultimate right-of-way regardless of the location of the public street improvements.

A minimum 12.5-foot public utility easement (P.U.E.) shall be dedicated adjacent to all public and private streets and shall include traffic control appurtenances. Additional easements for sewer, water, storm drainage, landscaping, fencing, and all other public utilities shall be provided as required by the utility companies, these Design Standards, and as specified by the City Engineer

## COMMENTS:

City staff have NO Right under Laws to make decisions about Parking, Right-of-Way Width exceptions, and REDUCTION of actual Standards for ALL CITY STREETS - including every single one of those in the oldest, most-poorly served portion of city.

COMMENT: Folsom City Engineer and Folsom City Attorney both have State Licenses, with Requirements. Yet neither have added Sealed/Signed Reports approving legal Compliance of Applicant's Proposal. There is something very wrong with this city's operations, and the NON publicized alterations to our Folsom Municipal Code.

Further, Kimley & Horn have failed to do 2021 Traffic Analysis with actual TRAFFIC COUNT SURVEYS. They have however, shown the Folsom 2035 General Plan Update will make city streets in this oldest area reach the Lowest, most dangerous and inaccessible Levels of Service..... including some F level added to existing F level 3- county Arterial over American River.

**Document submitted anew by applicant:**

**REVISED INITIAL STUDY AND MITIGATED NEGATIVE  
DECLARATION FOR THE 603 SUTTER STREET COMMERCIAL  
BUILDING PROJECT**

**COMMENTS:** Why is this a claimed “Commercial Building SITE” when it is surrounded by Residential [& historic protected residences?]  
What exactly is a “parking encroachment” when PARKING and STREET Width are actual STANDARDS enforced by City Engineer. See Traffic study above.

**REVISED INITIAL STUDY AND ENVIRONMENTAL EVALUATION**

Project Title: 603 Sutter Street **Commercial Building Entitlements Requested:**

**Design Review Parking Variance Encroachment Permit**

Lead Agency Name and Address: City of Folsom Community Development Department 50 Natoma Street, Folsom, CA 95630 Contact Person and Phone Number: Steven Banks, Principal Planner City of Folsom Community Development Department Phone: (916) 461-6207 sbanks@folsom.ca.us General Plan Designation: Historic Folsom Mixed Use (HF) Zoning: Historic District (HD) Historic District Designation: Historic Commercial Primary Area - Sutter Street Subarea

PREFACE Since the City of Folsom published and circulated a Notice of Intent to Adopt a Negative Declaration together with a supporting Initial Study on June 11, 2020, the applicant for the 603 Sutter Street mixed-use commercial building has redesigned the project in response to public and agency comment. Additionally, the City of Folsom has determined that several environmental topics evaluated in the June 11, 2020 document, including the project’s potential to adversely affect historical resources and to generate noise effects, deserve additional evaluation. Based on changes to the project and other considerations, the City has determined that the June 11, 2020 Initial Study/Mitigated Negative Declaration needs to be revised and recirculated pursuant to Section 15073.5 of the California

**Environmental Quality Act (CEQA) Guidelines<sup>1</sup>,**

This Section of the Guidelines requires that a lead agency, such as the City of Folsom, recirculate a Negative Declaration when the document must be substantially revised after public notice of its availability has previously been given, but prior to its adoption. Such is the case for the Negative Declaration assessing the 603 Sutter Street mixed-use project.

Modifications to the Initial Study/Mitigated Negative Declaration occur throughout the document;

however, revisions to the Initial Study are found primarily in the following Chapters and Sections: 1. Project Description; 5.I, Aesthetics; 5.V, Cultural Resources; 5.XI, Land Use; and 5.XII, Noise.

New appendices added to the document include a Historic Resources Assessment (**Appendix C**) and a Noise Study (**Appendix D**).

An update on actions the City has taken regarding parking in the 1 California Code of Regulations; Title 14, Natural Resources; Division 6, Resources Agency; Chapter 3, Guidelines for Implementation of the California Environmental Quality Act, as amended.

**COMMENT: WHAT IS Nat Resources Title 14, “guidelines for ...CEQA”????  
Is this the SS referred to, by which city engineer would have NO alternative but to Deny Application? Appears City Engineer has a License duty with respect to Traffic study submitted, versus the woefully too-small 19<sup>th</sup> century “streets” serving this area and this Parcel.**

#### Section 15042 - Authority to Disapprove Projects

A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed. A lead agency has broader authority to disapprove a project than does a responsible agency. A responsible agency may refuse to approve a project in order to avoid direct or indirect environmental effects of that part of the project which the responsible agency would be called on to carry out or approve. For example, an air quality management district acting as a responsible agency would not have authority to disapprove a project for water pollution effects that were unrelated to the air quality aspects of the project regulated by the district.

**COMMENT in re Mitigated Neg Declaration: Folsom has a bad habit of reporting Zone Districts for Parcels as HD - meaning “historic district.” It is not FMC defined ZONE DISTRICT. It does NOT have any legal right to a second Set of Folsom Standards. That is patently illegal and not Constitutional.**

To demonstrate this, consider the Sacramento County Recorder and Real Estate Assessor Valuation of the Parcel on across the street from 603, and on 603 itself.

604 Sutter St. has a **Land Value** of over \$1.2 Million.

603 Sutter St. has **TOTAL VALUE** of \$130,192. If this Parcel 603 were given a more dense Land Use, and a Commercial Zone District designation **FOLLOWING** Plan Commission Hearings & Recommendation to



City Council to legislate REZONE, then 603 would have a huge increase in land value. But it would come at the expense of all Residents and others in this oldest, worst-served part of city.

as of June 25, 2021

Tax Roll Year           **2021**

Land Value       **\$130,192**

Parcel image shown below.

FINALLY, MITIGATED NEGATIVE DECLARATION OF IMPACT on Environment, including Traffic, First Responders Access TIME, Violation of CALTRANS Standards and Folsom Street Standards - which MUST BEAR THE APPROVAL of the City Engineer --- not this layperson in Planning who is the City Engineer's "supervisor."

COMMENTS on CEQA, State Level Circulation of this document:

The CEQA Manager informed me this NOI must be circulated to a wide number of agencies, including State, other Counties, SMUD, Regional Water Quality Control Board, State Water Resources Control Board, Sacramento County Recorder, Real Estate Assessor, County Planning Agency, Caltrans Office, Sacramento County Fire District, State Fire Marshal, and others.

It is my intention to inform all these entities of this detailed Research Report on the Applicant's "Findings of Fact" and the City Engineer's FAILURE to ENFORCE STREET Standards and Infrastructure Standards. Other Counties who depend upon 19<sup>th</sup> century Sutter, Riley, Scott, Street and others, will be directly informed as well.

OPR CEQA Manager has given assurances that this is a PLAN COMMISSION item in normal places, and this Manager will ensure this Research Report will receive all the attention it deserves. Add Folsom's "Circulation List" will be monitored to ensure all information is circulated on all entities and people impacted by messing with a Substandard part of Folsom.

**SACRAMENTO COUNTY** Assessor Parcel Viewer

603 sutter Street folsom ca

Parcel Details Layers Measure Search Results Select Parcels Recent Sales Legend Help

Most Recent Tax Roll  
Last Roll Year 2020

**ASSESSOR'S ROLL VALUES**

as of June 25, 2021

Tax Roll Year	2021
Land Value	\$130,192
Improvement Value	\$0
Personal Property Value	\$0
Fixtures	\$0
Homeowner's Exemption	-\$0
Other Exemption	-\$0
Net Assessed Value	\$130,192

Property tax bill information [Link to ePropTax information](#)

Additional information regarding Assessor's roll values can be

Parcel 070-0111-010

ESRI Streets  
Arcgis Online Streets map with street-level data

County of Sacramento, Bureau of Land

3:16 PM  
8/13/2021

**Ms. Johns Approval of Mitigated Neg Dec “finding”:**

**COMMENT:** Kimley & Horn, neighbors, outside users of Major Arterial streets to access Bridges connecting THREE COUNTIES, indicate this signator has NO License, No legal Authority to make such Engineering and Street Standards Decisions. She has no right to consider a Major REZONE of Parcel surrounded by “protected” historic residences.

That Folsom City Attorney would permit such operations, and overstepping of State Government Codes is appalling.

IS\_MND 072021 168 / 168 90%

**ENVIRONMENTAL DETERMINATION**

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been adequately analyzed in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, or (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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The City of Folsom has determined that the subject project, further defined and discussed in the attached Environmental Checklist/Initial Study will not have significant effects on the environment. As a result thereof, the preparation of an Environmental Impact Report pursuant to the California Environmental Quality Act (Division 13 of the Public Resource Code of the State of California) is not required.

The City of Folsom prepared the attached Environmental Checklist/Initial Study on July 19, 2021. Further information, including the project file, supporting reports, and related studies, may be reviewed at the public offices of the Community Development Department, 50 Natoma Street, Folsom, California 95630.

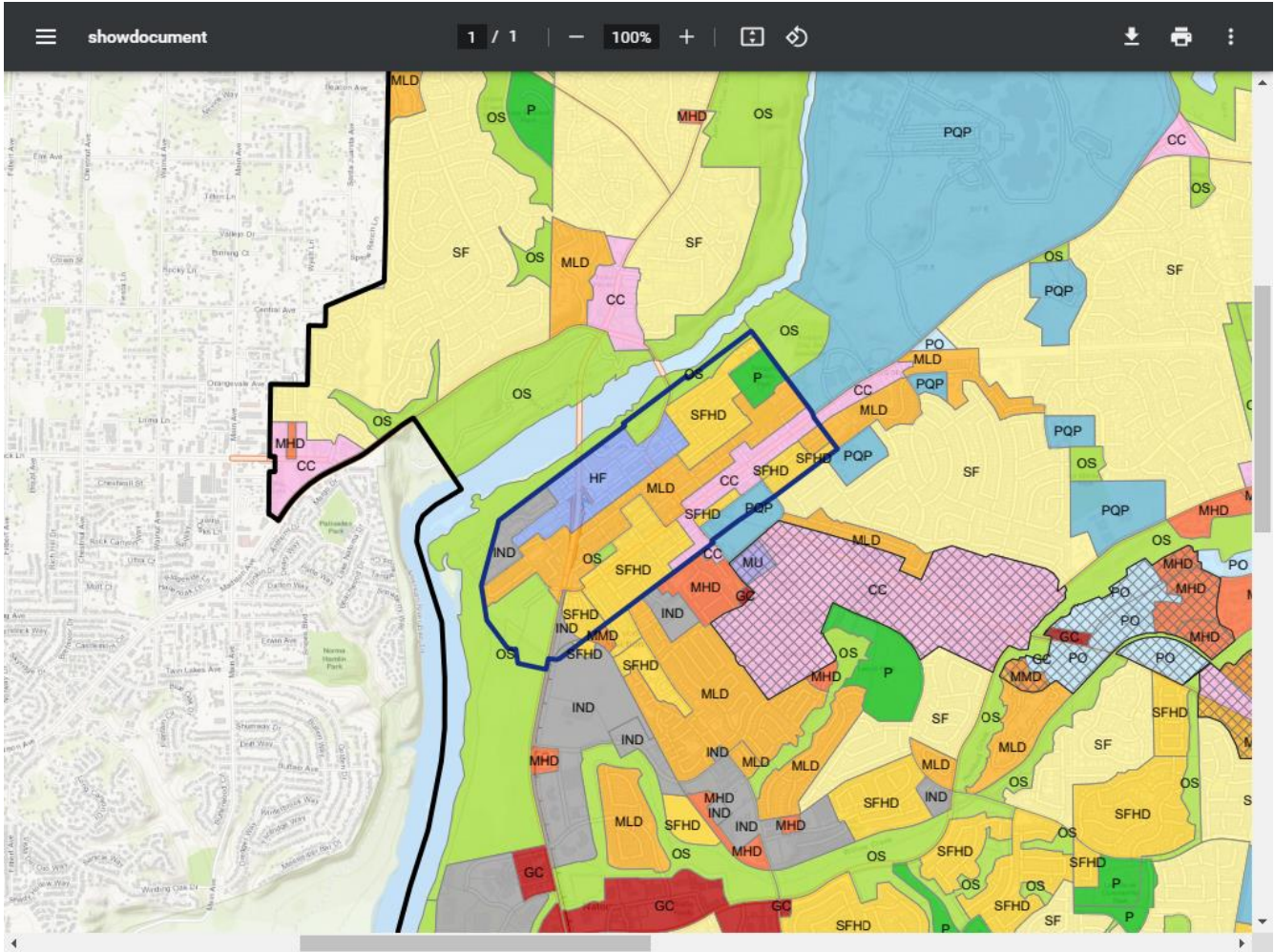
**MITIGATION MEASURES:** Mitigation measures have been identified for the project.

Signature: *Janele Johns* Date: 7/19/21

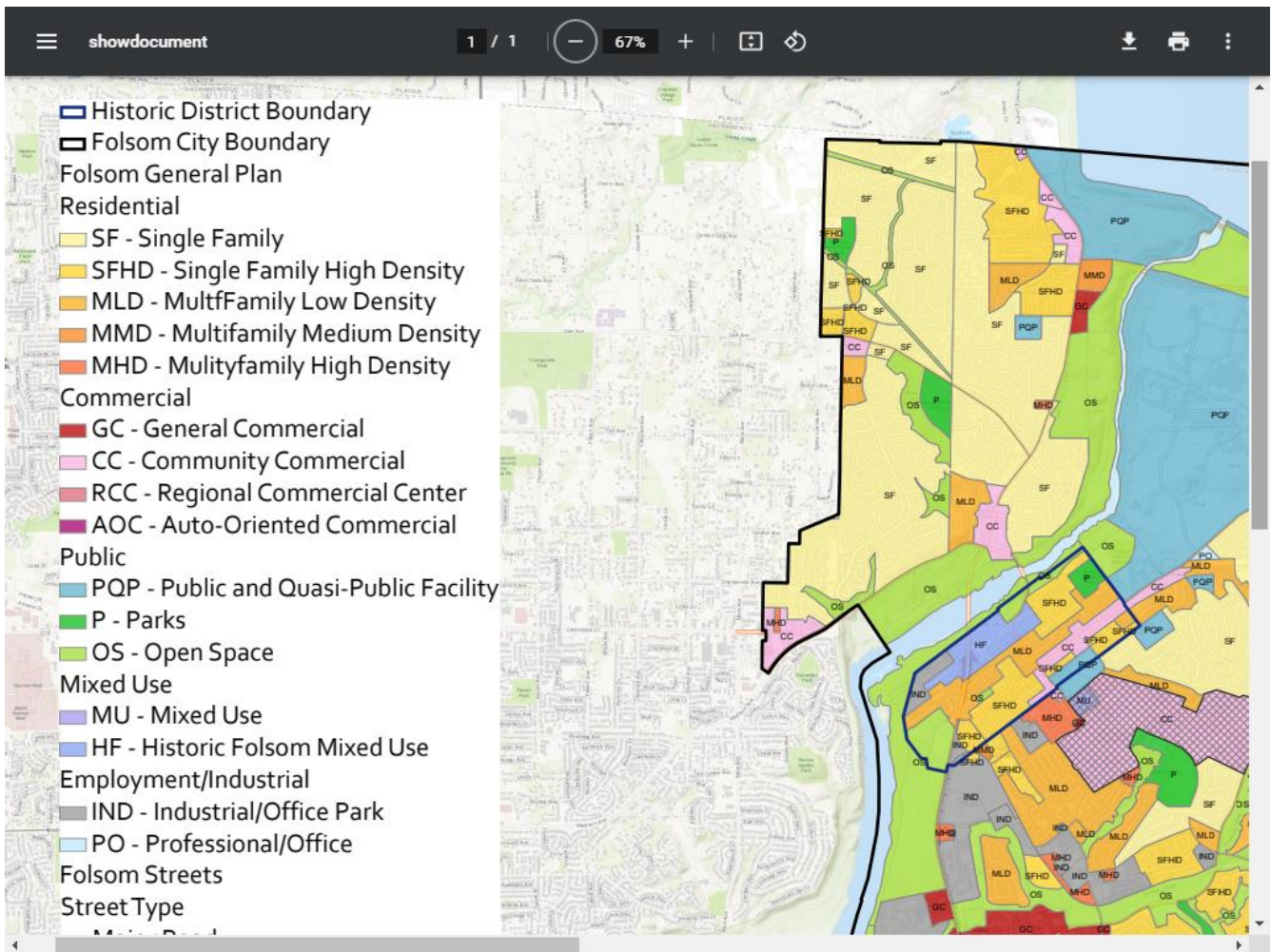
Printed Name: Janele Johns For: City of Folsom

**COMMENTS FOLSOM GENERAL PLAN MAP DESIGNATION of Parcel in "historic district."**

This is how Folsom determines "LAND USE DISTRICTS" in "HD" oldest area. Please, State, County, city, engineers and others, tell me this Parcel is NOT in a "color" which is Residential.







## Tell us what any reasonable person or Licensed Engineer or Attorney would make of this as a Land Use Zone District Determination?

Look how the oldest area has the same delineation as the “city boundary” lines. Look at the three county bridges at this nexus of F Level of Service already.

Look how this city even dares to include the Historic Public Cemetery Parcel as within “historic district OVERLAY” area.

Cemetery is currently pursuing a crematory, abutting Federal and State owned Parcels which surround it 80%. Cemetery is reported as OPEN SPACE/OS CONSERVATION ZONE - but Folsom gave it “exceptions” for 12 huge buildings.

**Christina Kelley**

---

**From:** rebmngt@aol.com  
**Sent:** Friday, March 12, 2021 6:46 AM  
**To:** Steven Banks  
**Cc:** bdelp@live.com; crpharis@att.net; jpshawman@gmail.com; lane.jenslucy@yahoo.com; lkatfisher@aim.com; mjrhfra@gmail.com; mrpdk@comcast.net; shanjean1@aol.com; loretta@shaunv.com; glennfait@aol.com; fuentesben@comcast.net  
**Subject:** 603 Sutter Street, PW 17-145

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr Banks,

Yesterday, you received a letter from Mr. Delp stating concerns about the 603 Sutter Street project. I would like you to know that as a resident, I support everything Mr. Delp said in that letter. The applicant is still not addressing several critical issues. First, the building still does not meet the requirements as to size as stated within the Historic Design and Development Guidelines. Second, as I mentioned when they submitted this last time, they are not providing parking for their employees and customers. As there is no parking at that end of town, 100% of his parking will be in the residential areas. This will provide undue hardship and is extremely unfair to the residents living within close proximity to the building. It is applicants responsibility to provide parking for their building. I wish it to be known for the record that I am strongly opposed to any variances being given to this project.

Thank you.

Sincerely,

Mike Brenkwitz  
603 Figueroa St.

**Desmond Parrington**

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**From:** impound guy <sgcode3@gmail.com>  
**Sent:** Thursday, March 11, 2021 9:58 AM  
**To:** Steven Banks  
**Subject:** Re: 603 Sutter Street Mixed-Use Building Project (PN 17-145) Update

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the updated information regarding this project.

Although it is hard to imagine what it will look like without any architectural drawings I would hope if this project does need to go forward it will not compromise the Historic look we all love on Sutter in the Historic District. It is that look literally which sold me on moving to Folsom almost 5 years ago after moving here from SoCal.

We only get "one shot" at preserving Folsom's History and look....once that is lost, it is not retrievable again.

Thank you,  
Steve Getz

On Thu, Mar 11, 2021 at 9:39 AM Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)> wrote:

Good morning all,

I wanted to take a moment to provide you with an update on the status of the 603 Sutter Mixed-Use Building project (PN 17-145). In response to extensive input provided by residents, the Historic Folsom Residents Association (HFRA), the Heritage Preservation League (HPL), and the Historic District Commission (HDC) over the course of the past year, the project applicant made the decision to revise the proposed project. The most notable changes to the proposed project include a reduction in the square footage of the building, a reduction in the height of the building, changes to minimize the mass and scale of the building, and architectural design modifications to the building to better reflect the historic character of Sutter Street. The following is a link to the City's website where the updated plans are available for the public to review:

[https://www.folsom.ca.us/community/planning/current\\_project\\_information.asp](https://www.folsom.ca.us/community/planning/current_project_information.asp)

Due to the extent of the aforementioned project modifications, the Initial Study and Mitigated Negative Declaration that was originally prepared for the project is in the process of being updated by Planning Partners, Inc. Once the Initial Study and Mitigated Negative Declaration are complete, the public and other responsible agencies will be given a minimum of 30 days to review and comment on the environmental document. In terms of timing, the proposed project will most likely be moving forward to the Historic District Commission in May or June. Please let me know if you have any comments or questions.

Thank you to the applicant and consultants for their effort in improving their proposal, particularly in their improvement of the building's historic appearance. Unfortunately, HPL is still unable to recommend in favor of the project.

The biggest problem remains its size, “a five-gallon project poured onto a one-gallon site.” In either option offered, the building's overall massing is only slightly softened, and only from the adjacent sidewalk view, by the partial indentation of the third story and the non-square corner. The mass is still massive:

- It dwarfs the genuinely historic building next door (the library/Candy Store art gallery) and puts it into a narrow canyon. HPL has also noted that the existing 3-story building at 607 Sutter Street (west of the former library) was approved with a height variance and should not be considered a model for development along Sutter Street.
- Its size dominates the Sutter/Scott corner, detracting from the proper dominance of the genuinely historic Cohn Mansion.
- It requires a height variance, with little justification. There is no inherent right to maximize a site.
- It significantly exacerbates the parking shortfall at this end of Sutter Street. As a result of the proposed encroachment into Scott Street public right-of-way area (the new plans show a storage space in addition to a recessed walkway outside the east building façade), some existing parking spaces have also been lost.

We have other issues and questions. The architect has identified the style as “Gold Rush”, referring to buildings constructed in the Mother Lode during the Gold Rush. However, based on the Historic References (page A-002) submitted by the applicant, it is evident that the first floor of commercial buildings during the Gold Rush did not have uninterrupted glass facades but instead individual windows. In addition, what is the historic design justification for not using divided lites on the ground floor? During the Gold Rush, buildings used divided lites, not sheets of plate glass, for the obvious reason of breakage during long-distance transport.

HPL has questions regarding the materials to be used for the facades visible from the streets. Of course brick is appropriate, but the other materials need historic design justification included in any future submittal.

Mr. Alaywan has sought to justify his proposal by saying it's not fair for him to be denied what other properties have received. The Commission has of course faced this question before, and the right answer is always that each proposal is considered on its own merits, no two situations ever being the same. Further, HPL concurs with Glenn Fait's letter. A project or feature previously approved by the Historic District Commission is not justification for another similar approval. His letter eloquently explained that mistaken approvals have been granted in the past and should not be duplicated.

If the applicant returns with a smaller design, HPL recommends that the building not exceed the height limit, that the side adjacent to the library/art gallery building be two stories or less, that more information on historicity of materials be provided, and that no parking variance be required except to allow that new off-site parking for tenants be provided temporarily, until the City alleviates the parking issue in this area.



## Desmond Parrington

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**From:** Elaine Ferreira-Pro <celainefp@gmail.com>  
**Sent:** Monday, July 27, 2020 1:14 PM  
**To:** Kelly Mullett  
**Subject:** Letter to Historic District Commission re: 603 Sutter Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hello Kelly,

Please share this letter with all members of the Folsom Historic District Commission

Re: 603 Sutter Street Mixed Use Building

Dear Commissioners:

I am requesting that you deny the height, parking and design variance applications for the 603 Sutter Street Mixed Use Building project. The current plan will detract in both style and size from the rich heritage of the historic district. It would dominate the neighboring homes and businesses and adversely affect quality of life for those neighbors. Residents and businesses farther away would be detrimentally impacted by the parking and noise issues caused by this plan.

Folsom is known for its history and for its quality of life, neither of which would be enhanced by this project as it is currently designed and both of which would be seriously impacted. Please deny these variances for the benefit of the community and the historical legacy of Folsom.

Sincerely,

Elaine Ferreira-Pro  
808 Figueroa Street  
Folsom, CA 95630

City of Folsom Staff and Historic District Commission  
 50 Natoma Street  
 Folsom, CA 95630

via email to:

Elaine Andersen - [eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)  
 Pam Johns - [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)  
 Scott Johnson - [sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)  
 Steven Banks - [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)  
 Daron Bracht - [daronbr@pacbell.net](mailto:daronbr@pacbell.net)  
 Daniel West - [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)

Mickey Ankhelyi - [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)  
 Rosario Rodriguez - [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)  
 Mary Asay - [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)  
 Kathleen Cole - [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)  
 Kevin Duewel - [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)  
 Kelly Mullett - [kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)

**SUBJECT: 603 SUTTER STREET – REQUEST RE: PENDING STAFF REPORT**

Dear City of Folsom Staff and Historic District Commissioners:

As of this morning, City of Folsom planning staff have advised that the 603 Sutter Street development proposal will be discussed at the Historic District Commission (HDC) August 5, 2020, meeting. Staff also advised that the staff report will not be available until late Wednesday (July 29<sup>th</sup>) afternoon. At this time, in the absence of a staff report, it is unclear if this will be brought to the HDC as an informational item or if staff will be asking the HDC to make decisions regarding this project. By way of this letter, I am requesting that staff and the HDC postpone a public meeting on this project until at least two weeks *after* a staff report is made available to the HDC and community members, and I am also requesting that the HDC's authority pertaining to certain City requirements be addressed in the staff report.

I urge the HDC to avoid conducting a public hearing or otherwise attempting a decision regarding 603 Sutter Street until the community has had at least two weeks to review and comment on a staff report. Staff have previously granted an extension of this meeting based on a request by the project proponent who has had years to prepare and bring the project to the City. Yet, members of the community who have much more collective vested interest in Folsom's Historic District are apparently going to be given just four business days to consider staff's review of the project and provide input to the HDC. This is extremely unfortunate and could be remedied simply by the HDC postponing the item to a future meeting once the staff report has been published, all required application materials have been provided, and the community is given an opportunity to review and provide input. Project documents available on the City website are currently limited to a set of March 2019 drawings and a draft Initial Study/Mitigated Negative Declaration (IS/MND); and no variance request or explanations are posted on the City website.

A community member I recently spoke with let me know that one of the HDC commissioners recommended that public comments on the project should be submitted *before the staff report is available*. That commissioner apparently felt that once the staff report was available, the HDC would barely have time to review the staff report, let alone consider public comments before the meeting. I intend to provide comments to the HDC, but my comments will largely depend on information and recommendations contained *in the staff report* (or at least information that *should be* included in the staff report). Therefore, it would be impossible for me to prepare and submit comments to the HDC prior to release of the staff report. Of course, it would be very concerning if the HDC does not take reasonable and sufficient time to review the staff report and to consider public input prior to a hearing.

Commissioners acknowledged at the July 15 HDC meeting that substantial public interest is expected for this project and commissioners also expressed that staff should plan for that community interest and ensure sufficient time for the HDC's consideration of the project. Holding a hearing for a project with substantial community concern just four business days after a staff report is produced will deprive the public a meaningful opportunity to comment and will not allow the HDC sufficient opportunity to consider public input. (I have previously commented on the inadequacy of the application and variance request, and will not reiterate that here, except to say that those inadequacies create even more challenges for community understanding of the project and required approvals and input to the HDC.)

Therefore, I am requesting that staff and the HDC postpone a public meeting on this project until at least two weeks after a staff report is made available to the HDC and community members. I also continue to encourage you to require that a full application(s) be submitted by the applicant, that the environmental review process then be completed (including recirculating a revised environmental document that addresses comments received on the draft), and only then prepare a staff report and take the project to the HDC.

I am also urging staff – working with the City attorney as necessary – to ensure the staff report addresses, among many other issues, the following in terms of the HDC's authority to approve the project as proposed and wave provisions of the Folsom Municipal Code (FMC) and City of Folsom 2035 General Plan. For the community and the HDC to understand the approvals necessary for the proposed development, and to verify the HDC's authority to make any such approvals, please ensure that each of these questions is addressed in the staff report.

1. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with FMC requirements for motor vehicle parking spaces?
2. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with the FMC and General Plan parking requirements for electric vehicles and charging stations?
3. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the FMC and General Plan requirements for bicycle parking, including General Plan Policy M 4.2.2?
4. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the City's disabled persons parking requirements? Would such an approval subject the City to potential litigation for failure to comply with the American's with Disabilities Act (ADA) and, if so, is the project proponent required to indemnify the City against such potential legal action?
5. Does City staff and/or the HDC have the authority to wave the requirement that an applicant submit a signed application and fee for a variance as required by FMC 17.62.020 and 17.52.370?
6. Does the HDC have the authority to approve a project for which complete applications and submittals, including an attempted justification of any and all variances required for a project as required by the FMC, have not been submitted?
7. Does City staff and/or the HDC have the authority to wave the requirement that an applicant submit a signed application for an easement as required by FMC 12.20.090 and does waving such requirement subject the City to liability that might otherwise be addressed by having a complete set of current and executed application forms?

8. Does the HDC have the authority to grant a *permanent* easement for private development of privately owned permanent structures on City-owned property?<sup>1</sup>
9. Does the HDC or any other decision-making body of the City have the authority to grant a permanent easement for the development of privately owned permanent structures on City-owned property without requiring compensation for such easement? Would not such an easement without compensation be an illegal gift of public funds? Does the HDC have the authority to negotiate or waive City financial matters such as this?
10. Does the HDC have the authority to approve a private development project that exceeds the FMC maximum floor area ratio (FAR) development standards or is that authority limited to the City Council?
11. Does City staff and/or the HDC have the authority to waive the requirement of an applicant to submit a signed and completed Greenhouse Gas Reduction Strategy Consistency Checklist which is required for any applicant for any project that undergoes environmental review?  
[https://www.folsom.ca.us/documents/Planning/Folsom\\_GHG\\_Reduction\\_Checklist\\_FINAL.pdf](https://www.folsom.ca.us/documents/Planning/Folsom_GHG_Reduction_Checklist_FINAL.pdf)
12. Does the HDC have the authority to waive the General Plan's requirement that the California Green Building Code (Title 24, Part 11) be complied with for developments within the City?<sup>2</sup>

Thank you for your consideration of these comments.

Sincerely,



Bob Delp  
612 Mormon Street  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

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<sup>1</sup> Staff have previously advised me that the project would require a permanent encroachment permit for the portions of the permanent structure on City property, although I have requested all application materials for this project and I have not seen an application for an encroachment permit as required per FMC 12.20.090). I do not see any provisions in the FMC for the City to authorize a "permanent" encroachment permit; instead, the FMC contemplates that any physical feature on city property allowed through an encroachment permit be removed at order of the City, so it seems obvious that a permanent structure would not be permissible under that requirement. The FMC clearly intends that any such awnings or other features authorized under an easement be removable upon City direction. At issue with the 603 Sutter Street project is the proposed placement on City property of permanent portions of the proposed structure that would be difficult if not impossible to remove.

<sup>2</sup> Current mandatory measures include those pertaining to bicycle parking, parking for fuel-efficient vehicles, electric vehicle charging – since the project includes none of these, it will not achieve CBC Title 24 standards as required by the General Plan.



**Desmond Parrington**

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**From:** labban2@aol.com  
**Sent:** Monday, July 27, 2020 8:32 AM  
**To:** Kelly Mullett; City Clerk Dept; Steven Banks  
**Cc:** labban2@aol.com  
**Subject:** 603 Sutter Street (THE FOLLOWING IS PROVIDED TO BE READ INTO THE RECORD DURING THE "PUBLIC COMMENTS" PORTION OF THE AUGUST 5TH, 2020 MEETING)

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THE FOLLOWING IS PROVIDED TO BE READ INTO THE RECORD DURING THE "PUBLIC COMMENTS" PORTION OF THE AUGUST 5TH, 2020 MEETING

Historic District Commission  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630  
via email to: [kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)

Subject: 603 Sutter Street

Historic District Commissioners:

My name is Jamie Labban, I reside at 510 B Sutter Street in Folsom's Historic District. My comments are to urge you and the City council to approve the application for 603 Sutter Street. I am a long-time Folsom resident, I reside across the street from the proposed building. I was appreciative that the applicant re-designed the building based on public comments stated by myself and other folks with a preference of no garage. The Applicant took the garage out and reduced the height of the building. It's Un-Historic, in my opinion, to have a Historic looking building with two underground parking and steel reinforced concrete.

The proposed project does not exceed the 2.0 maximum floor area ratio (FAR) permitted by the zoning code. As I stated above, I live across the street and I am not concern with the noise as I believe it would be similar if not the same as the deck on 607 Sutter building.

I believe that the height and parking variance are acceptable giving the exceptional or extraordinary circumstances applying to the land. These conditions did not apply to 607 and 604 but, both got a height variance.

JAMIE LABBAN  
510 B Sutter street  
Folsom, CA 95630  
Email:labban2@aol.com

**Christina Kelley**

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**From:** Shawna Barva <ssbarva@gmail.com>  
**Sent:** Friday, July 24, 2020 6:36 PM  
**To:** Kelly Mullett; City Clerk Dept; Steven Banks  
**Subject:** Proposed 603 Sutter Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Historic District Commissioners:

My name is Shawna Barva and I reside at 611 Wool Street in Folsom's Historic District. I have been lucky enough to have seen Folsom's Historic District grow and thrive- while incorporating new businesses along the way. Sutter Street and the surrounding neighborhood has benefitted from this growth, and I believe the proposed building at 603 Sutter Street is part of this story. The city has circulated the mitigated negative declaration, the results of which have shown the variances to be absent of any negative impacts to the neighborhood. As residents of this area, we know how Sutter Street's development has positively impacted the neighborhood; bringing about increased property values as well as a mix of new restaurants and businesses to benefit from. The building adheres to the charm of Sutter Street that we would expect and is in short supply in the surrounding area.

Especially in light of the times I believe this building serves as a buffer to provide further economic benefits to the neighborhood, attracting new investment and value to our small community.

Thank you.

Shawna Barva

611 Wool St.

Folsom, CA 95630

[ssbarva@gmail.com](mailto:ssbarva@gmail.com)

City of Folsom Staff and Historic District Commission  
50 Natoma Street  
Folsom, CA 95630

via email to:

- Elaine Andersen - [eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)
- Pam Johns - [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)
- Scott Johnson - [sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)
- Steven Banks - [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)
- Daron Bracht - [daronbr@pacbell.net](mailto:daronbr@pacbell.net)
- Daniel West - [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)
- Mickey Ankhelyi - [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)
- Rosario Rodriguez - [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)
- Mary Asay - [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)
- Kathleen Cole - [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)
- Kevin Duewel - [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)
- Kelly Mullett - [kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)

**SUBJECT: 603 SUTTER STREET – INCOMPLETE APPLICATION**

Dear City of Folsom Staff and Historic District Commissioners:

At the City of Folsom Historic District Commission meeting on July 15, 2020, my comments were read into the record urging staff and the Commission to require a complete application prior to further processing of a development proposal for 603 Sutter Street. At that meeting, Mr. Banks told the Commission that I “did not provide any specific details” as to why I “believe the application is complete.” Mr. Banks also advised the Commission that staff is intending to bring the project to the Commission for a hearing on August 5<sup>th</sup>.<sup>1</sup>

I have expressed at least some of my concerns to Mr. Banks and other City staff in email correspondence over the past several weeks.<sup>2</sup> It is evident that there is no application on file for the current project and, even if a previously submitted 2017 application for the same property is partially relevant, that 2017 application was then, and still is, incomplete. Neither the Commission, staff, nor community members should be forced to spend time engaging in a project that has not completed the basic requirements of the City’s application process.

By way of my request to the Commission on July 15 and this letter, I am asking staff and the Commission to avoid more wasteful time on a project for which a complete application has not been submitted.

On June 23, 2020, I requested that Mr. Banks send me “the full project application, including a completed Development Application form and Design Review form and any other application materials for the currently proposed project,” and I advised that I was particularly interested in

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<sup>1</sup> The City’s Initial Study/Mitigated Negative Declaration (IS/MND) advertised that the project would come before the Commission on July 15, 2020 and that the staff report would be made available on July 9, 2020. In my comments on the IS/MND, I requested an extension of time to comment until such time as the City had provided a complete application for the community to review. That request was denied by staff and I was told that the project hearing would proceed on July 15. Yet, after I submitted my comments on the IS/MND staff advised me that *based on the applicant’s request* the hearing was being postponed to August 5, 2020. It is extremely disappointing that staff intends to provide less than one week for the community to review and absorb a staff report and yet granted an extension request to an applicant who has had years to prepare and should have no reason to need to extend or delay the hearing.

<sup>2</sup> I have requested that staff advise me of whether my correspondence with staff was being provided to the applicant and requested that, if it was, staff cc me on those communications simply so I can be aware of how my input has been transmitted to the applicant. Clearly, my input to staff has been conveyed to the applicant, yet I have not once been cc’d or forwarded those communications. I realize my comments are public record, but I have expected to receive the same communication courtesy as a project proponent, and that has not occurred.

seeing the applicant's explanation of the requested variances as required by Folsom Municipal Code (FMC) Chapter 17.62.020.

In response to my request, Mr. Banks provided a May 3, 2017, application form and certain attachments which he characterized as the “Development Application Form for the 603 Sutter Street Mixed-Use Building project.” That 2017 application was submitted by an applicant named as “Sacramento Commercial Properties,” with Doug Scalzi identified as the “Developer or Project Sponsor.” Yet, staff has advised that Sacramento Commercial Properties and Mr. Scalzi are not involved with the current project.

With regard to my request for the applicant’s explanation of variance, Mr. Banks stated:

“the **applicant did not submit a written Variance justification letter** with the original Development Application Submittal. However, the applicant **has discussed** the different Variance requests and their justification numerous times with City staff over the past **two plus years**. In addition, on August 2, 2017, the proposed project was presented to the Historic District Commission as an information item, during which time the applicant, City staff, the Commission, and the public **discussed the two variance requests** of the applicant.”

FMC Chapter 17.62.020 states:

“**Application for a variance shall be made in writing on a form prescribed by the planning commission** and shall be accompanied by a fee as established by resolution of the city council no part of which shall be returnable to the applicant, and by statement, plans and other evidence showing: 1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district; 2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and 3. That the granting of such application will not, under the circumstances of the particular case, materially affect the health or safety of persons, residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. (Ord. 466 Exh. A (part), 1981; Ord. 323 § 29, 1975; prior code § 3123.02)”

For what would seem very obvious and important reasons, the FMC clearly does not provide that simply *discussing* a variance request constitutes an “application,” and it is unclear why staff would engage in discussing an applicant’s reasons for a variance when it is the applicant’s sole responsibility to attempt to justify any necessary variance.<sup>3</sup>

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<sup>3</sup> On June 27, 2020, Mr. Banks forwarded me an explanation of variance for height and parking associated with the current project. The document was dated June 23, 2020, was unsigned, and did not identify a preparer other than concluding with the sentence, “Applicants of 603 Sutter Street Building.” On July 7, 2020, Mr. Banks forwarded to me what he referred to as an “updated variance statement provided by the project applicant.” That document was also unsigned, but concluded with, “Prepared by the Applicant, Deborah Alaywan.” First, a “Debrah Alaywan” is not identified on any application-related documents that I have seen associated with 603 Sutter Street and is not named on the 2017 application that staff asserts remains relevant. Second, these documents were submitted to the City only after the City prepared and circulated an Initial Study/Mitigated Negative Declaration for the project and were not submitted as part of an application. Third, it seems obvious that these documents were not prepared until I requested them, which is a significant flaw in a process that requires an applicant to **explain the variance request**



Furthermore, the currently proposed project (as presented in a March 2019 set of drawings, but not in a complete application) is different in design and in variance requirements as compared to project in the 2017 application. Therefore, any such discussion or explanation that might have been proffered for variances for the previous project, would not be relevant to the current project. (For example, the previous project included a parking garage, whereas the current project proposes to provide no parking. For anyone aware of the parking challenges in the Historic District, this fact alone is a substantial difference between the two distinct projects.) Regardless, as Mr. Banks acknowledged, no applications for any variances have been submitted for either the 2017 project or the current project. That fact alone is sufficient reason to stop this current process until the applicant provides the required application materials.

Furthermore, only two variances have been “discussed” and yet the current project as presented in the March 2019 drawings would require at least four variances from the FMC. No application(s) have been submitted for the two variances that have been “discussed” (building height and parking), nor have applications been submitted for the at least two other variances that would be required for the March 2019 project: 1) negative setbacks (i.e., constructing permanent structures across the property line and within City-owned right-of-way) and 2) exceedance of the FMC maximum floor area ratio (FAR) applicable to the property (requesting a FAR exceeding 2.0 for a property zoned for a maximum FAR of 2.0).

Reasons why the 2017 application is not representative of the current project and why the 2017 application is inadequate (even if it were still representative of the current project), include:

1. Sacramento Commercial Properties is identified on the 2017 Development Permit Application as the applicant. Doug Scalzi is named as the agent for the project and Mr. Scalzi is named as the “developer or project sponsor.” Yet, staff have advised that Sacramento Commercial Properties / Doug Scalzi is not involved in the current project.
2. The 2017 application was for a project that included a parking garage; the current project does not.
3. The 2017 application was for a project that proposed 15,287 sq ft of retail/office; and no restaurant. The current project varies in area and proposed uses, including a restaurant.
4. The 2017 application states the project involves no use of explosives; but the current project involves blasting for construction.
5. The 2017 application states the project would not use/handle hazardous materials; but the current project involves use of blasting agents which are hazardous.
6. The 2017 application states that the project is not within 1,000 feet of a public or private school, but the current project **is within 800 feet of Folsom Montessori School**. (I do not know if there are any other schools that are also within 1,000 feet, but even failing to identify just one would seem to be a substantial error/omission in an application for a project that involves the use of explosives.)

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**as a part of the application**, not as an after-the-fact response to a citizen request. Finally, it is impossible for staff and members of the public to track a project when project review begins prior to a completed application and when an applicant is allowed to submit multiple documents unsigned and incomplete. If these submittals are treated by staff as formal submittals associated with an application, engaged members of the community must spend time reviewing documents that might then simply be superseded and may or may not be considered relevant by the City. Following FMC requirements that a complete application be submitted at the onset of a project would avoid this.

7. The 2017 application did not identify the need for variances and did not provide the required applicant explanation of variances, nor has a signed application or signed statement by the applicant been submitted for any of the variances needed by the currently proposed project.
8. The 2017 application form does not identify CDFW as an agency whose action will be required. However, the IS/MND identifies CDFW involvement in migratory bird mitigation, making CDFW a Trustee agency under CEQA. Therefore, an application for the current project should identify that state agency role. (Related, the City did not file IS/MND with State Clearinghouse as required when a state agency is a Trustee agency. As a result, CDFW and other state agencies, including State Parks and the State Office of Historic Preservation, have thus far not been requested to review the CEQA document which addresses issues under their purview.)
9. The 2017 application included a title report for property address "605 Sutter Street". The subject property is 603 Sutter Street.
10. The 2017 application does not include a project narrative and it is not clear whether a narrative exists for the current project. There is no narrative on the City's website; only the March 2019 drawings.
11. The 2017 application included a list of property owners within a *radius of 300 feet from a single point on the property*, and failed to identify all properties **within 300 feet of the subject property**.

There are many problems with the status of the current process being pursued by the City for 603 Sutter Street, including the fact that an application for the current project does not exist or is, at best, outdated and incomplete. Yet for some reason staff is intending to engage the Commission in a hearing on the project. The absence of variance requests and other required information represent substantial deficiencies in the current process. Please put further processing on hold until such time as a complete application is submitted by the applicant for the current project.

Thank you for your consideration of these comments.

Sincerely,



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Historic District Commission  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630

Re: 603 Sutter Street Mixed Use Building

Dear Commissioners:

This letter is in opposition to the proposed 603 Sutter Street Mixed Use Building that will be the subject of your meeting on August 5, 2020.

Brief History of the Law that the Commission will be applying

Folsom was the second city in California to provide specific protections for its historic district. This happened in the mid-1960s. The first city to provide such protections was the City of Carmel.

I believe it was in 1994 that the Folsom City Council began work on a Specific Plan for the Historic District. An Advisory Committee was appointed to assist in the development of the plan. The Committee was made up of historic Folsom residents, business owners, commercial property owners, the Historical Society, Chamber of Commerce, Planning Commission, Redevelopment Advisory Committee, Historical Committee (now called the Historic District Commission) and other interested parties. Below is a list of the members of that committee:

Ben Fuentes, Chairman  
Historic Residents Association

Grant F. Cloud, Vice-Chairman  
Sutter Street Merchants Assoc.

Jeff Ferreira-Pro, Secretary  
Citizens Redevelopment Comm.

Ken Cemo  
Sutter Street Merchants Assoc.

Glenn Fait  
Historical Committee

June Hose  
Historical Society

Patrick Maxfield  
Planning Commission

Candy Miller  
Historical Committee

Regina O'Brien  
Historical Society

Mary Otis  
Friends of the Power House

Geraldine Price-Radich  
Folsom Chamber of Commerce

John Mansell  
Folsom Chamber of Commerce

Michael Radich  
Citizens Redevelopment Comm.

Lorreta McMasters (Hettinger) of the Planning Department provided the Committee with staff assistance.

Draft Plan included the following paragraph describing the process.

*“Preparation of the Historic District Specific Plan was authorized by Resolution N. 3435 of the City Council. It provided for City staff and the Historic Folsom Residents Association to convene a process which would incorporate the needs and desires of all people involved in the historic area into a program to preserve and enhance the rich heritage represented in the 98-block Judah map area. The result was a citizens committee which met twice a month for four years (emphasis added) to create the Plan itself and the databases of the information on all building within the Plan Area.*”

I include this history because many members of the current Historic District Commission may have been too young to remember this period in Folsom’s history.

The Historic Specific Plan was never formally adopted by the City Council.



However, to ensure that many of the provisions of the specific plan would be legally binding on future actions in the historic district the City Council adopted many of its provisions as ordinances. Those provisions are currently contained in Chapter 17.52 of the Folsom City Code.

Those provisions are the law that you will be applying in relation of this application to construct the proposed building at 603 Sutter Street.

The applicant in this case is asking to be exempted from the three most significant provisions that control the construction of new commercial buildings in the Sutter Street Subarea; height, parking and design. The applicant asked the Commission to ignore the most important provisions of this law.

### Height

Section 17.52.510 C provides specific height limitation for new construction. It provides *"Building heights shall not exceed 35 feet adjacent to the sidewalk area on Sutter or Leidesdorff Street and 50 feet in other sections of the subarea. Towers, spires, or other similar architectural features may extend up to 15 feet above the building height."*

Applicant admits that its building is over 50.6 feet high, a full 15.6 feet in excess of that allowed by the law. Applicant makes some weird argument that you should take an average of the height of the building at its four corners. While such an average is not provided for in the law, nor does it make any sense, even if you accept this position, they admit that the building would still exceed legal limit by 5.85 feet. It is true that Sutter Street does change elevation from the NW corner of the building to the NE corner. The change in elevation is approximately 5 feet. The appropriate way to measure the height for the purpose of this ordinance is to measure the building at the mid-point of its frontage on Sutter Street. That would be 48.2 feet, or 13.2 feet over the height allowed by the ordinance.

There also appears to be some sort of structure on the roof. The height of this structure is not provided. Section 17.52.510 C provides that Towers, spires, or other similar architectural features may extend up to an additional 15 feet above the building height. The structure pictured in the building elevations on top of the roof is not a tower, spire or other similar architectural feature. This provision was included in the law to allow for towers, and spires that might have been common in

both residential and commercial structures in pre-1900 buildings.

Therefore, the presence of this structure would only increase the violation of the height limitations. Adding the height of the roof top building to the overall height of the building would mean that the building would be in excess of 30 feet over the height provided in the law.

The building is just too high to meet the provisions of 17.52.510 C. That is why the City Planning Department told the applicant that it would have to justify why a variance from that law should be allowed.

### Request for Variance from Height Requirements

Section 17.62.010 sets out the intent of variances. It states “*Where practical difficulties, unnecessary hardships or results inconsistent with the purposes and intent of this title may result from strict application of certain area, height, yard and space requirement thereof, variances in such requirement may be granted as provided in this chapter.*”

Under the provisions of section 17.62.020 an applicant is required to attach to any application for a variance “*a statement, plans and other evidence showing*” that it meets all three requirements for approval of a variance. It appears that the applicant did not provide this information with his original application. Once informed of this requirement, applicant attempted to justify the requests for variances. Section 17.62.020 requires the applicant to establish that three requirements be met. I will discuss each of those requirements along with a response to the arguments of applicant.

1. The applicant must establish “*that there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district.*” 17.62.020

Although applicant appears to argue the same position concerning both the height and parking variance, I will discuss them separately.

Applicant first argues that the steep topography of the property provides a justification for the height variance. Applicant does not state why the removal of dirt from the property justifies a height variance, other than to say that it might

effect the property owners *“substantial property right.”* Applicant does not explain why this justifies a higher building. Removal of the dirt will be necessary, whether the proposed building is two or three stories high.

The law also requires that the *“circumstances or conditions* (claimed as justification for the variance) *do not apply generally to other land, buildings or uses in the district.*

The fact is that all of the buildings on Sutter Street have topographical challenges. Sutter Street is on a relatively steep hill. All of the buildings built on the East side of Sutter Street have required major earthmoving prior to construction. The planning department and the Advisory Committee knew the topography of Sutter Street and were familiar with all of the undeveloped lots. The City Council enacted the law with full knowledge of the topography.

The mere fact that a lot of dirt must be removed, in no way justifies a variance from the height requirement and is common to all lots on the east side of Sutter Street. Therefore, applicant does not meet the first requirement for a variance.

2. To be entitled to a variance the applicant must establish that granting of the variance *“is necessary for the preservation and enjoyment of substantial property rights of the petitioner.”*

In this case, applicant has not provided any information or evidence to support the fact that not allowing him to violate the law relating to height will deny him substantial property rights. He merely says it is so. Without specific financial information concerning this project and a similar project that would comply with the height requirement there is no way for people who object to the project or to counter the evidence. Providing such evidence at the time of the hearing would deny the rights of objectors to have the financial information reviewed and countered with other expert testimony.

Applicant has not provided any information or evidence to support the second requirement needed to justify a variance, and therefore the variance should be denied.

3. The third requirement that the applicant must satisfy in order to qualify for a variance relates the possible effect of the project on residents and workers in the neighborhood. Section 17.62.020(3) states that the applicant must establish that

*“the granting of such application will not, under the circumstances of the particular case, materially affect the health or safety of persons residing or working in the neighborhood of the property of the applicant, and will not under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvement in the neighborhood.”*

The project, as proposed, violates the legal height requirements and the additional height would significantly injure property owners and residents in a number of ways.

a. By exceeding the height limitations, the building will inappropriately block the view of surrounding property owners. The home directly adjacent to the project building will have its entire view blocked. Others, including homes on the other side of Scott Street and homes on Peddlers Lane will lose much of the view they currently have. If the building complied with the legally required height limitation, the views of the surrounding property would, to a great extent, remain.

b. The windows on the rear of the building on the third floor will look directly down to the second floor bedroom and backyard swimming pool of the house adjacent to the project. If the building complied with the legal height limitations, the second floor windows in the back would be at about the same level as the first floor of that house.

c. The project proposes a roof-top entertainment area. It is likely that this area will provide another opportunity (in addition to the rear windows) for groups of people to look down into the bedroom and yard of the adjacent house and into private areas of the Cohn Mansion. In addition it can be expected that music, talking, and the general noises made on the roof-top area will more directly affect the surrounding residents and other property owners because it is so much higher than the law allows and will cause the noise to spread further out into the neighborhood. This has been a problem in relation to bars, restaurants and special events for years and has caused ongoing conflict. To put such a space 15 feet



higher than the law allows will surely escalate this conflict

While the applicant has promised that there will be little noise from the second and third floor because they will be used as offices does not satisfy resident's concerns. They promise that the only entertainment will be occasional private annual parties for the employees of the applicant. While this is a nice promise, and I will not challenge its good faith, there is no way to enforce such an amorphous promise after the building is complete. Who will enforce it and how? If the applicant sells the building, it is unlikely that the new owner will even be aware of the promise. It is vary likely that the roof-top will become a favorite entertainment venue with its great views into the private areas of surrounding homes.

### Parking

Applicant has requested a parking variance. Folsom Municipal Code Section 17.52.510 F states: "*Parking. All uses must provide parking spaces at the following ratios: 1. Retail, offices, restaurants, museum, and similar uses: 1 parking space per 350 square feet of other building space: ....*"

As far as I can tell the applicant's only argument to support such a variance is topography. They seem to contend that it could not dig an underground garage because is would take a lot of digging.

This is inconsistent with the previous plans that were submitted that had some on-site parking. (Although not enough to meet the legal requirements) Now the applicant says it cannot provide even the parking it originally proposed.

It is important to note that the parking requirement in section 17.52.510F does not require on-site parking. It just says an applicant must provide 1 space for every 350 square feet. There are a number of ways this could be accomplished.

1. On-site parking.
2. Parking on other property that the applicant acquires or owns.
3. Parking impact fee. There is currently no fund dedicated to developing future parking on Sutter Street, but the creation of such a fund was one of the

recommendations of the recently released Sutter Street Parking Ad hoc Committee Report. If the City creates such a fund, the applicant could then meet its parking requirement by paying into a dedicated fund for building future parking.

Does the Historic District Commission Have the Authority to Grant a Parking Variance?

The law does not provide for variances from substantive requirements like the one to provide adequate parking for a proposed project.

Folsom Municipal Code Section 17.62.010 provides that *“Where practical difficulties, unnecessary hardships or results inconsistent with the purposes and intent of this title may result from the strict application of certain area, height, yard and space requirements (emphasis added) thereof, variances in such requirement may be granted as provided in the chapter.*

The request for a parking variance is not an area, height, yard or space requirement. Therefore, the section allowing variances does not provide jurisdiction for a variance from this kind of specific and substantive building requirement of adequate parking.

Therefore, I would argue that the Historic District Commission lacks the authority under law to grant such a variance.

If the Historic District Commission does assert such authority, it must review the requests based upon the three factors that were discussed above in relation to height.

Is a Parking Variance Permissible under Section 17.62.020?

1. Are there *“exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions that do not apply generally to other land, buildings, and /or uses in the district” that would justify a variance from the parking requirement?*

Again, it appears that applicant cites only the topography and required earth moving to justify such a variance. But applicant’s prior plan did provide for

parking. Every property on the east side of Sutter Street has significant earth moving in order to build a building. I can assure you that the City Council in enacting the parking requirement did not mean to waive that requirement for everyone on one side of Sutter Street. And, as I have mentioned before, the parking requirement in the Code does not require on-site parking. It only requires that in some acceptable way it cover the cost of the additional parking that the project would generate.

Therefore, the request for a parking variance should be denied.

2. Is the parking variance *“necessary for the preservation and enjoyment of substantial property rights of the petitioner. 17.62.020(2)?*

As with the height variance the applicant provided no evidence that he would be denied substantial property rights. He did not provide financial information that would support such an assertion. He seems to be arguing that if he has to pay for the parking that his building will require, his profit from the project will be decreased. A little less profit in order to share the burden of providing required parking cannot be a justification for finding that his substantial property rights would be affected.

One other thing that the Historic District Commission should consider. If the applicant is required to comply with the height requirement the cost of construction would decrease as would the cost of providing needed parking.

3. Will granting a parking variance *“be materially detrimental to the public welfare or injurious to property or improvement in the neighborhood” 17.62.020(3)?*

Granting of a parking variance would be significantly injurious to the neighbors because the employees and customers of the building will have to find somewhere else to park. This will likely result in one or all of the following impacts.

a. Those cars will be parking in the residential area surrounding Sutter Street, thereby denying the residents the ability to park in front of their houses. It

will also make it difficult for guests of residents to find parking near the resident's house.

I would recommend that the Historic District Commission review the draft report of the Historic District Parking Solutions Ad Hoc Committee on Historic District Parking. It provides greater detail concerning the impact on the residential neighborhood of failure to require new projects to pay for parking for their employees and customers.

b. Excusing the applicant from providing the legally required parking would likely cause employees and customers to attempt to park in nearby private parking lots. There are two such lots nearby that will be impacted.

c. If you grant the parking variance, you would be forcing customers and employees in the proposed building to use other public parking lots. As estimated by the Historic District Parking Solution Ad Hoc Committee, there is not enough currently available public parking to accommodate future development, including this proposed development. While it is nice for applicant to promise to pay his employees a bonus to park in the parking garage, such a promise is not enforceable and would be meaningless if there are no more public parking spaces.

Therefore, I believe applicant has failed to meet the third requirement of the provisions of the Code relating to variances. The variance should be denied.

What Reasonable Modifications Should Be Required of Applicant in Order to Improve Compatibility Between the Proposed Building and Adjacent Residences?

Applicant's proposed building is on the boarder of commercial and residential uses. It has a residence immediately to the rear of building and has residences on the other side of Scott Street as well as nearby residents on Trader's

Lane all of which may be negatively affected in a variety of ways by the proposed project.

Section 17.52.510(3)(b) provides *"In assessing compatibility between residential and commercial uses, a residential use located within the subarea (Sutter Street) will be expected to tolerate greater impacts from commercial uses*



*that if it were located in a primarily residential area. Commercial and residential uses may each be expected to make reasonable physical or operational modifications to improve compatibility between them (emphasis added).*

Following are a number of modifications of the proposed project that are necessary to effectuate a smooth transition between the commercial and residential uses.

1. The height of the building should be reduced below the maximum legal height of 35 feet.

The height requirements provided in Section 17.52.510 are maximum heights, not necessarily appropriate heights. Where the building involved is on the boarder of the commercial and residential uses, the maximum height would not be appropriate. The 35 foot maximum was based upon allowing a two and one half story building. In this case one or, at the most, two stories would provide a smoother transition between the two uses.

2. Applicant should be required to remove the garbage bin enclosure.

Currently, the plans include a garbage bin enclosure immediately next to the driveway of the house behind the building. This location of the garbage bin will cause problems like odors, insects, rodents and unsightly views to many of the residents on Scott Street, Trader's Lane and Figueroa Street. The location of the garbage bin enclosure would also create excessive noise when the garbage is picked up.

Any approval of this plan must include relocating the garbage bin enclosure to Sutter Street.

3. The roof-top entertainment area should be eliminated. Not only will such a roof-top area invade the privacy of surrounding homes, as mentioned above, it is will likely to result in the kind of additional noise that has been vexing residents for years. Removal of such a venue would be a reasonable physical and operational change that would provide a smooth transition between the residential and commercial uses.

Is the Design of Applicant's Building Consistent with the Design Concept Provided in the Law?

Folsom Ordinance Section 17.52.510B sets out the Design Concept for the Sutter Street subarea. It states: *The design concept for this subarea is to preserve existing pre1900 buildings, and require new or replacement structures to be of pre 1900 design, (emphasis added) unless a post-1900 building is unique and/or representative of 1850-1950 architectural styles. The historic district may approve a new construction of post-1900 design on an exception basis, if it finds that the architecture is an outstanding design which represents a structure or use which formerly existed in historic Folsom or which represent a typical design and use extant in similar California towns between 1900 and 1950.*

I would be surprised if applicant's architect was even aware of this law when preparing the plan for the proposed building.

Applicants proposed building does not in any way meet the design criteria as a pre 1900 design for commercial buildings. It does have a roof, floor, walls, doors, and windows, but that is probably the only thing it has in common with a 1900 design for commercial buildings.

The design does not meet the requirements of an exception to the pre-1900 design. It is not of "outstanding design" nor does it represent a typical design for commercial structure between 1900 and 1950.

In addition to not meeting the design standard, the large mass of the building would be inconsistent with the design requirements. This problem with huge mass was addressed well in a prior approval of a building on Sutter Street. The architect, while keeping the building integrated, provided two facades that diminished the perception of hugeness. Both facades were consistent with design concepts provided by the law.

I believe the design of this building is not consistent with the legal standards concerning design and should therefore be rejected. The applicant and its architect should return to the drawing board and bring back a design that meets those standards.

From past experience from serving on the Historic District Commission I believe it is inappropriate for the Commission to try to design the building during a meeting. It should not be difficult for the applicant's architect to redesign the building to meet required standards. It is likely that such a redesign will be required in any case, if the Commission denies the two requested variances.

### A Few Words About Precedent

One of the primary arguments asserted by applicant to support his request for height and parking variances and exemption for the design standards is that the Historic District Commission has granted such variances and allowed violations of the design standards to others in the past.

This argument is often powerful because government agencies and officials honestly want to be consistent in how they apply the law. There are a number of good reasons not to allow the past acts of the Historical District Commission to affect this application.

1. Commissions make mistakes. You should never use that as a rationale for making other mistakes. I and my former wife Sharon have served on the Historic District Commission a number of times in the past. We both have agreed that we made mistakes in approving certain buildings. Every time she or I walk by such a building we are reminded of our mistakes. The last thing in the world Sharon and I would want the Historic District Commission to do is use our mistakes to justify future mistakes.

2. As a general rule, decisions of administrative agencies may not be used as precedent in making future decisions, unless they have been designated by the governing body as precedent. Rather than going into a long legal analysis of this point, I ask you to accept it on the basis of my service as Director of the Institute for Administrative Justice at Pacific McGeorge School of Law for over 40 years. I am not aware of a process by which the City or the Historic District Commission can designate precedent decisions.

3. There are a number of factors that may have contributed to the prior questionable decisions of the Historic District Commission that are not present in relation to this application.

- a. Many of you were not on the Historic District Commission when the prior decisions were made. So, it was not your decision.
- b. There may have been little or no opposition to the prior project.
- c. There may have been violations of procedures that are designed to alert those whose interests are at stake and provide them an opportunity to present evidence and argument against the application. This could involve a failure to provide notice to surrounding properties.

This happened in this case during an earlier hearing when the applicant asked the Historic District Commission to workshop the proposal, which the city said was allowed, because a decision was not scheduled to be made at the hearing. The problem is that during such workshops, the applicant is able to adjust its plan in such a way that it is likely the Commissioners will approve the project in a future noticed hearing. In my opinion, such an approach would be a denial of due process to those entitled to special notice.

- d. It may be that the Historic District Commission in the past was not aware of its responsibility to apply the law to the application. I am sorry to say, but many Commissions and even the City Council (and the President) have in the past forgotten about the concept of the “rule of law.” Instead they think they have absolute discretion in the matter and let feelings, personal relationships, political factors, personal beliefs, and prejudices affect the decision, rather than trying their best to make a decision consistent with the law.

4. Even when judges are bound by past decisions they will come to a different result in the case before them because they are able to distinguish the facts of the current case for the facts of the prior case.

In this case there are a number of factors that support distinguishing this case from past Commission decisions. Here are two:

- a. Most of the surrounding buildings are different in Height and mass from the proposed building. While it is true that there is a three story building across Sutter street, there is historic one story library on one side a two story house on the other side and the historic Cohn Mansion on the other side.



b. Applicant's building is on the border of the commercial and residential uses. That was not true of some of the prior buildings that the applicant wants to use as precedent.

These factors distinguish this application from prior applications.

Thank you for considering these comments.

Glenn Fait

Sharon G. Fait

1214 Darling Way  
Folsom, CA 95630  
916-217-6201  
xf8m8@sbcglobal.net

July 24, 2020

Historic District Commission  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630

Re: 603 Sutter Street Mixed Use Building

Dear Commissioners:

This letter is in opposition to the proposed 603 Sutter Street Mixed Use Building that will be the subject of your August 5, 2020 meeting. It is also indicative of my absolute support and agreement with Glenn Fait's letter of July 2020.

If I could state the issues in any way more clearly than Glenn has done in his letter, I would. However, I urge the commission to carefully consider Glenn's arguments and reasoning and uphold the law and deny the proposed development.

Sincerely yours,



Sharon G. Fait

**Christina Kelley**

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Monday, July 27, 2020 6:54 AM  
**To:** Steven Banks  
**Cc:** Pam Johns; Scott Johnson  
**Subject:** Re: 603 Sutter Street - Incomplete Application Letter

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Steve. Can you let me know if you are still intending to include 603 Sutter Street on the HDC agenda for Aug 5th? If so, will it be an informational item, a request for an HDC recommendation to the City Council, or a request for HDC approvals of some or all of the requested entitlements? As of this this morning, I don't see any additional information/documents (e.g., variance request, revised IS/MND and/or responses to comments on MND, etc.) on the City's "Current Planning Projects under Review" page. I assume that's where a staff report would be posted?

Thank you,

-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Steven Banks <sbanks@folsom.ca.us>  
**Sent:** Friday, July 17, 2020 3:31 PM  
**To:** Bob Delp <bdelp@LIVE.COM>; Elaine Andersen <eandersen@folsom.ca.us>; Pam Johns <pjohns@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; daronbr@pacbell.net <daronbr@pacbell.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; ankhelyi@comcast.net <ankhelyi@comcast.net>; sutterstreettaqueria@gmail.com <sutterstreettaqueria@gmail.com>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; Kelly Mullett <kmullett@folsom.ca.us>  
**Subject:** RE: 603 Sutter Street - Incomplete Application Letter

Received, thanks Bob.

Steve

Steven Banks  
Principal Planner  
City of Folsom  
(916) 461-6207  
[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)

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**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Friday, July 17, 2020 3:21 PM

**To:** Elaine Andersen <eandersen@folsom.ca.us>; Pam Johns <pjohns@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; daronbr@pacbell.net; danwestmit@yahoo.com; ankhelyi@comcast.net; sutterstreettaqueria@gmail.com; mjwestcoastcarports@gmail.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; Kelly Mullett <kmullett@folsom.ca.us>

**Subject:** 603 Sutter Street - Incomplete Application Letter

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see attached letter regarding the status of the 603 Sutter Street property development proposal.

Thank you for your consideration.

Bob Delp

916-812-8122

[bdelp@live.com](mailto:bdelp@live.com)



**Desmond Parrington**

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**From:** Shawna Barva <ssbarva@gmail.com>  
**Sent:** Friday, July 24, 2020 6:36 PM  
**To:** Kelly Mullett; City Clerk Dept; Steven Banks  
**Subject:** Proposed 603 Sutter Street

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Historic District Commissioners:

My name is Shawna Barva and I reside at 611 Wool Street in Folsom's Historic District. I have been lucky enough to have seen Folsom's Historic District grow and thrive- while incorporating new businesses along the way. Sutter Street and the surrounding neighborhood has benefitted from this growth, and I believe the proposed building at 603 Sutter Street is part of this story. The city has circulated the mitigated negative declaration, the results of which have shown the variances to be absent of any negative impacts to the neighborhood. As residents of this area, we know how Sutter Street's development has positively impacted the neighborhood; bringing about increased property values as well as a mix of new restaurants and businesses to benefit from. The building adheres to the charm of Sutter Street that we would expect and is in short supply in the surrounding area.

Especially in light of the times I believe this building serves as a buffer to provide further economic benefits to the neighborhood, attracting new investment and value to our small community.

Thank you.

Shawna Barva

611 Wool St.

Folsom, CA 95630

[ssbarva@gmail.com](mailto:ssbarva@gmail.com)

THE FOLLOWING IS PROVIDED TO BE READ INTO THE RECORD DURING THE "PUBLIC COMMENTS" PORTION OF THE AUGUST 5TH, 2020 MEETING.

**Desmond Parrington**

**From:** John Shaw <jpshawman@gmail.com>  
**Sent:** Wednesday, July 22, 2020 3:16 PM  
**To:** Elaine Andersen; Pam Johns; Steven Banks; daronbr@pacbell.net;  
danwestmit@yahoo.com; ankhelyi@comcast.net; sutterstreettaqueria@gmail.com;  
mjwestcoastcarports@gmail.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com  
**Subject:** Re: 603 Sutter Street

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All:

Please accept this small correction to our initial letter.

In the first letter, we said, **"If we understand the City's Design and Development guidelines correctly, the maximum height for a commercial building in the Historic District is 50 feet from the ground level."**

Turns out, we did not understand the guidelines correctly. Further research into the City's code reveals more precise and different language, and *that's* what I wanted to share with you. The Code actually reads, **"Building heights shall not exceed 35 feet adjacent to the sidewalk area on Sutter or Leidesdorff Street and 50 feet in other sections of the subarea. Towers, spires or other similar architectural features may extend up to 15 feet above the building height."**

Clearly this building exceeds the City's 35-foot height limitation "...in the sidewalk area on Sutter Street....."

Now, more than before, we urge the Historic District Commission to deny the applicant's request for a height variance.

Respectfully,

John & Becky Shaw (and 67 co-signers)

On Jun 29, 2020, at 1:55 PM, John Shaw <jpshawman@gmail.com> wrote:

All:

Please accept the attached letter as an expression of concern regarding the request for variances associated with the proposed development at Sutter & Scott Street.

John Shaw  
661.333.0759

Dear Mr. Banks,

7/22/20

I want to add some additional comments to my letter of 6/21/20 after reading the submitted responses by the applicant, Deborah Alaywan on July 7, 2020.

Item 1a. thru 1e. Steep topography. All the points being made around the difficulty of building on the lot overlooks the fact that the height requirements were in place at the time the lot was purchased and it would seem that if the developers would have researched the design guidelines before purchasing the lot, they would have realized that due to these requirements the building would need lower floor elevations than in the proposed design to meet the requirements. By lowering floor heights, the current proposed floor space stays the same, thus meeting their Floor Area Ratio (FAR) request and the Sutter Street height requirements.

The gamble on obtaining a variance to fulfil their square footage goal at the proposed floor elevations is banking on the belief a decision by the Historic commission to give a variance in the past has set a precedent for future development. That is and should not be the case. The overwhelming request for a 15-foot increase in height at a sensitive intersection where residences intersect the commercial properties of the Historic District is too big a leap in height to convey a smooth and responsible transition in building heights. The 35-foot limit with additional three feet of parapet wall is more than enough to allow the same square footage of floor space if the distance between floors is reduced.

The buildings frontage is on Sutter St. and therefore the variance is for 15 feet above the allowed height on Sutter St. and the references to Scott St. have no bearing in this request other than to attempt to threaten my property with a 50 foot extension at the rear of the building, (As pointed out in section 1e.) if the Sutter St. variance is not granted.

Health and Safety. In the final paragraph of section 1e. the applicant states that the current design works hard to respect the impact on the building's neighbors. I find that hard to believe with a dumpster enclosure located next to my property, the side where my bedrooms are located. The impact of rodents and cockroaches along with the overwhelming smell of restaurant garbage is without a doubt a threat to my household's health and safety and would significantly reduce my property value.

## Desmond Parrington

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**From:** Adena Blair <adenacblair@yahoo.com>  
**Sent:** Monday, July 13, 2020 9:39 AM  
**To:** Steven Banks  
**Cc:** Jennifer Lane  
**Subject:** Comments period

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Steve,  
Please advise. What is the last day to submit comments regarding the project at 603 Sutter St?  
Thank you,  
Adena Blair



**Christina Kelley**

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**From:** Lucy Bottallo <lbottallo14@gmail.com>  
**Sent:** Tuesday, August 4, 2020 7:58 PM  
**To:** Steven Banks  
**Subject:** Stop the development at 603 Sutter St.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am opposed to this company/building being built in Old Town Folsom. The people said they don't want it. Why are companies so relentless until you win, get your way. You were already turned town. Leave our Old Town Folsom alone. It is not the place for your company. Go build it by Costco or on the South side of Hwy. 50 or somewhere else. I am sick of companies like yours that disregard anything that the people of the City of Folsom have to say especially those that live in Old Town Folsom. You did not address the peoples concerns the first time. Leave our Old Town Folsom alone, you will ruin the beautiful look and feel of our little town. Just go away, the people of the City of Folsom said NO so go find somewhere else to build your company. We don't want you here. We will fight tooth and nail to keep you out of Old Town Folsom.

**Desmond Parrington**

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**From:** Kathryn Corbett <stellarpass@comcast.net>  
**Sent:** Monday, August 3, 2020 11:36 PM  
**To:** Steven Banks  
**Subject:** RE: 603 Sutter Street Mixed Use Building

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kathryn Corbett  
Folsom, CA. 95630  
916.353.0556

Greetings Steve,

While formerly involved and happy to engage with our great City of Folsom and Community on many fronts, these days I've slowed almost to a standstill on City involvement with current events and the dreaded COVID on the loose, like many other folks I find myself on self imposed lock-down . However, I have been inspired to speak out and come out of the wood work on this Building proposal for 603 Sutter St., like so many others I know.

Why would this issue galvanize so many and myself to action and prompt us to call, write or speak against this project and building proposal? I'm certain lots of folks will be present for this meeting and you will receive many letters and calls. For so many of us whether we live in the Historic District or not this area represents why we moved here, it stands for the quality of life we have come to find here. This proposed building location is part of a community area that is near and dear too many, an area often referred as the heart of our City. This HD Neighborhood and Sutter Street location has great historical and community significance to most all of us that live in Folsom (and beyond.) Many of us have over the years been inspired to contribute to the HD Sutter St area in a multitude of ways and Celebrate here for many big occasions. For those of us who care about the Heart of Folsom and the quality of life in the Historic District Neighborhood we are concerned about this oversized proposed building which would be a blight to the area, it's problematic as to Parking for both the HD Neighborhood and the Sutter St area. Which we all know is a constant ongoing issue. The proposed design doesn't mesh with the charming ambience and aesthetics we love in the HD Sutter St or Neighborhood and exceeds the Historic District height standard and more.

It is hard to fathom why the previous similar plans for this site 2 years ago with the same architect is being presented again with this very like design. It was denied largely for the very objectionable negative design features that are now still present and resubmitted!

I hope the developer will be able to work with the HD Community and Neighborhood and see what it is we all love about the heart of our City of Folsom and build something that is accordance with this. That would be a true success, Kathryn Corbett

**Desmond Parrington**

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**From:** impound guy <sgcode3@gmail.com>  
**Sent:** Monday, August 3, 2020 11:58 AM  
**To:** Steven Banks  
**Cc:** Kelly Mullett  
**Subject:** Proposed site

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I moved here to Folsom 4 years ago from L.A....I bought here because it was so very quaint and was totally sold on Historic Sutter Street because it was not only "Historic" but for the most part still looked that way as well....Then came the new Scotts Seafood restaurant....which changed the look....now this new proposal will change it even more.....YOU are losing the term "Historic" Folsom and changing it's look to "Commerical" Folsom...some things are better left alone, for no other reason than to preserve "whatever" is left of History.....which with every new commercial site—you are slowly losing.

Thank you,  
Steve Getz

## Desmond Parrington

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**From:** Anne Bishop <annebishop868@gmail.com>  
**Sent:** Monday, August 3, 2020 10:45 AM  
**To:** Kelly Mullett; City Clerk Dept; Steven Banks

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing this e-mail in support of the proposed building at 603 Sutter. I frequently go to Sutter street to shop and just to enjoy the ambiance it has to offer.

I have seen the plans for this building and the building was designed primarily with the thought that it would blend in with and enhance the existing architecture of "old folsom". With the perceived growth of Folsom it seems plausible to add buildings of this nature. I strongly support the addition of this building.

Thank You for your consideration.

Anne Bishop  
1861 Ardfern Way  
Folsom,ca,95630



**Desmond Parrington**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Sunday, August 2, 2020 6:50 AM  
**To:** Pam Johns; Scott Johnson; Steven Banks  
**Cc:** sutterstreettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com; Elaine Andersen; Kelly Mullett  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

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Minor correction in red below.

Bob Delp  
 916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Sunday, August 2, 2020 6:41 AM  
**To:** Pam Johns <pjohns@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>  
**Cc:** sutterstreettaqueria@gmail.com <sutterstreettaqueria@gmail.com>; ankhelyi@comcast.net <ankhelyi@comcast.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; daronbr@pacbell.net <daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>; Elaine Andersen <eandersen@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**28. Please revise the staff report to identify that the project exceeds the maximum FAR or provide a full explanation and calculations to show that it does not.** Absent that, **the project does in fact exceed the maximum FAR** and requires a variance for that in addition to the other two variances that have been identified. In my comments on the IS/MND I noted that with or without including the balcony area, the project exceeds the 2.0 max FAR. Using information straight out of the City's IS/MND (Table 2), the property is 7,400 sq ft., the total building area w/o the roof deck is 14,811 sq ft., and the total building area with the roof deck is 18,965 sq ft. 14,811 divided by 7,400 results in a FAR of 2.001 and 18,965 divided by 7,400 results in a FAR of 2.56. Both of these FARs are in excess of the maximum FAR of 2.0, in fact any building area larger than 14,800 sq ft exceeds the 2.0 FAR. The applicant would not expect the City to assert he has exceeded the FAR if he were one square foot under; and nor should the applicant expect that he should be allowed to exceed the FAR by one square foot more without needing a variance. As with the IS/MND, **the staff report presents a hypothetical FAR calculation instead of simply presenting a calculation of the actual FAR based on the actual project size.** The staff report also states, "City staffs interpretation of the methodology to be used in determining a FAR is to complete the calculation by dividing *the leasable area* of a proposed building by the area of the site as described in footnote 3." (Footnote 3 is that same hypothetical calculation.) I cannot find anywhere else in any of the documents provided where "leasable area" is mentioned. Even excluding the balconies, the 2.0 max FAR is exceeded. Furthermore, unless the City plans to restrict what portions of the building can be leased (and I see that discussed nowhere in 490+ pages of documentation), then we have

every reason to also include the balcony area within the leasable space meaning the FAR is g that's the case, then shouldn't the estimated parking requirement also be calculated based on the leasable space - in which case, the City has underestimate the parking requirement and the staff report should be revised to reflect that.) Please clarify.

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Saturday, August 1, 2020 6:22 PM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
**Cc:** sutterstreettaqueria@gmail.com <[sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)>; ankhelyi@comcast.net <[ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)>; danwestmit@yahoo.com <[danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)>; kcolepolicy@gmail.com <[kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)>; kevin.duewel@gmail.com <[kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)>; daronbr@pacbell.net <[daronbr@pacbell.net](mailto:daronbr@pacbell.net)>; mjwestcoastcarports@gmail.com <[mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Continued questions:

27. The hearing notice required by the FMC has not been posted at the site. FMC 17.52.320 states, "**the project site shall be posted by the applicant 5 days prior to the commission hearing, with a notice 11 inches by 17 inches in size, facing the street frontage, and indicating the project description and the place and time of the hearing.**" I have checked regularly since 5pm yesterday and, as of 5pm today (4 days prior to the Aug 5 hearing), the required notice has not been posted. The same sign that has been there for several months is still there but that sign does not "indicate the project description" (e.g., it says nothing about the building height or parking variances, critical and fundamental aspects of the project) and it does not identify the place or time of the scheduled hearing. If this means the hearing must be postponed, please let me know ASAP so I can stand down on my review of the staff report. If you still intend to proceed with the hearing even though sufficient public notice in compliance with the zoning code has clearly not taken place, can you please provide the rationale and justification for proceeding with the hearing and amend the staff report so that it advises the Commission of the failed noticing and provides staff's rationale for moving ahead with the hearing?

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Saturday, August 1, 2020 9:55 AM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
**Cc:** sutterstreettaqueria@gmail.com <[sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)>; ankhelyi@comcast.net <[ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)>; danwestmit@yahoo.com <[danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)>; kcolepolicy@gmail.com

<kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; daronbr@pacbell  
<daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>; Elaine Andersen  
<eandersen@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Continuation of Questions:

24. The City has two webpages ostensibly with current project information, but one is not up to date and the other while entitled Design Review Projects, makes no mention of 603 Sutter St. Is there a way to immediately remedy this to avoid precluding the public from having info about the project? (More detail: The agenda was posted three days ago. The City has two webpages where project design reviews are listed. One is "Current Planning Project Under Review"

[https://www.folsom.ca.us/community/planning/current\\_project\\_information.asp](https://www.folsom.ca.us/community/planning/current_project_information.asp). This is accessed by clicking a button that reads "Current Project Information." That webpage is where the 2019 design drawings and the June 2020 IS/MND are available. Although a substantial amount of additional documents have been produced since June 2020, including the Aug 5 agenda and the staff report, the information on this page hasn't been updated and is not "current project information" as labeled on the button. Anyone looking here would see the June IS/MND which states that the HDC hearing will be on July 15. Does the City not have a procedure to keep that information up to date? I know one could argue that people need to track the HDC agenda page, but it really seems unfortunate that a webpage still lists the project with old and incomplete information. Even just adding a note there like "See HDC Aug 5 Agenda for more information" would be a simple step at providing basic current information to the public. The other webpage is accessed by clicking a button "Design Review

Projects" [https://www.folsom.ca.us/community/planning/design\\_review/default.asp](https://www.folsom.ca.us/community/planning/design_review/default.asp). That page lists several projects but does not include 603 Sutter Street, even though 603 Sutter Street is undergoing design review. Although it's likely much too late to make changes to these webpages in a way that would meaningfully inform the public about a project decision process just days away, but I am interested in understanding the City's procedures for deciding what, where, and when to post information.)

25. In the several pages of the staff report regarding parking variance, I don't see any discussion of input from the community regarding our opinions on the effects of the parking variance on health and welfare, except perhaps discussion of the 2017 meeting where people did in fact express concerns. My understanding is that the ad hoc parking committee effort and its recommendations was largely driven by neighborhood concerns about parking impacts on their health and welfare. The staff report concludes that the parking variance wouldn't materially affect people living and working in the neighborhood. Can you point me to any evidence in the staff report or anywhere else of City outreach to the community that resulted in community input that would lead to that conclusion?

26. Offsite parking is mentioned as potential measure to partially address the project's parking demand. Has staff investigated the feasibility of offsite parking options and is there any evidence that one or more feasible locations for the applicant to pursue such parking exists?

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**From:** Bob Delp <bdelp@live.com>

**Sent:** Friday, July 31, 2020 6:19 AM

**To:** Pam Johns <pjohns@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>

**Cc:** sutterstreettaqueria@gmail.com <sutterstreettaqueria@gmail.com>; ankhelyi@comcast.net <ankhelyi@comcast.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; daronbr@pacbell.net <daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>; Elaine Andersen <eandersen@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Thank you, Pam. Steve did not call me yesterday, but hopefully he'll have a chance today. While I will be glad to speak with him, ultimately, it will be important to have written feedback from the City on these issues for the administrative record to show how they have been addressed and resolved. Most importantly, as I have asked previously, has the City determined that all requested entitlements that would be granted as presented in the staff report are within the authority of the HDC? Some of the conditions of approval seem to defer certain discretionary decisions, including condition 59 which relates to the permanent development of structures in public right of way. I've asked before, and will ask again now still hoping for a direct answer to this question: **Does the HDC have the authority to approve private development of permanent structures on City-owned property?**

I'm continuing to review the staff report as quickly as possible, but fear that time is running short so your or Steve's feedback on these issues ASAP would be very much appreciated. There is a substantial amount of new information in the staff report (including a project narrative that, to my knowledge, has not previously been circulated - another seemingly very backwards approach to a normal development application process). Please consider the following in addition to my previous questions:

14. Condition of approval (COA) 1 states that the project must be developed to conform with the July 30, 2019 traffic impact study. Obviously, the City is not intending to require that the project result in the traffic impacts identified in that study. Can you please clarify the intent of requiring the project to conform to the traffic impact study?

15. COA 1 also references that the project must be developed consistent with the "Project Narrative." The condition does not provide a date or other citation for the project narrative, whereas every other item referenced in COA 1 is specifically cited with a date. There is a project narrative in the staff report - it is unsigned and undated and has never been part of the project documents I have seen circulated thus far. Is there a reason a narrative was included in the staff report that doesn't have a name, date, signature and on what basis does the City consider that to be part of the application? A project narrative is a basic and fundamental component required for development applications. Can the staff report be amended to identify who prepared the narrative and when it was prepared and submitted to the City?

16. COA 2 requires that building plans be submitted "to ensure conformance with City codes and standards." Can you clarify how you expect the project to comply with this condition when the project requires variances from City codes? Should that condition be revised to state something like, "...with the exception of the several zoning code variances granted for this project."

17. COA 3 discusses the potential for "...subsequent extension of this approval..." Can you please clarify the mechanism for such extension and who would have the authority to authorize it? Can you also clarify whether the approval termination would be effective immediately on the date cited or if the City would need to take



formal action at that point to terminate? Can you also clarify whether such termination would require a variance approvals such that a future applicant would need to reapply for variances even if proposing the same or similar building? (Also, there is a word missing between "two" and "from". I think you mean "years.")

18. COA 4 places a requirement on the City to bear attorneys costs and fees in defense of the project and specifies no requirement on the owner/applicant to fund a defense. Does this mean that the City is committing to pay the cost of defending a private project approval? Can you please clarify and work with the City attorney to amend the condition to provide more protection for the City?

19. Regarding 5, can you provide a copy of Reso 2434 and clarify in the condition what the owner/applicant's obligation for "participating in mitigation monitoring" is? Furthermore, please consider language stating that "the owner/applicant shall be required to comply with, implement, and fully fund all mitigation measures adopted and incorporated as conditions of approval." Also, there is a check mark for this COA but I don't think the COA is an actual mitigation measure. Can you clarify that?

20. COA 7 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify any payoff or applicable fees that would be associated with development on the City-owned property to be developed by this private project?

21. COAs 8 and 9 require the owner/applicant to fund the cost of outside legal and consulting services that may be used by the City. Should that condition not also require that the owner/applicant fund in-house City and staff costs? If the owner/applicant doesn't pay for those in-house City costs, who does pay for that?

22. COA 10 states, "unless exempt by previous agreement." Is there a "previous agreement" for this property, project, owner/applicant? If so, the condition should be revised to reflect that. If there isn't an agreement, should that phrase be stricken from the condition to avoid confusion? This condition and the staff report would be much more easily understood if the specific actual development fees were identified. Also, can you clarify the relationship of the fees per this condition with separate parking-related fees/funding conditions? The condition states that the "90-day protest period...has begun." When did it begin? Since the fees are identified yet, what would be the current basis for a challenge to those fees?

23. COA 12 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify if there are any applicable payoff or segregation/fees that would be associated with development on the City-owned property to be developed by this private project and, if so, who would be responsible for funding that?

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Pam Johns <pjohns@folsom.ca.us>

**Sent:** Thursday, July 30, 2020 1:04 PM

**To:** Bob Delp <bdelp@live.com>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

**Cc:** sutterstrettaqueria@gmail.com <sutterstrettaqueria@gmail.com>; ankhelyi@comcast.net <ankheli@comcast.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; kcolepolicy@gmail.com

<kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; daronbr@pacbell  
<daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>

10/10/2023 Item No. 10.

**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Thank you, Bob.

Steve, please call Bob directly to address/discuss these initial questions. Thank you

Pam

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**From:** Bob Delp <bdelp@live.com>

**Sent:** Thursday, July 30, 2020 12:56 PM

**To:** Pam Johns <pjohns@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson  
<sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

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kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com

**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you very much for your quick reply, Pam. While I'm still hopefully the City will reconsider and postpone the meeting, I will continue my review and try to get my full input to you and the Commission as early as possible so you have a chance to consider before a decision is made. I appreciate your offer of Steve as a resource for answering questions. I know I will have more, but to give him a chance to get started, here are some at my initial look through the staff report. Some of these I've asked before, but haven't been able to find them addressed in the staff report, so my apologies for repetition. If some of these questions are already addressed in the staff report, Steve can just direct me to the page number and I'll look for the information. Feedback ASAP will help with my review of the entire package.

Thanks!

-Bob

1. Does the City have a policy for granting applicant requests for hearing scheduling and can you direct me to where I can find that? (You might recall that my request to extent the IS/MND review period and hearing originally scheduled for July 15 was rejected, but then after I submitted comments, I was advised that "the 603 Sutter Street Mixed-Use Building Project has been continued to the August 5<sup>th</sup> Historic District Commission meeting **at the request of the applicant.**")

2. The staff report references apparent applicant-solicited feedback from the community mechanism by which the CITY has complied with GP Policy LU 1.1..12-2 (packet pg. 83). However, that GP policy pertains to outreach that is to be conducted **by the CITY** not an applicant. Can you advise of the outreach the City has done with the community on the current project (i.e., the project that proposes no parking) in compliance with this GP Policy?
3. The staff report repeatedly discuss the proposed height of the building as 50ft, 6in., but I don't see anywhere where the actual total height of proposed structures is discussed. Can you direct me to where I could find that in the materials?
4. The staff report states that towers/spires are allowed *up to 25 feet above a building* (packet pg. 84). However, FMC 17.52.510 C states, "Towers, spires, or other similar architectural features may extend **up to 15 feet** above the building height." Can you clarify the 25ft reference?
5. Can you direct me to where I can find in the zoning code (or where is it identified as part of a variance request for this project) that the 15 feet tower/spire allowance applies to a building that would be constructed with a rooftop already in excess of the zoning code? If not, can you point me to the applicant's request for variance for features that would be above 50ft, 6in in height?
6. Aside from spires/towers, can you point me to the section of the zoning code that allows other building features to exceed height limits in the zoning code (e.g., elevator, AC units, etc.)? If there is no such allowance, can you point me to the applicant's request for a variance to allow those features?
7. Staff report says, "consistent with the Sept 2017 HDC meeting, the applicant provided a variance..." (packet pg. 84). An applicant is required to provide a variance request application per the FMC (the requirement isn't dependent on the HDC requesting it). Notwithstanding, although the staff report references the 2017 meeting, a variance request wasn't submitted until June 2020 and that wasn't until community members asked for it. Is there a reason why the staff report doesn't directly and accurately speak to the process of why and when a variance request was submitted by the applicant?
8. Related to above, staff report Attachment 18 is entitled "Applicant's Variance Statement Letter Dated June 23, **2019**" when in fact, the variance statement included in that attachment is dated July 7, 2020, and the only variance request previously provided that I'm aware of is dated June 23, 2020, not 2019. The variances required for this project are of primary interest to this community. Is it too late for staff to revise the staff report to provide a clear and accurate discussion of the variance request history? Related, is it too late for the City to require the applicant to actually submit a signed variance statement? (Neither the July 7, 2020 version in the staff report nor the June 23, 2020 version that the City previously provided to me are signed. As the record current appears, I still do not see any variance statement submitted by the applicant, let alone signed. This continues to be simply bizarre and it remains unclear why the applicant has not been required to take ownership of ANY variance statement provided thus far.)
9. City staff asserts that the site has "unique topography." Is it too late for you to reconsider that? The parcel has a moderate slope, and slopes are very common in this area and are in no way "unique". If there's anything "unique" about this particular site, it's that it is the parcel with the highest elevation in the Sutter Street commercial area, which fact suggests a rationale for a *lower* building, not a taller building. There are other factors like this in staff's interpretation of the variance rationale, and it strikes me that there simply hasn't been any real opportunity for the community to provide input on this until now that it's rolled out in a staff report for a meeting just days away. The variance rationale are very important. How can the community provide input for meaningful consideration before a decision is made?
10. The staff report reference an IS/MND "public review period July 17, 2020 to August 5, 2020)"? The IS/MND was circulated for 20 days of public review and comment in June 2020. I am aware of not notice or other information regarding the City's extension of the review period. If that was not noticed, can you please amend the staff report to make it clear that the IS/MND was circulated in June

for the bare minimum CEQA required circulation period of 20 days, and that responses were only provided when the staff report was released on July 29, five business days before the scheduled hearing? It is important for the record to accurately reflect public input opportunities. If instead, the City does intend to continue the IS/MND review period through August 5, 2020 (no time is given and email comments are allowed, so presumably that means midnight on Aug 5), how can you hold a public hearing at 5pm on Aug 5th?

11. Can you please amend the staff report to include documentation of the City's request for review and input from State Parks *on the currently proposed project*? The City General Plan requires such coordination and I have not seen evidence that State Parks was made aware of the proposed development, its absence of parking, and the potential demand for overflow parking to affect nearby State Parks parking areas, among other concerns State Parks might have.
12. I asked the following questions in a letter to the City on July 27, 2020, with the intent to give the City time to address these questions in the staff report. I do not see these questions answered in the staff report. Can you either answer them now or point me to where in the staff report they are addressed?
  1. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with FMC requirements for motor vehicle parking spaces?
  2. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with the FMC and General Plan parking requirements for electric vehicles and charging stations?
  3. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the FMC and General Plan requirements for bicycle parking, including General Plan Policy M 4.2.2?
  4. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the City's disabled persons parking requirements? Would such an approval subject the City to potential litigation for failure to comply with the American's with Disabilities Act (ADA) and, if so, is the project proponent required to indemnify the City against such potential legal action?
  5. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application and fee for a variance as required by FMC 17.62.020 and 17.52.370?
  6. Does the HDC have the authority to approve a project for which complete applications and submittals, including an attempted justification of any and all variances required for a project as required by the FMC, have not been submitted?
  7. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application for an easement as required by FMC 12.20.090 and does waiving such requirement subject the City to liability that might otherwise be addressed by having a complete set of current and executed application forms?
  8. Does the HDC have the authority to grant a permanent easement for private development of privately owned permanent structures on City-owned property?
  9. Does the HDC or any other decision-making body of the City have the authority to grant a permanent easement for the development of privately owned permanent structures on City-owned property without requiring compensation for such easement? Would not such an easement without compensation be an illegal gift of public funds? Does the HDC have the authority to negotiate or waive City financial matters such as this?



10. Does the HDC have the authority to approve a private development project that exceeds the FMC maximum floor area ratio (FAR) development standards or is that authority limited to the City Council?

11. Does City staff and/or the HDC have the authority to waive the requirement of an applicant to submit a signed and completed Greenhouse Gas Reduction Strategy Consistency Checklist which is required for any applicant for any project that undergoes environmental review? ([https://www.folsom.ca.us/documents/Planning/Folsom\\_GHG\\_Reduction\\_Checklist\\_FINAL.pdf](https://www.folsom.ca.us/documents/Planning/Folsom_GHG_Reduction_Checklist_FINAL.pdf))

12. Does the HDC have the authority to waive the General Plan's requirement that the California Green Building Code (Title 24, Part 11) be complied with for developments within the City?

Again, thank you very much for helping facilitate my review of the staff report.

-Bob

Bob Delp  
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**From:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>

**Sent:** Thursday, July 30, 2020 10:46 AM

**To:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net) <[daronbr@pacbell.net](mailto:daronbr@pacbell.net)>; [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com) <[danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)>; [ankheliyi@comcast.net](mailto:ankheliyi@comcast.net) <[ankheliyi@comcast.net](mailto:ankheliyi@comcast.net)>; [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com) <[sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)>; [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com) <[mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)>; [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com) <[kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)>; [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com) <[kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)>; Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>

**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Hi Bob.

Thank you for your email. While I appreciate your request to postpone the consideration of the project, the vast majority of the information in the packet (environmental review and project plans in their current form) has been available for public review for nearly two months. The staff report and conditions are new and represent approximately 65 pages of the report. This timeline and volume of information is not uncommon for our decision makers and exceeds the minimum legal requirements. As you are likely aware, this project was submitted over three years ago and has been revised several times in response to issues and concerns through both formal and informal public meetings.

The public hearing on August 5<sup>th</sup> provides an opportunity for consideration of the project in keeping with due process (along with two other projects on the agenda). An advantage to this particular meeting is that there is no scheduled Planning Commission meeting after, which allows for the Historic District Commission meeting to proceed without typical time constraints. The Historic District Commission has the authority to consider the project, hear public comments, and take action OR continue the project to a subsequent meeting. During public comments on August 5<sup>th</sup>, you are certainly welcome to request that the Commission continue the item, but that decision to act or continue rests with the Commission.

If you have any specific questions as you are reviewing the staff report and conditions, please feel free to reach out to Steve Banks, Principal Planner at 916-461-6207 or [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us).

Respectfully,

**Pam Johns**

*Community Development  
Director*

**Community Development Department**  
50 Natoma Street, Folsom, CA 95630  
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DISTINCTIVE BY NATURE



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**From:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>  
**Sent:** Thursday, July 30, 2020 9:08 AM  
**To:** Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net); [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com); [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net); [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com); [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com); [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com); [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com); Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>  
**Subject:** Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Bob Delp and I live at 612 Mormon Street in Folsom's Historic District. As a resident of the Historic District I am directly affected by development within this community, and I would be adversely affected by the currently proposed development at 603 Sutter Street. At approximately 3:30 p.m. yesterday, July 29th, the materials for the Historic District Commission (HDC) August 5<sup>th</sup> meeting were posted on the City's website. The staff report and related materials for 603 Sutter Street are 490 pages long. It is unreasonable for the City to expect me and other members of the community to be able to review and provide meaningful input on that project in a period of less than five business days; and even if we do provide input during that time, it will be impossible for staff or the HDC to fully consider public input. Therefore, by way of this email and to allow meaningful public input, I am requesting that you remove the 603 Sutter Street item from the August 5 agenda and reschedule the item to be heard by the HDC at its August 19 or later meeting.

Lastly, I understand that this development was originally on the July 15<sup>th</sup> agenda and was removed at the applicant's request to allow more time to consider and address comments submitted by concerned residents. It is reasonable to expect that a similar extension should be provided to the community.

Sincerely,  
-Bob Delp

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**Desmond Parrington**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Sunday, August 2, 2020 6:42 AM  
**To:** Pam Johns; Scott Johnson; Steven Banks  
**Cc:** sutterstrettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com; Elaine Andersen; Kelly Mullett  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

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28. **Please revise the staff report to identify that the project exceeds the maximum FAR or provide a full explanation and calculations to show that it does not.** Absent that, **the project does in fact exceed the maximum FAR** and requires a variance for that in addition to the other two variances that have been identified. In my comments on the IS/MND I noted that with or without including the balcony area, the project exceeds the 2.0 max FAR. Using information straight out of the City's IS/MND (Table 2), the property is 7,400 sq ft., the total building area w/o the roof deck is 14,811 sq ft., and the total building area with the roof deck is 18,965 sq ft. 14,811 divided by 7,400 results in a FAR of 2.001 and 18,965 divided by 7,400 results in a FAR of 2.56. Both of these FARs are in excess of the maximum FAR of 2.0, in fact any building area larger than 14,000 sq ft exceeds the 2.0 FAR. The applicant would not expect the City to assert he has exceeded the FAR if he were one square foot under; and nor should the applicant expect that he should be allowed to exceed the FAR by one square foot more without needing a variance. As with the IS/MND, **the staff report presents a hypothetical FAR calculation instead of simply presenting a calculation of the actual FAR based on the actual project size.** The staff report also states, "*City staffs interpretation* of the methodology to be used in determining a FAR is to complete the calculation by dividing *the leasable area* of a proposed building by the area of the site as described in footnote 3." (Footnote 3 is that same hypothetical calculation.) I cannot find anywhere else in any of the documents provided where "leasable area" is mentioned. Even excluding the balconies, the 2.0 max FAR is exceeded. Furthermore, unless the City plans to restrict what portions of the building can be leased (and I see that discussed nowhere in 490+ pages of documentation), then we have every reason to also include the balcony area within the leasable space meaning the FAR is greater than 2.5. If that's the case, then shouldn't the estimated parking requirement also be calculated based on the leasable space - in which case, the City has underestimate the parking requirement and the staff report should be revised to reflect that.) Please clarify.

Bob Delp  
 916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Saturday, August 1, 2020 6:22 PM  
**To:** Pam Johns <pjohns@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>  
**Cc:** sutterstrettaqueria@gmail.com <sutterstrettaqueria@gmail.com>; ankhelyi@comcast.net <ankhelyi@comcast.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; daronbr@pacbell.net

<daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>; Elaine  
<eandersen@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Continued questions:

27. The hearing notice required by the FMC has not been posted at the site. FMC 17.52.320 states, "**the project site shall be posted by the applicant 5 days prior to the commission hearing, with a notice 11 inches by 17 inches in size, facing the street frontage, and indicating the project description and the place and time of the hearing.**" I have checked regularly since 5pm yesterday and, as of 5pm today (4 days prior to the Aug 5 hearing), the required notice has not been posted. The same sign that has been there for several months is still there but that sign does not "indicate the project description" (e.g., it says nothing about the building height or parking variances, critical and fundamental aspects of the project) and it does not identify the place or time of the scheduled hearing. If this means the hearing must be postponed, please let me know ASAP so I can stand down on my review of the staff report. If you still intend to proceed with the hearing even though sufficient public notice in compliance with the zoning code has clearly not taken place, can you please provide the rationale and justification for proceeding with the hearing and amend the staff report so that it advises the Commission of the failed noticing and provides staff's rationale for moving ahead with the hearing?

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Saturday, August 1, 2020 9:55 AM  
**To:** Pam Johns <pjohns@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>  
**Cc:** sutterstreettaqueria@gmail.com <sutterstreettaqueria@gmail.com>; ankhelyi@comcast.net <ankhelyi@comcast.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; daronbr@pacbell.net <daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>; Elaine Andersen <eandersen@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Continuation of Questions:

24. The City has two webpages ostensibly with current project information, but one is not up to date and the other while entitled Design Review Projects, makes no mention of 603 Sutter St. Is there a way to immediately remedy this to avoid precluding the public from having info about the project? (More detail: The agenda was posted three days ago. The City has two webpages where project design reviews are listed. One is "Current Planning Project Under Review"  
[https://www.folsom.ca.us/community/planning/current\\_project\\_information.asp](https://www.folsom.ca.us/community/planning/current_project_information.asp). This is accessed by clicking a button that reads "Current Project Information." That webpage is where the 2019 design drawings and the June 2020 IS/MND are available. Although a substantial amount of additional documents have been produced since June 2020, including the Aug 5 agenda and the staff report, the information on this page hasn't been updated and is not "current project information" as labeled on the button. Anyone looking here would see



the June IS/MND which states that the HDC hearing will be on July 15. Does the City not have that information up to date? I know one could argue that people need to track the HDC agenda page, but it really seems unfortunate that a webpage still lists the project with old and incomplete information. Even just adding a note there like "See HDC Aug 5 Agenda for more information" would be a simple step at providing basic current information to the public. The other webpage is accessed by clicking a button "Design Review Projects" [https://www.folsom.ca.us/community/planning/design\\_review/default.asp](https://www.folsom.ca.us/community/planning/design_review/default.asp). That page lists several projects but does not include 603 Sutter Street, even though 603 Sutter Street is undergoing design review. Although it's likely much too late to make changes to these webpages in a way that would meaningfully inform the public about a project decision process just days away, but I am interested in understanding the City's procedures for deciding what, where, and when to post information.)

25. In the several pages of the staff report regarding parking variance, I don't see any discussion of input from the community regarding our opinions on the effects of the parking variance on health and welfare, except perhaps discussion of the 2017 meeting where people did in fact express concerns. My understanding is that the ad hoc parking committee effort and its recommendations was largely driven by neighborhood concerns about parking impacts on their health and welfare. The staff report concludes that the parking variance wouldn't materially affect people living and working in the neighborhood. Can you point me to any evidence in the staff report or anywhere else of City outreach to the community that resulted in community input that would lead to that conclusion?

26. Offsite parking is mentioned as potential measure to partially address the project's parking demand. Has staff investigated the feasibility of offsite parking options and is there any evidence that one or more feasible locations for the applicant to pursue such parking exists?

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Friday, July 31, 2020 6:19 AM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
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**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Thank you, Pam. Steve did not call me yesterday, but hopefully he'll have a chance today. While I will be glad to speak with him, ultimately, it will be important to have written feedback from the City on these issues for the administrative record to show how they have been addressed and resolved. Most importantly, as I have asked previously, has the City determined that all requested entitlements that would be granted as presented in the staff report are within the authority of the HDC? Some of the conditions of approval seem to defer certain discretionary decisions, including condition 59 which relates to the permanent development of

structures in public right of way. I've asked before, and will ask again now still hoping for a d  
 this question: **Does the HDC have the authority to approve private development of permanent structures on City-owned property?**

I'm continuing to review the staff report as quickly as possible, but fear that time is running short so your or Steve's feedback on these issues ASAP would be very much appreciated. There is a substantial amount of new information in the staff report (including a project narrative that, to my knowledge, has not previously been circulated - another seemingly very backwards approach to a normal development application process). Please consider the following in addition to my previous questions:

14. Condition of approval (COA) 1 states that the project must be developed to conform with the July 30, 2019 traffic impact study. Obviously, the City is not intending to require that the project result in the traffic impacts identified in that study. Can you please clarify the intent of requiring the project to conform to the traffic impact study?

15. COA 1 also references that the project must be developed consistent with the "Project Narrative." The condition does not provide a date or other citation for the project narrative, whereas every other item referenced in COA 1 is specifically cited with a date. There is a project narrative in the staff report - it is unsigned and undated and has never been part of the project documents I have seen circulated thus far. Is there a reason a narrative was included in the staff report that doesn't have a name, date, signature and on what basis does the City consider that to be part of the application? A project narrative is a basic and fundamental component required for development applications. Can the staff report be amended to identify who prepared the narrative and when it was prepared and submitted to the City?

16. COA 2 requires that building plans be submitted "to ensure conformance with City codes and standards." Can you clarify how you expect the project to comply with this condition when the project requires variances from City codes? Should that condition be revised to state something like, "...with the exception of the several zoning code variances granted for this project."

17. COA 3 discusses the potential for "...subsequent extension of this approval..." Can you please clarify the mechanism for such extension and who would have the authority to authorize it? Can you also clarify whether the approval termination would be effective immediately on the date cited or if the City would need to take formal action at that point to terminate? Can you also clarify whether such termination would void the variance approvals such that a future applicant would need to reapply for variances even if proposing the same or similar building? (Also, there is a word missing between "two" and "from". I think you mean "years.")

18. COA 4 places a requirement on the City to bear attorneys costs and fees in defense of the project and specifies no requirement on the owner/applicant to fund a defense. Does this mean that the City is committing to pay the cost of defending a private project approval? Can you please clarify and work with the City attorney to amend the condition to provide more protection for the City?

19. Regarding 5, can you provide a copy of Reso 2434 and clarify in the condition what the owner/applicant's obligation for "participating in mitigation monitoring" is? Furthermore, please consider language stating that "the owner/applicant shall be required to comply with, implement, and fully fund all mitigation measures adopted and incorporated as conditions of approval." Also, there is a check mark for this COA but I don't think the COA is an actual mitigation measure. Can you clarify that?

20. COA 7 references "the property." Since a portion of the project will be permanently constructed on City-owned property, can you clarify any payoff or applicable fees that would be associated with development on the City-owned property to be developed by this private project?

21. COAs 8 and 9 require the owner/applicant to fund the cost of outside legal and consulting services that may be used by the City. Should that condition not also require that the owner/applicant fund in-house City and staff costs? If the owner/applicant doesn't pay for those in-house City costs, who does pay for that?

22. COA 10 states, "unless exempt by previous agreement." Is there a "previous agreement" for this property, project, owner/applicant? If so, the condition should be revised to reflect that. If there isn't an agreement, should that phrase be stricken from the condition to avoid confusion? This condition and the staff report would be much more easily understood if the specific actual development fees were identified. Also, can you clarify the relationship of the fees per this condition with separate parking-related fees/funding conditions? The condition states that the "90-day protest period...has begun." When did it begin? Since the fees are identified yet, what would be the current basis for a challenge to those fees?

23. COA 12 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify if there are any applicable payoff or segregation/fees that would be associated with development on the City-owned property to be developed by this private project and, if so, who would be responsible for funding that?

Bob Delp  
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---

**From:** Pam Johns <pjohns@folsom.ca.us>  
**Sent:** Thursday, July 30, 2020 1:04 PM  
**To:** Bob Delp <bdelp@live.com>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>  
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**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Thank you, Bob.

Steve, please call Bob directly to address/discuss these initial questions. Thank you

Pam

**From:** Bob Delp <bdelp@live.com>

**Sent:** Thursday, July 30, 2020 12:56 PM

**To:** Pam Johns <pjohns@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>  
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**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you very much for your quick reply, Pam. While I'm still hopefully the City will reconsider and postpone the meeting, I will continue my review and try to get my full input to you and the Commission as early as possible so you have a chance to consider before a decision is made. I appreciate your offer of Steve as a resource for answering questions. I know I will have more, but to give him a chance to get started, here are some at my initial look through the staff report. Some of these I've asked before, but haven't been able to find them addressed in the staff report, so my apologies for repetition. If some of these questions are already addressed in the staff report, Steve can just direct me to the page number and I'll look for the information. Feedback ASAP will help with my review of the entire package.

Thanks!

-Bob

1. Does the City have a policy for granting applicant requests for hearing scheduling and can you direct me to where I can find that? (You might recall that my request to extent the IS/MND review period and hearing originally scheduled for July 15 was rejected, but then after I submitted comments, I was advised that "the 603 Sutter Street Mixed-Use Building Project has been continued to the August 5<sup>th</sup> Historic District Commission meeting **at the request of the applicant.**")
2. The staff report references apparent applicant-solicited feedback from the community as the mechanism by which the CITY has complied with GP Policy LU 1.1..12-2 (packet pg. 83). However, that GP policy pertains to outreach that is to be conducted **by the CITY** not an applicant. Can you advise of the outreach the City has done with the community on the current project (i.e., the project that proposes no parking) in compliance with this GP Policy?
3. The staff report repeatedly discuss the proposed height of the building as 50ft, 6in., but I don't see anywhere where the actual total height of proposed structures is discussed. Can you direct me to where I could find that in the materials?
4. The staff report states that towers/spires are allowed *up to 25 feet above a building* (packet pg. 84). However, FMC 17.52.510 C states, "Towers, spires, or other similar architectural features may extend **up to 15 feet** above the building height." Can you clarify the 25ft reference?
5. Can you direct me to where I can find in the zoning code (or where is it identified as part of a variance request for this project) that the 15 feet tower/spire allowance applies to a building that would be constructed with a rooftop already in excess of the zoning code? If not, can you point me to the applicant's request for variance for features that would be above 50ft, 6in in height?



6. Aside from spires/towers, can you point me to the section of the zoning code that allows features to exceed height limits in the zoning code (e.g., elevator, AC units, etc.)? If there is no such allowance, can you point me to the applicant's request for a variance to allow those features?
7. Staff report says, "consistent with the Sept 2017 HDC meeting, the applicant provided a variance..." (packet pg. 84). An applicant is required to provide a variance request application per the FMC (the requirement isn't dependent on the HDC requesting it). Notwithstanding, although the staff report references the 2017 meeting, a variance request wasn't submitted until June 2020 and that wasn't until community members asked for it. Is there a reason why the staff report doesn't directly and accurately speak to the process of why and when a variance request was submitted by the applicant?
8. Related to above, staff report Attachment 18 is entitled "Applicant's Variance Statement Letter Dated June 23, 2019" when in fact, the variance statement included in that attachment is dated July 7, 2020, and the only variance request previously provided that I'm aware of is dated June 23, 2020, not 2019. The variances required for this project are of primary interest to this community. Is it too late for staff to revise the staff report to provide a clear and accurate discussion of the variance request history? Related, is it too late for the City to require the applicant to actually submit a signed variance statement? (Neither the July 7, 2020 version in the staff report nor the June 23, 2020 version that the City previously provided to me are signed. As the record current appears, I still do not see any variance statement submitted by the applicant, let alone signed. This continues to be simply bizarre and it remains unclear why the applicant has not been required to take ownership of ANY variance statement provided thus far.)
9. City staff asserts that the site has "unique topography." Is it too late for you to reconsider that? The parcel has a moderate slope, and slopes are very common in this area and are in no way "unique". If there's anything "unique" about this particular site, it's that it is the parcel with the highest elevation in the Sutter Street commercial area, which fact suggests a rationale for a *lower* building, not a taller building. There are other factors like this in staff's interpretation of the variance rationale, and it strikes me that there simply hasn't been any real opportunity for the community to provide input on this until now that it's rolled out in a staff report for a meeting just days away. The variance rationale are very important. How can the community provide input for meaningful consideration before a decision is made?
10. The staff report reference an IS/MND "public review period July 17, 2020 to August 5, 2020)"? The IS/MND was circulated for 20 days of public review and comment in June 2020. I am aware of not notice or other information regarding the City's extension of the review period. If that was not noticed, can you please amend the staff report to make it clear that the IS/MND was circulated in June for the bare minimum CEQA required circulation period of 20 days, and that responses to comments were only provided when the staff report was released on July 29, five business days before the scheduled hearing? It is important for the record to accurately reflect public input opportunities. If instead, the City does intend to continue the IS/MND review period through August 5, 2020 (no time is given and email comments are allowed, so presumably that means midnight on Aug 5), how can you hold a public hearing at 5pm on Aug 5th?
11. Can you please amend the staff report to include documentation of the City's request for review and input from State Parks *on the currently proposed project*? The City General Plan requires such coordination and I have not seen evidence that State Parks was made aware of the proposed development, its absence of parking, and the potential demand for overflow parking to affect nearby State Parks parking areas, among other concerns State Parks might have.
12. I asked the following questions in a letter to the City on July 27, 2020, with the intent to give the City time to address these questions in the staff report. I do not see these questions answered in the staff report. Can you either answer them now or point me to where in the staff report they are addressed?

1. Does the HDC have the authority to approve a project (through issuance of other mechanism) that does not comply with FMC requirements for motor vehicle parking spaces?
2. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with the FMC and General Plan parking requirements for electric vehicles and charging stations?
3. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the FMC and General Plan requirements for bicycle parking, including General Plan Policy M 4.2.2?
4. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the City's disabled persons parking requirements? Would such an approval subject the City to potential litigation for failure to comply with the American's with Disabilities Act (ADA) and, if so, is the project proponent required to indemnify the City against such potential legal action?
5. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application and fee for a variance as required by FMC 17.62.020 and 17.52.370?
6. Does the HDC have the authority to approve a project for which complete applications and submittals, including an attempted justification of any and all variances required for a project as required by the FMC, have not be submitted?
7. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application for an easement as required by FMC 12.20.090 and does waving such requirement subject the City to liability that might otherwise be addressed by having a complete set of current and executed application forms?
8. Does the HDC have the authority to grant a permanent easement for private development of privately owned permanent structures on City-owned property?
9. Does the HDC or any other decision-making body of the City have the authority to grant a permanent easement for the development of privately owned permanent structures on City-owned property without requiring compensation for such easement? Would not such an easement without compensation be an illegal gift of public funds? Does the HDC have the authority to negotiate or wave City financial matters such as this?
10. Does the HDC have the authority to approve a private development project that exceeds the FMC maximum floor area ratio (FAR) development standards or is that authority limited to the City Council?
11. Does City staff and/or the HDC have the authority to waive the requirement of an applicant to submit a signed and completed Greenhouse Gas Reduction Strategy Consistency Checklist which is required for any applicant for any project that undergoes environmental review? ([https://www.folsom.ca.us/documents/Planning/Folsom\\_GHG\\_Reduction\\_Checklist\\_FINAL.pdf](https://www.folsom.ca.us/documents/Planning/Folsom_GHG_Reduction_Checklist_FINAL.pdf))
12. Does the HDC have the authority to waive the General Plan's requirement that the California Green Building Code (Title 24, Part 11) be complied with for developments within the City?

Again, thank you very much for helping facilitate my review of the staff report.

-Bob

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**From:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Sent:** Thursday, July 30, 2020 10:46 AM  
**To:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net) <[daronbr@pacbell.net](mailto:daronbr@pacbell.net)>; [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com) <[danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)>; [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net) <[ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)>; [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com) <[sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)>; [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com) <[mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)>; [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com) <[kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)>; [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com) <[kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)>; Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>  
**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Hi Bob.

Thank you for your email. While I appreciate your request to postpone the consideration of the project, the vast majority of the information in the packet (environmental review and project plans in their current form) has been available for public review for nearly two months. The staff report and conditions are new and represent approximately 65 pages of the report. This timeline and volume of information is not uncommon for our decision makers and exceeds the minimum legal requirements. As you are likely aware, this project was submitted over three years ago and has been revised several times in response to issues and concerns through both formal and informal public meetings.

The public hearing on August 5<sup>th</sup> provides an opportunity for consideration of the project in keeping with due process (along with two others projects on the agenda). An advantage to this particular meeting is that there is no scheduled Planning Commission meeting after, which allows for the Historic District Commission meeting to proceed without typical time constraints. The Historic District Commission has the authority to consider the project, hear public comments, and take action OR continue the project to a subsequent meeting. During public comments on August 5<sup>th</sup>, you are certainly welcome to request that the Commission continue the item, but that decision to act or continue rests with the Commission.

If you have any specific questions as you are reviewing the staff report and conditions, please feel free to reach out to Steve Banks, Principal Planner at 916-461-6207 or [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us).

Respectfully,

Pam

**Pam Johns**

*Community Development  
Director*

**Community Development Department**

50 Natoma Street, Folsom, CA 95630

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CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE



[www.folsom.ca.us](http://www.folsom.ca.us)

**From:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>

**Sent:** Thursday, July 30, 2020 9:08 AM

**To:** Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net); [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com); [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net); [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com); [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com); [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com); [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com); Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>

**Subject:** Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Bob Delp and I live at 612 Mormon Street in Folsom's Historic District. As a resident of the Historic District I am directly affected by development within this community, and I would be adversely affected by the currently proposed development at 603 Sutter Street. At approximately 3:30 p.m. yesterday, July 29th, the materials for the Historic District Commission (HDC) August 5<sup>th</sup> meeting were posted on the City's website. The staff report and related materials for 603 Sutter Street are 490 pages long. It is unreasonable for the City to expect me and other members of the community to be able to review and provide meaningful input on that project in a period of less than five business days; and even if we do provide input during that time, it will be impossible for staff or the HDC to fully consider public input. Therefore, by way of this email and to allow meaningful public input, I am requesting that you remove the 603 Sutter Street item from the August 5 agenda and reschedule the item to be heard by the HDC at its August 19 or later meeting.

Lastly, I understand that this development was originally on the July 15<sup>th</sup> agenda and was removed at the applicant's request to allow more time to consider and address comments submitted by concerned residents. It is reasonable to expect that a similar extension should be provided to the community.

Sincerely,  
-Bob Delp

Bob Delp  
916-812-8122  
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**Desmond Parrington**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Saturday, August 1, 2020 6:23 PM  
**To:** Pam Johns; Scott Johnson; Steven Banks  
**Cc:** sutterstreettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com; Elaine Andersen; Kelly Mullett  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

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Continued questions:

27. The hearing notice required by the FMC has not been posted at the site. FMC 17.52.320 states, "**the project site shall be posted by the applicant 5 days prior to the commission hearing, with a notice 11 inches by 17 inches in size, facing the street frontage, and indicating the project description and the place and time of the hearing.**" I have checked regularly since 5pm yesterday and, as of 5pm today (4 days prior to the Aug 5 hearing), the required notice has not been posted. The same sign that has been there for several months is still there but that sign does not "indicate the project description" (e.g., it says nothing about the building height or parking variances, critical and fundamental aspects of the project) and it does not identify the place or time of the scheduled hearing. If this means the hearing must be postponed, please let me know ASAP so I can stand down on my review of the staff report. If you still intend to proceed with the hearing even though sufficient public notice in compliance with the zoning code has clearly not taken place, can you please provide the rationale and justification for proceeding with the hearing and amend the staff report so that it advises the Commission of the failed noticing and provides staff's rationale for moving ahead with the hearing?

Bob Delp  
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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Saturday, August 1, 2020 9:55 AM  
**To:** Pam Johns <pjohns@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>  
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**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Continuation of Questions:

24. The City has two webpages ostensibly with current project information, but one is not up to date and the other while entitled Design Review Projects, makes no mention of 603 Sutter St. Is there a way to immediately remedy this to avoid precluding the public from having info about the project? (More detail: The agenda was posted three days ago. The City has two webpages where project design reviews are listed. One is "Current Planning Project Under Review"

[https://www.folsom.ca.us/community/planning/current\\_project\\_information.asp](https://www.folsom.ca.us/community/planning/current_project_information.asp). This is accessed by clicking a button that reads "Current Project Information." That webpage is where the 2019 design drawings and the June 2020 IS/MND are available. Although a substantial amount of additional documents have been produced since June 2020, including the Aug 5 agenda and the staff report, the information on this page hasn't been updated and is not "current project information" as labeled on the button. Anyone looking here would see the June IS/MND which states that the HDC hearing will be on July 15. Does the City not have a procedure to keep that information up to date? I know one could argue that people need to track the HDC agenda page, but it really seems unfortunate that a webpage still lists the project with old and incomplete information. Even just adding a note there like "See HDC Aug 5 Agenda for more information" would be a simple step at providing basic current information to the public. The other webpage is accessed by clicking a button "Design Review

Projects" [https://www.folsom.ca.us/community/planning/design\\_review/default.asp](https://www.folsom.ca.us/community/planning/design_review/default.asp). That page lists several projects but does not include 603 Sutter Street, even though 603 Sutter Street is undergoing design review. Although it's likely much too late to make changes to these webpages in a way that would meaningfully inform the public about a project decision process just days away, but I am interested in understanding the City's procedures for deciding what, where, and when to post information.)

25. In the several pages of the staff report regarding parking variance, I don't see any discussion of input from the community regarding our opinions on the effects of the parking variance on health and welfare, except perhaps discussion of the 2017 meeting where people did in fact express concerns. My understanding is that the ad hoc parking committee effort and its recommendations was largely driven by neighborhood concerns about parking impacts on their health and welfare. The staff report concludes that the parking variance wouldn't materially affect people living and working in the neighborhood. Can you point me to any evidence in the staff report or anywhere else of City outreach to the community that resulted in community input that would lead to that conclusion?

26. Offsite parking is mentioned as potential measure to partially address the project's parking demand. Has staff investigated the feasibility of offsite parking options and is there any evidence that one or more feasible locations for the applicant to pursue such parking exists?

Thank you,  
-Bob

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---

**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Friday, July 31, 2020 6:19 AM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
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<eandersen@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Thank you, Pam. Steve did not call me yesterday, but hopefully he'll have a chance today. While I will be glad to speak with him, ultimately, it will be important to have written feedback from the City on these issues for the administrative record to show how they have been addressed and resolved. Most importantly, as I have asked previously, has the City determined that all requested entitlements that would be granted as presented in the staff report are within the authority of the HDC? Some of the conditions of approval seem to defer certain discretionary decisions, including condition 59 which relates to the permanent development of structures in public right of way. I've asked before, and will ask again now still hoping for a direct answer to this question: **Does the HDC have the authority to approve private development of permanent structures on City-owned property?**

I'm continuing to review the staff report as quickly as possible, but fear that time is running short so your or Steve's feedback on these issues ASAP would be very much appreciated. There is a substantial amount of new information in the staff report (including a project narrative that, to my knowledge, has not previously been circulated - another seemingly very backwards approach to a normal development application process). Please consider the following in addition to my previous questions:

14. Condition of approval (COA) 1 states that the project must be developed to conform with the July 30, 2019 traffic impact study. Obviously, the City is not intending to require that the project result in the traffic impacts identified in that study. Can you please clarify the intent of requiring the project to conform to the traffic impact study?

15. COA 1 also references that the project must be developed consistent with the "Project Narrative." The condition does not provide a date or other citation for the project narrative, whereas every other item referenced in COA 1 is specifically cited with a date. There is a project narrative in the staff report - it is unsigned and undated and has never been part of the project documents I have seen circulated thus far. Is there a reason a narrative was included in the staff report that doesn't have a name, date, signature and on what basis does the City consider that to be part of the application? A project narrative is a basic and fundamental component required for development applications. Can the staff report be amended to identify who prepared the narrative and when it was prepared and submitted to the City?

16. COA 2 requires that building plans be submitted "to ensure conformance with City codes and standards." Can you clarify how you expect the project to comply with this condition when the project requires variances from City codes? Should that condition be revised to state something like, "...with the exception of the several zoning code variances granted for this project."

17. COA 3 discusses the potential for "...subsequent extension of this approval..." Can you please clarify the mechanism for such extension and who would have the authority to authorize it? Can you also clarify whether the approval termination would be effective immediately on the date cited or if the City would need to take formal action at that point to terminate? Can you also clarify whether such termination would void the variance approvals such that a future applicant would need to reapply for variances even if proposing the same or similar building? (Also, there is a word missing between "two" and "from". I think you mean "years.")

18. COA 4 places a requirement on the City to bear attorneys costs and fees in defense of the condition. COA 4 specifies no requirement on the owner/applicant to fund a defense. Does this mean that the City is committing to pay the cost of defending a private project approval? Can you please clarify and work with the City attorney to amend the condition to provide more protection for the City?

19. Regarding 5, can you provide a copy of Reso 2434 and clarify in the condition what the owner/applicant's obligation for "participating in mitigation monitoring" is? Furthermore, please consider language stating that "the owner/applicant shall be required to comply with, implement, and fully fund all mitigation measures adopted and incorporated as conditions of approval." Also, there is a check mark for this COA but I don't think the COA is an actual mitigation measure. Can you clarify that?

20. COA 7 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify any payoff or applicable fees that would be associated with development on the City-owned property to be developed by this private project?

21. COAs 8 and 9 require the owner/applicant to fund the cost of outside legal and consulting services that may be used by the City. Should that condition not also require that the owner/applicant fund in-house City and staff costs? If the owner/applicant doesn't pay for those in-house City costs, who does pay for that?

22. COA 10 states, "unless exempt by previous agreement." Is there a "previous agreement" for this property, project, owner/applicant? If so, the condition should be revised to reflect that. If there isn't an agreement, should that phrase be stricken from the condition to avoid confusion? This condition and the staff report would be much more easily understood if the specific actual development fees were identified. Also, can you clarify the relationship of the fees per this condition with separate parking-related fees/funding conditions? The condition states that the "90-day protest period...has begun." When did it begin? Since the fees are identified yet, what would be the current basis for a challenge to those fees?

23. COA 12 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify if there are any applicable payoff or segregation/fees that would be associated with development on the City-owned property to be developed by this private project and, if so, who would be responsible for funding that?

Bob Delp  
916-812-8122  
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---

**From:** Pam Johns <pjohns@folsom.ca.us>

**Sent:** Thursday, July 30, 2020 1:04 PM

**To:** Bob Delp <bdelp@live.com>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

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**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda



Thank you, Bob.

Steve, please call Bob directly to address/discuss these initial questions. Thank you

Pam

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Thursday, July 30, 2020 12:56 PM  
**To:** Pam Johns <pjohns@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>  
**Cc:** sutterstreettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you very much for your quick reply, Pam. While I'm still hopefully the City will reconsider and postpone the meeting, I will continue my review and try to get my full input to you and the Commission as early as possible so you have a chance to consider before a decision is made. I appreciate your offer of Steve as a resource for answering questions. I know I will have more, but to give him a chance to get started, here are some at my initial look through the staff report. Some of these I've asked before, but haven't been able to find them addressed in the staff report, so my apologies for repetition. If some of these questions are already addressed in the staff report, Steve can just direct me to the page number and I'll look for the information. Feedback ASAP will help with my review of the entire package.

Thanks!

-Bob

1. Does the City have a policy for granting applicant requests for hearing scheduling and can you direct me to where I can find that? (You might recall that my request to extent the IS/MND review period and hearing originally scheduled for July 15 was rejected, but then after I submitted comments, I was advised that "the 603 Sutter Street Mixed-Use Building Project has been continued to the August 5<sup>th</sup> Historic District Commission meeting **at the request of the applicant.**")
2. The staff report references apparent applicant-solicited feedback from the community as the mechanism by which the CITY has complied with GP Policy LU 1.1..12-2 (packet pg. 83). However, that GP policy pertains to outreach that is to be conducted **by the CITY** not an applicant. Can you advise of

the outreach the City has done with the community on the current project (i.e., the p proposes no parking) in compliance with this GP Policy?

3. The staff report repeatedly discuss the proposed height of the building as 50ft, 6in., but I don't see anywhere where the actual total height of proposed structures is discussed. Can you direct me to where I could find that in the materials?
4. The staff report states that towers/spires are allowed *up to 25 feet above a building* (packet pg. 84). However, FMC 17.52.510 C states, "Towers, spires, or other similar architectural features may extend **up to 15 feet** above the building height." Can you clarify the 25ft reference?
5. Can you direct me to where I can find in the zoning code (or where is it identified as part of a variance request for this project) that the 15 feet tower/spire allowance applies to a building that would be constructed with a rooftop already in excess of the zoning code? If not, can you point me to the applicant's request for variance for features that would be above 50ft, 6in in height?
6. Aside from spires/towers, can you point me to the section of the zoning code that allows other building features to exceed height limits in the zoning code (e.g., elevator, AC units, etc.)? If there is no such allowance, can you point me to the applicant's request for a variance to allow those features?
7. Staff report says, "consistent with the Sept 2017 HDC meeting, the applicant provided a variance..." (packet pg. 84). An applicant is required to provide a variance request application per the FMC (the requirement isn't dependent on the HDC requesting it). Notwithstanding, although the staff report references the 2017 meeting, a variance request wasn't submitted until June 2020 and that wasn't until community members asked for it. Is there a reason why the staff report doesn't directly and accurately speak to the process of why and when a variance request was submitted by the applicant?
8. Related to above, staff report Attachment 18 is entitled "Applicant's Variance Statement Letter Dated June 23, **2019**" when in fact, the variance statement included in that attachment is dated July 7, 2020, and the only variance request previously provided that I'm aware of is dated June 23, 2020, not 2019. The variances required for this project are of primary interest to this community. Is it too late for staff to revise the staff report to provide a clear and accurate discussion of the variance request history? Related, is it too late for the City to require the applicant to actually submit a signed variance statement? (Neither the July 7, 2020 version in the staff report nor the June 23, 2020 version that the City previously provided to me are signed. As the record current appears, I still do not see any variance statement submitted by the applicant, let alone signed. This continues to be simply bizarre and it remains unclear why the applicant has not been required to take ownership of ANY variance statement provided thus far.)
9. City staff asserts that the site has "unique topography." Is it too late for you to reconsider that? The parcel has a moderate slope, and slopes are very common in this area and are in no way "unique". If there's anything "unique" about this particular site, it's that it is the parcel with the highest elevation in the Sutter Street commercial area, which fact suggests a rationale for a *lower* building, not a taller building. There are other factors like this in staff's interpretation of the variance rationale, and it strikes me that there simply hasn't been any real opportunity for the community to provide input on this until now that it's rolled out in a staff report for a meeting just days away. The variance rationale are very important. How can the community provide input for meaningful consideration before a decision is made?
10. The staff report reference an IS/MND "public review period July 17, 2020 to August 5, 2020)"? The IS/MND was circulated for 20 days of public review and comment in June 2020. I am aware of not notice or other information regarding the City's extension of the review period. If that was not noticed, can you please amend the staff report to make it clear that the IS/MND was circulated in June for the bare minimum CEQA required circulation period of 20 days, and that responses to comments were only provided when the staff report was released on July 29, five business days before the scheduled hearing? It is important for the record to accurately reflect public input opportunities. If

instead, the City does intend to continue the IS/MND review period through August 5 (given and email comments are allowed, so presumably that means midnight on Aug 5), how can you hold a public hearing at 5pm on Aug 5th?

11. Can you please amend the staff report to include documentation of the City's request for review and input from State Parks *on the currently proposed project*? The City General Plan requires such coordination and I have not seen evidence that State Parks was made aware of the proposed development, its absence of parking, and the potential demand for overflow parking to affect nearby State Parks parking areas, among other concerns State Parks might have.
12. I asked the following questions in a letter to the City on July 27, 2020, with the intent to give the City time to address these questions in the staff report. I do not see these questions answered in the staff report. Can you either answer them now or point me to where in the staff report they are addressed?
  1. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with FMC requirements for motor vehicle parking spaces?
  2. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with the FMC and General Plan parking requirements for electric vehicles and charging stations?
  3. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the FMC and General Plan requirements for bicycle parking, including General Plan Policy M 4.2.2?
  4. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the City's disabled persons parking requirements? Would such an approval subject the City to potential litigation for failure to comply with the American's with Disabilities Act (ADA) and, if so, is the project proponent required to indemnify the City against such potential legal action?
  5. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application and fee for a variance as required by FMC 17.62.020 and 17.52.370?
  6. Does the HDC have the authority to approve a project for which complete applications and submittals, including an attempted justification of any and all variances required for a project as required by the FMC, have not been submitted?
  7. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application for an easement as required by FMC 12.20.090 and does waiving such requirement subject the City to liability that might otherwise be addressed by having a complete set of current and executed application forms?
  8. Does the HDC have the authority to grant a permanent easement for private development of privately owned permanent structures on City-owned property?
  9. Does the HDC or any other decision-making body of the City have the authority to grant a permanent easement for the development of privately owned permanent structures on City-owned property without requiring compensation for such easement? Would not such an easement without compensation be an illegal gift of public funds? Does the HDC have the authority to negotiate or waive City financial matters such as this?
  10. Does the HDC have the authority to approve a private development project that exceeds the FMC maximum floor area ratio (FAR) development standards or is that authority limited to the City Council?
  11. Does City staff and/or the HDC have the authority to waive the requirement of an applicant to submit a signed and completed Greenhouse Gas Reduction Strategy Consistency Checklist

which is required for any applicant for any project that undergoes environmental review? ([https://www.folsom.ca.us/documents/Planning/Folsom\\_GHG\\_Reduction\\_Checklist\\_FINAL.pdf](https://www.folsom.ca.us/documents/Planning/Folsom_GHG_Reduction_Checklist_FINAL.pdf))

12. Does the HDC have the authority to waive the General Plan's requirement that the California Green Building Code (Title 24, Part 11) be complied with for developments within the City?

Again, thank you very much for helping facilitate my review of the staff report.

-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Sent:** Thursday, July 30, 2020 10:46 AM  
**To:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net) <[daronbr@pacbell.net](mailto:daronbr@pacbell.net)>; [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com) <[danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)>; [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net) <[ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)>; [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com) <[sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)>; [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com) <[mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)>; [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com) <[kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)>; [kevin.duwel@gmail.com](mailto:kevin.duwel@gmail.com) <[kevin.duwel@gmail.com](mailto:kevin.duwel@gmail.com)>; Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>  
**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Hi Bob.

Thank you for your email. While I appreciate your request to postpone the consideration of the project, the vast majority of the information in the packet (environmental review and project plans in their current form) has been available for public review for nearly two months. The staff report and conditions are new and represent approximately 65 pages of the report. This timeline and volume of information is not uncommon for our decision makers and exceeds the minimum legal requirements. As you are likely aware, this project was submitted over three years ago and has been revised several times in response to issues and concerns through both formal and informal public meetings.

The public hearing on August 5<sup>th</sup> provides an opportunity for consideration of the project in keeping with due process (along with two others projects on the agenda). An advantage to this particular meeting is that there is no scheduled Planning Commission meeting after, which allows for the Historic District Commission meeting to proceed without typical time constraints. The Historic District Commission has the authority to consider the project, hear public comments, and take action OR continue the project to a subsequent meeting. During public comments on August 5<sup>th</sup>, you are certainly welcome to request that the Commission continue the item, but that decision to act or continue rests with the Commission.

If you have any specific questions as you are reviewing the staff report and conditions, please feel free to reach out to Steve Banks, Principal Planner at 916-461-6207 or [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us).

Respectfully,

Pam

**Pam Johns**  
*Community Development  
Director*





CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE



[www.folsom.ca.us](http://www.folsom.ca.us)

**From:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>

**Sent:** Thursday, July 30, 2020 9:08 AM

**To:** Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net); [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com); [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net); [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com); [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com); [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com); [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com); Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>

**Subject:** Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Bob Delp and I live at 612 Mormon Street in Folsom's Historic District. As a resident of the Historic District I am directly affected by development within this community, and I would be adversely affected by the currently proposed development at 603 Sutter Street. At approximately 3:30 p.m. yesterday, July 29th, the materials for the Historic District Commission (HDC) August 5<sup>th</sup> meeting were posted on the City's website. The staff report and related materials for 603 Sutter Street are 490 pages long. It is unreasonable for the City to expect me and other members of the community to be able to review and provide meaningful input on that project in a period of less than five business days; and even if we do provide input during that time, it will be impossible for staff or the HDC to fully consider public input. Therefore, by way of this email and to allow meaningful public input, I am requesting that you remove the 603 Sutter Street item from the August 5 agenda and reschedule the item to be heard by the HDC at its August 19 or later meeting.

Lastly, I understand that this development was originally on the July 15<sup>th</sup> agenda and was removed at the applicant's request to allow more time to consider and address comments submitted by concerned residents. It is reasonable to expect that a similar extension should be provided to the community.

Sincerely,  
-Bob Delp

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**Desmond Parrington**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Saturday, August 1, 2020 9:56 AM  
**To:** Pam Johns; Scott Johnson; Steven Banks  
**Cc:** sutterstreettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com; Elaine Andersen; Kelly Mullett  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

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Continuation of Questions:

24. The City has two webpages ostensibly with current project information, but one is not up to date and the other while entitled Design Review Projects, makes no mention of 603 Sutter St. Is there a way to immediately remedy this to avoid precluding the public from having info about the project? (More detail: The agenda was posted three days ago. The City has two webpages where project design reviews are listed. One is "Current Planning Project Under Review"

[https://www.folsom.ca.us/community/planning/current\\_project\\_information.asp](https://www.folsom.ca.us/community/planning/current_project_information.asp). This is accessed by clicking a button that reads "Current Project Information." That webpage is where the 2019 design drawings and the June 2020 IS/MND are available. Although a substantial amount of additional documents have been produced since June 2020, including the Aug 5 agenda and the staff report, the information on this page hasn't been updated and is not "current project information" as labeled on the button. Anyone looking here would see the June IS/MND which states that the HDC hearing will be on July 15. Does the City not have a procedure to keep that information up to date? I know one could argue that people need to track the HDC agenda page, but it really seems unfortunate that a webpage still lists the project with old and incomplete information. Even just adding a note there like "See HDC Aug 5 Agenda for more information" would be a simple step at providing basic current information to the public. The other webpage is accessed by clicking a button "Design Review

Projects" [https://www.folsom.ca.us/community/planning/design\\_review/default.asp](https://www.folsom.ca.us/community/planning/design_review/default.asp). That page lists several projects but does not include 603 Sutter Street, even though 603 Sutter Street is undergoing design review. Although it's likely much too late to make changes to these webpages in a way that would meaningfully inform the public about a project decision process just days away, but I am interested in understanding the City's procedures for deciding what, where, and when to post information.)

25. In the several pages of the staff report regarding parking variance, I don't see any discussion of input from the community regarding our opinions on the effects of the parking variance on health and welfare, except perhaps discussion of the 2017 meeting where people did in fact express concerns. My understanding is that the ad hoc parking committee effort and its recommendations was largely driven by neighborhood concerns about parking impacts on their health and welfare. The staff report concludes that the parking variance wouldn't materially affect people living and working in the neighborhood. Can you point me to any evidence in the staff report or anywhere else of City outreach to the community that resulted in community input that would lead to that conclusion?

26. Offsite parking is mentioned as potential measure to partially address the project's parking. Staff investigated the feasibility of offsite parking options and is there any evidence that one or more feasible locations for the applicant to pursue such parking exists?

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Friday, July 31, 2020 6:19 AM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
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**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Thank you, Pam. Steve did not call me yesterday, but hopefully he'll have a chance today. While I will be glad to speak with him, ultimately, it will be important to have written feedback from the City on these issues for the administrative record to show how they have been addressed and resolved. Most importantly, as I have asked previously, has the City determined that all requested entitlements that would be granted as presented in the staff report are within the authority of the HDC? Some of the conditions of approval seem to defer certain discretionary decisions, including condition 59 which relates to the permanent development of structures in public right of way. I've asked before, and will ask again now still hoping for a direct answer to this question: **Does the HDC have the authority to approve private development of permanent structures on City-owned property?**

I'm continuing to review the staff report as quickly as possible, but fear that time is running short so your or Steve's feedback on these issues ASAP would be very much appreciated. There is a substantial amount of new information in the staff report (including a project narrative that, to my knowledge, has not previously been circulated - another seemingly very backwards approach to a normal development application process). Please consider the following in addition to my previous questions:

14. Condition of approval (COA) 1 states that the project must be developed to conform with the July 30, 2019 traffic impact study. Obviously, the City is not intending to require that the project result in the traffic impacts identified in that study. Can you please clarify the intent of requiring the project to conform to the traffic impact study?

15. COA 1 also references that the project must be developed consistent with the "Project Narrative." The condition does not provide a date or other citation for the project narrative, whereas every other item referenced in COA 1 is specifically cited with a date. There is a project narrative in the staff report - it is unsigned and undated and has never been part of the project documents I have seen circulated thus far. Is there a reason a narrative was included in the staff report that doesn't have a name, date, signature and on what basis does the City consider that to be part of the application? A project narrative is a basic and

fundamental component required for development applications. Can the staff report be amended to include the name of the staff member who prepared the narrative and when it was prepared and submitted to the City?

16. COA 2 requires that building plans be submitted "to ensure conformance with City codes and standards." Can you clarify how you expect the project to comply with this condition when the project requires variances from City codes? Should that condition be revised to state something like, "...with the exception of the several zoning code variances granted for this project."

17. COA 3 discusses the potential for "...subsequent extension of this approval..." Can you please clarify the mechanism for such extension and who would have the authority to authorize it? Can you also clarify whether the approval termination would be effective immediately on the date cited or if the City would need to take formal action at that point to terminate? Can you also clarify whether such termination would void the variance approvals such that a future applicant would need to reapply for variances even if proposing the same or similar building? (Also, there is a word missing between "two" and "from". I think you mean "years.")

18. COA 4 places a requirement on the City to bear attorneys costs and fees in defense of the project and specifies no requirement on the owner/applicant to fund a defense. Does this mean that the City is committing to pay the cost of defending a private project approval? Can you please clarify and work with the City attorney to amend the condition to provide more protection for the City?

19. Regarding 5, can you provide a copy of Reso 2434 and clarify in the condition what the owner/applicant's obligation for "participating in mitigation monitoring" is? Furthermore, please consider language stating that "the owner/applicant shall be required to comply with, implement, and fully fund all mitigation measures adopted and incorporated as conditions of approval." Also, there is a check mark for this COA but I don't think the COA is an actual mitigation measure. Can you clarify that?

20. COA 7 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify any payoff or applicable fees that would be associated with development on the City-owned property to be developed by this private project?

21. COAs 8 and 9 require the owner/applicant to fund the cost of outside legal and consulting services that may be used by the City. Should that condition not also require that the owner/applicant fund in-house City and staff costs? If the owner/applicant doesn't pay for those in-house City costs, who does pay for that?

22. COA 10 states, "unless exempt by previous agreement." Is there a "previous agreement" for this property, project, owner/applicant? If so, the condition should be revised to reflect that. If there isn't an agreement, should that phrase be stricken from the condition to avoid confusion? This condition and the staff report would be much more easily understood if the specific actual development fees were identified. Also, can you clarify the relationship of the fees per this condition with separate parking-related fees/funding conditions? The condition states that the "90-day protest period...has begun." When did it begin? Since the fees are identified yet, what would be the current basis for a challenge to those fees?

23. COA 12 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify if there are any applicable payoff or segregation/fees that would be associated with development on the City-owned property to be developed by this private project and, if so, who would be responsible for funding that?



Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Pam Johns <pjohns@folsom.ca.us>  
**Sent:** Thursday, July 30, 2020 1:04 PM  
**To:** Bob Delp <bdelp@live.com>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>  
**Cc:** sutterstreettaqueria@gmail.com <sutterstreettaqueria@gmail.com>; ankhelyi@comcast.net <ankhelyi@comcast.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; daronbr@pacbell.net <daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>  
**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Thank you, Bob.

Steve, please call Bob directly to address/discuss these initial questions. Thank you

Pam

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Thursday, July 30, 2020 12:56 PM  
**To:** Pam Johns <pjohns@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>  
**Cc:** sutterstreettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you very much for your quick reply, Pam. While I'm still hopefully the City will reconsider and postpone the meeting, I will continue my review and try to get my full input to you and the Commission as early as possible so you have a chance to consider before a decision is made. I appreciate your offer of Steve as a resource for answering questions. I know I will have more, but to give him a chance to get started, here are some at my initial look through the staff report. Some of these I've asked before, but haven't been able to find them addressed in the staff report, so my apologies for repetition. If some of these questions are already

addressed in the staff report, Steve can just direct me to the page number and I'll look for the information. Feedback ASAP will help with my review of the entire package.

Thanks!

-Bob

1. Does the City have a policy for granting applicant requests for hearing scheduling and can you direct me to where I can find that? (You might recall that my request to extend the IS/MND review period and hearing originally scheduled for July 15 was rejected, but then after I submitted comments, I was advised that "the 603 Sutter Street Mixed-Use Building Project has been continued to the August 5<sup>th</sup> Historic District Commission meeting **at the request of the applicant.**")
2. The staff report references apparent applicant-solicited feedback from the community as the mechanism by which the CITY has complied with GP Policy LU 1.1..12-2 (packet pg. 83). However, that GP policy pertains to outreach that is to be conducted **by the CITY** not an applicant. Can you advise of the outreach the City has done with the community on the current project (i.e., the project that proposes no parking) in compliance with this GP Policy?
3. The staff report repeatedly discuss the proposed height of the building as 50ft, 6in., but I don't see anywhere where the actual total height of proposed structures is discussed. Can you direct me to where I could find that in the materials?
4. The staff report states that towers/spires are allowed *up to 25 feet above a building* (packet pg. 84). However, FMC 17.52.510 C states, "Towers, spires, or other similar architectural features may extend **up to 15 feet** above the building height." Can you clarify the 25ft reference?
5. Can you direct me to where I can find in the zoning code (or where is it identified as part of a variance request for this project) that the 15 feet tower/spire allowance applies to a building that would be constructed with a rooftop already in excess of the zoning code? If not, can you point me to the applicant's request for variance for features that would be above 50ft, 6in in height?
6. Aside from spires/towers, can you point me to the section of the zoning code that allows other building features to exceed height limits in the zoning code (e.g., elevator, AC units, etc.)? If there is no such allowance, can you point me to the applicant's request for a variance to allow those features?
7. Staff report says, "consistent with the Sept 2017 HDC meeting, the applicant provided a variance..." (packet pg. 84). An applicant is required to provide a variance request application per the FMC (the requirement isn't dependent on the HDC requesting it). Notwithstanding, although the staff report references the 2017 meeting, a variance request wasn't submitted until June 2020 and that wasn't until community members asked for it. Is there a reason why the staff report doesn't directly and accurately speak to the process of why and when a variance request was submitted by the applicant?
8. Related to above, staff report Attachment 18 is entitled "Applicant's Variance Statement Letter Dated June 23, **2019**" when in fact, the variance statement included in that attachment is dated July 7, 2020, and the only variance request previously provided that I'm aware of is dated June 23, 2020, not 2019. The variances required for this project are of primary interest to this community. Is it too late for staff to revise the staff report to provide a clear and accurate discussion of the variance request history? Related, is it too late for the City to require the applicant to actually submit a signed variance statement? (Neither the July 7, 2020 version in the staff report nor the June 23, 2020 version that the City previously provided to me are signed. As the record current appears, I still do not see any variance statement submitted by the applicant, let alone signed. This continues to be simply bizarre and it remains unclear why the applicant has not been required to take ownership of ANY variance statement provided thus far.)

9. City staff asserts that the site has "unique topography." Is it too late for you to recon parcel has a moderate slope, and slopes are very common in this area and are in no way "unique". If there's anything "unique" about this particular site, it's that it is the parcel with the highest elevation in the Sutter Street commercial area, which fact suggests a rationale for a *lower* building, not a taller building. There are other factors like this in staff's interpretation of the variance rationale, and it strikes me that there simply hasn't been any real opportunity for the community to provide input on this until now that it's rolled out in a staff report for a meeting just days away. The variance rationale are very important. How can the community provide input for meaningful consideration before a decision is made?
10. The staff report reference an IS/MND "public review period July 17, 2020 to August 5, 2020)"? The IS/MND was circulated for 20 days of public review and comment in June 2020. I am aware of not notice or other information regarding the City's extension of the review period. If that was not noticed, can you please amend the staff report to make it clear that the IS/MND was circulated in June for the bare minimum CEQA required circulation period of 20 days, and that responses to comments were only provided when the staff report was released on July 29, five business days before the scheduled hearing? It is important for the record to accurately reflect public input opportunities. If instead, the City does intend to continue the IS/MND review period through August 5, 2020 (no time is given and email comments are allowed, so presumably that means midnight on Aug 5), how can you hold a public hearing at 5pm on Aug 5th?
11. Can you please amend the staff report to include documentation of the City's request for review and input from State Parks *on the currently proposed project*? The City General Plan requires such coordination and I have not seen evidence that State Parks was made aware of the proposed development, its absence of parking, and the potential demand for overflow parking to affect nearby State Parks parking areas, among other concerns State Parks might have.
12. I asked the following questions in a letter to the City on July 27, 2020, with the intent to give the City time to address these questions in the staff report. I do not see these questions answered in the staff report. Can you either answer them now or point me to where in the staff report they area addressed?
1. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with FMC requirements for motor vehicle parking spaces?
  2. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with the FMC and General Plan parking requirements for electric vehicles and charging stations?
  3. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the FMC and General Plan requirements for bicycle parking, including General Plan Policy M 4.2.2?
  4. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the City's disabled persons parking requirements? Would such an approval subject the City to potential litigation for failure to comply with the American's with Disabilities Act (ADA) and, if so, is the project proponent required to indemnify the City against such potential legal action?
  5. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application and fee for a variance as required by FMC 17.62.020 and 17.52.370?
  6. Does the HDC have the authority to approve a project for which complete applications and submittals, including an attempted justification of any and all variances required for a project as required by the FMC, have not be submitted?

7. Does City staff and/or the HDC have the authority to wave the requirement to submit a signed application for an easement as required by FMC 12.20.090 and does waving such requirement subject the City to liability that might otherwise be addressed by having a complete set of current and executed application forms?
8. Does the HDC have the authority to grant a permanent easement for private development of privately owned permanent structures on City-owned property?
9. Does the HDC or any other decision-making body of the City have the authority to grant a permanent easement for the development of privately owned permanent structures on City-owned property without requiring compensation for such easement? Would not such an easement without compensation be an illegal gift of public funds? Does the HDC have the authority to negotiate or wave City financial matters such as this?
10. Does the HDC have the authority to approve a private development project that exceeds the FMC maximum floor area ratio (FAR) development standards or is that authority limited to the City Council?
11. Does City staff and/or the HDC have the authority to wave the requirement of an applicant to submit a signed and completed Greenhouse Gas Reduction Strategy Consistency Checklist which is required for any applicant for any project that undergoes environmental review? ([https://www.folsom.ca.us/documents/Planning/Folsom\\_GHG\\_Reduction\\_Checklist\\_FINAL.pdf](https://www.folsom.ca.us/documents/Planning/Folsom_GHG_Reduction_Checklist_FINAL.pdf))
12. Does the HDC have the authority to wave the General Plan's requirement that the California Green Building Code (Title 24, Part 11) be complied with for developments within the City?

Again, thank you very much for helping facilitate my review of the staff report.

-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>

**Sent:** Thursday, July 30, 2020 10:46 AM

**To:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net) <[daronbr@pacbell.net](mailto:daronbr@pacbell.net)>; [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com) <[danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)>; [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net) <[ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)>; [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com) <[sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)>; [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com) <[mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)>; [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com) <[kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)>; [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com) <[kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)>; Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>

**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Hi Bob.

Thank you for your email. While I appreciate your request to postpone the consideration of the project, the vast majority of the information in the packet (environmental review and project plans in their current form) has been available for public review for nearly two months. The staff report and conditions are new and represent approximately 65 pages of the report. This timeline and volume of information is not uncommon for our decision makers and exceeds the minimum legal requirements. As you are likely aware, this project was submitted over three years ago and has been revised several times in response to issues and concerns through both formal and informal public meetings.



The public hearing on August 5<sup>th</sup> provides an opportunity for consideration of the project in keeping (along with two others projects on the agenda). An advantage to this particular meeting is that there is no scheduled Planning Commission meeting after, which allows for the Historic District Commission meeting to proceed without typical time constraints. The Historic District Commission has the authority to consider the project, hear public comments, and take action OR continue the project to a subsequent meeting. During public comments on August 5<sup>th</sup>, you are certainly welcome to request that the Commission continue the item, but that decision to act or continue rests with the Commission.

If you have any specific questions as you are reviewing the staff report and conditions, please feel free to reach out to Steve Banks, Principal Planner at 916-461-6207 or [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us).

Respectfully,

Pam

**Pam Johns**

*Community Development  
Director*

**Community Development Department**  
50 Natoma Street, Folsom, CA 95630  
O: 916.461.6205 | C: 916.764.0106



**CITY OF  
FOLSOM**  
DISTINCTIVE BY NATURE



[www.folsom.ca.us](http://www.folsom.ca.us)

**From:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>

**Sent:** Thursday, July 30, 2020 9:08 AM

**To:** Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net); [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com); [ankheli@comcast.net](mailto:ankheli@comcast.net); [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com); [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com); [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com); [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com); Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>

**Subject:** Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Bob Delp and I live at 612 Mormon Street in Folsom's Historic District. As a resident of the Historic District I am directly affected by development within this community, and I would be adversely affected by the currently proposed development at 603 Sutter Street. At approximately 3:30 p.m. yesterday, July 29<sup>th</sup>, the materials for the Historic District Commission (HDC) August 5<sup>th</sup> meeting were posted on the City's website. The staff report and related materials for 603 Sutter Street are 490 pages long. It is unreasonable for the City to expect me and other members of the community to be able to review and provide meaningful input on that project in a period of less than five business days; and even if we do provide input during that time, it will be impossible for staff or the HDC to fully consider public input. Therefore, by way of this email and to allow meaningful

public input, I am requesting that you remove the 603 Sutter Street item from the August agenda and reschedule the item to be heard by the HDC at its August 19 or later meeting.

Lastly, I understand that this development was originally on the July 15<sup>th</sup> agenda and was removed at the applicant's request to allow more time to consider and address comments submitted by concerned residents. It is reasonable to expect that a similar extension should be provided to the community.

Sincerely,  
-Bob Delp

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**Desmond Parrington**

---

**From:** Catherine O'Mordha <catherine.omordha@gmail.com>  
**Sent:** Monday, August 3, 2020 12:23 AM  
**To:** Steven Banks; Kelly Mullett  
**Subject:** ZGLOBAL - Sutter Street, Folsom

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

It has come to my attention that the planners of our fair City of Folsom are considering a new large Sutter Street location for ZGlobal - *again*. The proposed building not only dwarfs the Historic Folsom Library Building at 605 Sutter, but there is no parking planned to accommodate all the people who will work there. That would present a problem for employees and customers as well as current neighborhood residents and businesses. In addition to that, the location for the proposed garbage bin is completely inconsiderate of those who live in the area. The smell and the bugs that will be inevitably drawn would be miserable to live next to. How would you like a garbage bin collection area set up next to your house? And 50-60+ people vying for parking spaces in your neighborhood? That's just asking for trouble!

If a large building for ZGLOBAL is that important to Folsom, surely there is a more appropriate location for this comparative monstrosity elsewhere in the city.

Please be careful! We need to be considerate of Sutter Street's current residents and businesses as we move forward with careful growth.

Sincerely,

Catherine O'Mordha  
A Folsom Resident, Concerned Citizen and Active Voter

## Desmond Parrington

---

**From:** Julie Reed <juliereedwrites@gmail.com>  
**Sent:** Sunday, August 2, 2020 6:14 PM  
**To:** Steven Banks  
**Subject:** ZGlobal building

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Steven,

I've been a homeowner in Folsom for 5 years, and Sutter Street is one of my favorite things about this town. I've seen the artist's rendering of the proposed ZGlobal building being considered for the corner of Scott and Sutter streets, and I hope this doesn't become a reality. The building is enormous, and takes away from the special historic library building next door. Folsom is a town that values and celebrates its past, and Sutter Street is a huge part of that. Please don't let this happen! Thanks for your consideration,

--Julie Reed



## Desmond Parrington

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**From:** powerhousepub@aol.com  
**Sent:** Friday, July 31, 2020 10:43 AM  
**To:** Scott Johnson; Steven Banks  
**Subject:** Fwd: Historic District Commission- 603 Sutter St

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pls forward to Commissioners, Thanks, Murray

To : Commissioners  
From: Murray Weaver  
Re: Proposed mixed uses building , 603 Sutter Street

As a long time business and property owner in the historic district I submit the following comments .

While I support the infill and build out of additional structures in the district I do not think this proposal in its current form is appropriate. Its excessive height is especially unreasonable given it is adjacent to residential neighbors whose privacy and views are negatively impacted. Such a structure will only exacerbate the issues between the residential and commercial entities that are now working together to find common ground in making the district better for all.

A building of this size must provide some reasonable attempt to provide for parking. This could include on site, other sites, or an "in lieu" arrangement whereby a variance can be granted in return for a cash payment to be determined by a negotiated formula.

Murray Weaver 614 Sutter St, Folsom Ca

**Desmond Parrington**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Friday, July 31, 2020 6:20 AM  
**To:** Pam Johns; Scott Johnson; Steven Banks  
**Cc:** sutterstreettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com; Elaine Andersen; Kelly Mullett  
**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

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Thank you, Pam. Steve did not call me yesterday, but hopefully he'll have a chance today. While I will be glad to speak with him, ultimately, it will be important to have written feedback from the City on these issues for the administrative record to show how they have been addressed and resolved. Most importantly, as I have asked previously, has the City determined that all requested entitlements that would be granted as presented in the staff report are within the authority of the HDC? Some of the conditions of approval seem to defer certain discretionary decisions, including condition 59 which relates to the permanent development of structures in public right of way. I've asked before, and will ask again now still hoping for a direct answer to this question: **Does the HDC have the authority to approve private development of permanent structures on City-owned property?**

I'm continuing to review the staff report as quickly as possible, but fear that time is running short so your or Steve's feedback on these issues ASAP would be very much appreciated. There is a substantial amount of new information in the staff report (including a project narrative that, to my knowledge, has not previously been circulated - another seemingly very backwards approach to a normal development application process). Please consider the following in addition to my previous questions:

14. Condition of approval (COA) 1 states that the project must be developed to conform with the July 30, 2019 traffic impact study. Obviously, the City is not intending to require that the project result in the traffic impacts identified in that study. Can you please clarify the intent of requiring the project to conform to the traffic impact study?

15. COA 1 also references that the project must be developed consistent with the "Project Narrative." The condition does not provide a date or other citation for the project narrative, whereas every other item referenced in COA 1 is specifically cited with a date. There is a project narrative in the staff report - it is unsigned and undated and has never been part of the project documents I have seen circulated thus far. Is there a reason a narrative was included in the staff report that doesn't have a name, date, signature and on what basis does the City consider that to be part of the application? A project narrative is a basic and fundamental component required for development applications. Can the staff report be amended to identify who prepared the narrative and when it was prepared and submitted to the City?

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18. COA 4 places a requirement on the City to bear attorneys costs and fees in defense of the project and specifies no requirement on the owner/applicant to fund a defense. Does this mean that the City is committing to pay the cost of defending a private project approval? Can you please clarify and work with the City attorney to amend the condition to provide more protection for the City?

19. Regarding 5, can you provide a copy of Reso 2434 and clarify in the condition what the owner/applicant's obligation for "participating in mitigation monitoring" is? Furthermore, please consider language stating that "the owner/applicant shall be required to comply with, implement, and fully fund all mitigation measures adopted and incorporated as conditions of approval." Also, there is a check mark for this COA but I don't think the COA is an actual mitigation measure. Can you clarify that?

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22. COA 10 states, "unless exempt by previous agreement." Is there a "previous agreement" for this property, project, owner/applicant? If so, the condition should be revised to reflect that. If there isn't an agreement, should that phrase be stricken from the condition to avoid confusion? This condition and the staff report would be much more easily understood if the specific actual development fees were identified. Also, can you clarify the relationship of the fees per this condition with separate parking-related fees/funding conditions? The condition states that the "90-day protest period...has begun." When did it begin? Since the fees are identified yet, what would be the current basis for a challenge to those fees?

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Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**From:** Pam Johns <pjohns@folsom.ca.us>

**Sent:** Thursday, July 30, 2020 1:04 PM

**To:** Bob Delp <bdelp@live.com>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

**Cc:** sutterstreettaqueria@gmail.com <sutterstreettaqueria@gmail.com>; ankhelyi@comcast.net <ankhelyi@comcast.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; kevin.duewel@gmail.com <kevin.duewel@gmail.com>; daronbr@pacbell.net <daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>

**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Thank you, Bob.

Steve, please call Bob directly to address/discuss these initial questions. Thank you

Pam

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**From:** Bob Delp <bdelp@live.com>

**Sent:** Thursday, July 30, 2020 12:56 PM

**To:** Pam Johns <pjohns@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Kelly Mullett <kmullett@folsom.ca.us>

**Cc:** sutterstreettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com

**Subject:** Re: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you very much for your quick reply, Pam. While I'm still hopefully the City will reconsider and postpone the meeting, I will continue my review and try to get my full input to you and the Commission as early as possible so you have a chance to consider before a decision is made. I appreciate your offer of Steve as a resource for answering questions. I know I will have more, but to give him a chance to get started, here are some at my initial look through the staff report. Some of these I've asked before, but haven't been able to find them addressed in the staff report, so my apologies for repetition. If some of these questions are already addressed in the staff report, Steve can just direct me to the page number and I'll look for the information. Feedback ASAP will help with my review of the entire package.

Thanks!

-Bob



1. Does the City have a policy for granting applicant requests for hearing scheduling and if so, where I can find that? (You might recall that my request to extend the IS/MND review period and hearing originally scheduled for July 15 was rejected, but then after I submitted comments, I was advised that "the 603 Sutter Street Mixed-Use Building Project has been continued to the August 5<sup>th</sup> Historic District Commission meeting **at the request of the applicant.**")
2. The staff report references apparent applicant-solicited feedback from the community as the mechanism by which the CITY has complied with GP Policy LU 1.1..12-2 (packet pg. 83). However, that GP policy pertains to outreach that is to be conducted **by the CITY** not an applicant. Can you advise of the outreach the City has done with the community on the current project (i.e., the project that proposes no parking) in compliance with this GP Policy?
3. The staff report repeatedly discuss the proposed height of the building as 50ft, 6in., but I don't see anywhere where the actual total height of proposed structures is discussed. Can you direct me to where I could find that in the materials?
4. The staff report states that towers/spires are allowed *up to 25 feet above a building* (packet pg. 84). However, FMC 17.52.510 C states, "Towers, spires, or other similar architectural features may extend **up to 15 feet** above the building height." Can you clarify the 25ft reference?
5. Can you direct me to where I can find in the zoning code (or where is it identified as part of a variance request for this project) that the 15 feet tower/spire allowance applies to a building that would be constructed with a rooftop already in excess of the zoning code? If not, can you point me to the applicant's request for variance for features that would be above 50ft, 6in in height?
6. Aside from spires/towers, can you point me to the section of the zoning code that allows other building features to exceed height limits in the zoning code (e.g., elevator, AC units, etc.)? If there is no such allowance, can you point me to the applicant's request for a variance to allow those features?
7. Staff report says, "consistent with the Sept 2017 HDC meeting, the applicant provided a variance..." (packet pg. 84). An applicant is required to provide a variance request application per the FMC (the requirement isn't dependent on the HDC requesting it). Notwithstanding, although the staff report references the 2017 meeting, a variance request wasn't submitted until June 2020 and that wasn't until community members asked for it. Is there a reason why the staff report doesn't directly and accurately speak to the process of why and when a variance request was submitted by the applicant?
8. Related to above, staff report Attachment 18 is entitled "Applicant's Variance Statement Letter Dated June 23, **2019**" when in fact, the variance statement included in that attachment is dated July 7, 2020, and the only variance request previously provided that I'm aware of is dated June 23, 2020, not 2019. The variances required for this project are of primary interest to this community. Is it too late for staff to revise the staff report to provide a clear and accurate discussion of the variance request history? Related, is it too late for the City to require the applicant to actually submit a signed variance statement? (Neither the July 7, 2020 version in the staff report nor the June 23, 2020 version that the City previously provided to me are signed. As the record current appears, I still do not see any variance statement submitted by the applicant, let alone signed. This continues to be simply bizarre and it remains unclear why the applicant has not been required to take ownership of ANY variance statement provided thus far.)
9. City staff asserts that the site has "unique topography." Is it too late for you to reconsider that? The parcel has a moderate slope, and slopes are very common in this area and are in no way "unique". If there's anything "unique" about this particular site, it's that it is the parcel with the highest elevation in the Sutter Street commercial area, which fact suggests a rationale for a *lower* building, not a taller building. There are other factors like this in staff's interpretation of the variance rationale, and it strikes me that there simply hasn't been any real opportunity for the community to provide input on this until now that it's rolled out in a staff report for a meeting just days away. The variance rationale

are very important. How can the community provide input for meaningful consideration if a decision is made?

10. The staff report reference an IS/MND "public review period July 17, 2020 to August 5, 2020)"? The IS/MND was circulated for 20 days of public review and comment in June 2020. I am aware of not notice or other information regarding the City's extension of the review period. If that was not noticed, can you please amend the staff report to make it clear that the IS/MND was circulated in June for the bare minimum CEQA required circulation period of 20 days, and that responses to comments were only provided when the staff report was released on July 29, five business days before the scheduled hearing? It is important for the record to accurately reflect public input opportunities. If instead, the City does intend to continue the IS/MND review period through August 5, 2020 (no time is given and email comments are allowed, so presumably that means midnight on Aug 5), how can you hold a public hearing at 5pm on Aug 5th?
11. Can you please amend the staff report to include documentation of the City's request for review and input from State Parks *on the currently proposed project*? The City General Plan requires such coordination and I have not seen evidence that State Parks was made aware of the proposed development, its absence of parking, and the potential demand for overflow parking to affect nearby State Parks parking areas, among other concerns State Parks might have.
12. I asked the following questions in a letter to the City on July 27, 2020, with the intent to give the City time to address these questions in the staff report. I do not see these questions answered in the staff report. Can you either answer them now or point me to where in the staff report they area addressed?
  1. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with FMC requirements for motor vehicle parking spaces?
  2. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with the FMC and General Plan parking requirements for electric vehicles and charging stations?
  3. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the FMC and General Plan requirements for bicycle parking, including General Plan Policy M 4.2.2?
  4. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the City's disabled persons parking requirements? Would such an approval subject the City to potential litigation for failure to comply with the American's with Disabilities Act (ADA) and, if so, is the project proponent required to indemnify the City against such potential legal action?
  5. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application and fee for a variance as required by FMC 17.62.020 and 17.52.370?
  6. Does the HDC have the authority to approve a project for which complete applications and submittals, including an attempted justification of any and all variances required for a project as required by the FMC, have not be submitted?
  7. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application for an easement as required by FMC 12.20.090 and does waving such requirement subject the City to liability that might otherwise be addressed by having a complete set of current and executed application forms?
  8. Does the HDC have the authority to grant a permanent easement for private development of privately owned permanent structures on City-owned property?

9. Does the HDC or any other decision-making body of the City have the authority to grant a permanent easement for the development of privately owned permanent structures on City-owned property without requiring compensation for such easement? Would not such an easement without compensation be an illegal gift of public funds? Does the HDC have the authority to negotiate or waive City financial matters such as this?
10. Does the HDC have the authority to approve a private development project that exceeds the FMC maximum floor area ratio (FAR) development standards or is that authority limited to the City Council?
11. Does City staff and/or the HDC have the authority to waive the requirement of an applicant to submit a signed and completed Greenhouse Gas Reduction Strategy Consistency Checklist which is required for any applicant for any project that undergoes environmental review? ([https://www.folsom.ca.us/documents/Planning/Folsom\\_GHG\\_Reduction\\_Checklist\\_FINAL.pdf](https://www.folsom.ca.us/documents/Planning/Folsom_GHG_Reduction_Checklist_FINAL.pdf))
12. Does the HDC have the authority to waive the General Plan's requirement that the California Green Building Code (Title 24, Part 11) be complied with for developments within the City?

Again, thank you very much for helping facilitate my review of the staff report.

-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Sent:** Thursday, July 30, 2020 10:46 AM  
**To:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net) <[daronbr@pacbell.net](mailto:daronbr@pacbell.net)>; [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com) <[danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)>; [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net) <[ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)>; [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com) <[sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)>; [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com) <[mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)>; [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com) <[kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)>; [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com) <[kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)>; Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>  
**Subject:** RE: Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

Hi Bob.

Thank you for your email. While I appreciate your request to postpone the consideration of the project, the vast majority of the information in the packet (environmental review and project plans in their current form) has been available for public review for nearly two months. The staff report and conditions are new and represent approximately 65 pages of the report. This timeline and volume of information is not uncommon for our decision makers and exceeds the minimum legal requirements. As you are likely aware, this project was submitted over three years ago and has been revised several times in response to issues and concerns through both formal and informal public meetings.

The public hearing on August 5<sup>th</sup> provides an opportunity for consideration of the project in keeping with due process (along with two others projects on the agenda). An advantage to this particular meeting is that there is no scheduled Planning Commission meeting after, which allows for the Historic District Commission meeting to proceed without typical time constraints. The Historic District Commission has the authority to consider the project, hear public comments, and take action OR continue the project to a subsequent meeting. During public comments on August 5<sup>th</sup>, you are certainly welcome to request that the Commission continue the item, but that decision to act or continue rests with the Commission.

If you have any specific questions as you are reviewing the staff report and conditions, please feel free to reach out to Steve Banks, Principal Planner at 916-461-6207 or [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us).

Respectfully,

Pam

**Pam Johns**

*Community Development  
Director*

**Community Development Department**  
50 Natoma Street, Folsom, CA 95630  
O: 916.461.6205 | C: 916.764.0106



**CITY OF  
FOLSOM**  
DISTINCTIVE BY NATURE



[www.folsom.ca.us](http://www.folsom.ca.us)

**From:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>

**Sent:** Thursday, July 30, 2020 9:08 AM

**To:** Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; [daronbr@pacbell.net](mailto:daronbr@pacbell.net); [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com); [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net); [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com); [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com); [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com); [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com); Kelly Mullett <[kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)>

**Subject:** Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Bob Delp and I live at 612 Mormon Street in Folsom's Historic District. As a resident of the Historic District I am directly affected by development within this community, and I would be adversely affected by the currently proposed development at 603 Sutter Street. At approximately 3:30 p.m. yesterday, July 29th, the materials for the Historic District Commission (HDC) August 5<sup>th</sup> meeting were posted on the City's website. The staff report and related materials for 603 Sutter Street are 490 pages long. It is unreasonable for the City to expect me and other members of the community to be able to review and provide meaningful input on that project in a period of less than five business days; and even if we do provide input during that time, it will be impossible for staff or the HDC to fully consider public input. Therefore, by way of this email and to allow meaningful public input, I am requesting that you remove the 603 Sutter Street item from the August 5 agenda and reschedule the item to be heard by the HDC at its August 19 or later meeting.

Lastly, I understand that this development was originally on the July 15<sup>th</sup> agenda and was removed at the applicant's request to allow more time to consider and address comments submitted by concerned residents. It is reasonable to expect that a similar extension should be provided to the community.



Sincerely,  
-Bob Delp

10/10/2023 Item No. 10.

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**Desmond Parrington**

---

**From:** Omar itani <omar.itani@live.com>  
**Sent:** Thursday, July 30, 2020 9:20 PM  
**To:** Kelly Mullett; City Clerk Dept; Steven Banks  
**Subject:** 603 Sutter Street

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Historic District Commissioners:

My name is Omar Itani, I reside at [1005 Blue Ravine Road](#), Folsom and work in the Folsom's Historic District. My comment is to support more economic development on Sutter street such as the proposed [603 sutter street](#). I have read the comprehensive report published on Thursday July 30,2020 and I was impressed with the depth and breadth of the report, however, I see no encouragement or incentive by the city to bring jobs and economic development to the Historic District. The commercial buisnesses on Sutter street can certainly benefit from an increase in measured development and foot traffic. Much of the discussion is on Parking and Height and how the local residence feel about commercial development nearby. I believe the question should be how would a commercial development on a commercially zoned area be incentivized for the betterment of the entire city's residents and not just the few. Jobs, taxes and economic development benefits the entire city residence.

Thank you

Omar Itani

**Desmond Parrington**

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**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Thursday, July 30, 2020 9:08 AM  
**To:** Elaine Andersen; Pam Johns; Scott Johnson; Steven Banks; daronbr@pacbell.net; danwestmit@yahoo.com; ankhelyi@comcast.net; sutterstreettaqueria@gmail.com; mjwestcoastcarports@gmail.com; kcolepolicy@gmail.com; kevin.duwel@gmail.com; Kelly Mullett  
**Subject:** Request to Remove 603 Sutter Street Review from August 5 HDC Agenda

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My name is Bob Delp and I live at 612 Mormon Street in Folsom's Historic District. As a resident of the Historic District I am directly affected by development within this community, and I would be adversely affected by the currently proposed development at 603 Sutter Street. At approximately 3:30 p.m. yesterday, July 29th, the materials for the Historic District Commission (HDC) August 5<sup>th</sup> meeting were posted on the City's website. The staff report and related materials for 603 Sutter Street are 490 pages long. It is unreasonable for the City to expect me and other members of the community to be able to review and provide meaningful input on that project in a period of less than five business days; and even if we do provide input during that time, it will be impossible for staff or the HDC to fully consider public input. Therefore, by way of this email and to allow meaningful public input, I am requesting that you remove the 603 Sutter Street item from the August 5 agenda and reschedule the item to be heard by the HDC at its August 19 or later meeting.

Lastly, I understand that this development was originally on the July 15<sup>th</sup> agenda and was removed at the applicant's request to allow more time to consider and address comments submitted by concerned residents. It is reasonable to expect that a similar extension should be provided to the community.

Sincerely,  
-Bob Delp

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

July 28, 2020

TO: Historic District Commission

FROM: Loretta Hettinger

RE: 603 Sutter Street

This letter draws on my experience as the City's staff planner who spent four years with a citizens committee studying what regulation is appropriate, without undue burden, to protect the area that is the heart of Folsom. The resulting regulations have stood the test of time, and the prosperity of the entire Historic District bears powerful witness to the rightness of the regulations.

In evaluating this project against the principles and regulations of the Historic District, I find no basis for approval. Besides its modern design, the project overbuilds the site, exacerbates an existing parking problem, and fails in its obligation to lessen its impact on adjacent residential uses.

Former Mayor Glenn Fait and the Heritage Preservation League have each provided letters objecting to this project. I endorse those comments by reference and expand on them further in this letter.

#### Initial Study/Mitigated Negative Declaration

Since an environmental assessment's only purpose is to provide decision makers with information to take into account in considering a project, you are under no obligation to approve a project simply because an IS/MND says its environmental impacts are mitigable. In this case, while it may be technically correct in complying with state law, the IS/MND is marred by flawed inputs, as described below. The non-CEQA impacts are very important in your consideration.

Planning Partners has done their usual thorough job of preparing an environmental assessment that complies with the California Environmental Quality Act. Any assessment's conclusions, however, are only as good as the standard used to measure a particular impact. Regarding the conclusion that there is no significant impact on the adjacent historic library building, the City's standard used by the consultant is woefully inadequate. Of the 100+ sites identified in the City's adopted Historic Preservation Master Plan, only a handful have made it onto the official list by being thoroughly documented. The majority of that handful are on the list only because Heritage Preservation League volunteers have done the documentation. Although the library building has not been specifically documented, there is no doubt of its historic significance based on its design, its historical use, and its association with the prominent historic Levy family, any one of which would justify its historic designation. Approving a modern-designed building this large next door would be a regrettable, if not embarrassing, mistake.

The IS/MND also finds there is no CEQA impact on scenic vistas cited in the General Plan. This may well be an oversight in the General Plan. The General Plan calls out natural vistas that are significant. In a City with Folsom's rich and diverse history, historic vistas are also important. While this project may not have a CEQA impact, it certainly has a Folsom impact. For many decades the view up Sutter Street has included a vista of the National Register-listed Cohn Mansion. To interpose a huge modern building on that vista would be another regrettable, if not embarrassing, mistake.



## Design

The proposed design is modern, not historic, and is sufficient reason in itself for denial of the project. The effect of the roof deck, windows, and trash enclosure on the adjacent Figueroa Subarea residential uses is also reason in itself to deny the project.

In connection with the previous submittal of virtually the same design, a Commissioner asked, what is the building's historic style of architecture. The architect was unable to answer—because it isn't historic. Perhaps Faux History is the right descriptor. Taking historic elements from multiple historic styles and combining them in new ways is a modern technique, popular in new construction around the region. The goal of Folsom's Historic District, clearly stated in multiple ways, is to preserve history, not redesign it. New construction needs to be as authentic as today's materials and needs will allow, not treated as an opportunity for new artistic expression.

The project fails in its requirement to be a good neighbor to residential uses. Both the commercial and the residential uses are supposed to make accommodations. In this case, the lion's share of the accommodation falls on the residential uses, particularly the nearest home. Mayor Fait's and HPL's letters call out this issue. As you will recall, in discussions of the recent Accessory Dwelling Unit ordinance privacy of adjacent homes was a particular issue. Although the state law re ADU's forbids the City from considering design in approving ADU's, the privacy design regulations of Folsom's ordinance were allowed by the state. The windows and roof deck of a commercial project have a greater impact on privacy than one granny flat. Despite project claims that noisy events will not occur on the roof deck, the design suggests otherwise. This applicant will not be able to control the actions of future owners/tenants, and so the design itself should shield residents from noise.

## Massing

The project overbuilds the site. Its size dwarfs not only the adjacent library building but even the Cohn Mansion. Even the zone's allowable maximum height could be too much to successfully interface with adjacent historic buildings and residential zoning, depending on design. The City has no obligation to approve the maximum of any standard, much less to exceed it. The height variance should be denied.

## Parking

Though not considered a CEQA impact, the parking shortage in this end of Sutter Street is a significant impact on both the commercial and residential uses. Until the City adopts a mechanism to provide additional parking, no parking variances should be approved, especially in this block.

The best information on parking is found in the recent report of the citizens ad hoc committee on parking, not in the applicant's Kimley-Horn report. Based on the City parking studies cited in the ad hoc committee's report, the buildout shortfall of parking is about 500 spaces. The applicant's report only describes existing conditions, assuming that the parking currently available at the other end of Sutter Street will continue to be available for this project's parking needs. Besides the obvious difficulty of getting patrons to walk four blocks uphill, the parking available in the structure on Reading Street is largely spoken for, needed to address the parking needs of the existing and already-approved buildings in that end of Sutter Street. Further, one of the parking lots counted in the applicant's traffic study will be replaced by an already-approved building.

Conditions which allowed the granting of parking variances in the past no longer exist. In the past the City was able to assume the burden of providing parking for Sutter Street, intending to use its Redevelopment Agency funding to build several structures. The state abolished all redevelopment agencies in the recession, and the City has not yet identified any replacement funding. There is no question that the applicant is unable to provide parking on site sufficient for a massive building. There is also no question that permitting a new massive building before parking is available for it would be a blow to a District struggling to survive the pandemic's economic effects and a further blow to a residential area struggling with the current parking shortfall.

This project site also does not meet one of the other rationales used in granting previous parking variances. Due to its location adjacent to existing residences and a commercial building that was formerly a residence and designed as such, there is no reason for this building to be designed as an in-line historic commercial building that by its nature does not provide parking on site. A residential design, perhaps even a residential use, would be appropriate and preferred. It could conceivably then provide its own parking.

#### Recommendation

Deny the project with findings that it does not meet design requirements nor required variance findings.

I would hope that the applicant will return with a design more in keeping with the Historic District's goals and regulations. The history community does not oppose development as long as it enhances rather than undermines the principles of the Historic District.

**Desmond Parrington**

---

**From:** Jaya Badiga <jbadiga@gmail.com>  
**Sent:** Friday, August 14, 2020 2:32 PM  
**To:** Steven Banks  
**Subject:** re: Public Comment for 8/19 - 603 Sutter Street mixed use building

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Banks:

I write to request that my comment be read into the record at the 8/19/2020 Historic District Commission meeting.

I oppose the current proposal for 603 Sutter Street for two reasons: 1) the design and proposed use of the building is clearly at odds with the mission of the historic district; 2) the proposal is in violation of city ordinances and requires variances that defeats the purpose of these ordinances.

1) Folsom's historic district offers residents and tourists a chance to connect with their past. This past is directly tied into the formation of the city and has many interesting and unique aspects to it. The Historic Preservation League is a non-profit whose mission is to identify, interpret and preserve Folsom's historic sites. The fact that we have an area of town named "historic district" and a commission to protect its viability and interest is measure enough of how seriously our residents approach this issue. The intent of the plan submitted for this building is on the face of it incongruous with that of the historic district. I ask the commission to vote against approving the current project.

2) The variances required for this project to be approved are variances that will set a precedent for future development in this region. There's a reason why there are special provisions in our code regarding the height of buildings in this area. Furthermore, a few blocks away, we have a site on the national registry of historic places, aka, Cohn mansion. Making an exception for this project will result in an exception for others. I request the commission oppose the project as per the current design and planning submissions.

Submitted by Jaya Badiga, Folsom resident

City of Folsom Staff and Historic District Commission  
50 Natoma Street  
Folsom, CA 95630

via email to:

Elaine Andersen - [eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)  
Pam Johns - [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)  
Scott Johnson - [sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)  
Steven Banks - [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)  
Daron Bracht - [daronbr@pacbell.net](mailto:daronbr@pacbell.net)  
Daniel West - [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)

Mickey Ankhelyi - [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)  
Rosario Rodriguez - [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)  
Mary Asay - [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)  
Kathleen Cole - [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)  
Kevin Duewel - [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)  
Kelly Mullett - [kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)

**SUBJECT: 603 SUTTER STREET – INSUFFICIENT PROJECT INFORMATION**

Dear City of Folsom Staff and Historic District Commissioners:

On August 12, 2020, the City of Folsom distributed an agenda and staff report pertaining to 603 Sutter Street for the August 19, 2020, Historic District Commission (“HDC”) meeting. The staff report recommends approvals and recommends conditions of approval be adopted along with findings required for variances. The staff report also includes an applicant statement dated August 7, 2020, advising the City of changes to the project.

The staff report discusses that “in general, staff is supportive of the proposed modifications” and staff indicates the modifications can be incorporated as conditions of approval. This recommendation alone creates such uncertainty with regard to what the project is now or what the project will be when staff and the HDC are done modifying it through conditions, that it is not possible for the community to understand what is proposed or how to provide meaningful input to the HDC for consideration at the August 19, 2020 hearing.

The ability to understand the project is further complicated by the numerous conditions of approval that have already been recommended by staff, some of which are inconsistent or could conflict with the applicant’s proposed changes and many of which would defer several decisions regarding important design elements to some later time without HDC oversight. Staff’s *it-could-be-this, or it-could-be-that, or it-could-be-that-but-then-maybe-modified-by-this* approach at presenting the project in the staff report does not meaningfully inform the public’s understanding of the proposal and is insufficient for the HDC’s consideration of a project.

The applicant’s recent modifications are substantial (e.g., adding onsite parking), but the applicant has not submitted site plans, designs, or other essential project information for the modifications. Not only are such plans and information necessary to provide a basis for the HDC’s design review, they are required elements of a design review as specified in the Folsom Municipal Code (“FMC”). Among other things, FMC 17.52.310 requires that, “*the applicant shall file the following information with the planning, inspections and permitting director for design review by the historic district commission:*

- E. *Site plan;*
- F. *Building design plans;*
- G. *Material samples and color board; and*
- H. *Other material and information as requested by the commission.”*



In the absence of the above information sufficient to reflect the applicant’s August 7, 2020 requested changes, staff lacked essential information on which to base its recommendation and the HDC has no basis for conducting a public hearing or to otherwise consider design review approvals.

Furthermore, the applicant’s requested changes substantially modify the project as compared to the project described and evaluated in the June 2020 Initial Study/Mitigated Negative Declaration (“IS/MND”). For instance, the changes include the addition of onsite parking, whereas the project evaluated in the IS/MND did not include onsite parking.<sup>1</sup> Although no design information has been provided, onsite parking would presumably be in an at-grade or below-grade parking garage under the building that would be accessed from either Sutter Street or Scott Street or perhaps both streets. However, no details were provided, including basic information like where the entrance would be located, what it would look like from adjacent areas, or how the added parking component would affect the overall building design. No consideration of pedestrian, bicycle, or vehicle safety, sight distances, or other factors associated with the parking driveway has been presented either by the applicant or by staff.

For these and other reasons, it is reasonably foreseeable that the applicant’s recent project modifications would have the potential to result in new significant impacts and/or increase the severity of impacts identified in the IS/MND.

Compliance with the California Environmental Quality Act (CEQA) requires a *stable and finite* project description for evaluation of environmental effects. The project as presented in the August 12, 2020 staff report presents conflicting information about the project and does not provide a sufficient or consistent description of the project or the project changes recently requested by the applicant. Once the City understands what the project is, the City must revise the IS/MND to describe and evaluate the proposed project and recirculate the document for public and agency review, prior to making any approval decisions pertaining to the project.

Sincerely,



Bob Delp  
612 Mormon Street  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

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<sup>1</sup> The City has also failed to evaluate the potential environmental impacts of offsite parking required by staff-recommended condition of approval 57 – as presented in the July 29, 2020 staff report for the August 5 HDC meeting, and as modified in the August 12, 2020 staff report for the August 19 HDC meeting. It is further noted that although the August 12 staff report states, “*Outside of this discussion regarding the applicant’s public outreach efforts since the July 15, 2020 Historic District Commission meeting, the remainder of the staff report (analysis, recommendation, findings, and conditions of approval) is unchanged since the original staff report from August 5, 2020.*” However, at least one condition was, in fact, changed. The City’s failure to evaluate the potential environmental effects of the project, including staff-recommended conditions of approval, and the City’s misleading statement regarding changes to conditions of approval, will be addressed in separate correspondence if the August 19 hearing proceeds.

**Desmond Parrington**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Thursday, August 13, 2020 8:27 AM  
**To:** Jamie Nagel; Ziad Alaywan  
**Cc:** Ben Fuentes; glennfait@aol.com; HFRA John Shaw; sutterstreettaqueria@gmail.com; ankhelyi@comcast.net; danwestmit@yahoo.com; kcolepolicy@gmail.com; kevin.duewel@gmail.com; daronbr@pacbell.net; mjwestcoastcarports@gmail.com; Elaine Andersen; Kelly Mullett; arp893@gmail.com; lkatfisher@netscape.net; tony\_powers@comcast.net; lbottallo14@gmail.com; stellarpass@comcast.net; melissa.pruden@gmail.com; sgcode3@gmail.com; annebishop868@gmail.com; loretta@shaunv.com; lgullone@gmail.com; catherine.omordha@gmail.com; juliereedwrites@gmail.com; powerhousepub@aol.com; omar.itani@live.com; mrpdk@comcast.net; celainefp@gmail.com; labban2@aol.com; ssbarva@gmail.com; xf8m8@sbcglobal.net; jpshawman@gmail.com; adenacblair@yahoo.com; rebmngt@aol.com; rjklong@comcast.net; bonniedarra1984@gmail.com; folsomcandy@sbcglobal.net; bethjkelly@comcast.net; gary.richard@norcalgold.com; vassallo.ashley@gmail.com; Brian Rahman; Anika Larson; Nicole Ramos; Steven Banks; Mary Wilson; Pam Johns; Weir, Matt; Terry Green; Daniel Penick; Bob Eynck  
**Subject:** Re: 603 Sutter Street Outreach Meeting #2 (8/13)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Alaywan:

Thank you for hosting the virtual meeting last night and for listening to members of the community who had thoughts to share about 603 Sutter Street. As I said last night, I sincerely feel that 603 Sutter Street has the potential to be developed with a project that could be a true gem of the community. I also feel, as others mentioned, that you could be the person to pull that off and play a key role in shaping City decisions to address parking challenges facing the Historic District.

As a cornerstone at the eastern end of the Sutter Street commercial district, a well-planned project at 603 Sutter Street could result in a building that transitions from the commercial district into the residential neighborhood of the 300-600 blocks. Context-sensitive design options would consider the heights and character of surrounding buildings – including the small adjacent historic library immediately to the west and the Cohn Mansion across Scott Street to the east. A lower building, set back from the corner of Sutter and Scott Streets, would lessen the current proposal's effect on dwarfing the historic library and would provide better views of the Cohn Mansion.

Instead of 50-foot walls at the very edge of the northeast corner of the property, imagine a building with increased setback near Scott Street, even perhaps with a 45-degree angled wall at the corner of Sutter and Scott Streets, with a small café and outdoor seating on a corner patio. The patio would not need to be at street level along Sutter Street, and could be slightly elevated. The patio would offer views of the Cohn Mansion's historic architecture and landscaped yard, and would have open views to the north down Scott Street. A balcony above such a patio could have even better views and add substantial value to the building. (Instead, the building's current design would block views of the Cohn Mansion from Sutter Street, and even the proposed outdoor areas on the ground level and upper balconies would essentially only have views directly across Sutter Street to another large commercial building.)

The business economy of our state, the Sacramento area, and right here in Folsom is in a significant t office buildings are losing their appeal (and economic value) as people become accustomed to working from home and working and congregating outdoors. Indoor businesses, including but not just restaurants, are looking for opportunities to use outdoor spaces. Even without these recent trends, Historic Folsom is a magnet for outdoor gathering. If you base profit projections on generic commercial property lease rates for indoor space and pursue a massive cube of a building you will miss a once-in-a-lifetime opportunity to do something so much more creative and valuable. It strikes me that you have not fully considered the true economic and social value of a smaller project that would have so much more appeal not just to the community, but to the tenants who would lease space there at top dollar.

A building on 603 Sutter Street will likely be there for generations. You said last night that you want to be a good neighbor, and that you care about the values of Historic Folsom. You also said you're frustrated with the time it's taken to have a decision made about your project. If the project in all its potential iterations as currently presented in staff report goes to the HDC on Aug 19, the Commissioners will not have sufficient information to consider the project -- the staff report presents too many variations and not enough detail on any of them for any meaningful or rationale approval decision to be made. For example, one of the most fundamental elements of your request is for the HDC to grant a height variance. Yet last night your architect was unable to answer the very basic question of "how tall will the top structures be?" Even you and your team aren't sure what it is you're currently proposing. That's not a criticism, just a fact that the design process is still ongoing and not ready for a decision.

Please take this opportunity to further consider your project design in a more context-sensitive manner before pushing forward asking for premature City hearings.

Thank you for considering my input.

-Bob Delp

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Jamie Nagel

**Sent:** Monday, August 10, 2020 6:13 PM

**To:** Jamie Nagel <jamie@zglobal.biz>; Ziad Alaywan <ziad@zglobal.biz>; Daniel Penick <Penick@williamspluspaddon.com>; Bob Eynck <reynck@rfeengineering.com>; Weir, Matt <matt.weir@kimley-horn.com>; Steve Banks <sbanks@folsom.ca.us>; Pam Johns <pjohns@folsom.ca.us>; Terry Green <green@williamspluspaddon.com>; Mary Wilson <mwilson@e-planningpartners.com>

**Cc:** Ben Fuentes <fuentesben@comcast.net>; Bob Delp <bdelp@LIVE.COM>; glennfait@aol.com <glennfait@aol.com>; HFRA John Shaw <president@thefra.org>; sutterstreettaqueria@gmail.com <sutterstreettaqueria@gmail.com>; ankhelyi@comcast.net <ankhelyi@comcast.net>; danwestmit@yahoo.com <danwestmit@yahoo.com>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; kevin.duwel@gmail.com <kevin.duwel@gmail.com>; daronbr@pacbell.net <daronbr@pacbell.net>; mjwestcoastcarports@gmail.com <mjwestcoastcarports@gmail.com>; eandersen@folsom.ca.us <eandersen@folsom.ca.us>; kmullett@folsom.ca.us <kmullett@folsom.ca.us>; arp893@gmail.com <arp893@gmail.com>; lkatfisher@netscape.net <lkatfisher@netscape.net>; tony\_powers@comcast.net <tony\_powers@comcast.net>; lbottallo14@gmail.com <lbottallo14@gmail.com>; stellarpass@comcast.net <stellarpass@comcast.net>; melissa.pruden@gmail.com <melissa.pruden@gmail.com>; sgcode3@gmail.com <sgcode3@gmail.com>; annebishop868@gmail.com <annebishop868@gmail.com>; loretta@shaunv.com <loretta@shaunv.com>; lgullone@gmail.com <lgullone@gmail.com>; catherine.omordha@gmail.com <catherine.omordha@gmail.com>; juliereedwrites@gmail.com <juliereedwrites@gmail.com>; powerhousepub@aol.com <powerhousepub@aol.com>; omar.itani@live.com

<omar.itani@live.com>; mrpdk@comcast.net <mrpdk@comcast.net>; celainefp@gmail.com <celainefp@gmail.com>; labban2@aol.com <labban2@aol.com>; ssbarva@gmail.com <ssbarva@gmail.com>; xf8m8@sbcglobal.net <xf8m8@sbcglobal.net>; jpshawman@gmail.com <jpshawman@gmail.com>; adenacblair@yahoo.com <adenacblair@yahoo.com>; rebmngt@aol.com <rebmngt@aol.com>; rjklong@comcast.net <rjklong@comcast.net>; bonniedarra1984@gmail.com <bonniedarra1984@gmail.com>; folsomcandy@sbcglobal.net <folsomcandy@sbcglobal.net>; bethjkelly@comcast.net <bethjkelly@comcast.net>; gary.richard@norcalgold.com <gary.richard@norcalgold.com>; vassallo.ashley@gmail.com <vassallo.ashley@gmail.com>; Brian Rahman <brian@zglobal.biz>; Anika Larson <alarson@zglobal.biz>; Nicole Ramos <nramos@zglobal.biz>

**Subject:** 603 Sutter Street Outreach Meeting #2 (8/13)

**When:** Thursday, August 13, 2020 6:00 PM-7:30 PM.

**Where:** Zoom Meeting; <https://zoom.us/j/91349900604?pwd=TFN4TmlLcGlnN2k2V3pLUk12cGYzZz09>; Dial In +16699006833,,91349900604

The applicant for the 603 Sutter Street Mixed-Use Project (Ziad Alaywan of ZGlobal) is inviting you to a scheduled Zoom meeting.

Topic: 603 Sutter Street Outreach Meeting #2

Objective: The project applicant has met with a number of residents and stakeholders regarding the proposed 603 Sutter Project; after these productive discussions, the applicant has proposed a number of changes to the project design to accommodate stakeholder requests and incorporate their suggestions. We feel that these changes are very positive and would like to present them and answer any clarifying questions in regard to the proposed changes.

**Please note this is TWO of TWO meetings scheduled. If you cannot make it to Meeting #2, please feel free to attend Meeting #1.**

Time: Aug 13, 2020 06:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/91349900604?pwd=TFN4TmlLcGlnN2k2V3pLUk12cGYzZz09>

Meeting ID: 913 4990 0604

Passcode: 910042

One tap mobile

+14086380968,,91349900604# US (San Jose)

+16699006833,,91349900604# US (San Jose)

Dial by your location

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

Meeting ID: 913 4990 0604

Find your local number: <https://zoom.us/u/abWWRXFBhY>



**Desmond Parrington**

---

**From:** Siddarth Biyani <siddarthbiyani@tamu.edu>  
**Sent:** Wednesday, August 12, 2020 9:16 PM  
**To:** Steven Banks  
**Subject:** Opposition to ZGlobal's Office proposal in Folsom

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To,  
The Principal Planner,  
City of Folsom.

Mr. Steven Banks,

I am a resident of 1550 Iron Point Road, Apt 1911, Folsom, CA. I am writing to you to voice my opposition to the proposed office building by ZGLOBAL, in the middle of Sutter Street.

I have gone over the design proposal, and it has appalled me for the following reasons:

1. This building will have a restaurant on the first (ground) floor, with a **food dumpster backed up into a home**, which I think is ridiculous.
2. The office will house 40-50 employees of the company, but the building design has no parking space, resulting in them encroaching the parking spaces on Sutter street, at the cost of the local public and local businesses.
3. It has a 3-storied metal fire escape facing Cohn Mansion, a National Historic Site, and the Gem of Old Town. It also has a party deck looking down into the homes on either side. This will be an eye sore and ruin the aesthetic of Folsom's historic district, if approved.

For these reasons, I strongly urge you to reject their proposal in favor of preservation of the history and quality of life in Folsom.

Thanks,  
Siddarth Biyani

We appreciate the various comments we have received on the 603 Sutter Project. Most of the comments were very helpful, some favoring the project, others not so much and many having very good suggestions and ideas. My wife, Deborah, and I recently met with several of the neighbors including Mr. Ben Fuentes and Mr. Glenn Fait. My wife also had a productive conversation with Ms. Loretta Hettinger, the current Vice President of the Folsom Heritage Preservation League. The recent meetings and discussions were extremely productive, and in the case of my two next door neighbors, Mr. Fuentes and Mr. Fait, we spent more than two hours at my office discussing concerns and options.

Before I summarize the discussion, I would like to make a few comments and observations:

1. It appears that some comments still refer to the old design done in 2017. I want to reiterate that we reduced the height by about 7 feet, reduced the building size from 23,486 sq. feet to 14,811 sq. feet and modified the design per the City and other stakeholders' recommendations.
2. While we live in El Dorado Hills, my wife and I have had significant interaction with the City of Folsom since 1997. We own two houses and 2 lots on Sutter Street in addition to an active business located at 604 Sutter Street. It was my recommendation to the Governor's office in October of 1996 to select Folsom as the home of the Electric Grid Operator (California ISO). In 1997 I moved to Folsom, hired 250 employees, and started this operation. In fact, Mr. Fait was the City Mayor at that time and was present at the ribbon cutting ceremony for the CAISO in 1998. This organization employs over 600 professionals and manages the electricity for 80% of California. In 2005 I started an engineering company and my engineering business is currently located at 604 Sutter Street. I mention all of this because, unlike some of the perceptions out there, we are not a large corporation or big developer. We are part of the community and our wish is to be active participants and good citizens of Folsom while giving back to a community that has provided so much to us.
3. We have done our best to incorporate what has been asked of us regarding changes to the last proposal. We are sensitive to community concerns, especially for our neighbors, unfortunately, we will not make everyone happy. The fact remains that there are other buildings of the same size, mass, and height close to this site and we believe we are being consistent with the new projects that have been built. We are willing to incorporate some of the ideas the neighbors would like to see and to also take measures regarding the

design of the building that may reduce the illusion of a large mass project. We feel it is vitally important to listen to our neighbor's suggestions and we are happy to work with them so that we may construct a building that is mutually beneficial to all.

We very much appreciate the suggestions of Mr. Fait, Mr. Fuentes and Ms. Hettinger, in addition to public comments, and would like to ask the City to consider adopting the following suggestions regarding the conditional permit for the building:

1. The trash enclosure on the south side bordering Mr. Fuente's house on Scott Street will be removed (if compliant with the City of Folsom Solid Waste) and relocated to the garage area.
2. We will work with Mr. Fuentes to provide options for privacy from the windows on the south side of the building bordering his property.
3. We will enclose the fire escape (brick or other material) making it internal to the building versus exposed as it is now along Scott Street.
4. We will eliminate the roof top deck all together to alleviate neighbor's concerns regarding parties, noise, and privacy.
5. The third-floor office space will be reduced and pushed back from Sutter Street, providing a setback of at least 6 to 8 feet from Sutter Street, and a portion of Scott Street. This will also reduce the mass of the building and possibly the height.
6. The small rear balcony on the west elevation will be eliminated once the third floor is set back, as the 3<sup>rd</sup> floor balcony will only go about a third of the way back. This will create further privacy for Mr. Fuentes to the south.
7. After speaking with Ms. Hettinger from the Folsom Heritage Preservation League and viewing public comments, it is evident that neighbors would like to see more architectural detail from the 1850 – 1900 time period associated with the building. This could easily be achieved through incorporating such elements such as adding foundational river rock to the building along the Sutter Street, adding brick to the sides of the building, adding eyebrow brick detail to windows and adding western elemental details to the roofline fascia. We feel these small details would preserve the feel of historic Sutter Street, in addition to adding an architectural feel to the building that fits in with the 1850 – 1900 time period.

We would like to thank our neighbors for their input in addition to City commissioners, committee members and staff and would like to request that conditional approval, that include these additional 7 items, be granted.

Ziad (Zak) Alaywan



**Desmond Parrington**

**From:** Ziad Alaywan <ziad@zglobal.biz>  
**Sent:** Monday, August 10, 2020 9:55 AM  
**To:** Steven Banks  
**Cc:** Deb Alaywan (zalaywan@aol.com)  
**Subject:** FW: [SPAM]RE: proposal changes

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**Ziad Alaywan**

*President & CEO, MSc, P.E.*

**Northern California :** 604 Sutter street, Suite 250, Folsom, CA 95630

**Southern California :** 750 W. Main Street, El Centro, CA 92243

Phone:(916) 985 9461 | Cell:(916) 337-0558 |

email: [ziad@zglobal.biz](mailto:ziad@zglobal.biz) ; <http://www.zglobal.biz>

**Mexico:** Calz. Justo Sierra N Ext 377 Col Cuauhtemoc Sur CP 212000, Mexicali Baja California, Mexico.

**ZG Profile Flipbook:** <http://online.fliphtml5.com/pevsq/jfpv/>

**From:** Ben Fuentes <fuentesben@comcast.net>  
**Sent:** Friday, August 7, 2020 3:52 PM  
**To:** Ziad Alaywan <ziad@zglobal.biz>  
**Subject:** [SPAM]RE: proposal changes

Ziad,

This letter shows a real commitment by you and your wife to work with the neighborhood and to present a workable plan that will enhance our community. I'm glad you met with Loretta and heard her concerns. She and I worked diligently to put together a working structure of guidelines for the historic district and she has a wealth of knowledge that can be helpful when navigating through the approval process. I forwarded this to Glen and asked him to contact you with his comments. I personally believe that what you covered in this letter is the essence of what we discussed and shows clearly that you are willing to amend your project, be a good neighbor and enhance our community.

Thank you for sending this to me and please contact me any time.

Ben Fuentes

**From:** Ziad Alaywan <[ziad@zglobal.biz](mailto:ziad@zglobal.biz)>  
**Sent:** Friday, August 7, 2020 1:32 PM  
**To:** Ben Fuentes <[fuentesben@comcast.net](mailto:fuentesben@comcast.net)>; [glennfait@aol.com](mailto:glennfait@aol.com)  
**Cc:** Deb Alaywan ([zalaywan@aol.com](mailto:zalaywan@aol.com)) <[zalaywan@aol.com](mailto:zalaywan@aol.com)>  
**Subject:** proposal changes

Glenn and Ben:  
Deborah and I appreciate the time and the input you provided.

We are seriously considering adapting all of Ben's suggestions and most of Glenn as well. Attached is a write up of the proposed changes. We like to ask the city to adopt these changes as a condition for approval on the 19<sup>th</sup>. We ask both of you to review and provide us with any comments you may have before we officially submit it to the city on Monday morning. We also ask that this document not to be circulated to anyone else.

Its important to us to get a conditional approval on the 19<sup>th</sup> of August.

I hope you see that we are in fact willing to listen and making changes. We want to be a good neighbor to both of you. Z



**Ziad Alaywan**

*President & CEO, MSc, P.E.*

**Northern California** : 604 Sutter street, Suite 250, Folsom, CA 95630

**Southern California** : 750 W. Main Street, El Centro, CA 92243

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**Mexico**: Calz. Justo Sierra N Ext 377 Col Cuauhtemoc Sur CP 212000, Mexicali Baja California, Mexico.

**ZG Profile Flipbook:** <http://online.fliphtml5.com/pevsq/jfpv/>

**Desmond Parrington**

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**From:** Aalhad Rajan Parulekar <arp893@gmail.com>  
**Sent:** Monday, August 10, 2020 9:01 AM  
**To:** Steven Banks  
**Subject:** Opposition to ZGlobal's Office proposal in Folsom.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To,  
The Principal Planner,  
City of Folsom.

Mr. Steven Banks,

I am a resident of 345 Chan Ct, Folsom, CA. I am writing to you to voice my opposition to the proposed office building by ZGLOBAL, in the middle of Sutter Street.

I have gone over the design proposal, and it has appalled me for the following reasons:

1. This building will have a restaurant on the first (ground) floor, with a **food dumpster backed up into a home**, which I think is ridiculous.
2. The office will house 40-50 employees of the company, but the building design has no parking space, resulting in them encroaching the parking spaces on Sutter street, at the cost of the local public and local businesses.
3. It has a 3-storied metal fire escape facing Cohn Mansion, a National Historic Site, and the Gem of Old Town. It also has a party deck looking down into the homes on either side. This will be an eye sore and ruin the aesthetic of Folsom's historic district, if approved.

For these reasons, I strongly urge you to reject their proposal in favor of preservation of the history and quality of life in Folsom.

Thank You,  
Aalhad Parulekar

**Desmond Parrington**

---

**From:** Laura Fisher <lkatfisher@netscape.net>  
**Sent:** Thursday, August 6, 2020 9:06 AM  
**To:** Elaine Andersen; Pam Johns; Scott Johnson; Steven Banks; daronbr@pacbell.net; danwestmit@yahoo.com; ankhelyi@comcast.net; sutterstreettaqueria@gmail.com; mjwestcoastcarports@gmail.com; kcolepolicy@gmail.com; kkevin.duewel@gmail.com; Kelly Mullett  
**Subject:** Requests for Revised 603 Sutter Street Staff Report

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Staff and Historic District Commissioners,

Last night, the Historic District Commission (HDC) voted to continue the hearing for the 603 Sutter Street project variances and design review to August 19th. Staff told the community the item was being continued to allow additional time for public review. This was not a truthful statement. At least part of the reason that the hearing was moved was because the applicant did not post the notice of the hearing on the proposed development site within five days of the hearing as required by Folsom's zoning code. Further, it was very disappointing to hear Commissioner Duewel's comments about whether the postponement was fair to the applicant. What about fairness to the community? We were provided with the staff report on Thursday, July 30th for an August 5th hearing and since the binders/packages for the 8/5 meeting had allegedly been delivered to the Commissioners on Wednesday, July 29th, there was no method for comments related directly to the staff report to be included for Commissioner review.

If the City truly intends to allow additional time for public review, when will the revised staff report be available? If the same timing for the previous report is expected, we are going to be in the same cycle of the community not having sufficient time to review the staff report and missing the opportunity to provide feedback that would be included in the Commissioner's 8/19 meeting binders.

On August 4, 2020, Pam Johns, sent an email to several members of the community, which I received as a HFRA member. Included in that email was a string of correspondence between Pam and a Historic District resident, Bob Delp. Bob asked several questions raising issues that need to be addressed before the community can provide meaningful input. **Please answer Bob's questions and give the community time to consider those answers before producing a revised staff report.**

The City's assessment of the variances requested for the 603 Sutter Street project must actually consider the effects of the project on my personal health, safety, and welfare. There are already parking problems in the neighborhood near 603 Sutter Street. The requested variances would make these problems even worse. The staff report suggested conditions that are vague and unenforceable and wouldn't address the serious parking issues in our neighborhood and the Historic District. **Even with the conditions proposed by staff, the requested parking variance will materially affect my health, safety, and welfare, and will be detrimental to the neighborhood. Please make sure those facts are stated in the revised staff report and please correct and revise staff's recommended variance findings to reflect that the City cannot make the findings necessary to approve the parking variance.**

Thank you,

Laura Fisher  
612 Mormon Street  
Folsom



August 6, 2020

Mr. Bob Delp  
612 Mormon Street  
Folsom, CA 95630

Good morning Mr. Delp.

Thank you for your questions and comments regarding the proposed mixed-use project located at 603 Sutter Street in the Historic District. City staff has provided answers to each of your questions below. The original question you asked is shown in black, with the City response shown in red.

Best regards,

Steve

Steven Banks  
Principal Planner  
City of Folsom  
(916) 461-6207  
[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)

1. Does the City have a policy for granting applicant requests for hearing scheduling and can you direct me to where I can find that? (You might recall that my request to extend the IS/MND review period and hearing originally scheduled for July 15 was rejected, but then after I submitted comments, I was advised that "the 603 Sutter Street Mixed-Use Building Project has been continued to the August 5<sup>th</sup> Historic District Commission meeting **at the request of the applicant.**")

The [Folsom Municipal Code \(FMC, Section 17.52.130\)](#) provides the Community Development Department Director with the responsibility for scheduling and/or rescheduling projects for the Historic District Commission. In this specific instance, the project applicant requested that their project be continued in order to have more time to respond to public comments and to provide residents with additional time to review and comment on the proposed project. The Community Development Director determined that the continuation of the project from the July 15<sup>th</sup> to the August 5<sup>th</sup> Historic District Commission meeting would be beneficial to all parties involved.

2. The staff report references apparent applicant-solicited feedback from the community as the mechanism by which the CITY has complied with GP Policy LU 1.1.12-2 (packet pg. 83). However, that GP policy pertains to outreach that is to be conducted **by the CITY** not an applicant. Can you advise of the outreach the City has done with the community on the current project (i.e., the project that proposes no parking) in compliance with this GP Policy?

The City has facilitated numerous public outreach efforts regarding the proposed project over the past three years including presenting the project to the Historic District Commission as an information item (September 6, 2017), encouraging the applicant to hold neighborhood meetings (August 2, 2017 through September 6, 2017), requiring the applicant to post a project identification sign on the project site, sending public notices regarding the project to all property owners located within 300 feet of the project, and holding public notices regarding the project in

the Folsom Telegraph, providing project information on the City's website, and providing project information to the Heritage Preservation League and the Historic Folsom Residents Association.

3. The staff report repeatedly discuss the proposed height of the building as 50ft, 6in., but I don't see anywhere where the actual total height of proposed structures is discussed. Can you direct me to where I could find that in the materials?

Discussion regarding the proposed building height is located throughout the staff report. However, Page Nos. 10, 11, and 12 have a detailed discussion regarding the building height as it related to the Building Height Variance request. In addition, the proposed building elevations (Attachment 9) provide specific details regarding the building height.

4. The staff report states that towers/spires are allowed *up to 25 feet above a building* (packet pg. 84). However, FMC 17.52.510 C states, "Towers, spires, or other similar architectural features may extend **up to 15 feet** above the building height." Can you clarify the 25ft reference?

The Folsom Municipal Code (FMC, Section 17.58.080 Height Exceptions) states that towers, spires, chimneys, machinery, penthouses, scenery lofts, cupolas, water tanks, television antennae, and similar architectural and utility structures and necessary mechanical appurtenances may be built and used to a height not more than 25 feet above the height limit established for the district. However, as you stated, the Folsom Municipal Code (FMC, Section 17.52.510 C) also states that towers, spires, or other similar architectural features may extend up to 15 feet above the building height. The City would implement the more restrictive requirement of 15 feet for this project. It is important to note that the proposed project does not have any architectural features that would extend more than 15 feet above the building height.

5. Can you direct me to where I can find in the zoning code (or where is it identified as part of a variance request for this project) that the 15 feet tower/spire allowance applies to a building that would be constructed with a rooftop already in excess of the zoning code? If not, can you point me to the applicant's request for variance for features that would be above 50ft, 6in in height?

The applicant's Variance Statement Letter (Attachment 18) discusses the request for a Building Height Variance to allow a maximum building height of 50 feet 6 inches. If the Historic District Commission approves the Building Height Variance, the maximum allowable building height will be established at 50 feet 6 inches. The Folsom Municipal Code (FMC, Section 17.52.510 C) permits architectural features to extend up to 15 feet above the building height. In this specific case, architectural features would be allowed to extend up to 15 feet above the 50-foot 6-inch building height.

6. Aside from spires/towers, can you point me to the section of the zoning code that allows other building features to exceed height limits in the zoning code (e.g., elevator, AC units, etc.)? If there is no such allowance, can you point me to the applicant's request for a variance to allow those features?

The Folsom Municipal Code (FMC, Section 17.58.080 Height Exceptions) states that towers, spires, chimneys, machinery, penthouses, scenery lofts, cupolas, water tanks, television antennae, and similar architectural and utility structures and necessary mechanical appurtenances may be built and used to a height not more than 25 feet above the height limit established for the district.

7. Staff report says, "consistent with the Sept 2017 HDC meeting, the applicant provided a variance..." (packet pg. 84). An applicant is required to provide a variance request application per the FMC (the requirement isn't dependent on the HDC requesting it). Notwithstanding, although the staff report references the 2017 meeting, a variance request wasn't submitted until June 2020 and that wasn't until community members asked for it. Is there a reason why the staff report doesn't directly and accurately speak to the process of why and when a variance request was submitted by the applicant?

Prior to submittal of the subject development application to the City on May 3, 2017, the City and the project applicant engaged in many discussions regarding the required entitlements for the proposed project including the request for approval of Design Review, a Building Height Variance, and a Parking Variance. During those discussions, the applicant verbally provided City staff with details regarding the unique circumstances associated with the subject property that required obtaining approval of the two variances. On June 23, 2020, the applicant formalized the request for the two variances in a letter provided to the City. The applicant provided an updated letter (Attachment 18) regarding the variance requests on July 7, 2020.

8. Related to above, staff report Attachment 18 is entitled "Applicant's Variance Statement Letter Dated June 23, 2019" when in fact, the variance statement included in that attachment is dated July 7, 2020, and the only variance request previously provided that I'm aware of is dated June 23, 2020, not 2019. The variances required for this project are of primary interest to this community. Is it too late for staff to revise the staff report to provide a clear and accurate discussion of the variance request history? Related, is it too late for the City to require the applicant to actually submit a signed variance statement? (Neither the July 7, 2020 version in the staff report nor the June 23, 2020 version that the City previously provided to me are signed. As the record current appears, I still do not see any variance statement submitted by the applicant, let alone signed. This continues to be simply bizarre and it remains unclear why the applicant has not been required to take ownership of ANY variance statement provided thus far.)

On June 23, 2020, the applicant formalized the request for the Building Height Variance and Parking Variance in a letter provided to the City. The applicant provided an updated letter (Attachment 18) regarding the two variance requests on July 7, 2020. The Table of Contents within the staff report correctly identifies the date of the variance request letter as July 7, 2020. Unfortunately, the cover sheet for the variance request letter was not updated and incorrectly lists June 23, 2019 as the date of the letter.

9. City staff asserts that the site has "unique topography." Is it too late for you to reconsider that? The parcel has a moderate slope, and slopes are very common in this area and are in no way "unique". If there's anything "unique" about this particular site, it's that it is the parcel with the highest elevation in the Sutter Street commercial area, which fact suggests a rationale for a *lower* building, not a taller building. There are other factors like this in staff's interpretation of the variance rationale, and it strikes me that there simply hasn't been any real opportunity for the community to provide input on this until now that it's rolled out in a staff report for a meeting just days away. The variance rationale are very important. How can the community provide input for meaningful consideration before a decision is made?

City staff has made the determination that there are unique circumstances specific to the project site including but not limited to topography. The public and residents will have the opportunity to voice their opinion regarding this determination at the Historic District Commission at the August 5<sup>th</sup> meeting.

10. The staff report reference an IS/MND "public review period July 17, 2020 to August 5, 2020"? The IS/MND was circulated for 20 days of public review and comment in June 2020. I am aware of not notice or other information regarding the City's extension of the review period. If that was not noticed, can you please amend the staff report to make it clear that the IS/MND was circulated in June for the bare minimum CEQA required circulation period of 20 days, and that responses to comments were only provided when the staff report was released on July 29, five business days before the scheduled hearing? It is important for the record to accurately reflect public input opportunities. If instead, the City does intend to continue the IS/MND review period through August 5, 2020 (no time is given and email comments are allowed, so presumably that means midnight on Aug 5), how can you hold a public hearing at 5pm on Aug 5th?

The initial review period for public comment regarding the Initial Study and Mitigated Negative Declaration was from June 11, 2020 to June 30, 2020. When the City made the decision to continue the project from the July 15, 2020 Historic District Commission meeting to the August 5, 2020 Historic District Commission, a new public review period was provided which runs from July 17, 2020 to August 5, 2020. Separate public notices regarding each of the aforementioned comment periods were provided to all residents located within 300 feet of the subject property. Public notices were also published in the Folsom Telegraph for each of the comment periods. In addition, public notices were provided to the Heritage Preservation League (HPL) and the Historic Folsom Residents Association (HFRA) for each comment period. The City will accept public input on the Initial Study and Mitigated Negative Declaration up until 5:00 p.m. on August 5, 2020, which is the close of the business day for the City. In addition, public input can be provided at the Historic District Commission meeting which begins at 5:00 p.m. on August 5, 2020.

11. Can you please amend the staff report to include documentation of the City's request for review and input from State Parks *on the currently proposed project*? The City General Plan requires such coordination and I have not seen evidence that State Parks was made aware of the proposed development, its absence of parking, and the potential demand for overflow parking to affect nearby State Parks parking areas, among other concerns State Parks might have.

The City solicited feedback from the State Department of Parks and Recreation (Jim Michaels) regarding the proposed project but did not receive any response. The Initial Study and Mitigated Negative Declaration considered potential visual impacts that the project may have on adjacent and nearby properties including State Park lands and determined that there would be no significant impacts. Figure 10a and 10b on Page No. 28 of the IS/MND shows a view from the Folsom Lake SRA/Powerhouse property towards the subject property with and without the proposed mixed-use building. As you can see in the aforementioned figures, the proposed building is barely visible from the State property and would not pose any visual impacts. As discussed in the staff report, a traffic study was prepared for the proposed project that indicates there is sufficient parking in the Historic District to accommodate the parking demand created by the project. In addition, conditions of approval have been placed on the project (including providing 16 off-site parking spaces) to address parking impacts associated with the proposed project.

12. I asked the following questions in a letter to the City on July 27, 2020, with the intent to give the City time to address these questions in the staff report. I do not see these questions answered in the staff report. Can you either answer them now or point me to where in the staff report they area addressed?



- a. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with FMC requirements for motor vehicle parking spaces?

The Folsom Municipal Code (FMC, Section 17.52.370 Variance Review) states that the Historic District Commission has the final authority relating to applications for variances from any of the provisions of the Folsom Municipal Code within the boundaries of the Historic District.

- b. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not comply with the FMC and General Plan parking requirements for electric vehicles and charging stations?

The Folsom Municipal Code (FMC, Section 17.52.370 Variance Review) states that the Historic District Commission has the final authority relating to applications for variances from any of the provisions of the Folsom Municipal Code within the boundaries of the Historic District. The Folsom Municipal Code and General Plan do not have any requirements to provide electric vehicle parking spaces or charging stations.

- c. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the FMC and General Plan requirements for bicycle parking, including General Plan Policy M 4.2.2?

The project is required to provide bicycle parking spaces as dictated by the Folsom Municipal Code (FMC Section 17.57.090 Bicycle Parking Facilities). In addition, there are two sets of existing bicycle parking spaces located within the public right-of-way along Sutter Street.

- d. Does the HDC have the authority to approve a project (through issuance of a variance or other mechanism) that does not meet the City's disabled persons parking requirements? Would such an approval subject the City to potential litigation for failure to comply with the American's with Disabilities Act (ADA) and, if so, is the project proponent required to indemnify the City against such potential legal action?

The project is not providing any on-site parking spaces, thus it is not required to provide any accessible parking spaces on the project site. The project is required to provide 16 off-site parking spaces and will be required to meet all accessibility requirements for that specific parking area.

- e. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application and fee for a variance as required by FMC 17.62.020 and 17.52.370?

The applicant submitted a signed Development Application Form and associated application fees for the Variances and Design Review to the City on May 3, 2017.

- f. Does the HDC have the authority to approve a project for which complete applications and submittals, including an attempted justification of any and all variances required for a project as required by the FMC, have not be submitted?

The City has determined that the applicant submitted all required information for the project including but not limited to a signed Development Application Form, agent authorization form, environmental information form, application fees, title report, radius map, mailing list, mailing envelopes, site plans, building elevation plans, grading and utility plans, landscape plans, color and materials board, project narrative, and variance statement

- g. Does City staff and/or the HDC have the authority to waive the requirement that an applicant submit a signed application for an easement as required by FMC 12.20.090 and does waving such requirement subject the City to liability that might otherwise be addressed by having a complete set of current and executed application forms?

The project is not requesting nor is it required to obtain an easement. The project is required to obtain an encroachment permit from the City for construction work conducted in the public right-of-way and the project is also required to enter into an encroachment agreement for private improvements constructed in the public right-of-way.

- h. Does the HDC have the authority to grant a permanent easement for private development of privately owned permanent structures on City-owned property?

The project is not requesting nor is it required to obtain an easement. The project is required to obtain an encroachment permit from the City for construction work conducted in the public right-of-way and the project is also required to enter into an encroachment agreement for private improvements constructed in the public right-of-way.

- i. Does the HDC or any other decision-making body of the City have the authority to grant a permanent easement for the development of privately owned permanent structures on City-owned property without requiring compensation for such easement? Would not such an easement without compensation be an illegal gift of public funds? Does the HDC have the authority to negotiate or wave City financial matters such as this?

The project is not requesting nor is it required to obtain an easement. The project is required to obtain an encroachment permit from the City for construction work conducted in the public right-of-way and the project is also required to enter into an encroachment agreement for private improvements constructed in the public right-of-way.

- j. Does the HDC have the authority to approve a private development project that exceeds the FMC maximum floor area ratio (FAR) development standards or is that authority limited to the City Council?

The Floor Area Ratio (FAR) for the proposed project is 2.0, consistent with the requirements of the General Plan.

- k. Does City staff and/or the HDC have the authority to waive the requirement of an applicant to submit a signed and completed Greenhouse Gas Reduction Strategy Consistency Checklist which is required for any applicant for any project that undergoes environmental review?

The Initial Study and Mitigated Negative Declaration for the project determined that, with mitigation measures, the proposed project would be considered consistent with the City of Folsom General Plan, including the GHG Page 492 In addition, the proposed project is a mixed-use infill project located near transit services that is consistent with all applicable

provisions of the Ozone Attainment Plan, the 2035 Metropolitan Transportation Plan, and the Sacramento Region Preferred Blueprint Scenario adopted by SMAQMD and SACOG.

1. Does the City have the authority to waive the General Plan's requirement that the California Green Building Code (Title 24, Part 11) be complied with for developments within the City?

The City is not waiving any requirements with respect to building permit requirements. The project is subject to all building code requirements including the California Green Building Code requirements.

13. Condition of approval (COA) 1 states that the project must be developed to conform with the July 30, 2019 traffic impact study. Obviously, the City is not intending to require that the project result in the traffic impacts identified in that study. Can you please clarify the intent of requiring the project to conform to the traffic impact study?

This is a standard condition of approval. The purpose in referencing the July 30, 2019 Traffic Impact Study in Condition No. 1 is the fact that the Study included a number of recommendations that are included as conditions of approval for the project.

14. COA 1 also references that the project must be developed consistent with the "Project Narrative." The condition does not provide a date or other citation for the project narrative, whereas every other item referenced in COA 1 is specifically cited with a date. There is a project narrative in the staff report - it is unsigned and undated and has never been part of the project documents I have seen circulated thus far. Is there a reason a narrative was included in the staff report that doesn't have a name, date, signature and on what basis does the City consider that to be part of the application? A project narrative is a basic and fundamental component required for development applications. Can the staff report be amended to identify who prepared the narrative and when it was prepared and submitted to the City?

This is a standard condition of approval. The purpose in referencing the Project Narrative in Condition No. 1 is that it provides insight into the intent of the proposed development from the applicant's perspective which might not be apparent in reviewing the submitted development plans.

15. COA 2 requires that building plans be submitted "to ensure conformance with City codes and standards." Can you clarify how you expect the project to comply with this condition when the project requires variances from City codes? Should that condition be revised to state something like, "...with the exception of the several zoning code variances granted for this project."

This is a standard condition of approval placed on all development projects in the City. The two variance requests are documented in the staff report, conditions of approval, and submitted plans. Staff is satisfied with this condition as currently written.

16. COA 3 discusses the potential for "...subsequent extension of this approval..." Can you please clarify the mechanism for such extension and who would have the authority to authorize it? Can you also clarify whether the approval termination would be effective immediately on the date cited or if the City would need to take formal action at that point to terminate? Can you also clarify whether such termination would void the variance approvals such that a future applicant would need to reapply for variances even if proposed for the same or similar building? (Also, there is a word missing between "two" and "from". I think you mean "years.")

This is a standard condition of approval. The Folsom Municipal Code (FMC, Section 17.52.350) states that the Historic District Commission may extend an approval for an additional one year upon receipt of a written request accompanied by a fee. The request for approval of an extension must be received by the City 60 days prior to the expiration of the original approval. The termination of the approval would take effect immediately if the applicant decided not to request an extension. In other words, the approval would be set to expire on August 5, 2022. The variances are specific to the proposed project, they could not be transferred to another project.

17. COA 4 places a requirement on the City to bear attorneys costs and fees in defense of the project and specifies no requirement on the owner/applicant to fund a defense. Does this mean that the City is committing to pay the cost of defending a private project approval? Can you please clarify and work with the City attorney to amend the condition to provide more protection for the City?

This is a standard condition of approval. The project applicant is responsible for all costs associated with defending the project. Staff is satisfied with this condition as currently written.

18. Regarding 5, can you provide a copy of Reso 2434 and clarify in the condition what the owner/applicant's obligation for "participating in mitigation monitoring" is? Furthermore, please consider language stating that "the owner/applicant shall be required to comply with, implement, and fully fund all mitigation measures adopted and incorporated as conditions of approval." Also, there is a check mark for this COA but I don't think the COA is an actual mitigation measure. Can you clarify that?

This is a standard condition of approval. A copy of Resolution No. 2634 is included as an attachment. The intent of the condition is that the applicant is responsible to comply with, implement, and fund all mitigation measures.

19. COA 7 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify any payoff or applicable fees that would be associated with development on the City-owned property to be developed by this private project?

This is a standard condition of approval. Staff is satisfied with this condition as currently written.

20. COAs 8 and 9 require the owner/applicant to fund the cost of outside legal and consulting services that may be used by the City. Should that condition not also require that the owner/applicant fund in-house City and staff costs? If the owner/applicant doesn't pay for those in-house City costs, who does pay for that?

These are standard conditions of approval. Staff is satisfied with this condition as currently written.

21. COA 10 states, "unless exempt by previous agreement." Is there a "previous agreement" for this property, project, owner/applicant? If so, the condition should be revised to reflect that. If there isn't an agreement, should that phrase be stricken from the condition to avoid confusion? This condition and the staff report would be much more easily understood if the specific actual development fees were identified. Also, can you clarify the relationship of the fees per this condition with separate parking-related fees/funding conditions? The condition states that the "90-day protest period...has been in effect since when did it begin? Since the fees are identified yet, what would be the current basis for a challenge to those fees?



This is a standard condition of approval. Staff is satisfied with this condition as currently written. The 90-day protest period begins the date that the project is approved by the Historic District Commission.

22. COA 12 references "the property." Since a portion of the project will be permanently constructed on City property, can you clarify if there are any applicable payoff or segregation/fees that would be associated with development on the City-owned property to be developed by this private project and, if so, who would be responsible for funding that?

This is a standard condition of approval. Staff is satisfied with this condition as currently written.

23. The City has two webpages where project design reviews are listed. One is "Current Planning Project Under Review" [https://www.folsom.ca.us/community/planning/current\\_project\\_information.asp](https://www.folsom.ca.us/community/planning/current_project_information.asp). This is accessed by clicking a button that reads "Current Project Information." That webpage is where the 2019 design drawings and the June 2020 IS/MND are available. Although a substantial amount of additional documents have been produced since June 2020, including the Aug 5 agenda and the staff report, the information on this page hasn't been updated and is not "current project information" as labeled on the button. Anyone looking here would see the June IS/MND which states that the HDC hearing will be on July 15. Does the City not have a procedure to keep that information up to date? I know one could argue that people need to track the HDC agenda page, but it really seems unfortunate that a webpage still lists the project with old and incomplete information. Even just adding a note there like "See HDC Aug 5 Agenda for more information" would be a simple step at providing basic current information to the public. The other webpage is accessed by clicking a button "Design Review Projects" [https://www.folsom.ca.us/community/planning/design\\_review/default.asp](https://www.folsom.ca.us/community/planning/design_review/default.asp). That page lists several projects but does not include 603 Sutter Street, even though 603 Sutter Street is undergoing design review. Although it's likely much too late to make changes to these webpages in a way that would meaningfully inform the public about a project decision process just days away, but I am interested in understanding the City's procedures for deciding what, where, and when to post information.)

The "Current Planning Project Under Review" portion of the City's website is intended to provide the public with information on significant development proposals that will be acted on by the Historic District Commission, Planning Commission, and City Council. The "Design Review Projects" portion of the City's website is intended to show projects that are subject to Staff level review and approval such as residential remodels, residential additions, and new custom homes. The City makes every attempt to keep this information as up to date as possible.

24. In several pages of the staff report regarding parking variance, I don't see any discussion of input from the community regarding our opinions on the effects of the parking variance on health and welfare, except perhaps discussion of the 2017 meeting where people did in fact express concerns. My understanding is that the ad hoc parking committee effort and its recommendations was largely driven by neighborhood concerns about parking impacts on their health and welfare. The staff report concludes that the parking variance wouldn't materially affect people living and working in the neighborhood. Can you point me to any evidence in the staff report or anywhere else of City outreach to the community that resulted in community input that would lead to that conclusion?

As you may be aware, the Historic District Parking Solutions Ad Hoc Committee engaged in a year-long process of evaluating parking concerns within the Historic District and providing recommended solutions to address those concerns regarding parking. Residents of the Historic District participated in many, if not all the Ad Hoc Committee meetings and provided valuable insight into parking concerns and potential solutions to parking issues within the Historic District. As written in the staff report, staff determined that with inclusion of the applicable recommendations of the Ad Hoc Committee and additional conditions of approval placed on the project by City staff relative to parking, that the proposed project would not materially affect people living and working in the neighborhood.

25. Offsite parking is mentioned as potential measure to partially address the project's parking demand. Has staff investigated the feasibility of offsite parking options and is there any evidence that one or more feasible locations for the applicant to pursue such parking exists?

City staff has identified a number of potential off-site parking options located within 500 feet of the project site including another undeveloped property owned by the project applicant, an existing parking lot owned by the Eagles Lodge, and an existing parking lot owned by the Moose Lodge.

26. The hearing notice required by the FMC has not been posted at the site. FMC 17.52.320 states, "the project site shall be posted by the applicant 5 days prior to the commission hearing, with a notice 11 inches by 17 inches in size, facing the street frontage, and indicating the project description and the place and time of the hearing." I have checked regularly since 5pm yesterday and, as of 5pm today (4 days prior to the Aug 5 hearing), the required notice has not been posted. The same sign that has been there for several months is still there but that sign does not "indicate the project description" (e.g., it says nothing about the building height or parking variances, critical and fundamental aspects of the project) and it does not identify the place or time of the scheduled hearing. If this means the hearing must be postponed, please let me know ASAP so I can stand down on my review of the staff report. If you still intend to proceed with the hearing even though sufficient public notice in compliance with the zoning code has clearly not taken place, can you please provide the rationale and justification for proceeding with the hearing and amend the staff report so that it advises the Commission of the failed noticing and provides staff's rationale for moving ahead with the hearing?

The Folsom Municipal Code (FMC, Section 17.62.030 and FMC, Section 17.52.329) provides details on specific public noticing procedures for Variance requests and for Design Review requests. City policy over the past twenty years has been to require development projects to meet the more stringent public noticing requirements when multiple entitlements are requested. In this case, the public noticing requirements for a Variance are more stringent than the public noticing requirements for Design Review in that the noticing requirements for a Variance require mailing public notices to all property owners located within 300 feet of the subject site and publishing the public notice in a local newspaper. That being said, City staff will be noticing the proposed project for the August 19, 2020 Historic District Commission meeting in accordance with the noticing requirements for both the Variance request and the Design Review request.

27. Please revise the staff report to identify that the project exceeds the maximum FAR or provide a full explanation and calculations to show that it does not. Absent that, the project does in fact exceed the maximum FAR and requires a variance for that in addition to the other two variances that have been identified. In my comments on the IS/MND I noted that with or without including the balcony area, the project exceeds the 2.0 n Page 496 Using information straight out of the City's IS/MND (Table 2), the property is 7,400 sq ft, the total building area w/o the roof deck is

14,811 sq ft., and the total building area with the roof deck is 18,965 sq ft. 14,811 divided by 7,400 results in a FAR of 2.001 and 18,965 divided by 7,400 results in a FAR of 2.56. Both of these FARs are in excess of the maximum FAR of 2.0, in fact any building area larger than 14,000 sq ft exceeds the 2.0 FAR. The applicant would not expect the City to assert he has exceeded the FAR if he were one square foot under; and nor should the applicant expect that he should be allowed to exceed the FAR by one square foot more without needing a variance. As with the IS/MND, the staff report presents a hypothetical FAR calculation instead of simply presenting a calculation of the actual FAR based on the actual project size. The staff report also states, "City staffs interpretation of the methodology to be used in determining a FAR is to complete the calculation by dividing the leasable area of a proposed building by the area of the site as described in footnote 3." (Footnote 3 is that same hypothetical calculation.) I cannot find anywhere else in any of the documents provided where "leasable area" is mentioned. Even excluding the balconies, the 2.0 max FAR is exceeded. Furthermore, unless the City plans to restrict what portions of the building can be leased (and I see that discussed nowhere in 490+ pages of documentation), then we have every reason to also include the balcony area within the leasable space meaning the FAR is greater than 2.5. If that's the case, then shouldn't the estimated parking requirement also be calculated based on the leasable space - in which case, the City has underestimate the parking requirement and the staff report should be revised to reflect that.) Please clarify.

**The Floor Area Ratio (FAR) for the proposed project is 2.0, consistent with the requirements of the General Plan. The Floor Area Ratio was determined by dividing the floor area (14,811 square feet) of the proposed building by the area of the parcel (7,400 square feet), which resulted in a Floor Area Calculation 2.0 (2.0014 rounded down to 2.0).**

28. Regarding COA 56 (parking-related measures), can you please confirm that the City will have the legal ability to enforce the parking-related conditions? It appears as those the staff report and the granting of a variance could inadvertently completely undermine the City's ability to enforce any of the parking conditions, most importantly including the requirement for the owner to participate in a parking benefit district. As the overall entitlement process is currently structured, it seems that the developer could just go along with the conditions without making a legally enforceable commitment, receive his entitlements, and then when it eventually comes time to comply with conditions (like contributing funding for a parking garage), he'll be able to argue that the City's evaluation failed to identify a nexus between the project and the parking-related conditions of approval, and the City will be unable to enforce the conditions. First, the HDC is being asked to grant a parking variance - if that variance is granted, the City is effectively giving the developer the right to build the project without providing any parking (that's the whole point of the variance). Second, the staff report states a few times that the parking analysis concludes that there is sufficient existing parking to accommodate the project. That statement could completely undermine any future nexus argument the City might ultimately make when trying to enforce parking-related conditions. Without a development agreement or some other legally enforceable commitment, it's extremely unlikely the City will be able to require the developer to pay anything toward a parking garage in the future. Would staff's approval recommendation in the staff report provide a mechanism to ensure a legally enforceable commitment of the applicable/developer to pay what could amount to hundreds of thousands of dollars toward a parking garage and does the HDC have the authority to approve that? Also, can you please amend the condition to clarify what is meant by "participate fully in the ... mechanism"? If what staff means is "The applicant/owner shall pay forty-three (43) times the amount of any per-stall fee that may be established within the next 10 years through any City adopted parking fee program; including and agreeing that such

(example: \$25,000/stall x 43 stalls)" then the condition should specifically state that to make it very clear to the applicant what his funding contribution might consist of.

City staff has reviewed Condition of Approval No. 56 and is satisfied that the City has the legal authority to implement and enforce this condition as currently written.



August 5, 2020

Historic District Commission  
City of Folsom, 50 Natoma Street, Folsom, CA 95630  
via email to: kmullett@folsom.ca.us

**THE FOLLOWING IS PROVIDED TO BE READ INTO THE RECORD DURING THE CITIZEN COMMUNICATION PORTION OF THE AUGUST 5, 2020, HISTORIC DISTRICT COMMISSION MEETING**

Historic District Commissioners:

My name is Bob Delp and I live at 612 Mormon Street in Folsom's Historic District. During the past several weeks, I've asked City planning staff many questions about the City's development application review processes and the applicability of various provisions in the Folsom Municipal Code. Answers to these questions are critical for me and others in the community to understand how staff conducts its review process and how staff arrives at its recommendations to City decisionmakers. Staff have been engaged and I appreciate their efforts, but my questions have not been answered.

Without a clear understanding of the process, and without staff's consistent adherence to a standard process, it is impossible for me and others in the community to fully understand when and how we can provide input on important projects. If standard practices aren't followed, and if full and complete information about a project isn't available to the community, then we are denied the opportunity to provide meaningful input.

This is especially important for projects that require variances from the City's zoning ordinance. The community should have confidence that staff will give very strong deference to the City's zoning code requirements. Any property owner has the right to request variances, but the City's granting of variances should be rare and must be limited to truly exceptional or extraordinary circumstances.

Furthermore, regardless of the circumstances, variances cannot be granted if their granting would materially affect the health, safety, or welfare of neighbors or neighboring properties. To assess such effects, the community must be engaged early and throughout a project review. If not, staff and your Commission will not have essential information on which to base your findings about the community's welfare.

My comments tonight are to encourage you to do what you can as commissioners to ensure that projects are not brought before you for a decision until they are processed in full compliance with procedures consistent with City General Plan policies and the Folsom Municipal Code. Thank you.

August 4, 2020

TO: Historic District Commission

FROM: Tony Powers, 1002 Natoma Street, Folsom

RE: 603 Sutter Street

I have read the letters from former Mayor, Glenn Fait, and Loretta Hettinger objecting to this project. I agree with and endorse their comprehensive arguments against approval of this project. In this letter, I will expand on just two points: the off-street parking requirement waiver and the maximum height waiver.

First, the parking. While I agree, in concept, that excessive off-street parking requirements are detrimental to the character and even existence of walkable communities such as our historic district, that doesn't mean that completely eliminating parking requirements for a single project within that district is a good idea. According to the staff report, this project creates demand of up to 76 spaces within Zone 1 of the historic district, as defined in the K-H study, which currently has a total of 177 on- and off-street spaces. The report then goes on to note that the total historic district peak demand for parking is only 55-60% of the 801-space capacity. Hence there are currently about 320 available spaces in the district. This project would take 24% of those available spaces. Note that these numbers do not include anticipated future demand, which the report says will exceed the current capacity. So, approval of this project would exacerbate an anticipated future shortage of parking in the district. But more importantly, what the staff report analysis ignores – and the parking studies never address – is the current and future demand for parking within Zone 1. The proposed project would create demand for 43% of the existing spaces in Zone 1. The parking study indicates current overall excess capacity of 40-45% in the whole district, but most of that is in the parking garage at the very far opposite end of the district. So the excess capacity in Zone 1, if there is any, must be far less than the 43% demand that this project would put on it. And, as Mr. Fair indicated, it is rather fanciful to assume that the vast majority of people parking for this project would park at the extreme far end of the district.

The staff report goes on to propose a requirement for the project to provide 16 of the 76 spaces (or 43 required by the MC) off site through agreement with another property owner within one block (500 feet). One might wonder where the developer would find such property owner. The only conceivable properties with that kind of space are the FOE and Moose lodges. Don't they have their own parking requirements?

Second, I would like to discuss the height variance. The developer argues that because the site is difficult to build upon, they should be allowed to exceed the maximum height allowed by over 40%. Not just a little bit, but a whole extra story of building, and then not provide any parking for the larger building. My question is: why is it our (the people of Folsom's) responsibility to absorb the aesthetic and parking costs of propping up the economic value of a low-value piece of property? It's a very difficult site to build on. Did they not notice that before purchasing it? Might they have learned something from the old library next store, which perches neatly on top of the hill?

I find it astounding that the staff report states, “Unfortunately, the addition of an underground garage would increase the building height by approximately five feet, which was initially opposed by residents in the vicinity of the project site and would increase the Height Variance request.” Just how far can the cart get in front of the horse? By this logic, if the City required, say, 32 spaces on site, then the variance would have to go up yet another 15 feet (to about 60 feet) to accommodate the parking? Did anyone consider the possibility that the building is just too big for the site? The process seems to be: 1) design the largest box you can set on the property (ignoring setbacks in the first proposal), 2) add one more story than the code allows, 3) eliminate all on-site parking, and then claim hardship because the extra underground story will be expensive. The aforementioned quote also implies, that were it not for residents objecting to a building 40% taller than allowed, the height variance would be automatic, just because they asked.

Finally, with regards to the “continuous façade of shops along the street” and the determination “that infill projects are a critical means for preservation of the historic character and authenticity found on Sutter Street and that this also constitutes a special circumstance specific to the project site.” This all conveniently ignores the very local context of the proposed project. The fact is that there is not a continuous façade of shops on the south side of the 600 block, and there cannot be because of the historic library. This site is the very end of the commercial district, so this is the least valuable place in the entire district for a continuation of the façade of shops on the street. The continuous façade needs to end somewhere, and the proposed project provides no transition to the adjacent residential district. Until 607 Sutter was built, there were no buildings taller than two stories on the south side of the block, and the old library provided a nice transition from the continuous façade to the residential district. The 607 building upset that by putting the tallest building on the highest lot, and the proposed project would



STREET VIEW RENDERING - VIEW FROM SUTTER ST. LOOKING SOUTHWEST  
williams+paddon  
ARCHITECTS + PLANNERS

603 Sutter Street  
Z330001  
603 SUTTER ST., FOLSOM, CA

do the same thing, dramatically violating any sense of order or transition (as seen in the adjacent rendering from the staff report). We should learn from the building across the street, which is also way too big for the location, but at least not on the same side as adjacent homes. The view from the other end of the block (not included in the staff report) would show this much more dramatically.

More importantly, perhaps, the local context seems to be completely forgotten. I have copied a second rendering from the staff report below – in which the panoramic view distorts the relative sizes of the three buildings, making the historic library look larger than it is and the two adjacent buildings smaller –

and even with the friendly distortion, it shows that the architecture and massing of the historic library are *totally out of context of the two adjacent buildings*. Please pardon the sarcasm, but, as noted in the staff report, General Plan Goal LU1.1.12-1 (Infill Development) states: “Respect the local context: New development should improve the character and connectivity of the neighborhood in which it occurs. Physical design should respond to the scale and features of the surrounding community. while improving critical elements such as transparency and permeability.”



The response to this in the staff report makes no mention of the most local of contexts, the historic library. Instead, it emphasizes all the other new buildings that got height (and parking) variances. Such as here:

*The 600-block of Sutter Street where the building is proposed includes a variety of one, two, and three-story commercial buildings. Two of the three-story buildings in the block near the proposed site were constructed in the last 15 years and exceed the 35 foot height limit: the Fire and Rain building (42 feet tall) and the Folsom Electric Building (42to57 feet tall). Further to the west along Sutter Street, the Historic Folsom Station project (not yet developed) was approved for buildings that range from 19 to 48 feet in height.*

And here:

*As described above, the project site is located within an area that is predominantly commercial in nature. The proposed project is also situated within the Sutter Street Subarea, an area in which the most intensive commercial development within the Historic District is located including restaurants, bars, retail shops, and offices. The proposed three-story mixed-use building is compatible with existing land uses, building massing and scale with other commercial and mixed use buildings long Sutter Street in the project vicinity.*

Two full paragraphs describing how the proposed building fits in with the character and massing of other (mostly new or not even built) buildings throughout the district, but not one mention of the historic building immediately adjacent.

Clearly, this does not meet the intent of “fitting in” to the historic context of the district.

I urge you not to approve this project with the proposed variances.



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50 Natoma Street  
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**SUBJECT: 603 SUTTER STREET – FAILURE TO POST REQUIRED HEARING NOTICES**

Dear City of Folsom Staff and Historic District Commissioners:

A hearing notice in accordance with the Folsom Municipal Code (“FMC”) for the Historic District Commission (“HDC”) August 19, 2020 hearing regarding 603 Sutter Street has not been posted at the project site. Proceeding with a hearing on August 19 in the absence of required noticing would deny required opportunity for public knowledge of the hearing and deny opportunity for public input. Furthermore, according to City staff, City “policy” regarding noticing has for apparently the past 20 years failed to provide required noticing for certain projects resulting in the likelihood that City hearings on previously approved project also failed to provide required opportunities for public input. These failures and baseless interpretation of the FMC when no such interpretation is warranted must be remedied.

**Required Hearing Notice as not been Posted**

FMC 17.52.320 states, "the project site shall be posted by the applicant 5 days prior to the commission hearing, with a notice 11 inches by 17 inches in size, facing the street frontage, and indicating the project description and the place and time of the hearing." I have looked at the parcel every day during the past three weeks including most recently as of 9:45 a.m. this morning (just 2 days prior to the August 19<sup>th</sup> hearing), and notice(s) that comply with FMC 17.52.320 have not been posted at any time during that period. Therefore, a hearing regarding the project may not be lawfully held on August 19 and must be postponed.

**Staff Acknowledges Twenty Years of Insufficient Noticing**

When the required notice was not posted in advance of the previously scheduled August 5, 2020 HDC meeting, I advised staff of this failure. City staff replied with the following:

*The Folsom Municipal Code (FMC, Section 17.62.030 and FMC, Section 17.52.329[sic]) provides details on specific public noticing procedures for Variance requests and for Design Review requests. City policy over the past twenty years has been to require development projects to meet the more stringent public noticing requirements when multiple entitlements are requested. In this case, the public noticing requirements for a Variance are more stringent than the public noticing requirements for Design Review in that the noticing requirements for a Variance require mailing public notices to all property owners located within 300 feet of the subject site and publishing the public notice in a local newspaper. That being said, City staff will be noticing the proposed project for the August 19, 2020 Historic District Commission meeting in accordance with the noticing requirements for both the Variance request and the Design Review request.*

(Steve Banks, August 6, 2020, pg. 10, resp. to item 26) (emphasis added)

Staff’s statements above include at least two very concerning points. First, staff suggests that for 20 years, the City has been failing to ensure that hearing notices are posted on a project site as required by the FMC. This pattern of past practices is directly relevant to the matter of the 603 Sutter Street project,

since it implies that many of the previously approved projects that went through HDC design review and were granted height and/or parking variances also may have failed to posted hearing notices in compliance with the FMC.

Page 15 of the August 12, 2020 staff report for the August 19, 2020 hearing lists no fewer than eight projects in the Historic District that were approved with variances and design review within the past 20 years. Based on staff’s input quoted above, it is very likely that the City failed to ensure that hearing notices for these projects were properly posted in accordance with FMC 17.52.320. This is not simply a matter of water under the bridge. Staff presents this list of projects in the August 12 staff report apparently as support for staff’s (flawed) rationale in concluding a parking variance should be granted for the 603 Sutter Street project. The City’s process and staff’s insertion of discretion in enforcing or choosing to not enforce sections of the FMC when no such discretion is warranted is alarming.

Furthermore, staff’s baseless assertion that somehow City staff are able to determine which method of required hearing noticing is “more stringent” is ludicrous. To the extent that the FMC specifies differing hearing notice requirements for various types of approval, then when a combination of approvals/entitlements are sought during one hearing, that hearing must be noticed using the combination of all applicable notice requirements for each of the individual approvals/entitlements. Staff has no basis for determining that one method of notification is “more stringent” than another and not basis for waiving or ignoring other noticing requirements.

Before proceeding with scheduling any future hearings for 603 Sutter Street, the City must ensure that all opportunities for public awareness and input are properly implemented. I have previously commented that the required 300-foot notice mailing list appears to have excluded certain properties that are in fact within 300 feet of the site. A staff report for any hearing by the HDC should clearly document and provide evidence that ALL FMC noticing requirements have been complied with.

Also, any staff reliance on past variance/design review approvals for commercial projects in the Historic District must be considered in light of the apparent fact that hearings for such approvals may have not been properly noticed and that the community was therefore denied due process in those approval processes. Thus, any staff-asserted or staff-implied applicability of those previous approvals in recommending variance approvals for 603 Sutter Street must be rejected.

Sincerely,



Bob Delp  
612 Mormon Street  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

City of Folsom Staff and Historic District Commission  
50 Natoma Street  
Folsom, CA 95630

via email to:

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**SUBJECT: 603 SUTTER STREET – IMPROPER DEFERRAL OF HISTORIC RESOURCES  
IMPACT EVALUATION – SUPPLEMENTAL INFORMATION**

Dear City of Folsom Staff and Historic District Commissioners:

Please find attached for the record excerpts of two City of Folsom documents identifying historic resources relevant for consideration associated with evaluations that must be conducted for the proposed 603 Sutter Street project.

Pages 10-11 and 10-12 of the City of Folsom General Plan 2035 Draft Environmental Impact Report containing Table 10-1, “Significant Historic Built Environment Resources in the 2035 Plan Evaluation Area”

Page 11 of March 2017 LSA “Cultural Resources Study for 510 Sutter Street and 605 Sutter Street”<sup>1</sup> containing Table 1, “Cultural Resources within 200 feet of Identified by Records Search”

This information is provided to supplement information regarding insufficient consideration and evaluation of historic resource and properties as addressed in Delp August 15, 2020 comment letter “Improper Deferral of Historic Resources Impact Evaluation.”

Sincerely,



Bob Delp  
612 Mormon Street  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

Enclosures

Pages 10-11 and 10-12 of the City of Folsom General Plan 2035 Draft Environmental Impact Report containing Table 10-1, “Significant Historic Built Environment Resources in the 2035 Plan Evaluation Area”

Page 11 of March 2017 LSA “Cultural Resources Study for 510 Sutter Street and 605 Sutter Street” containing Table 1, “Cultural Resources within 200 feet of Identified by Records Search”

<sup>1</sup> See Delp August 15, 2020, letter regarding Improper Deferral of Historic Resources Evaluation, for discussion of the incorrect property addresses.

**Table 10-1 Significant Historic Built Environment Resources in the 2035 Plan Evaluation Area**

#	Primary/Trinomial	Resource Name	Address	Register
1	P-34-479/ CA-SAC-452-H	Former Jacob Broder Ranch Complex Location	Vicinity of Blue Ravine Road and Green Valley Road	N/A
2	P-34-507/CA-SAC-480	Folsom Train Depot	200 Wool Street	NRHP/HRI
3	P-34-461/ CA-SAC-434-H	Natomas Ditch System, Blue Ravine Segment	Off Blue Ravine Road	NRHP
4	P-34-3898	Coloma Road-Nimbus Dam	Along Nimbus Dam Road, north of Hwy 50	SHL
5	P-34-2339	Folsom Powerhouse	West bank of American River, in Folsom Lake State Recreation Area	NRHP/ SHL
6	P-34-3895	Folsom-Overland Pony Express Route	Not Available	SHL
7	Not Available	Terminal of CA's First Passenger RR	Not Available	SHL
8	P-34-956	Cohn House	305 Scott Street	NRHP
9	Not Available	Railroad Section Gang Foreman's Residence	815 Oakdale Street	NRHP
10	P-34-439/ CA-SAC-412-H	Ashland Freight Station	200 Wool Street	NRHP
11	N/A	Rainbow Bridge (Bridge #24C-67)	Greenback Lane over the American River	NRHP/ CA Bridge Inventory
12	P-34-2331	Chung Wah Cemetery	Mormon Street vicinity, near Lake Natoma	NRHP
13	N/A	Orangevale Avenue Bridge	6615 Orangevale Avenue	Eligible for CRHR
14	N/A	Historic Railroad Alignment	7000 Baldwin Dam Road	Eligible for CRHR
15	N/A	Various Historic Residences	600, 700, and 800 blocks of Figueroa Street	Eligible for CRHR
16	N/A	Saint John the Baptist Church	100 Natoma Street	Eligible for CRHR
17	N/A	Odd Fellows and Mason Cemeteries	Within Lakeside Memorial Lawn Cemetery	Eligible for CRHR
18	N/A	Eucalyptus and Olive Grove	13417 Folsom Boulevard	Eligible for CRHR
19	N/A	Chinese Diggings	Not Available	Eligible for NRHP
20	N/A	Murer House	1121 Folsom Boulevard	Eligible for NRHP
21	N/A	Folsom Dam and Powerplant	7794 Folsom Dam Road	Eligible for NRHP, Listed on CRHR
22	N/A	Folsom Dam Power Substation	7794 Folsom Dam Road	Eligible for NRHP, Listed on CRHR
23	N/A	Murer Gas Station	701 Sutter Street	Eligible for NRHP, Listed on CRHR
24	N/A	Negro Bar	Negro Bar Recreation Area	CPHI SAC-017
25	N/A	Young Wo Cemetery	Natoma Street near Sutter Street	Eligible for CRHR
26	P-34-009, 008/CA-SAC-308-H	Folsom Mining District	Not Available	Eligible for NRHP



**Table 10-1 Significant Historic Built Environment Resources in the 2035 Plan Evaluation Area**

#	Primary/Trinomial	Resource Name	Address	Register
27	P-34-335/ CA-SAC/308-H	Folsom Mining District	Not Available	Eligible for NRHP, CRHR
28	P-34-453/CA-SAC-426-H	Townsite, Folsom Chinatown	Not Available	Eligible for NRHP, CRHR
29	P-34-455/CA-SAC-428-H	Sacramento Valley Railroad	Not Available	Eligible for NRHP, CRHR
30	P-34-2262	Natoma Diggings	Not Available	Eligible for NRHP
31	P-34-2269	Natomas/Colorado-Pacific Dredge tailings	Mississippi Bar	Contributor to District eligible for the NRHP, Listed on the CRHP
32	P-34-2276/CA-SAC-308-H	Natoma Ground Sluice Diggings	Not Available	Eligible for the NRHP/HRI
33	N/A	Natoma Ground Sluice Diggings, water conveyance		Eligible for NRHP
34	P-34-3873	Prairie City Townsite	Not Available	SHL
35	N/A	Folsom Prison Historic District	Folsom Prison	Recommended eligible for NRHP, CRHR

Note: SHL = State Historic Landmark

Source: *National Register of Historic Places, 2011; California Register of Historical Resources, 2011; City of Folsom Cultural Resources Inventory, 2007.*

## KNOWN PALEONTOLOGICAL RESOURCES IN THE 2035 PLAN EVALUATION AREA

According to the records searches performed by the consulting team, there are no known paleontological resources in the 2035 Plan Evaluation Area (UCB 2018). A review of known paleontological resources sites in Sacramento County confirmed that the Modesto-Riverbank, Mehrten, and Ione formations located within the 2035 Plan Evaluation Area may be considered to be sensitive for the presence of paleontological resources.

### 10.1.2 REGULATORY SETTING

The following regulations of federal, state, and local agencies govern various aspects of cultural and paleontological resources. These regulations are summarized below and discussed in detail in Appendix C.

#### FEDERAL LAWS AND REGULATIONS

##### *National Historic Preservation Act of 1966, Section 106*

The NHPA is a federal law created to require that federal agencies take into account the effects of their actions on historic properties before carrying out those actions. The NHPA includes regulations that apply specifically to federal land-holding agencies, but also includes regulations (Section 106) that pertain to all projects funded, permitted, or approved by any federal agency that have the potential to affect historical and cultural resources.

This study included a complete inventory of historic-period built environment resources associated with the Folsom Historic District as well as conducted a Phase II Investigation. The study identified the Folsom mining historic district and nine historic-period resources that lie within or partially within 200 feet of the project site, including the original location of the Folsom Library building located immediately adjacent the property on 605 Sutter Street (APN 070-0111-010-0000). Records of these resources are on file at the NCIC. Table 1 summarizes these resources.

**Table 1: Cultural Resources within 200 feet Identified by Records Search**

Resource Identifier	Resource Type	Resource Description
P-34-000335/ CA-SAC-308H	Historic District	Folsom Mining
P-34-000439/ CA-SAC-412H	Historic Site	Sacramento, Placer, and Nevada Railroad: Hinkle Creek Park Segment
P-34-000456/ CA-SAC-429H	Historic Site	Remnants associated with Folsom hydroelectric power system
P-34-005119	Historic Site	Folsom State Prison Railroad
P-34-000936	1899 Historic Residence	505 Leidesdorff
P-34-000956	1895 Historic Residence	Philip Cohn House
P-34-000957	1866 Historic Residence	James Burnham Home
P-34-000958	1915 Historic Building	Folsom Library
P-34-000959	1895 Historic Residence	Donnelly Home
P-34-000960	1940 Historic Building	Folsom Post Office

#### 4.1.2 Consultation and Outreach

**Native American Heritage Commission.** On March 1, 2017, LSA sent a letter describing the Project with maps depicting the properties to the NAHC in Sacramento asking the Commission to review their Sacred Lands File (SLF) for any Native American cultural resources that had the potential to be affected by the Project. Also requested were the names of Native Americans who might have information or concerns about the Project. On March 23, 2017, the NAHC responded in an emailed letter dated March 8, 2017, that review of the Sacred Lands File failed to indicate the presence of Native American cultural resources within the immediate project area. In their response, they also provided a list of Native American contacts (Appendix B).

**Folsom Historical Society.** On March 13, 2017, LSA sent an email to the Folsom Historical Society asking for any information or concerns regarding the two properties (Appendix C). No response has been received to date.

#### 4.1.3 Field Survey

On March 4, 2017, LSA Archaeologist Mariko Falke conducted an intensive pedestrian survey of the project site. The survey consisted of transects spaced no more than 10 meters apart over the entire site.

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**SUBJECT: 603 SUTTER STREET – MODIFIED APPLICATION REQUIRED FOR ONSITE PARKING**

Dear City of Folsom Staff and Historic District Commissioners:

Please immediately notify the public that the August 19, 2020 hearing regarding 603 Sutter Street will not be held and that the hearing will be postponed, consistent with the information presented in the staff report for the August 19, 2020 hearing. The August 12, 2020 staff report for the August 19, 2020 hearing clearly identifies that the applicant recently modified the project to include on-site parking. The staff report also clearly, and appropriately, notes that for on-site parking to be considered as part of the project, the hearing must be postponed to allow for modifications to the application prior to any action/decision. Thus, a hearing cannot be held on August 19.

Page 4 of the August 12, 2020 staff report for the August 19, 2020 hearing states:

*The following is a list of modifications proposed by the applicant for consideration by the Historic District Commission:*

- 1. An approximately 15 space underground parking structure will be included as part of the project at the 603 Sutter Street location.***

Page 23 of the August 12, 2020 staff report for the August 19, 2020 hearing states:

*If the Commission prefers the on-site parking option, the project would need to be continued to allow for modifications to the application prior to any action/decision.*

It is unclear why staff would publish a staff report and schedule a public hearing while, in that very same staff report, staff advises that a public hearing cannot be held until such time as the application is modified to incorporate changes that have, in fact, been made by the applicant. The City must require the applicant to submit a complete application to incorporate applicant changes prior to proceeding further with project review.

Please stop this nonsense, and put an end to the premature scheduling of hearings for this project.

Sincerely,



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| Elaine Andersen - <a href="mailto:eandersen@folsom.ca.us">eandersen@folsom.ca.us</a> | Mickey Ankhelyi - <a href="mailto:ankhelyi@comcast.net">ankhelyi@comcast.net</a>                       |
| Pam Johns - <a href="mailto:pjohns@folsom.ca.us">pjohns@folsom.ca.us</a>             | Rosario Rodriguez - <a href="mailto:sutterstreettaqueria@gmail.com">sutterstreettaqueria@gmail.com</a> |
| Scott Johnson - <a href="mailto:sjohnson@folsom.ca.us">sjohnson@folsom.ca.us</a>     | Mary Asay - <a href="mailto:mjwestcoastcarports@gmail.com">mjwestcoastcarports@gmail.com</a>           |
| Steven Banks - <a href="mailto:sbanks@folsom.ca.us">sbanks@folsom.ca.us</a>          | Kathleen Cole - <a href="mailto:kcolepolicy@gmail.com">kcolepolicy@gmail.com</a>                       |
| Daron Bracht - <a href="mailto:daronbr@pacbell.net">daronbr@pacbell.net</a>          | Kevin Duewel - <a href="mailto:kevin.duewel@gmail.com">kevin.duewel@gmail.com</a>                      |
| Daniel West - <a href="mailto:danwestmit@yahoo.com">danwestmit@yahoo.com</a>         | Kelly Mullett - <a href="mailto:kmullett@folsom.ca.us">kmullett@folsom.ca.us</a>                       |

**SUBJECT: 603 SUTTER STREET – DEPARTMENT OF PARKS AND RECREATION REVIEW**

Dear City of Folsom Staff and Historic District Commissioners:

As a Trustee agency under the California Environmental Quality Act (“CEQA”) and as a neighboring land management agency in accordance with the City General Plan, the City must ensure that California State Department of Parks and Recreation (“State Parks”) is provided sufficient opportunity to consider and provide input to the City regarding any concerns or recommendations State Parks may have regarding the project as currently proposed.<sup>1</sup> This letter is to reiterate my previous request that records of City correspondence with State Parks regarding the City’s solicitation of State Parks input on the 603 Sutter Street project be provided for public review and for the HDC’s consideration prior to an approval decision regarding the project.

On June 23, 2020, I requested that City staff provide input regarding the City’s coordination with State Parks for State Parks’ review and input on the proposed 603 Sutter Street development project per City General Plan policies. In response, staff advised that “[t]he City solicited feedback from the State Department of Parks and Recreation (Jim Michaels) regarding the proposed project but did not receive any response.” (June 27, 2020 Banks email response to Delp June 23, 2020 email re: 603 Sutter Street – Request for Information.) Staff provided no information regarding when or how such solicitation was made.

On July 30, 2020 following the July 29, 2020 publication of a staff report for 603 Sutter Street for the then-scheduled August 5, 2020 HDC meeting, I asked and noted the following of staff,

*Can you please amend the staff report to include documentation of the City's request for review and input from State Parks on the currently proposed project? The City General Plan requires such coordination and I have not seen evidence that State Parks was made aware of the proposed development, its absence of parking, and the potential demand for overflow parking to affect nearby State Parks parking areas, among other concerns State Parks might have.*

(Delp July 30, 2020, email to Banks et al)

Mr. Banks’ response, provided in a letter dated August 6, 2020, was to repeat his June 27 response that “The City solicited feedback from the State Department of Parks and Recreation (Jim Michaels) regarding the proposed project but did not receive any response.” Mr. Banks continued in his response to summarize certain information in the June 2020 Initial Study/Mitigated Negative Declaration (“IS/MND”), although the information he summarized was irrelevant to my questions pertaining to State

<sup>1</sup> City staff did not file the June 2020 Initial Study/Mitigated Negative Declaration (“IS/MND”) with the State Clearinghouse (“SCH”). A role of the SCH is to receive and distribute environmental documents to relevant state agencies for review. Thus, had City staff simply filed the IS/MND with SCH, SCH would have provided the IS/MND to State Parks and State Parks would have had the opportunity to review and comment. City staff has provided no explanation for why the IS/MND was not filed with SCH.



Parks coordination and provided no further information regarding any actual coordination with State Parks.

State Parks oversees and manages important recreational and historic resources in the vicinity of 603 Sutter Street and from which the 603 Sutter Street property and buildings that may be constructed on the property would be visible. Development on 603 Sutter Street could adversely affect views from important recreation and historic resources managed by State Parks, could adversely affect the character and context of historical resources managed by State Parks, and could place additional parking demand pressures on and near parking areas that are important for public access to lands and historic resources managed by State Parks.

As a Trustee agency under CEQA and as a neighboring land management agency in accordance with the City General Plan, the City must ensure that State Parks has sufficient opportunity to consider and provide input to the City regarding any concerns or recommendations State Parks may have regarding the project as currently proposed.

Since staff have yet to provide any documentation regarding when or how any notification, opportunity comment, or any other coordination with State Parks was conducted. Thus, it is impossible to know whether State Parks has been given a meaningful opportunity to provide input on the currently proposed project. Furthermore, given the site address errors in certain project-related documents<sup>2</sup>, if a similar error was made in providing the correct address during whatever coordination with State Parks has occurred, then State Parks would not have had sufficient information on which to provide input to the City. It is important for the record that documentation of the City’s coordination with State Parks be presented to the public and to the HDC prior to an approval decision regarding this project.

It is entirely reasonable to expect the staff report to include records of correspondence with State Parks regarding the 603 Sutter Street project. The HDC must ensure that such records are provided and that commissioners have reviewed and confirmed that appropriate coordination with State Parks has been conducted prior to any decisions regarding the project.

Sincerely,



Bob Delp  
612 Mormon Street  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

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<sup>2</sup> The LSA 2017 cultural resources report used as a reference document in the IS/MND and title reports submitted with the original 2017 applicant both identify incorrect addressees for the site. If a similar error and/or incorrect or insufficient information was otherwise provided to State Parks, then State Parks would not have had sufficient information on which to provide input to the City.

**Desmond Parrington**

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**From:** Marilu Craig <marilucraig41@gmail.com>  
**Sent:** Saturday, August 15, 2020 3:25 PM  
**To:** Steven Banks  
**Subject:** Massive building on Sutter Street

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Really?  
8/15/2020  
Saturday

Mr. Banks,

Would like his read into the public record.

If we don't have enough problems on a regular business in the residential Historic Neighborhood, with the building of this monstrosity on the corner of Sutter and Scott Street.

This area borders as a defining point in a neighborhood with recognized treasured buildings. Now we are facing our neighbors: Ben Fuentes, with garbage pick up. Which mean days like today at over a hundred degrees will ripen and flavor the air with putrid garbage smell.

Across the street we take pride in seeing Glenn Fait's home, well over a hundred years in the making and this proposed structure that does not fit the criteria as being historic in any sense of the word, puts a blight on the investment, ambiance and history of Sutter Street and especially for the historic residential district.

NO PARKING!

Really.

No parking included in the plan and that means that the burden of their parking will be incumbent to every street, home, and walkway in the historic district. Where is the parking going to be. Where is the plan to say that it doesn't infringe on our peace, privacy and the investment we have made on our properties that will definitely affect the amount of what it is we will be able to 8/15/2020recognize on the real estate market.

This will not be an unusual situation, we as residents have been fighting this, requesting, petitioning and gathering under the banner of fair play for all of us as residents, without any recognition. Now this!

This building is an atrocity to us as neighbors, citizens, as investors in home and property and preservationists of the history of Folsom.

I am diametrically opposed 100% to this building ever seeing the light of day.

You are putting money, pressure and greed before the real fact of what we want as citizens of the historic residential district.

Jobekah Trotta  
402 Figueroa Street  
Folsom, Ca.

Sent from [Mail](#) for Windows 10

City of Folsom Staff and Historic District Commission  
50 Natoma Street  
Folsom, CA 95630

via email to:

Elaine Andersen - [eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)  
Pam Johns - [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)  
Scott Johnson - [sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)  
Steven Banks - [sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)  
Daron Bracht - [daronbr@pacbell.net](mailto:daronbr@pacbell.net)  
Daniel West - [danwestmit@yahoo.com](mailto:danwestmit@yahoo.com)

Mickey Ankhelyi - [ankhelyi@comcast.net](mailto:ankhelyi@comcast.net)  
Rosario Rodriguez - [sutterstreettaqueria@gmail.com](mailto:sutterstreettaqueria@gmail.com)  
Mary Asay - [mjwestcoastcarports@gmail.com](mailto:mjwestcoastcarports@gmail.com)  
Kathleen Cole - [kcolepolicy@gmail.com](mailto:kcolepolicy@gmail.com)  
Kevin Duewel - [kevin.duewel@gmail.com](mailto:kevin.duewel@gmail.com)  
Kelly Mullett - [kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us)

**SUBJECT: 603 SUTTER STREET – IMPROPER DEFERRAL OF HISTORIC RESOURCES  
IMPACT EVALUATION**

Dear City of Folsom Staff and Historic District Commissioners:

The June 2020 Initial Study/Mitigated Negative Declaration (“IS/MND”) for the proposed 603 Sutter Street development fails to consider the potential for significant effects of the project on adjacent historic resources, and must be revised to include such evaluation prior to the HDC’s consideration of project approval. Furthermore, the August 12, 2020 staff report prepared for the August 19, 2020 Historic District Commission (“HDC”) hearing regarding 603 Sutter Street improperly defers evaluation of potential impacts to historic resources.

The LSA March 2017 “Cultural Resources Study” for “510 Sutter Street and 605 Sutter Street” (neither of which addresses is the project site address of 603 Sutter Street) is the sole supporting reference document for cultural/historical resource considerations in the IS/MND. The LSA 2017 mistaken address references, alone, should have been sufficient for the City to require that the report be corrected.<sup>1</sup> Yet, the City has not required that correction and instead has inconsistently used the report as a supporting document yet also elected to silently exclude relevant information from the report when preparing the IS/MND.<sup>2</sup>

LSA 2017 identifies several historic properties in the vicinity of 603 Sutter Street, including the Folsom Library (identified as Resource P-34-00958, 1915 Historic Building, Folsom Library in LSA Table 1) and the Philip Cohn House (identified as Resource P-34-000956, 1895 Historic Residence, Philip Cohn House in LSA Table 1), as well as eight other historic resources including Historic District, Historic Site, Historic Buildings, and Historic Residences within just 200 feet of 603 Sutter Street, yet the specific locations of those resources are not identified in the report. Furthermore, although LSA 2017 lists these ten resources, LSA 2017 “findings” regarding project impacts to these resources are made with absolutely no analysis or evidence. The report simply states, “*The Folsom mining historic district and nine historic period resources are within 200 feet of the project site. **Project implementation will not impact any of these cultural resources.***” This is not simply a summary in the report – this is the ONLY information in

<sup>1</sup> The incorrect addresses were also used in an outreach email from LSA to the Heritage Preservation League in 2017 requesting Heritage Preservation League input on the project but providing inaccurate information regarding the location of the project. The effect on meaningful input from the Heritage Preservation League is unknown, and nowhere is that substantive error addressed by the City.

<sup>2</sup> Instead of listing the 10 historic resources identified in the 2017 LSA report, the IS/MND makes a vague reference to a 2014 City list of resources and says none are present near the project. In fact, the IS/MND makes NO reference to the LSA report’s list of 10 resources within 200 feet, blatantly obscuring relevant information. (The LSA 2017 report is referenced in the IS/MND was not published with the IS/MND under the auspice of confidential information. On request, the City provided a version of the report which redacted all records of historical properties.)

the report pertaining to potential impacts on the 10 historic resources. The LSA 2017 conclusion is entirely barren of any attempt at evaluating and disclosing impacts of the project on these resources.<sup>3</sup>

The scale and size of the proposed project, in any of its variations currently proposed, would substantially alter the character of the area, would diminish the value, and would have the potential to significantly adversely affect the character of adjacent historic structures and properties and the Historic District.

Page 11 of the City’s responses to comments on the IS/MND (page 480 of the August 19, 2020 HDC hearing packet) notes that the Heritage Preservation League provided comments to the City on June 19, 2020, of which comments as summarized by the City requested that, “*the IS/MND evaluate how changes in visual quality could adversely affect nearby historic buildings.*”<sup>4</sup> The City’s response to this issue states, “*the question of adverse effects of the project on the historic quality of the Historic District will be considered by the Historic District Commission in its review of the project design.*” (Response to Comments, pg. 11; HDC packet pg. 480)

The City’s response fails to provide any evaluation of potential impacts to historic resources in compliance with the California Environmental Quality Act (“CEQA”) and improperly defers consideration of such effect to an HDC hearing. The IS/MND must be revised to provide a meaningful evaluation of the project’s potential to result in an adverse change in the character of the Historic District and the potential for the project to adversely affect the historic properties and buildings in proximity to the project site.

Substantial evidence exists in the administrative record indicating community and expert input presenting fair arguments that the project could result in the potential to adversely affect the historic character and historic resources within the project area.<sup>5</sup> To comply with CEQA, the City must conduct a meaningful evaluation of such potential effects and present that evaluation and conclusions in a CEQA document prior to any project approval decisions. Such evaluation must be produced and circulated for review and comment, and cannot be deferred to mere consideration at an HDC hearing as suggested by staff.

Sincerely,



Bob Delp  
612 Mormon Street  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)

<sup>3</sup> As noted in separate comments, Bob Delp August 13, 2020, letter re: “603 Sutter Street – Insufficient Project Information,” the actual project design is unclear due to substantial design variations presented in the August 12, 2020 staff report. Nevertheless, all variations currently under consideration include a building over 50 feet in height and consuming a large portion of the 603 property.

<sup>4</sup> The Heritage Preservation League’s June 19, 2020 comments appear to have been omitted from the August 19, 2020 HDC hearing packet. The comments must be included in the body of information made available to the public prior to an HDC hearing and must also be included for consideration by the HDC. This omission substantially obscures relevant information for the HDC’s consideration of the project. Nevertheless, the City’s summary of the Heritage Preservation League’s comment is sufficient for consideration of the issues presented in this letter.

<sup>5</sup> Delp, June 23, 2020; Heritage Preservation League, June 24, 2020; Heritage Preservation League, June 19, 2020; Pharis, June 26, 2020; Delp, June 29, 2020; Shaw, et al (60-plus), June 29, 2020; Hettinger, July 28, 2020; Ferreira-Pro, July 27, 2020; Historic Folsom Residents Association, July 30, 2020; Reed, August 2, 2020; Miller, August 2, 2020; O’Mordha, August 3, 2020; Long, August 3, 2020; Getz, August 3, 2020; Corbett, August 3, 2020; Pruden, August 4, 2020; Bottallo, August 4, 2020; Powers, August 4, 2020; Parulekar, August 10, 2020.



**Desmond Parrington**

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**From:** Kevin Thompson <five-oceans@hotmail.com>  
**Sent:** Wednesday, August 19, 2020 2:13 PM  
**To:** Kelly Mullett  
**Subject:** 603 Sutter St.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kelly,  
I am a local resident at 414 Mormon St. I have a two fold concern about this development at 603 Sutter St. The first concern has to do with variances that are being considered for this project. Specifically, height and parking variances. The mere fact that these are being considered is troubling to me.

I finished two significant permitted projects at my home approximately a year ago. I had to make unfavorable and inconvenient changes to my project based on parking requirements and height restrictions. Parking space in front of my house and in the driveway, enough for four cars, was not considered acceptable parking and I was required to provide parking access from the alley into my backyard while the main home project was underway. After the first project for my home was completed, the second project in the rear was an ADU that was limited in height. Two additional feet would have made a huge difference in living space with nine foot ceilings and increased water flow from the roof due to increased pitch. Neither of these rule changes were allowed to be considered. Rules are rules so I didn't whine about it at the time but the fact that these are among the variances being considered at 603 Sutter St. is troubling. The apparent double standard does not sit well with me. That is my first concern.

The second concern is the most obvious and egregious and it has to do with parking. Not requiring on-site parking to sustain the proposed building makes no sense. The lack of dedicated parking will directly affect other businesses, local residents and citizens looking for parking to enjoy the old town area.

These variances being given consideration sends a bad message suggesting that residents play by a stricter set of rules than commercial occupancies and favoritism is at play in the City of Folsom.

Please carry forward my concerns also shared by so many other Folsom residents.

Respectfully,  
Kevin Thompson  
414 Mormon St.  
Folsom

Sent from Kevin's phone

To: Folsom City Clerk, manager, lawyer, city council persons  
From: LJ Laurent  
August 18, 2020

Re: 603 Sutter St. Improper process, creation of two Zoning laws, two zoning bodies, two Variance laws, two Variance bodies. Willful exclusion of due process, Circulations, and incorrect information sent to Sacramento County Assessor's Office

One legal issue is primary to me: In going &/or negating all State Govt Code rules and claiming Folsom can have TWO separate Zoning Laws, and TWO separate VARIANCE Laws – each with its own “enforcers” Folsom has erred. By city creating a tiny subsection of Title 17 FMC, it has in fact created a SECOND Planning & Zoning body -- which is Illegal. It has also created a SECOND Variance Board which hardly anyone knows about -- and which is not legal as well.

One city gets ONLY one Zoning & Planning Title, or Law Chapter. This has created a number of bad problems. Worst of these is the "separate city" called HD has been run by its own rules, resulting in conditions dangerous and wrong. Such conditions include LACK of Fire and Emergency access, proper FMC Commercial Sized Streets, and a warren of tiny un-serviceable tiny roadways.

This has an intended consequence of ignoring FMC Street Standards and Commercial Zoning District Section of FMC Title 17 Zoning.

It also has apparent intended consequence of enabling city to convince its elected council that City Engineer Certifications are NOT required in this separate "city" with no sense or safety.

It also resulted in Folsom failing to have its own resident City Engineer Inspect & Approve all Parcel changes, such as Zoning.

It is for this exact reason the Sacramento County Assessor shows the 603 Sutter St. Parcel as "Historic District." But HD is NOT a legal ZONE -- it refers to Additional requirements which an HD commission is NOT legally empowered to legislate [CA Govt Code].

No city can have two Zoning Boards or two separate Zoning Maps or a General Plan which shows an illegal Overlay as if it were a binding "zoning designation."

All "Commercial Zone" parcels in Folsom are controlled, regulated, and must abide by Title 17 Requirements for sense, fairness, value, separation of incompatible land usages. This principal of separation of uses is the Foundation of Zoning law in this country.

Previously yesterday I submitted to you evidence from Sacramento County Assessor that this PARCEL is NOT involved in any Planning Process, and this PARCEL is Zoned "Historic District." HD is NOT A ZONE apart from city FMC Zoning Map. The General Plan was never altered for this PARCEL to make it COMMERCIAL.

MAJOR LEGAL PROBLEM: If this property was legally Rezoned as a Legal Parcel in the last decade, Assessor would NOT TAX this parcel as residential -- but as COMMERCIAL, with a commercial evaluation. Once a legitimate Zoning is made to a denser usage with higher dollar value, it must be taxed as Commercial.

If 603 was subject to Planning Dept Application in 2017 as shown currently in documents, then Assessor would have Listed it as in "planning process." Assessor would have relied upon a city to "self-police" itself by providing a City Engineer's Certification & Seal.

If real property owners can NOT depend upon Folsom and City Engineer to obey all laws contained in California Govt Code and Folsom Municipal Code, and Charter, then something is deliberately done wrong.

For all County residents, showing two separate Zoning and Variance Laws and bodies -- it means they are deprived of traveling pavement consistent with Folsom Commercial and Arterial Street Laws and Engineered Standards. All county residents are deprived of a right to RELY upon Folsom obeying all Street, property, Fire Codes, and Commercial Code restrictions. This leads to chaos and diminution of everyone's property values. Moreover, it causes all County residents and all adjoining county residents to endure the same 1850 sized 18 Eighteen foot wide city "roads", when they are acting as many-county Arterial streets. To deprive anyone of the Protection of Law and Safety in this manner is wrong and to some, criminal in nature.

There are methods to force Folsom CA elected officials and employees to cease operating TWO separate Zoning laws [Titles] and TWO separate, totally UNEQUAL Variance law sections.

City council and their top staff were put on notice formally yesterday. The sole response received was from Mayor.

If everyone thinks this will just continue as it has, be advised once again, it is a bad idea to cheat tax collector or value Assessor. It is wrong to make the entire multi-county area tolerate unsafe three county access "streets" and 19 century tiny bridge as a major tri-county connector approached by tiny old two lane Riley Street. It is wrong to close down sole 9 foot wide two lanes for private gain, when buildings are old & dry.

No one benefits when a renegade city leader decides to create a Second and quite illegal Zoning Title with its own separate Second Variance hearing

board. Overlays ADD more protection. Overlays are NOT a legal vehicle to CANCEL the FMC Title 17 entirely -- especially by very quietly creating a Commercial or Multi-use zone on property now Assessed and shown as "something else." That something else is a second Zoning Title -- which is NOT legal.

This is all about gaining dollar value from property which is NOT properly treated by FMC Commercial Zone. All HD actions of this ilk have made some people quite rich, but made the entire Sacramento area and County RE Tax Payers suffer and lose Protection of Law, and properly sized "streets."

For anyone doubting this was/is purposefully done, just consult the online version of FMC Zoning Title 17, with the Print Edition which I have guarded for this purpose. Please note Title 17 NO LONGER has Title description, Purpose, and now omits Title 17.00; begins with subsection 17.02 "Definitions."

<https://www.codepublishing.com/CA/Folsom/#!/Folsom17/Folsom1702.html#17.02>

PROBLEM: Did anyone ever bother to read Title 17 carefully?

In Title 17 17.02 the first section Definitions

<https://www.codepublishing.com/CA/Folsom/#!/Folsom17/Folsom1702.html#17.02.010>

There IS **NO DEFINITION** of any such Zoning Designation as **Mixed Usage**. Who cares if it is buried elsewhere in the non-binding 17.52 HD language? It does NOT exist in Title 17 Definitions.

When Bob Blaser was City Engineer/Public Works Director, Every single legal item was spelled out in detail and with the authority of his Engineer's License. Now it's all muck, and there are actually two conflicting zoning and variance laws in Folsom CA. That's what happens when a mayor sidelines the City Engineer & PW Director to ensure things go "differently." All of Bob's Depositions, Reports, and Weekly Engineers Notes to city council exist in paper form.

## **Commercial Zone FMC 17.22.010**

### **17.22.010 Purpose.**

The commercial land use zones established in this chapter are designed to promote and protect the public health, safety, and general welfare.



C. To accommodate a variety of transportation modes which may access the commercial sites in a manner to achieve business and community goals, including congestion management and parking.

Folsom HD is an OVERLAY, NOT a SECOND city ZONE Authority separate from the FMC Zoning Chapter with Different Administration and in Direct VIOLATION of FMC Commercial Zoning Laws.

**Overlay zoning** is a regulatory tool whereby a special **zoning** district is created and placed over an existing base **zone(s)**. The **overlay zone** identifies special provisions in addition to (or instead of) those in the underlying base **zone**.

Folsom Municipal Code 17.52.370

**THIS title is Chapter 17, NOT the OVERLAY which imposes ADDITIONAL/extra requirements on top of ZONING Law Title 17.**

For doubters, consult the California Enabling Legislation on Zoning. Please note TITLE SEVEN = the entire Chapter of CODE. In case of Folsom the governing Title is Title 17, NOT a tiny subsection which imposes Additional requirements.

GOVERNMENT CODE - GOV  
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

Folsom Chapter 17 is **Title 17**. \*\* see below for proof.

Folsom Municipal Code Title 17 is the ENTIRE ZONING & PLANNING TITLE. Adding section to make Historic District overlay is NOT contemplated to create a Separate and Different set of Zoning Designations by PARCEL Number. Nor is any HD small subsection given the power to REVERSE and Overwrite Title 17

17.52.370 Variance review.

- A. The historic district commission shall have final authority relating to application for variances **from any of the provisions of this title**, within the boundaries of the historic district.
- B. In acting upon applications for variances, the historic district commission shall adhere to the procedural requirements set forth in Chapter [17.62](#), except for matters of appeal, which shall be governed by this chapter. (Ord. 890 § 2 (part), 1998)

## STANDARDS FOR GRANTING OF VARIANCE REVIEW. FMC 17.62.020

### 17.62.020 Application and fee.

Application for a variance shall be made in writing on a form prescribed by the planning commission and shall be accompanied by a fee as established by resolution of the city council no part of which shall be returnable to the applicant, and by statement, plans and other evidence showing:

1. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district;
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner;
3. That the granting of such application will not, under the circumstances of the particular case, materially affect the health or safety of persons, residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. (Ord. 466 Exh. A (part), 1981; Ord. 323 § 29, 1975; prior code § 3123.02)

According to Sacramento County RE Property Assessor, this property is Zoned "Historic District".

**It IS NOT Zoned Commercial in city of Folsom.** Folsom city law Super-cedes any Historic District **overlay of MORE stringent standards.**

[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=65900.](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65900)

GOVERNMENT CODE - GOV

### TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]

*( Heading of Title 7 amended by Stats. 1974, Ch. 1536. )*

**DIVISION 1. PLANNING AND ZONING [65000 - 66301]**

( Heading of Division 1 added by Stats. 1974, Ch. 1536. )

**CHAPTER 4. Zoning Regulations [65800 - 65912]**

( Chapter 4 repealed and added by Stats. 1965, Ch. 1880. )

**ARTICLE 3. Administration [65900 - 65909.5]**

( Article 3 added by Stats. 1965, Ch. 1880. )

**65900.**

The legislative body of a city or county may, by ordinance, create and establish either a board of zoning adjustment, or the office of zoning administrator or both.

No city ever has the Right to Create TWO Zoning Authorities within one city. No city has the Right to create TWO different Variance bodies either.

<https://www.folsom.ca.us/civicax/filebank/blobdload.aspx?t=59704.14&BlobID=39277>

Staff report contains an alleged Environmental Document which is full of STRIKE OUTS, and fails to address Comments and concerns of Abutting owners. This glowing picture presentation makes NO mention of tiny roadways, lack of access, Raw sewage issues, and has NO City Engineer Approval. It is NOT consistent with Folsom Street Standards, CA Fire Code, et al.

Detailed information regarding the project's General Plan land use designation, zoning, adjacent land uses, site characteristics, and applicable codes is described below.

GENERAL PLAN DESIGNATION HF (Historic Folsom Mixed-Use) **No Title 17**

**Definition, it doesn't exist.**

ZONING SUT/HD (Sutter Street Subarea of the Commercial Primary Area) **No such Commercial Rezone is known to Assessor, nor defined in Title 17 Definitions..**

ADJACENT LAND USES/ZONING Sutter Street with Commercial Development (SUT/HD) Beyond Single-Family Residential Development (SUT/HD) with Peddlers Lane Beyond Scott Street with Single Family Residential Development (SUT/HD) Beyond Commercial Development (SUT/H D) with Riley Street Beyond North South East: West:

**SITE CHARACTERISTICS** The undeveloped 0.17-acre project site, which slopes steeply downward from south to north, is vegetated with bamboo, vinca, non-native grasses, and 22 trees including 17 native oak trees. The Sutter Street frontage includes a short retaining wall, curb, gutter, sidewalk, landscape planter, streetlights, and three onstreet parking spaces. The Scott Street frontage includes curb, gutter, and a landscape planter.

**SEVENTEEN Native Oaks, protected allegedly by city law, Since 2017, NO applications nor hearings were held to protect these precious heritage Oak Trees – as city intends.**

#### APPLICABLE CODES

FMC Section 17.52 HD, **Title 17 has a Commercial Zone which MUST APPLY.... AND be reported to Sacramento County Assessor with Planning Notification.**

Historic District FMC Section 17.52.300. Design Review **This is SOLE domain of HD group, to recommend Additional legal protections to Title Commercial Protections..**

FMC Section 17.52.510, Sutter Street Subarea Special Use and Design Standards

FMC Section 17.52.370, Variance Review **No city is given legal Right to create a SECOND VARIANCE Hearing group,**

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#### from staff report

**Variance Findings (Parking)** \*\*applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to other land, buildings, and/or uses in the district; That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant; That the granting of such application will not, under the circumstances of the particular case, materially affect the health or safety of persons, residing or working in the neighborhood of the property of the applicant, and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Comment: \*\* **the "special circumstances"** are to make money even if this gem with 17 heritage Oak trees is demolished.

Note \*\* Title = chapter just to show "this title" is still called "Chapter 17."  
THE ADOPTED CHARTER OF THE CITY OF FOLSOM. +. **Title 1** GENERAL PROVISIONS ... **Title 5** BUSINESS LICENSES AND REGULATIONS. – ... **Title 17 ZONING.** – DISPOSITION ... City Website: <https://www.folsom.ca.us>. City Telephone: ...

<https://planning-org-uploaded-media.s3.amazonaws.com/document/PLD-Land-Use-Law-Cases-2019.pdf>



Folsom "HD" report -- try making sense of 549 pages which are obfuscating the lack of Legal Enablement to have TWO Zoning Laws and TWO separate Variance laws.

<https://www.folsom.ca.us/civicax/filebank/blobdload.aspx?t=59704.14&BlobID=39277>

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FIRST NOTIFICATION to City of Folsom was sent to city officials yesterday, entire email text appears, but Assessor's Page and 603 Sutter COMMERCIAL BUILDING Neg Dec would not transfer

To: Folsom city manager, lawyer,  
 distribute to planning dept. staff and city council members  
 From: LJ Laurent  
 August 17, 2020

Re: Misrepresentation of Parcel Designation, applicable laws & due process

City Manager, it is now clear to me why your city contract specifies you will be protected for all allegations, investigations, etc., whether civil or criminal in nature. To wit: Folsom is proceeding with an improper Land Rezone and Variations of the most offense nature to adjoining, abutting, facing, and neighboring homes and properties.

Property 603 Sutter St.

Issues: Folsom city has online documents for a COMMERCIAL building requiring REZONING, VARIATIONS without cause for ZERO on site parking, Height above legal limit, No Public Hearings, for MAJOR REZONE or UN-ALLOWED Variances from Folsom Municipal Code law governing/controlling Granting of Variances Standards. This is NOT Commercial Parcel, nor is there a hardship -- as Sacramento County Assessor's Records prove beyond a shadow of doubt.

Governing California State law cited prohibits, NOT allows such action without FULL Municipal Code Process for Re-Zoning from Residential to Dense Commercial [or "mixed uses] and Code laws governing When HARDSHIPS are found to exist.

NEVER did city of Folsom conduct proper public hearings for EACH and EVERY single Parcel Number by APN, for the ENTIRETY of the CURRENT ZONING Designation.

As clearly indicated by Sacramento County Records, this property has NO planning actions pending, it has a very low residential Evaluation, and Folsom had the gaul to give it the Zoning Designation on this particular parcel of Historic District.

HD is an OVERLAY plan which was NEVER VETTED for specific uses. It may have been added to FMC as if it were a Zoning Law and Variance Law, but the HD Plan is NOT a legal Zoning nor a Variance-granting tool. It is a suggested Overlay.

Previously you were sent my Research Report dealing with California State Laws governing Real Property Usages, as restricted by CA Government Code.

Zoning on this Parcel is still "Historic District" and that is NOT LEGALLY binding according to Folsom and State laws.

By terms of city's own "overlay plan" Individual Parcels WERE NOT subject to Initial Study, EIR EIS, Public Notices; nor were any HD overlay Parcels REZONED. Nor can a city have two separate Zoning and Variance Laws, pursuant to State Law

prohibition. <https://www.codepublishing.com/CA/Folsom/html/Folsom17/Folsom1752.html#17.52.150>

FYI: Overlay Zones. An overlay zone is a defined geographic area shown on the zoning map where **special additional requirements apply in addition** to the underlying base zoning district requirements.

Instead of protecting HD residents and occupants, you have harmed them by erasing the UNDERLYING Purpose of Zoning EACH PARCEL Legally.

**This shall be reported immediately to Sacramento County Assessor's Office, as they are a co-regulating body for all ZONING CHANGES, Plans, impacts.** Cheating the taxman is not a good idea. See Govt Code below.

MAPS: Folsom General Plan Map and Folsom Zoning Map are NOT AVAILABLE ONLINE. Please remedy this, and improper use of Zoning OVERLAY Plans as if they were actual LAWS approved by residents, agencies, and general public. 603 Sutter is NOT ZONED for extremely dense, too tall, NO parking giant Commercial or actually OFFICE building.

**If you wish this NOT to proceed further to California law**

**enforcement agencies, remove this bogus Land Development Proposal from city agenda for August 19, 2020.**

If city council does not require city staff to abide by local, state, and federal laws, this will go far further to a final resolution.

RESPONSE REQUESTED, Madam Manager, Prior to another bogus hearing on a REZONING & VARIANCE actions which are NOT done according to law.

ONLINE at Sacramento County Assessor's Page: shows Zoning Designated "historic district" which does not exist.

Initial Study and Negative Declaration glossy document for COMMERCIAL Zoning with Commercial Building in Description,

**PARCEL is how ZONING is accomplished – with Engineer's Seal and Notices to all parties, and Newspaper ads, letters to neighbors, and critically it informs the County TAX ASSESSOR'S Office.**

**PUBLIC RESOURCES CODE - PRC**

**DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.57]**

*( Division 13 added by Stats. 1970, Ch. 1433. )*

**CHAPTER 2.6. General [21080 - 21098]**

*( Chapter 2.6 added by Stats. 1972, Ch. 1154. )*

**21083.3.**

**(a) If a parcel has been zoned to accommodate a particular density** of development or has been designated in a community plan to accommodate a particular density of development and an **environmental impact report was certified for that zoning or planning action**, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or

to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.

"Certified" under California Subdivision Map Act means a Lic. CA Engineer has affixed his seal/signature to proposed Land Use Changes.



August 18, 2020

TO: Historic District Commission

FROM: Heritage Preservation League (HPL)

RE: 603 Sutter Street project

In 17 years of advocating for history, HPL has not seen such widespread opposition to a project since the project that caused HPL's formation in 2003, a "Tuscan Village" of 240 apartments proposed on the site of the first railroad in the west. Thankfully it was defeated.

Members of HPL attended the two community meetings hosted by the applicant last week and have studied their letter offering modifications. We appreciate their effort in meeting with the community, but the changes they offer are not enough. HPL's objections regarding parking, height and design remain.

#### Parking

The project still significantly exacerbates the existing shortage of parking in this end of Sutter Street, with no solution(s) yet committed to by the City. Because others have received parking variances in the past is not a justification for causing hardship for existing businesses and residents with no solution on the horizon, especially in the uncertain business climate caused by the coronavirus and the sea change in people's shopping, working, and dining habits.

#### Height

Height and design are intimately connected. The applicant offers to reduce the height impact by setting back the top story and reducing its size somewhat. The view of height from the sidewalks would be somewhat lessened, but the height and mass when viewed from other points in the vicinity remains too large for the site.

#### Design

It is asking too much of the Historic District Commission, the staff, and the community to expect good analysis of changes without actual drawings. Words are too easily interpreted differently by different people. Even if drawings are provided at the meeting, the Historic District Commission should not be pressured to make a decision without time for studying them. The architect has still not identified what historic style he is designing, and HPL has not found any examples of historic buildings that resemble it. To reiterate, using historic materials does not equal historic design. Among the many questions that only drawings can answer is the big question of how the addition of parking access will affect the design.

#### Recommendations

Understandably, the applicant needs to decide whether to put any more money into a project opposed by so many. At the second community meeting last week, Mr. Alaywan said that his wife recommends walking away from the project. Before agreeing with her, he wants to hear what the Historic District Commission will say. If you agree with the community, it would be a kindness to them to deny it now and express your objections.

Because Folsom doesn't like to tell people no, you might consider HPL's recommendation to the applicant that he use story poles or helium balloons to outline the contours of the building, to illustrate its finished height and mass visually, for all to see, before asking him to put any more money into the design. HPL is confident that being able to actually visualize the height and mass in this way would clarify what changes need to be made to better fit the site. If the architect is then able to historically justify the building design as a historic style, perhaps HPL's objections to height and design could be resolved.

The parking issue remains, however. HPL asks that the Commission send an urgent request to the City Council to identify a site and financing mechanisms for a parking structure in this end of Sutter Street so that future applicants will not go through what this applicant has.

Thank you for your consideration of these concerns.

July 28, 2020

TO: Historic District Commission

FROM: Loretta Hettinger

RE: 603 Sutter Street

This letter draws on my experience as the City's staff planner who spent four years with a citizens committee studying what regulation is appropriate, without undue burden, to protect the area that is the heart of Folsom. The resulting regulations have stood the test of time, and the prosperity of the entire Historic District bears powerful witness to the rightness of the regulations.

In evaluating this project against the principles and regulations of the Historic District, I find no basis for approval. Besides its modern design, the project overbuilds the site, exacerbates an existing parking problem, and fails in its obligation to lessen its impact on adjacent residential uses.

Former Mayor Glenn Fait and the Heritage Preservation League have each provided letters objecting to this project. I endorse those comments by reference and expand on them further in this letter.

#### Initial Study/Mitigated Negative Declaration

Since an environmental assessment's only purpose is to provide decision makers with information to take into account in considering a project, you are under no obligation to approve a project simply because an IS/MND says its environmental impacts are mitigable. In this case, while it may be technically correct in complying with state law, the IS/MND is marred by flawed inputs, as described below. The non-CEQA impacts are very important in your consideration.

Planning Partners has done their usual thorough job of preparing an environmental assessment that complies with the California Environmental Quality Act. Any assessment's conclusions, however, are only as good as the standard used to measure a particular impact. Regarding the conclusion that there is no significant impact on the adjacent historic library building, the City's standard used by the consultant is woefully inadequate. Of the 100+ sites identified in the City's adopted Historic Preservation Master Plan, only a handful have made it onto the official list by being thoroughly documented. The majority of that handful are on the list only because Heritage Preservation League volunteers have done the documentation. Although the library building has not been specifically documented, there is no doubt of its historic significance based on its design, its historical use, and its association with the prominent historic Levy family, any one of which would justify its historic designation. Approving a modern-designed building this large next door would be a regrettable, if not embarrassing, mistake.

The IS/MND also finds there is no CEQA impact on scenic vistas cited in the General Plan. This may well be an oversight in the General Plan. The General Plan calls out natural vistas that are significant. In a City with Folsom's rich and diverse history, historic vistas are also important. While this project may not have a CEQA impact, it certainly has a Folsom impact. For many decades the view up Sutter Street has included a vista of the National Register-listed Cohn Mansion. To interpose a huge modern building on that vista would be another regrettable, if not embarrassing, mistake.

## Design

The proposed design is modern, not historic, and is sufficient reason in itself for denial of the project. The effect of the roof deck, windows, and trash enclosure on the adjacent Figueroa Subarea residential uses is also reason in itself to deny the project.

In connection with the previous submittal of virtually the same design, a Commissioner asked, what is the building's historic style of architecture. The architect was unable to answer—because it isn't historic. Perhaps Faux History is the right descriptor. Taking historic elements from multiple historic styles and combining them in new ways is a modern technique, popular in new construction around the region. The goal of Folsom's Historic District, clearly stated in multiple ways, is to preserve history, not redesign it. New construction needs to be as authentic as today's materials and needs will allow, not treated as an opportunity for new artistic expression.

The project fails in its requirement to be a good neighbor to residential uses. Both the commercial and the residential uses are supposed to make accommodations. In this case, the lion's share of the accommodation falls on the residential uses, particularly the nearest home. Mayor Fait's and HPL's letters call out this issue. As you will recall, in discussions of the recent Accessory Dwelling Unit ordinance privacy of adjacent homes was a particular issue. Although the state law re ADU's forbids the City from considering design in approving ADU's, the privacy design regulations of Folsom's ordinance were allowed by the state. The windows and roof deck of a commercial project have a greater impact on privacy than one granny flat. Despite project claims that noisy events will not occur on the roof deck, the design suggests otherwise. This applicant will not be able to control the actions of future owners/tenants, and so the design itself should shield residents from noise.

## Massing

The project overbuilds the site. Its size dwarfs not only the adjacent library building but even the Cohn Mansion. Even the zone's allowable maximum height could be too much to successfully interface with adjacent historic buildings and residential zoning, depending on design. The City has no obligation to approve the maximum of any standard, much less to exceed it. The height variance should be denied.

## Parking

Though not considered a CEQA impact, the parking shortage in this end of Sutter Street is a significant impact on both the commercial and residential uses. Until the City adopts a mechanism to provide additional parking, no parking variances should be approved, especially in this block.

The best information on parking is found in the recent report of the citizens ad hoc committee on parking, not in the applicant's Kimley-Horn report. Based on the City parking studies cited in the ad hoc committee's report, the buildout shortfall of parking is about 500 spaces. The applicant's report only describes existing conditions, assuming that the parking currently available at the other end of Sutter Street will continue to be available for this project's parking needs. Besides the obvious difficulty of getting patrons to walk four blocks uphill, the parking available in the structure on Reading Street is largely spoken for, needed to address the parking needs of the existing and already-approved buildings in that end of Sutter Street. Further, one of the parking lots counted in the applicant's traffic study will be replaced by an already-approved building.



Conditions which allowed the granting of parking variances in the past no longer exist. In the past the City was able to assume the burden of providing parking for Sutter Street, intending to use its Redevelopment Agency funding to build several structures. The state abolished all redevelopment agencies in the recession, and the City has not yet identified any replacement funding. There is no question that the applicant is unable to provide parking on site sufficient for a massive building. There is also no question that permitting a new massive building before parking is available for it would be a blow to a District struggling to survive the pandemic's economic effects and a further blow to a residential area struggling with the current parking shortfall.

This project site also does not meet one of the other rationales used in granting previous parking variances. Due to its location adjacent to existing residences and a commercial building that was formerly a residence and designed as such, there is no reason for this building to be designed as an in-line historic commercial building that by its nature does not provide parking on site. A residential design, perhaps even a residential use, would be appropriate and preferred. It could conceivably then provide its own parking.

#### Recommendation

Deny the project with findings that it does not meet design requirements nor required variance findings.

I would hope that the applicant will return with a design more in keeping with the Historic District's goals and regulations. The history community does not oppose development as long as it enhances rather than undermines the principles of the Historic District.

**Desmond Parrington**

**From:** Pam Johns  
**Sent:** Monday, August 17, 2020 8:11 PM  
**To:** Steven Wang; Scott Johnson; Steven Banks  
**Subject:** FW: 603 Zoom Discussions

FYI

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Monday, August 17, 2020 7:11 PM  
**To:** Pam Johns <pjohns@folsom.ca.us>  
**Subject:** 603 Zoom Discussions

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pam:

I'm listening to a few community members have a discussion about the Aug 12 and 13 Zoom calls with the 603 applicant. Several folks are frustrated and confused since they weren't invited, others are confused about whether you participated and, if not, why your name was on the screen both days but you didn't speak or respond to questions. What I "think" is that you gave the applicant your Zoom account and let him invite whomever he wanted. It was obviously not a city-sponsored meeting and the city didn't notice it as a public meeting; and only a select group of people were invited and at the applicant's discretion. One of my questions is, why would you or anyone else at the city provide resources for a private developer's community engagement? Does the city have a mechanism that makes that appropriate?

I also note that Steve's staff report says it's "important to note" that the applicant was going to hold those meetings. If it was important for the HDC to note that, then does staff also intend to advise the HDC of what the applicant said during those calls? A few of my takeaways:

- a. when asked what his evidence was for concluding the community's health, safety and welfare wouldn't be adversely affected, the applicant offered no evidence and just said "well, what about me?"
- b. the applicant freely admitted that he moved his family to EDH to get away from the annoyances of Sutter St. commercial
- c. the applicant and his architects don't know what the building will look like or what size it will be - they working on several concepts but none are formulated to any meaningful concept
- d. when asked to erect story poles or balloons to demonstrate the height of the building, the applicant said he didn't want to do that because it would look so tall/large
- e. the applicant advised that the only remotely feasible potential offsite parking area on which maybe up to 16 spots could be created is at [512 Sutter Street](#)
- f. the applicant acknowledged that the site could be feasibly developed with a ~5000sq ft building and 16 spots - but that he just doesn't want to.

Do you or Steve plan to make those points to the HDC? Many other concerns and questions were raised by community participants that were also not addressed and the applicant.

-Bob  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

10/10/2023 Item No. 10.

**Desmond Parrington**

**From:** LJ Laurent <ljl Laurent@att.net>  
**Sent:** Monday, August 17, 2020 1:12 PM  
**To:** Elaine Andersen; Steven Wang  
**Cc:** Ernie Sheldon; Sarah Aquino; Kerri Howell; Mike Kozlowski; Andy Morin  
**Subject:** Flagrant Land Usage Zoning LAWS "mistakes" by cityhall et al

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Folsom city manager, lawyer,  
 distribute to planning dept. staff and city council members  
 From: LJ Laurent  
 August 17, 2020

Re: Misrepresentation of Parcel Designation, applicable laws & due process

City Manager, it is now clear to me why your city contract specifies your will be protected for all allegations, investigations, etc., whether civil or criminal in nature. To wit: Folsom is proceeding with an improper Land Rezone and Variations of the most offense nature to adjoining, abutting, facing, and neighboring homes and properties.

Property 603 Sutter St.

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As clearly indicated by Sacramento County Records, this property has NO planning actions pending, it has a very low residential Evaluation, and Folsom had the gaul to give it the Zoning Designation on this particular parcel of Historic District.

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Previously you were sent my Research Report dealing with California State governing Real Property Usages, as restricted by CA Government Code.

Zoning on this Parcel is still "Historic District" and that is NOT LEGALLY binding according to Folsom and State laws.

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**FYI:** Overlay Zones. An overlay zone is a defined geographic area shown on the zoning map where **special additional requirements apply in addition** to the underlying base zoning district requirements. Instead of protecting HD residents and occupants, you have harmed them by erasing the UNDERLYING Purpose of Zoning EACH PARCEL Legally.

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**If you wish this NOT to proceed further to California law enforcement agencies, remove this bogus Land Development Proposal from city agenda for August 19, 2020.**

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RESPONSE REQUESTED, Madam Manager, Prior to another bogus hearing on a REZONING & VARIANCE actions which are NOT done according to law.

070-0111-010-0000



Parcel Details | Layers | Measure | Search Results | Select Features | Zoom To X

TRASH PICKUP ▶

ANIMAL CARE ▶

FLOOD ZONE ▶

ZONING ▼

Zoning: HD - HISTORIC DISTRICT

LAND USE ▼

General Plan

PLANNING ACTIVITIES ▼

No planning activities are available for this parcel.

SUBDIVISION ▼

Assessor Land Use **ICEDFA**

Assessor's Property Description: N 74 FT LOTS 1 & 2 BLK 34 FOLSOM

Approx. Parcel Area: 7400 sq ft / 0.17 acres



PDF HFRA letter REZO....pdf ^

**INITIAL STUDY  
AND MITIGATED NEGATIVE DECLARATION  
FOR THE  
603 SUTTER STREET  
COMMERCIAL BUILDING PROJECT**



**CITY OF FOLSOM  
COMMUNITY DEVELOPMENT DEPARTMENT**

Prepared with the Technical Assistance of:  
Environmental Planning Partners, Inc.

JUNE 2020

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**PUBLIC RESOURCES CODE - PRC**  
**DIVISION 13. ENVIRONMENTAL QUALITY [21000 - 21189.57]**  
*( Division 13 added by Stats. 1970, Ch. 1433. )*

**CHAPTER 2.6. General [21080 - 21098]**  
*( Chapter 2.6 added by Stats. 1972, Ch. 1154. )*  
**21083.3.**

**(a) If a parcel has been zoned to accommodate a particular density** of development or has been designated in a community plan to accommodate a particular density of development and **an environmental impact report was certified for that zoning or planning action**, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.

"Certified" under California Subdivision Map Act means a Lic. CA Engineer has affixed his seal/signature to proposed Land Use Changes.



**Desmond Parrington**

**From:** Kathryn Corbett <stellarpass@comcast.net>  
**Sent:** Friday, August 21, 2020 11:00 AM  
**To:** Steven Banks  
**Subject:** FR: Kathryn Corbett Sent Draft on 18th Here is more intended for 603 Sutter St Mixed - Building Proposal for: Steve Banks - Head Planner

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

For Steve Banks Head Planner on this project:

Greetings Steve again, Upon just reading my communication on 603 Sutter St. realized I had sent you the draft by mistake! Which frankly I was doing the writing process whittling things down and figuring best where to use the word Drawings, which I felt important. I had walked out of the room went back and somehow sent the draft copy. If you can't do anything about this I will understand and you may have already passed along, I just altered it as I could not find the original final (I'm on my old computer which I actually like the old program better, though it's not always so responsive) In short here is the better version as recollected, Thank you for anything on this and again if you can't change fine the changes aren't too big I made but to me counted. I hope you have a nice weekend. Wanted to add again , If it is in a forum it can be read into the record too would appreciate, if not just a copy to the commissioners will be fine and again if it's a done deal already that I understand, Thanks! Kathryn Corbett

TO: Historic District Commissioners  
 FROM: Kathryn Corbett  
 RE: 603 Sutter ST. Mixed-Use Building

I ask that you please don't pass the 603 Mixed-use Building proposal till you have had time to review this more with drawings of the proposed alterations to this project. Visuals allow better interpretation of course and important particularly to this proposal. I know all of us concerned about this would feel better too see the drawings before you rendered a decision on this property and hope we might have the opportunity to respond, particularly as it is such a significant area on our Historic Sutter St. and to our Historic District Neighborhood and Community.

As far as Height Variance, Design and Parking, of which many voiced concerns have been expressed, the drawing visuals to the alternate offering would be helpful in understanding better how that would impact our HD Commercial Area and HD Neighborhood, the juxtaposition to the surrounding area is crucial for me and others to respond to this proposal in an informed manner to you and to the Applicant, which I hope we might get the opportunity.

We all know this is a very precious site. The outcome will be paramount to the quality of life for both the Neighborhood and the Commercial Area of our Historic District. While I

know the Applicant just recently put 2 zoom meetings together this last week notice, offering some adjustments to the original proposal, some of these offered changes proposed I went on a hunt for the drawings and hoped to find some with the alternate plans and found none, so conclude there is none. As far as experience in looking over plans, which I have some and when you have changes like this offered you really need some visuals to make it come to life. I hope this Proposal remains with HDC till those of us concerned can have an opportunity to respond with more clarity that having the drawings will offer.

The HD Neighborhood, Sutter St Area is in truth what prompted many of us to move here, including me, rightly called "Heart of our City"

I honor our Community Collective voice and the wisdom of HDC in this matter. As I understand part of the purpose and mission statement of the Historic District Commission: Is to ensure the protection of the historic and cultural character of the City's Historic District and I feel everything any applicant can put out to render you and those of us better capable of envisioning this Proposal will hopefully be on the table.

I and so many others have been a part of a huge Community effort over the years that have contributed to secure the Historic District as the unique gem and destination it is to live in or visit today, like so many others I've been involved in a multitude of ways, which has included a great deal of focus on our history and the HD Neighborhood including the commercial area, for so many of us whether we live in the Historic District or not this area represents why we moved here.

I can honestly say of the great multitude of meetings I've attended over the years none has been more of the singular topic as a point of contention as "Parking Problems" have in the HD be it the HD Neighborhood or HD Commercial Area. So I know we all hope parking gets extra special attention.

In Closing I love our Amazing City of Folsom and Community and the small town feel that brings us together, I hope we continue to strive to keep that on the front burner. I hope like so many something will come of this property that will compliment this significant area and truly merge with it in an esthetic way we can all appreciate.

Kathryn Corbett

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RECEIVED

AUG 19 2020

FOLSOM BUILDING

Public Record Comments: in re pn 2017-\_\_\_ 603 Sutter St.  
Laurette J. Laurent  
August 19, 2020

ONE This "HD Commission" as described in FMC Title 17 as a Sub-section to said Title has NO AUTHORITY to REZONE any PARCEL of land, nor any section of land, which puts it at Variance from Title 17 ZONING Zones, and Folsom ZONING MAP found at <https://www.folsom.ca.us/civicax/filebank/blobdload.aspx?blobid=34284> in an unnamed blobdload.aspx. Which is difficult to find as named.

TWO HD Committee [NOT A LEGAL Commission] has defined duties and responsibilities. They include Plan and Design Review for ADDITIONAL Requirements beyond those of Title 17 for each designated zone: such as Extra requirements for Commercial Zone when located in OVERLAY of HD. HD Overlay is a TOOL, NOT empowerment to IGNORE Title 17 Zoning Laws, nor ignore 17.62 the Title 17 VARIANCE STANDARDS and Findings of Fact – acceptable to a Court of Law.

THREE If HD committee believes it has the Right under California Enabling Legislation – the CA Government Code – to act as a Second and apart Variance-granting body – which can overrule 17.62 Law, they are incorrect. Not directing more than a Recommendation to City Council or Plan Commission which then recommends to City Council, you are ill-advised and violating state law. California does NOT provide for more than one single Zoning advisory council or Variance-granting group – which can IGNORE Title 17 laws.

FOUR In case of 603 Sutter St. IT IS NOT ZONED COMMERCIAL, for Commercial structures which are regulated in various other city laws to have Street Sizes, Access, Off-street Parking, Fire Access, First Responded access, etc.

FIVE In legal point of law: The Sacramento County RE Tax Assessor is correct in showing this PARCEL is NOT in any Planning process. It is still the historic RESIDENTIAL ZONE. If it were rezoned to Commercial, Assessor records would show this and the TAX Rate and Tax amount would be FAR HIGHER than just over \$100K. Unless citizens wish to cheat the Assessor by withholding information which a City Engineer [with CA Engineer License] MUST provide to Assessor for EACH REZONE by PARCEL NUMBER, and bearing his seal & signature, you need to recognize the current Assessor designation, which for this PARCEL is "Historic District."

SIX Of course there is no such ZONING Designation as Historic District – because it is an OVER LAY of MORE added design restrictions – NOT A Land Usage Zoning Designation with SPECIFIC Standards, Laws, and Processes. Again HD committee can ONLY recommend to Plan Commission, which then recommends officially to City Council.

SEVEN All California Government Codes stating who Regulates and ENFORCES all ZONING – via Legislation – have been supplied twice to Folsom City Clerk for this case. They are complete and accurate.

EIGHT If members of this advisory/recommendation group take Folsom Zoning Title 17 the Enforcement Obligations into their own hands, they are operating outside confines of law and can expect to be reported.

NINE Folsom has an obligation to change all Title 17 subsection which appear to claim an Advisory citizens group can be charged with the Legal Authority to make BINDING Land Use exceptions. Namely the inference a Second citizen group can legally GRANT Variances is totally illegal. Folsom city council has an obligation to review this faulty and not-permitted use of two separate exception to law granting bodies with respect to Variances.

TEN It is suggested city council investigate having a Zoning Board of Appeals created, with most members having a LAW LICENSE to Protect as they interpret these faulty Laws.



ELEVEN Clearly this city requires OUTSIDE Independent Counsel, not in-house lawyer who has proved his inability to ensure Legal Obedience upon this city.

TWELVE Only a CA Licensed Attorney with Experience should be Chair of the Plan Commission, to ensure proper Compliance and Scrutiny. Make such egregious errors repeatedly in the future and those disregard California Enforcement Laws will be reported.

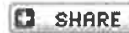
THIRTEEN Read and memorize your legal duties and LIMITATIONS. Do not believe all you are told. Get a Licensed California Engineer back into this legal process. California Sub Division Map Act mandates Engineer Seal & Signature to ensure Land Usage and Subdivision COMPLIANCE. Some of us have overseen thousand of Subdivisions of land PARCELS and know the laws.

<https://www.codepublishing.com/CA/Folsom/#!/Folsom17/Folsom1752.html#17.52.020>

### **17.52.120 Duties of the historic district commission.**

The historic district commission shall have the following duties and responsibilities:

- A. Oversee the implementation of the provisions of this chapter;
- B. Develop and recommend design guidelines to the city council for the historic district;
- C. Prepare and maintain a survey of the historic structures within the historic district;
- D. Provide assistance to residents, property owners and business owners in relation to the provisions of this chapter;
- E. Provide advisory review, upon the request of another city commission, committee, any city department, or as directed by the city council, of projects or programs affecting or relating to the historic district;



- F. Recommend to the city council amendments to adopted city plans or codes in the interest of furthering the purposes of this chapter;
- G. Review the design and architecture of any new structure, or alteration to any existing structures within the historic district, as further defined in this chapter;
- H. Determine the historical significance of structures as further defined in this chapter;
- I. Review applications for sign permits, conditional use permits, variances, land divisions and mergers within the historic district;
- J. Make recommendations to the city council regarding programs and incentives to encourage and to support the preservation, maintenance, and rehabilitation of historic structures; and
- K. Carry out such other duties relating to the historic district as may be assigned by the city council. (Rd. 890 § 2 (part), 1998)

### **17.52.300 Design review.**

The historic district commission shall have final authority relating to the design and architecture of the following structures within the historic district boundaries:

- A. All new office, industrial, commercial and residential structures; and
- B. All exterior renovations, remodeling, modification or addition to existing structures. (Rd. 890 § 2 (part), 1998)

### **17.52.310 Design review submitter requirements.**

The applicant shall file the following information with the planning, inspections and permitting director for design review by the historic district commission:

- A. Completed and signed application form including name, address and telephone number of the applicant;
- B. Application fee as established by resolution of the city council;
- C. A copy of all entitlements granted for the property by the city, including conditions of approval and the environmental documentation;
- D. A copy of all required state and federal permits;
- E. Site plan;
- F. Building design plans;
- G. Material samples and color board; and

H. Other material and information as requested by the commission. (Ord. 890 § 2 (part), 1998)

### **17.52.320 Posting of site.**

Upon application for design review of a project by the historic district commission, the project site shall be posted by the applicant 5 days prior to the commission hearing, with a notice 11 inches by 17 inches in size, facing the street frontage, and indicating the project description and the place and time of the hearing. (Ord. 890 § 2 (part), 1998)

### **17.52.330 Plan evaluation.**

In reviewing projects, the historic district commission shall consider the following criteria:

- A. Project compliance with the General Plan and any applicable zoning ordinances;
- B. Conformance with any city-wide design guidelines and historic district design and development guidelines adopted by the city council;
- C. Conformance with any project-specific design standards approved through the planned development permit process or similar review process; and
- D. Compatibility of building materials, textures and colors with surrounding development and consistency with the general design theme of the neighborhood. (Ord. 890 § 2 (part), 1998)

### **17.52.340 Approval process.**

The historic district commission shall make its decision to approve, conditionally approve or deny the application with findings based on the criteria established in Section [17.52.330](#) of this chapter. A copy of the decision, findings and any applicable conditions shall be provided in writing to the applicant. (Ord. 890 § 2 (part), 1998)

### **17.52.350 Expiration and extension of approval.**

- A. An approval by the historic district commission shall be null and void unless the applicant submits a complete application for a building permit within one year from the date of approval.
- B. The historic district commission may extend an approval for an additional 1 year upon receipt of a written request accompanied by a fee, as may be established by resolution of the city council, and other information deemed necessary by the director of the department of planning, inspections and permitting. Requests for approval extension must be received 60 days prior to the expiration of the original approval. (Ord. 890 § 2 (part), 1998)

### **17.52.360 Conditional use permit review.**

- A. The historic district commission shall have final authority relating to the issuance of conditional use permits for any of the uses or purposes for which such permits are required or permitted by the terms of this title, within the boundaries of the historic district.
- B. In acting upon applications for conditional use permits, the historic district commission shall adhere to the procedural requirements set forth in Chapter [17.60](#), except for matters of appeal, which shall be governed by this chapter. (Ord. 890 § 2 (part), 1998)

### **17.52.370 Variance review.**

- A. The historic district commission shall have final authority relating to application for variances from any of the provisions of this title, within the boundaries of the historic district.
- B. In acting upon applications for variances, the historic district commission shall adhere to the procedural requirements set forth in Chapter 17.62, except for matters of appeal, which shall be governed by this chapter. (Ord. 890 § 2 (part), 1998)

### **17.52.380 Sign permit review.**

- A. The historic district commission shall have final authority relating to the issuance of sign permits for any signs for which such permits are required by this title, within the boundaries of the historic district.
- B. The provisions of Chapter 17.59 are applicable in the historic district as modified in this chapter and any adopted design and development guidelines. In acting upon applications for sign permits, the historic district commission shall adhere to the procedural requirements set forth in Chapter 17.59, except for matters of appeal, which shall be governed by this chapter. (Ord. 890 § 2 (part), 1998)

### **17.52.390 Environmental review.**

Review by the historic district commission of applications for conditional use permits, sign permits, variances and design review is subject to the requirements of the California Environmental Quality Act (CEQA). The commission is authorized to hold public hearings on negative declarations, mitigated negative declarations, draft environmental impact reports and final environmental impact reports prepared on applications for the above permits or for design review. The commission shall not approve applications prior to considering the applicable environmental document and complying with the requirements of CEQA and any city procedures for preparation and processing of environmental documents. (Ord. 890 § 2 (part), 1998)

### **17.52.393 Review of land divisions and mergers.**

Review of land divisions and mergers shall be subject to the requirements of the California Subdivision Map Act (Government Code section 66410 et seq.) and Title 16 of the Folsom Municipal Code. (Ord. 890 § 2 (part), 1998)

### **17.52.395 Delegation of design review.**

The historic district commission may delegate its authority to review compliance with this chapter and any adopted design and development guidelines to the planning, inspections and permitting department under the following conditions:

- A. The city council has adopted specific design and development guidelines for the historic district; and
- B. Approval of the design of the project is the only matter within the jurisdiction of the historic district commission; and



C. The posting of notice required in Section 17.52.320 will consist of notice of the project, where a person can review documents concerning the project and the right to request a public hearing concerning the project by a date certain, which date will not be less than five days from the date the notice is posted. If a person requests a public hearing within the time allotted, the matter will be referred to the historic district commission for review; and

D. The planning, inspections and permitting department may only approve a project where it believes that the project clearly conforms to standards set forth in this chapter and the design and development guidelines. If the planning, inspections and permitting department determines that the project does not clearly conform to such regulations, approval of the design of the project shall be referred to the historic district commission; and

E. The planning, inspections and permitting department shall review the design of all approved projects with the historic district commission at its regular monthly meeting. Such review will allow the commission to provide input to the department concerning the appropriateness of the approvals and help the commission and the department develop a consistent approach to design review; and

F. If the planning, inspections and permitting department approves the design of a project under such delegated authority, the historic district commission may not overturn the decision of the planning, inspections and permitting department unless an appeal has been filed pursuant to Section 17.52.700. (Ord. 890 § 2 (part), 1998)

## **17.52.400 Design standards.**

A. The design standards specified in Sections 17.52.410 through 17.52.590 shall be applicable to all new structures and alterations to existing structures within the historic district. Design review is required for all new structures and alterations to existing structures, unless otherwise specified in this chapter.

B. The city council may also enact design and development guidelines applicable to properties within the H-D zone. The design and development guidelines shall provide guidance to the historic district commission and the director of the planning, inspections and permitting as to the intent of the city council in carrying out the provisions of this chapter. The city council shall adopt the design and development guidelines by resolution, and may amend the design and development guidelines by resolution. The director of planning, inspections and permitting and the city clerk shall maintain a copy of the design and development Guidelines for the public's review. In the event of a conflict between the design and development guidelines and the provisions of this chapter, the provisions of this chapter shall govern.

C. In the event of a conflict between the design standards in this chapter and any other standards in this title, the provisions of this chapter shall govern.

D. Exceptions to the design standards stated herein or in any subsequently adopted design and development guidelines may be permitted by the historic district commission when unique individual circumstances require the exception in order to comply with the purposes of this chapter or when necessary to allow for historical reconstruction of a previously existing structure or feature. (Ord. 890 § 2 (part), 1998)

**17.52.410 Eaves.**

Roof overhangs may extend into a required setback area a maximum of 2 feet, but shall not be closer than 3 feet to a property line or closer than 6 feet to any portion of another structure. (Ord. 890 § 2 (part), 1998)

**17.52.420 Architectural features.**

Fireplaces, bay windows, attached porches and decks and patios higher than 30 inches above grade, may extend into a required setback area a maximum of 2 feet, but shall not be closer than 3 feet to a property line or closer than 6 feet to any portion of another structure. The combined length of all such features shall not account for more than 25 percent of the length of the wall surface on which the features are located. (Ord. 890 § 2 (part), 1998)

**17.52.430 Decks.**

Except as may be permitted by Section [17.52.420](#) of this chapter, attached or detached decks or patios 30 inches above grade or higher shall adhere to the setback standards for structures. (Ord. 890 § 2 (part), 1998)

**17.52.440 Fences.**

Fence height in front yards shall not exceed 42 inches in height. Rear and side yard fencing shall not exceed 6 feet in height. (Ord. 890 § 2 (part), 1998)

**17.52.450 Landscape features.**

Patio trellis covers, fountains, statuary, and similar yard structures shall be set back a minimum of 3 feet from property lines. If the property line abuts a street or alley right-of-way, no setback is required. (Ord. 890 § 2 (part), 1998)

**17.52.460 Play equipment.**

Play equipment such as jungle gyms, tree houses, sports courts, basketball standards, and other similar equipment shall be set back a minimum of 5 feet from property lines. Play equipment smaller than 120 square feet or below fence height is not subject to design review. (Ord. 890 § 2 (part), 1998)

**17.52.470 Swimming pools and spas.**

Any pools, spas, or ponds to be installed in public view are subject to design review. Pools, spas or ponds shall be constructed in accordance with the provisions of Chapter [14.28](#). (Ord. 890 § 2 (part), 1998)

**17.52.480 Accessory structures.**

For the purposes of this chapter, an accessory structure is any freestanding roofed structure located on a parcel on which another larger structure (main structure) has been constructed. Accessory structures shall be setback 20 feet from the front property line of the main structure, 5 feet from any other property line, and 6 feet from all other structures on the property. An

accessory structure shall not be larger than the main structure in square footage or height. Design review is not required for accessory structures smaller than 60 square feet or which are below required fence height. (Ord. 890 § 2 (part), 1998)



### **17.52.490 Accessory dwelling units.**

Accessory dwelling units shall comply with the standards set forth in Chapter 17.105. (Ord. 1306 § 2, 2020; Ord. 890 § 2 (part), 1998)

### **17.52.500 Second units.**

For the purposes of this chapter, second units shall be referred to as accessory dwelling units and shall comply with the standards set forth in Chapter 17.105. In addition, accessory dwelling units larger than eight hundred square feet or taller than sixteen feet must comply with the design standards set forth in Section 17.105.150 (All zones—Design standards) and Section 17.105.160 (Historic district zones—Design standards), as applicable. (Ord. 1306 § 3, 2020; Ord. 890 § 2 (part), 1998)

### **17.52.510 Sutter street subarea special use and design standards.**

#### A. Permitted Uses.

1. Retail, service, public/quasi-public and office uses permitted in Folsom's modern central business district (C-2 zone) are permitted, with the following exceptions and limitations:
  - a. Uses not in scale with a small downtown, such as large discount stores and supermarkets, are not permitted.
  - b. Uses which are so intrinsically modern that they cannot be successfully integrated, through design, into the plan's historic time frame, such as non-antique auto sales with outdoor display, are not permitted.
  - c. Uses which would require a conditional use permit from the planning commission in the modern central business district (C-2 zone) require a conditional use permit from the historic district commission in this subarea.
2. Small light industrial uses are permitted, with the following exceptions and limitations:
  - a. All industrial uses require a conditional use permit approved by the historic district commission.
  - b. Industrial uses which were or could have been present in Folsom between 1850 and 1950 may apply for a conditional use permit (a blacksmith shop, for example).
  - c. Modern industrial uses which typify the American entrepreneurial spirit of 1850 through 1950 may receive a conditional use permit if they can be successfully integrated into the plan's historic time frame (a small research and development facility, for example).
3. Residential uses are permitted, with the following exceptions and limitations:
  - a. Street-level frontage space is intended for retail and other commercial use and is generally not appropriate for residential use.
  - b. In assessing compatibility between residential and commercial uses, a residential use located within this subarea will be expected to tolerate greater impacts from commercial uses

than if it were located in a primarily residential area. Commercial and residential uses may each be expected to make reasonable physical or operational modifications to improve compatibility between them.

c. An upstairs or accessory apartment is best suited as a residence for caretakers, owners, or employees of the downstairs or primary business use but is not so limited.

d. A conditional use permit is required in order for the primary use of a structure in this subarea to be residential.

e. A use is defined as residential for purposes of this section if persons reside there for extended periods, as opposed to short-term stays typical of hotels or bed and breakfast inns.

f. A conditional use permit is required for a commercial or residential project containing three or more dwelling units.

4. A conditional use permit may be granted by the historic district commission to allow uses similar to and compatible with the permitted uses and intent of this subarea.

5. Since many of the structures in this subarea cannot be modified to meet all the city's current building and fire safety standards, including the historical building code, without the loss of their historical value, some uses which would otherwise be permitted may be denied on the basis of maintaining safety at an acceptable level.

B. Design Concept. The design concept for this subarea is to preserve existing pre1900 buildings, and require new or replacement structures to be of a pre1900 design, unless a post-1900 building is unique and/or representative of 1850-1950 architectural styles. The historic district commission may approve new construction of post-1900 design, on an exception basis, if it finds that the architecture is an outstanding design which represents a structure or use which formerly existed in historic Folsom or which represents a typical design and use extant in similar California towns between 1900 and 1950.

C. Height. Building heights shall not exceed 35 feet adjacent to the sidewalk area on Sutter or Leidesdorff Street and 50 feet in other sections of the subarea. Towers, spires, or other similar architectural features may extend up to 15 feet above the building height.

D. Setbacks. Contiguous shops on Sutter Street frontage shall maintain continuity of facades along public sidewalk.

E. Signs.

1. Each business whose entry door is located in the building frontage is permitted 1 wall or window sign. A business whose entry is located within an internal mall or corridor may utilize a nameplate incorporated in a wall sign for the entire building. The length of a wall sign may not exceed 75 percent of the shop's frontage. The total of all window signage may not cover more than 25 percent of the window. Wall signs shall be designed and installed with minimal space between the planes of the wall and of the sign. Businesses with frontage on more than one street and/or public parking lot may place a wall or window sign on each frontage, with subsequent signs to be no larger than half the size specified for the first sign and subject to the other requirements of the first sign.

2. Signs are permitted to be hung under a canopy, but shall not exceed 3 square feet in size with a minimum of 8 feet clearance from the sidewalk in addition to any permitted wall or window signs. Businesses without a canopy may utilize a projecting sign of the same size and

clearance for this purpose. The historic district commission may approve an increase in the size of the under-canopy or projecting sign in exchange for a reduction in size of the wall or window sign.

3. Signs exempt in Chapter 17.59 are exempt in this subarea except as follows:
  - a. On-site directional signs are not exempt unless 2 square feet or smaller and, if freestanding, no higher than 2 feet, including base;
  - b. Exempt real-estate signs do not require a setback from public right-of-way; and
  - c. Window or door signs 1 square foot in size or larger and under-canopy signs are not exempt. Window or door signs smaller than 1 square foot are exempt but subject to the overall requirement regarding window coverage.
4. In addition to those signs prohibited in Chapter 17.59, the following signs are prohibited in this subarea:
  - a. Neon;
  - b. Internally illuminated;
  - c. Backlit canopies; and
  - d. Corporate flags.
5. Freestanding signs are not permitted, unless the historic district commission determines that the exclusive use of wall signage at a particular location is ineffective. The historic district commission may require a reduction in the amount of wall signage otherwise allowed to compensate for the use of a freestanding sign.
6. Buildings with multiple tenants shall be required to submit a uniform signage program (USP) for historic district commission approval. After a USP is approved, tenant sign permits shall be reviewed and approved by the planning, inspections and permitting director.
- F. Parking. All uses must provide parking spaces at the following ratios:
  1. Retail, offices, restaurants, museums, and similar uses: 1 parking space per 350 square feet of building space;
  2. Hotels, motels, guesthouses: 1 parking space per guest room plus one parking space per 350 square feet of other building space; and
  3. Dwelling units: 1 parking space per dwelling unit; two parking spaces for dwelling unit if building square footage is greater than 600 square feet. (Ord. 890 § 2 (part), 1998)

**NOTE:** City Council and city manager, clerk, lawyer, planning dept. have all been emailed this week with Citations in law. Please ask them to distribute them to you as I requested.



**Desmond Parrington**

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**From:** Kathryn Corbett <stellarpass@comcast.net>  
**Sent:** Tuesday, August 4, 2020 1:54 PM  
**To:** Steven Banks  
**Subject:** RE: 603 Sutter Street Mixed Use Building FR: Kathryn Corbett

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Steve!

Happy about the time extension!! This gives me time to to be contacting more folks, that want to comment and weigh in on this as well. What a saving grace too that I will have time to write something better! I was rushed last night late and know I'm capable of more meaningful and grammatically correct input, it too is fine if you sent this other email along. I had written Robert Long, info for her to comment and she sent me a copy of her letter, I hope the Commission folks got it or you, if not let me know and I will forward it, really it is outstanding.

Appreciate you got back to me on this. Thanks for all you do, Kathryn

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**From:** Steven Banks [mailto:sbanks@folsom.ca.us]  
**Sent:** Tuesday, August 04, 2020 8:11 AM  
**To:** Kathryn Corbett  
**Subject:** RE: 603 Sutter Street Mixed Use Building

Thank you for your comments Kathryn, I will forward them to the Commission. I also wanted to let you know that the project will not be heard by the Commission on August 5<sup>th</sup>, it has been continued to August 19<sup>th</sup> to provide more time for residents to comment.

Best regards,

Steve

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**From:** Kathryn Corbett <stellarpass@comcast.net>  
**Sent:** Monday, August 3, 2020 11:36 PM  
**To:** Steven Banks <sbanks@folsom.ca.us>  
**Subject:** RE: 603 Sutter Street Mixed Use Building

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kathryn Corbett  
Folsom, CA. 95630  
916.353.0556

Greetings Steve,

While formerly involved and happy to engage with our great City of Folsom and City Council on many fronts, these days I've slowed almost to a standstill on City involvement with current events and the dreaded COVID on the loose, like many other folks I find myself on self imposed lock-down . However, I have been inspired to speak out and come out of the wood work on this Building proposal for 603 Sutter St., like so many others I know.

Why would this issue galvanize so many and myself to action and prompt us to call, write or speak against this project and building proposal? I'm certain lots of folks will be present for this meeting and you will receive many letters and calls. For so many of us whether we live in the Historic District or not this area represents why we moved here, it stands for the quality of life we have come to find here. This proposed building location is part of a community area that is near and dear too many, an area often referred as the heart of our City. This HD Neighborhood and Sutter Street location has great historical and community significance to most all of us that live in Folsom (and beyond.) Many of us have over the years been inspired to contribute to the HD Sutter St area in a multitude of ways and Celebrate here for many big occasions. For those of us who care about the Heart of Folsom and the quality of life in the Historic District Neighborhood we are concerned about this oversized proposed building which would be a blight to the area, it's problematic as to Parking for both the HD Neighborhood and the Sutter St area. Which we all know is a constant ongoing issue. The proposed design doesn't mesh with the charming ambience and aesthetics we love in the HD Sutter St or Neighborhood and exceeds the Historic District height standard and more.

It is hard to fathom why the previous similar plans for this site 2 years ago with the same architect is being presented again with this very like design. It was denied largely for the very objectionable negative design features that are now still present and resubmitted!

I hope the developer will be able to work with the HD Community and Neighborhood and see what it is we all love about the heart of our City of Folsom and build something that is accordance with this. That would be a true success, Kathryn Corbett

## Desmond Parrington

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**From:** Melissa Pruden <melissa.pruden@gmail.com>  
**Sent:** Tuesday, August 4, 2020 11:49 AM  
**To:** Kelly Mullett; Steven Banks  
**Subject:** 603 Sutter St. Development

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm firmly against the size of the current proposed development at 603 Sutter Street and I'm requesting to attend the August 19th Historic District Commission meeting virtually. I look forward to receiving meeting access information from you.

Thank you,

Melissa Pruden

173 Berry Creek Dr, Folsom, CA 95630

# **Attachment 22**

## **Site Photographs**





SUTTER ST

NO  
PARKING  
EXCEPT  
AS SHOWN

GREEN SIGN





FOLSOM  
HISTORIC  
DISTRICT

SCOTT ST

FOLSOM  
HISTORIC  
DISTRICT

FOLSOM  
HISTORIC  
DISTRICT

STOP













NO  
PARKING  
HERE TO  
CORNER

NO  
PARKING  
FRI & SAT  
APR. TO MIDDNIGHT  
EXCEPT BY  
PERMIT

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STOP

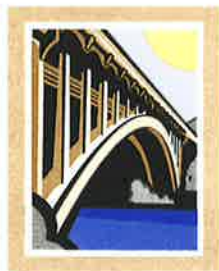






## **Attachment 23**

# **City Response Letter to Public Comments Dated August 30, 2023**



CITY OF  
**FOLSOM**  
 DISTINCTIVE BY NATURE

August 30, 2023

Good afternoon Bob:

Thank you for taking the time express your thoughts regarding the proposed 603 Sutter Street Mixed-Use project which is scheduled to be heard by the Historic District Commission at their regularly scheduled meeting on September 6<sup>th</sup>. Please see City staff's responses to your comments and questions below.

1. Comment No. 1

The proposed project does not provide any handicapped parking spaces as required by the Folsom Municipal Code (FMC, Section 17.57.060) and by Government Code Section 65863.2(f) associated with Assembly Bill 2097.

City Staff Response to Comment No. 1

As described in the Project Narrative and as shown on the updated Preliminary Grading and Drainage Plan and the Preliminary Utility Plan, the applicant is proposing to provide one handicapped parking space on Sutter Street in front of the proposed building. The proposed handicapped parking space is in substantial compliance with the City's requirement for handicapped parking spaces, particularly given the fact that the City cannot require the applicant to construct new parking facilities pursuant to AB 2097. The proposed handicapped parking space would also be located closer to the proposed building than any potential off-site handicapped parking space.

2. Comment No. 2

The proposed project should be continued until the Applicant has provided all required submittal materials.

City Staff Response to Comment No. 2

City staff has determined that the applicant has submitted all of the necessary materials for the project to be properly evaluated by the City and by the Historic District Commission.

3. Comment No. 3

Please provide a copy of the updated City of Folsom Cultural Resources Inventory List and any documentation or analysis that went into updating the Cultural Resource Inventory List.

City Staff Response to Comment No. 3

On November 5, 1998, the City Council approved the ‘Historic Preservation Master Plan.’ This document established goals and objectives for historic preservation within the City of Folsom and identified a process for the listing of additional locally significant historic sites and structures. Since 1998, the Historic District Commission has approved a number of nominations for historic sites and structures to be added to the Cultural Resource Inventory List. On July 20, 2022, the City Council added Folsom Prison to the City’s Cultural Resource Inventory List. That has been the only change to the inventory since 2007. Please find the attached copy of the original Cultural Resource Inventory List and the updated Cultural Resource Inventory List.

4. Comment No. 4

Please provide documentation of the third party (Page & Turnbull) independent review of the building design or confirm that the third party review referenced by Planning Partners in their “Categorical Exemption Supplement Analysis” is concerning the current building design and not a prior building design.

City Staff Response to Comment No. 4

On March 24, 2021, Page & Turnbull prepared a Project Analysis Memorandum for the purpose of evaluating the architecture and design compatibility of the proposed project relative to the architecture and design of other commercial buildings within the Sutter Street Subarea and also relative to historic resources in the immediate project area. On August 25, 2023, Page & Turnbull prepared a supplemental Project Analysis Memorandum to confirm that subsequent minor modifications made to the proposed building would not alter their original conclusions. These two documents are available on the City’s website at:

**<https://www.folsom.ca.us/government/community-development/planning-services/current-project-information>**.

5. Comment No. 5

Please provide a copy of the non-privileged portions of the records search of the North Central Information Center (NCIC) database of historic and cultural resources.

City Staff Response to Comment No. 5

A Cultural Resources Study prepared by LSA Associates was submitted by the applicant to the City in March of 2017. The Study indicated that a search of the North Central Information Center (NCIC) database at Sacramento State University was conducted for the project and that no historic or cultural resources were identified on the project site. A copy of the Cultural Resource Study and all associated documentation (without redaction) is available on the City’s website at:

**<https://www.folsom.ca.us/government/community-development/planning-services/current-project-information>**.

6. Comment No. 6

A determination that the proposed building doesn’t exceed the maximum allowable height of 35 feet is clearly contradicted by evidence in the submitted drawings that show the proposed building height does exceed the maximum allowable building height of 35 feet. Therefore, the project as proposed requires a height variance or the project needs to be redesigned to lower it to be below the maximum allowable height.

City Staff Response to Comment No. 6

City staff reviewed the submitted building elevations with the project applicant and identified an error in the drawings with respect to some of the building elevation lines. The applicant resubmitted the corrected building elevation plans, which City staff reviewed and determined that the project does not in fact exceed the maximum allowable building height of 35 feet. Specifically, the northeast and northwest corners of the building adjacent to Sutter Street are 34 feet 6 inches in height, while the southeast corner of the building is 16 feet 3 inches in height and the southwest corner of the building is 19 feet 6 inches in height. Typically, when development is proposed on sloped lots within the City, an average of the four building corner heights will be taken to calculate the ultimate height of the building for the purpose of determining whether the building conforms to the maximum allowable height. In this particular case, City staff determined that the average height of the proposed building is 26 feet 4 inches. With regard to the issue of height and the parapet, please refer to staff's response to Comment No. 10 on the following page.

7. Comment No. 7

A Draft CEQA Initial Study was previously prepared for various iterations of the project which would have allowed significant public involvement and disclosure as well as more informed decision making regarding the proposed project. Instead of updating the previous CEQA Initial Study, the Planning Partners document (CEQA Categorical Exemption Analysis) was prepared for the sole purpose of making an argument for why the City can claim that the project is exempt from CEQA.

City Staff Response to Comment No. 7

The appropriate environmental document for the original project and subsequent iterations of the original project was an Initial Study and Mitigated Negative Declaration due to the fact that the project was not consistent with all required zoning regulations in that the project required approval of a Height Variance and a Parking Variance, thus it was not eligible for a CEQA Categorical Exemption. The proposed project does not require approval of a Height Variance as the applicant reduced the height and scale of the building. The proposed project does not require a Parking Variance as Assembly Bill 2097 (Government Code Section 65863.2 et seq.) now prohibits public agencies (City of Folsom) from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of a major transit stop. The Historic District Commission light rail station meets the definition of a major transit stop. Based on these factors, the applicant requested that the City consider utilizing a Categorical Exemption (CEQA In-Fill Exemption-15332) for the proposed project. In response, the City retained a third-party environmental consultant (Planning Partners) to evaluate whether the proposed project qualified for the CEQA In-Fill Exemption. In August, Planning Partners released a CEQA Categorical Exemption Analysis which determined that the proposed project does meet all of the technical requirements to be eligible to utilize the CEQA In-Fill Exemption Analysis and that none of the potential exceptions to use of a categorical exemption apply in this case. The City also retained CEQA-specialized outside legal counsel to review the proposed exemption and associated analysis to be sure that it was appropriate for the proposed project.



8. Comment No. 8

The City circulated a revised public meeting notice for the September 6, 2023 Historic District Commission meeting which eliminated the ability of “any interested party” to appeal a Historic District Commission decision to the City Council, and now specifies that an appeal can only be filed by a person whose property rights are affected. The language in the revised public notice substantially restricts standing to appeal a Historic District Commission decision to the City Council.

City Staff Response to Comment No. 8

The original public meeting notice for the 603 Sutter Street Mixed-Use project stated that “An appeal to the City Council from any action of the Historic District Commission may be brought by any interested party within ten (10) days of the Public Meeting date”. As you pointed out in an email to City Council and City staff on August 21, 2023, this specific language in the original public meeting notice is not consistent with legal requirements for an appeal in the Historic District, as stated in the Folsom Municipal Code (FMC, Section 17.52.700 Appeal). As a result, City staff provided the public with a revised public meeting notice consistent with the legal requirements of the Folsom Municipal Code, which states that “If a permit applicant, permittee, or other person whose property rights may be affected is dissatisfied with any determination made by the Historic District Commission, such person(s) may appeal to the City Council. Any such appeal shall be in writing, shall state the specific reason for the appeal and grounds asserted for relief, and shall be filed with the Community Development Director within ten (10) days of the Public Meeting date.”

9. Comment No. 9

The proposed project is not consistent with the objective standards established by the Folsom Municipal Code. Specifically, the project does not comply with the requirements of FMC 17.52.420 which states that architectural features (fireplaces, bay windows, attached porches and decks and patios) higher than 30 inches above grade may extend into a required setback area a maximum of 2 feet, but shall not be closer than 3 feet to a property line or closer than 6 feet to any portion of another structure. The project fails to comply with this objective standard in that the proposed second floor balcony along Sutter Street extends 5 feet 1 inch over the property line.

City Staff Response to Comment No. 9

The Historic District Design and Development Guidelines (DDG’s Section B.6 Walkway Coverings in the Sutter Street Subarea) state that the intent of walkway coverings in the Sutter Street Subarea is to create a pleasing pedestrian environment and Subarea continuity. The DDG’s state that walkway coverings are traditional to the Sutter Street Subarea and are intended to protect shoppers and window displays from sunlight and inclement weather. The DDG’s also state that new construction on Sutter Street shall provide a walkway covering over the sidewalk. Lastly, the DDG’s state that with an encroachment permit, sidewalk canopies and awnings in the Sutter Street Subarea are allowed to project a maximum of 9 feet 6 inches beyond the property line with a minimum of eight feet of clearance to the sidewalk. As shown on the submitted development plans, the second story canopies and balconies associated with the proposed project extend beyond the property line approximately 5 feet 1 inch, and have more than 8 feet of clearance to the sidewalk, all of which is consistent with the requirements of the DDG’s.

Folsom Municipal Code section 17.52.400 explains that while normally the standards in the FMC control when they conflict with the guidelines in the DDGs, exceptions to the FMC design standards may be permitted by the Historic District Commission when unique individual circumstances require the exception in order to comply with the purpose of this chapter. In this case, the general rule requiring architectural features not to be closer than 3 feet to a property line applies throughout the Historic District and does not take into account the specific features of Sutter Street. The DDG guideline allowing walkway coverings in the Sutter Street Subarea to project up to 9 feet 6 inches beyond the property line is specifically tailored to the project location and expresses the clear intent of the City Council on this issue. City staff determined that an exception to the design standards stated in FMC 17.52.420 would be appropriate in order to comply with the purpose of Chapter 17.52, as specifically expressed in DDGs Section B.6. The Historic District Commission will consider whether to permit the exception as a part of its review of the proposed project.

#### 10. Comment No. 10

The proposed project is not consistent with the objective standards established by the Folsom Municipal Code. Specifically, the project does not comply with the requirements of FMC 17.52.510 which states that building heights shall not exceed 35 feet adjacent to the side area on Sutter Street. According to the submitted drawings, the proposed roof level would extend above 35 feet on the northwest corner of the third floor and the proposed parapet wall would extend as much as 4 feet above the maximum allowable height as illustrated in the drawings. Further, the FMC Section 17.52.510(C) height provision pertains to “building height” not “roof height.” The parapet walls are not towers or spires, and are not similar to towers or spires, they are part of the building and are subject to the height limitation.

#### City Staff Response to Comment No. 10

As shown on the submitted building elevations, the project does not in fact exceed the maximum allowable building height of 35 feet. Specifically, the northeast and northwest corners of the building adjacent to Sutter Street are 34 feet 6 inches in height, while the southeast corner of the building is 16 feet 3 inches in height and the southwest corner of the building is 19 feet 6 inches in height. In addition, the average height of the proposed building is 26 feet 4 inches. It is worth noting that portions of the building are sunken into the site, so that at the sidewalk at the northeast corner of Sutter Street and Scott Street, the building will only be 29 feet 1 inch in height. The parapet located above the third story of the building extends up to 39 feet, 4 feet above the maximum height limit of 35 feet established for the Sutter Street Subarea. The Folsom Municipal Code (FMC, Section 17.52.510(C)) states that towers, spires, or other similar architectural features may extend up to 15 feet above the maximum building height of 35 feet. City staff has determined that the parapet wall associated with the proposed building is an architectural feature. City staff has also previously made the determination that parapet walls associated with recently developed projects along Sutter Street (Sutter Court Mixed-Use Building at 905/915 Sutter Street) are considered architectural features.

#### 11. Comment No. 11

I am concerned about construction vibration impacts on the historic library building and its unique cobble-surfaced retaining wall fronting Sutter Street. Planning Partners' discussion of potential vibration impacts is obviously mistaken in stating, “[t]he vibration levels depicted in Table 6 are representative of measurements at a distance of 25 feet from the equipment source, which

represents the approximate distances to the nearest existing structure to the project site." In reviewing project drawings, I do not see the specific distance identified between the proposed excavation and the adjacent historic library building and its unique cobble-surfaced retaining wall. However, it is obvious that the distance between the project excavation areas and the historic library building is much less than 25 feet and more on the order of 5 feet or less.

#### City Staff Response to Comment No. 11

The potential for noticeable or disruptive vibration is based on multiple factors: the distance from the source to the receiver; the nature or magnitude of the source; and the length of source operations. With regard to distance, project-related grading is located approximately 10 feet from the former library building to the west and more than 25 feet to a single-family residence located to the south at 306 Scott Street. Two types of operations could be expected to result in the potential for vibration at the project site. These are the removal of soil, and the removal of bedrock. The machinery and techniques used to remove bedrock would be more likely to have the potential for vibration than those used for the removal of soil. Removal of bedrock and soils would not be equal across the project site. As illustrated in Figures 9 and 10 (Building Sections 1, 2, 3, and 4) of the submitted plans, the depth to bedrock is varied, as is the depth of the over-covering soil. Several features of the proposed building were designed to reduce the need to remove bedrock. These include limiting the depth into the hilly site of the first floor to approximately the front 1/2 of the site (See Building Sections 1 and 2); and designing the second floor to avoid or limit the amount of bedrock to be removed (See Building Sections 3 and 4). In the vicinity of the former library building, very little bedrock would be removed. The majority of the removal would occur near the Scott Street frontage (See Building Sections 1 and 3). Similarly, the amount of soil removal would be the least in the vicinity of the former library building (See Building Sections 1 and 3). This would result in the less frequent use of the largest or strongest equipment near the former library building, thereby limiting the magnitude of vibrations in that area.

#### 12. Comment No. 12

The applicant's rights, or lack thereof, to destroy/damage protected trees that are on City property and the findings that the HDC would need to make to allow the destruction of these two protected oak trees on City property, in particular, the required finding that, "use of the property consistent with the Zoning Code cannot be made unless the Protected Tree is removed and there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code."

#### City Staff Response to Comment 12

The applicant is developing the property consistent with what is allowed under the Zoning Code and as part of the project he is required to construct sidewalks. The grading of the site and the construction of the sidewalks will result in the removal of the protected trees both on the site and on City property. As a result, the applicant is required to plant street trees per FMC Section 12.16.190 and, if the project is approved, prior to construction the applicant will also be required to obtain a tree removal permit. As part of review of the tree removal permit application, the City Arborist will determine the type and amount of mitigation consistent with FMC Section 12.16.150. FMC Section 12.16.080(B) in combination with the definition of "Approving Authority" in FMC Section 12.16.020 gives approval authority to the City Arborist for the removal of trees, not the Historic District Commission. It is the City Arborist that makes the findings prior to granting the permit.

Best regards,



Steve

Steven Banks  
Principal Planner  
City of Folsom  
(916) 461-6207  
[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)

## CITY OF FOLSOM CULTURAL RESOURCES INVENTORY

### ETHNOGRAPHIC FEATURES - NATIVE AMERICAN

- PN05-004; Four Bedrocks with Fifteen Mortars**  
511 Golf Links Drive (in Nisenan Park)  
Sites 441 and 450 in California Register of Historical Resources  
Included with the Preliminary Cultural Resources Inventory on November 5, 1998  
Listed by the Historic District Commission on June 7, 2006
- PN07-436; Three Bedrocks with Twenty Mortars and Two Cupules**  
7000 Baldwin Dam Road (Hinkle Creek Nature Area)  
Listed by the Historic District Commission on January 2, 2008

### HISTORICAL BUILDINGS/STRUCTURES/FEATURES - TRANSPORTATION RELATED

- PN04-539; The Orangevale Avenue Bridge (the historic Lincoln Highway)**  
6615 Orangevale Avenue  
Deemed eligible for State Listing on April 14, 2005  
Listed by the Historic District Commission on June 15, 2005
- PN04-654; The Southern Pacific Railroad Company's Section Superintendent's House**  
815 Oakdale Street  
Included with the Preliminary Cultural Resources Inventory on November 24, 1998  
Listed by the Historic District Commission on March 2, 2005
- PN07-436; Historic Railroad Alignment (between Folsom and Wildwood)**  
7000 Baldwin Dam Road (Hinkle Creek Nature Area)  
Included with the Preliminary Cultural Resources Inventory on November 5, 1998  
Listed by the Historic District Commission on January 2, 2008

### HISTORIC DISTRICT CULTURAL/ARCHITECTURAL RESOURCES

- PN04-336; The Bradley House (currently the Bradley House Bed and Breakfast Inn)**  
606 Figueroa Street  
Listed by the Historic District Commission on November 16, 2005
- PN06-394; Emma's Place (originally in the River Way area)**  
214 Natoma Street  
Included with the Preliminary Cultural Resources Inventory on November 24, 1998  
Eligibility confirmed by the Historic District Commission on August 16, 2006  
Listed by the Historic District Commission on February 7, 2007
- PN06-436; The Burnham House (historic residence)**  
602 Figueroa Street  
Listed by the Historic District Commission on February 7, 2007



- PN06-437; The Hyman House (historic residence)**  
603 Figueroa Street  
Listed by the Historic District Commission on February 7, 2007
- PN06-438; The Historic Miller Residence**  
607 Figueroa Street  
Listed by the Historic District Commission on February 21, 2007
- PN06-439; The Historic Klumpp Residence**  
610 Figueroa Street  
Listed by the Historic District Commission on February 21, 2007
- PN06-440; Historic Residence**  
612 Figueroa Street  
Listed by the Historic District Commission on February 21, 2007
- PN06-460; The Historic Ronchi Residence**  
708 Figueroa Street  
Listed by the Historic District Commission on April 4, 2007
- PN06-461; The Historic Hansen Residence**  
709 Figueroa Street  
Listed by the Historic District Commission on April 4, 2007
- PN06-462; The Historic Reed Residence**  
712 Figueroa Street  
Listed by the Historic District Commission on April 4, 2007
- PN06-463; The Historic McFarland Residence**  
713 Figueroa Street  
Listed by the Historic District Commission on April 4, 2007
- PN06-464; The Historic Rumsey Residence**  
714 Figueroa Street  
Listed by the Historic District Commission on April 18, 2007
- PN06-510; The Historic Higgins Residence**  
802 Figueroa Street  
Listed by the Historic District Commission on June 20, 2007
- PN06-511; The Historic Gable Residence**  
806 Figueroa Street  
Listed by the Historic District Commission on June 20, 2007
- PN06-512; The Historic Bartin Residence**  
807 Figueroa Street  
Listed by the Historic District Commission on June 20, 2007
- PN06-513; The Wild House**  
808 Figueroa Street  
Listed by the Historic District Commission on May 16, 2007

**PN06-514; The Historic Ecklon Residence**  
812 Figueroa Street  
Listed by the Historic District Commission on June 20, 2007

**PN06-516; The Bailey Residence**  
813 Figueroa Street  
Listed by the Historic District Commission on June 20, 2007

**PN06-517; The Historic Cox Residence**  
815 Figueroa Street  
Listed by the Historic District Commission on June 20, 2007

**PN06-518; The Historic Perazzo Residence**  
816 Figueroa Street  
Listed by the Historic District Commission on June 20, 2007

**PN12-035; The Historic Chan Residence**  
917 Sutter Street  
Listed by the Historic District Commission on March 7, 2012

#### **HISTORICAL CEMETERIES AND CHURCHES**

**PN05-048; Saint John the Baptist Catholic Church and Cemetery**  
1100 Natoma Street  
Included with the Preliminary Cultural Resources Inventory on November 24, 1998  
Listed by the Historic District Commission on August 3, 2005

**PN06-054; Odd Fellows and Mason's Cemeteries**  
1201 Forrest Street within Lakeside Memorial Lawn Cemetery  
Included with the Preliminary Cultural Resources Inventory on November 24, 1998  
Listed by the Historic District Commission on November 15, 2006

**PN06-195; Landmark Baptist Church (the historic Folsom Methodist-Episcopal Church)**  
609 Figueroa Street  
Included with the Preliminary Cultural Resources Inventory on November 24, 1998  
Listed by the Historic District Commission on December 6, 2006

#### **HISTORIC FEATURES, MINING RELATED RESOURCES**

**PN05-005; Eucalyptus and Olive Grove**  
13417 Folsom Boulevard (within Folsom Lake/Lake Natoma State Recreation Area)  
Included with the Preliminary Cultural Resources Inventory on November 24, 1998  
Listed by the Historic District Commission on June 7, 2006

**PN07-436; Mining Site and Water Conveyance System**  
7000 Baldwin Dam Road (Hinkle Creek Nature Area)  
Listed by the Historic District Commission on January 2, 2008

**HISTORIC STRUCTURES AND SITES, AGRICULTURAL/RANCHING RELATED**

**PN07-436; Water Storage and Distribution System (supporting cattle operations and orchards)**  
7000 Baldwin Dam Road (Hinkle Creek Nature Area)  
Listed by the Historic District Commission on January 2, 2008

**HISTORICAL BUILDINGS/STRUCTURES/FEATURES**

**PN21-042; Folsom State Prison**  
300 Prison Road, Represa, CA 95671  
Listed by the Historic District Commission on July 20, 2022

**CULTURAL RESOURCES  
ELIGIBLE FOR LISTING  
(list not available to the public)**

**ETHNOGRAPHIC FEATURES - NATIVE AMERICAN**

- PN08-248; The Jane Lewis Nisenan Ceremonial Site**  
**Including Bedrock with Mortars and Bedrock with Petroglyphs**  
9876 Greenback Lane (in the Folsom Lake State Recreation Area)  
Site 414 in California Register of Historical Resources (bedrock with mortars only)  
Deemed eligible for listing by the Historic District Commission on November 5, 2008

**HISTORICAL CEMETERIES AND CHURCHES**

- PN04-138; Chung Wah Cemetery**  
1221 Mormon Street  
Listed on the National Register of Historic Places  
Included with the Preliminary Cultural Resources Inventory on November 24, 1998  
Deemed eligible for listing by the Historic District Commission on April 20, 2005

**HISTORIC DISTRICT CULTURAL/ARCHITECTURAL RESOURCES**

- PN04-465; Elvie Briggs House**  
715 Figueroa Street  
Deemed eligible for listing by the Historic District Commission on April 18, 2007
- PN06-466; B. F. Bates Dentistry**  
716 Figueroa Street  
Deemed eligible for listing by the Historic District Commission on April 18, 2007



Attachment 3

**Steven Banks**

**From:** Michele Church <church266@yahoo.com>  
**Sent:** Wednesday, September 6, 2023 11:28 PM  
**To:** Steven Banks  
**Cc:** adenacblair@yahoo.com  
**Subject:** 603 Sutter Street - Construction of Multi-Use Building

You don't often get email from church266@yahoo.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am homowner on the 600 block of Figueroa St. and thus have a special interest in the referenced project. This email is to advise you that the current development plan should not be approved as it will negatively affect the nature and feeling of the Historic District.

My concerns are as follows:

- The project is too large.

The proposed height is not congruent with historic structures in the area. The height needs to be reduced to the extent that the sigline of the area is not destroyed.

- Prevent the destruction of oaks trees, in particular those that are registered and formally protected by the City.

In general, a key feature of historic districts are large native trees. Recognizing their importance to Folsom, the City instituted a program that registers and formally protects the most important trees.

The project proposes removal of a number of oak trees, including one or more that are registered and formally protected by the City. We can not allow destruction of irreplaceable natural resources. As a result, at minimum, the project needs to be redesigned to protect the registered trees.

- The parapet wall has been incorrectly identified as falling under the exception for towers, spires and similar structures.

The parapet wall is not a tower, spire or similar structure and would never be mistaken for one. The approval must be rescinded as it was in made in error.

- Handicapped parking is required for the project.

To accommodate the developer the City has prosed a handicap spot be placed on the street. ADA guidelines require newly constructed buildings provide a handicap spot, thus the plans need to be amended to include it. The developer should not be allowed to pass their responsibility onto the City.

- The refuse generated by the restaurant is a health hazard.

The refuse will attract (and increase the population of) animals that carry disease and attack humans. Raccoons are particularly dangerous due to their propensity to attack when they feel threatened.

The refuse will result in a fetid smell; it will be particularly bad in the summer. This will negatively affect residents and visitors to the area.

For the reasons listed above, the project should not be approved in its present form and any exceptions already made reversed.

Thank you,  
Michele Church

Sent from my T-Mobile 5G Device  
Get [Outlook for Android](#)

**Steven Banks**

**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Wednesday, September 6, 2023 2:09 PM  
**To:** Steven Banks; Karen Sanabria  
**Cc:** Pam Johns; Desmond Parrington; Sari Dierking; kcolepolicy@gmail.com  
**Subject:** 603 Sutter Street - Street View Renderings

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please forward to the HDC for their hearing record.

Steve: After completing my letter today, I noticed that the two street view renderings (in the staff report and in the Williams+Paddon plan set, sheet A-913) show large tree canopy behind the proposed building, but at least some of those trees would not exist after construction. In particular, the #2 rendering shows a substantial amount of undisturbed/grassy area behind the back corner of the building and shows the Scott Street Tree 1347 still in place, well setback from the building. What I'm now seeing is that the proposed building is shown inaccurately - smaller, set forward from the back property line, and surrounded by tree canopy that will not actually exist once the building is constructed. In fact, the illustrated building is completely scrunched forward to the front half of the property.

Other drawings show the building design, but this rendering is the only simulated view of the proposed building's scale in relation to the Cohn House and was used by Page & Turnbull for their assessment of the building's mass/scale in relation to the Cohn House. The building's mass/scale related to the Cohn House (which P&T already concluded was inconsistent) will be different (larger) than illustrated in the rendering. An accurate assessment and understanding of the project's mass/scale is not possible using the current renderings, and without accurate renderings really

I'm not suggesting the renderings are intentionally inaccurate, but they are inaccurate and misleading in terms of scale and massing. An accurate rendering is needed to demonstrate what the site will actually look like with the correct building scale and lot coverage, and without adjacent trees and canopy that would be removed for the project.

The public needs an opportunity to see an accurate rendering and Page & Turnbull's opinion of mass/scale needs to be based on an accurate rendering. Moreover, you need an accurate rendering to make a recommendation to the HDC and the HDC need an accurate rendering for them to judge the project.

Can you speak to this tonight? If the project is to be modified based on community/HDC input and not actually considered for approval in its current design, then maybe it's not worth preparing an accurate rendering for the current design and that can await a modified design. But if the HDC is to actually consider approval of the current design, I think we all need an opportunity to see an accurate rendering or the HDC at least needs to be informed of the inaccuracy of the current renderings.



September 6, 2023

City of Folsom Historic District Commission  
 50 Natoma Street  
 Folsom, CA 95630  
 via email to: [ksanabria@folsom.ca.us](mailto:ksanabria@folsom.ca.us); [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)

**SUBJECT: 603 Sutter Street (PN 17-145) Comments to HDC for September 6, 2023, Hearing**

Dear Historic District Commissioners:

The 603 Sutter Street project is not ready for approval. The project as currently designed requires at least three variances from the Folsom Municipal Code (FMC) – the project exceeds the maximum allowable height, the project decks/patios exceed the maximum allowable lengths, and the recently added proposal to convert an existing on-street parking space into a disabled parking space does not meet the City’s handicapped parking design standards – yet, no variances have been applied for or justified by the applicant. The project would destroy all nine of the “protected” oak trees on the applicant’s property and would destroy two additional “protected” oak trees on City property, including Tree 1347 which contributes to the important aesthetic of Scott Street and its destruction is not justified. The project would add some 360 daily vehicle trips on local streets as drivers seek parking, contributing to the existing and worsening risk of pedestrian/vehicle conflict. I am not opposed to this applicant developing 603 Sutter Street, but the project needs to be improved with a more context-sensitive design in this key transition area between the Sutter Street commercial area and adjacent residential neighborhood of the Figueroa subarea.



**View from northwest corner of Sutter Street/Scott Street Intersection facing south. “Protected” Valley Oak Tree 1347 is to the right of Scott Street on City property and is proposed to be destroyed by the 603 Sutter Street project. NRHP-listed Cohn House property in left of photo. (Photo: Delp, Sept. 3, 2023, 5:22pm)**

September 6, 2023

The project cannot be redesigned at the podium at your September 6<sup>th</sup> hearing, but I urge the HDC to provide important feedback to this applicant that will enable him to return to the HDC with a modified project more suitable to the property's location.

I am a resident and property owner in Folsom's Historic District, a frequent pedestrian and cyclist along Scott Street, and I have a vested interest in the quality of the Historic District and its important environmental and historic resources. I object to the project as currently proposed and I disagree with staff's recommendation that the project qualifies for a CEQA exemption. Among other deficiencies, to be eligible for the section 15332 in-fill CEQA exemption the project site must have "*no value* as habitat for endangered, rare, or threatened species." The City's own consultant documents that the trees on the project site provide habitat for the state-listed *Threatened* Swainson's hawk which disqualifies the project from using the CEQA Guidelines section 15332 exemption regardless of whether the project would adversely impact Swainson's hawk and regardless of proposed mitigation.

## 1. PROJECT SETTING CONSIDERATIONS

The 603 Sutter Street property is arguably *the* premier vacant parcel along Sutter Street. The property is at the highest elevation of the few remaining undeveloped parcels in the Sutter Street subarea of the Historic District. The property contains nine oak trees that meet the City's tree preservation ordinance definition of "protected native oak tree," and adjacent City street rights-of-way contain two additional such trees, the largest of which is a large and healthy oak tree adjacent to Scott Street (designated in the arborist report as Tree 1347). The property is immediately across Scott Street from the National Register of Historic Places- (NRHP-) listed Cohn House property with its meticulously maintained park-like yard and the Cohn House itself which is Folsom's most recognizable and treasured historic residential property.

The 603 Sutter Street property is bounded by Sutter Street on the north and a commercial building beyond. The other three sides of the property contain a single-family residence to the south; the locally recognized historic Folsom library building (a craftsman-style single story residential design) to the west; and Scott Street to the east with the Cohn House and single-family residential development beyond. Notwithstanding the existing residential structures and land uses on three of the four sides of the 603 Sutter Street property, the September 6, 2023, staff report to the HDC states, "[t]he project site is located within an area that is predominantly commercial in nature." In fact, the property itself is predominantly *natural* and is surrounded on three sides by *residential* land uses. The property is at a location where the Sutter Street subarea transitions to the residential neighborhood of the Figueroa subarea.

This important transitional setting warrants more careful consideration of whether the project achieves the context-sensitive design necessary for this location. I am not attempting to preclude this applicant from developing his property, but the currently proposed project does not accomplish the necessary context-sensitive design.

## 2. DEVELOPMENT RIGHTS AND FLOOR-AREA-RATIO CONSIDERATIONS

While a context-sensitive design might require a reduced building footprint, a reduced footprint would not deny the applicant reasonable use of his property. The 603 Sutter Street property has a General Plan land use designation of HF (Historic Folsom Mixed-Use) which establishes a *maximum* floor-area-ratio (FAR) *range* of 0.5 to 2.0, stating, "[t]his designation provides for a mixture of commercial and residential uses *designed to preserve and enhance the historic*

September 6, 2023

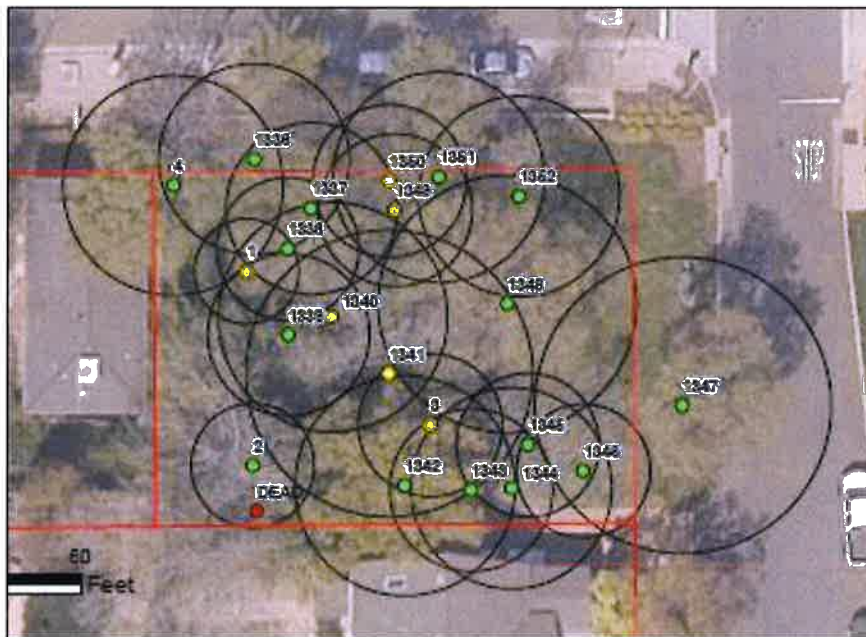
character of Folsom’s old town center.”<sup>1</sup> The General Plan HF designation provides a range for the maximum FAR in recognition that there may be circumstances at certain properties for which a maximum FAR as low as 0.5 may be necessary in order to “preserve and enhance the historic character of Folsom’s old town center.” I am not suggesting that development of a building at 603 Sutter Street needs to be limited to a FAR of 0.5; however, the project is currently designed with a FAR of 1.95 (HDC 9/6/23 packet pg. 138) which is on the high end of the HF maximum FAR range and well more than the 0.5 FAR that this property owner is entitled to by right.

**3. RECOMMENDATIONS**

Please consider the following:

- 1. Redesign the building and sidewalk alignments to reduce the number of “protected” oak trees to be removed and, at a minimum, avoid removal and damage to the largest and most aesthetically important “protected” oak tree (Tree 1347), which is adjacent to Scott Street and within City-owned right-of-way.**

The image below is an excerpt from the *Preliminary Arborist Report & Tree Inventory* (California Tree and Landscape Consulting, Inc.; July 14, 2022) that shows the locations of the 11 “protected” trees proposed to be destroyed by the project. Tree 1347 (rightmost green dot on Figure 1 and center right of photo on first page of this letter) is a healthy (assessed as having a good base, structure and vigor) valley oak (*Quercus lobata*). Tree 1347 is the largest oak tree inventoried on/near the property, with a trunk 19 inches in diameter and with a canopy radius of 31 feet. This tree is directly across Scott Street from the NRHP-listed Cohn House, and substantially contributes to the aesthetic character of Scott Street as well as the setting within which the Cohn House is located.



**603 Sutter Street Tree Inventory (*Preliminary Arborist Report & Tree Inventory*, California Tree and Landscape Consulting, Inc.; July 14, 2022))**

The City’s Tree Preservation Ordinance requires that a tree defined as “protected” under the Ordinance cannot be approved for removal unless a finding is made that, “there are no

<sup>1</sup> City of Folsom 2035 General Plan, pg. 2-6; Adopted August 2, 2018

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*Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.”*

Staff asserts that the HDC does not need to make this finding. Instead, staff suggests that the City Arborist will need to make the finding sometime after the HDC approves the project. If the HDC approves the project, the City Arborist would not have the discretion to overturn the HDC’s approval of the project, and would effectively disregard consideration of the required finding. Staff’s approach would provide no mechanism for serious consideration of the required finding. Even if HDC does not need to formally make the finding as part of a project decision, the HDC must consider the intent of the Tree Preservation Ordinance the intent of this required finding and not approve the project unless you can affirmatively determine that there is no reasonable alternative measure to allow the property to be developed without destroying all eleven “protected” oak trees.

Staff also asserts that Tree 1347 must be removed due to the requirement for the project to construct a sidewalk along Scott Street. I absolutely agree that pedestrian access on the west side of Scott Street needs to be provided, but it is implausible that a project cannot be designed that would provide that pedestrian access while retaining the tree. Be creative, reduce the building footprint if necessary, and please Save Tree 1347.

**2. Reduce the building height, inclusive of its parapet walls so as not to exceed the maximum allowable height of 35 feet along Sutter Street and, in doing so, consider elimination of the third story and its design elements that are inconsistent with the rest of the building.**

Staff’s recommendation that the parapet wall above the third floor is “tower, spire, or similar architectural feature,” and can therefore extend above the maximum height permitted by the FMC. Staff’s position is untenable. The building needs to be redesigned or an application for height variance must be submitted and reviewed by the HDC.

The Cohn House’s “large size and impressive siting on a hill overlooking the town and valley below add to its visual importance”<sup>2</sup> and the 603 Sutter Street project as currently proposed would adversely affect the historical significance of the Cohn House by diminishing its relative scale and massing. The City’s own architectural consultant concluded that the 603 Sutter Street project “proposed building massing is inconsistent with the library building and Cohn house massing” (Page & Turnbull, 2021, pg. 18) and noted that the design could be improved.<sup>3</sup> A reduced building height (and reduced building footprint) would help to address the impacts of the project on the historic significance of the Cohn House and the locally important historic library building immediately to the west of the project.

In particular with regard to inconsistent design elements, the proposed building includes two stories of brick façade, topped by a third floor of wood siding, resulting in an appearance of what is essentially a wood-sided building sitting atop a two story brick building. None of the representative architectural design photographs in the Page & Turnbull commercial architecture examples (Page & Turnbull, 2021, Sheet A-002) exhibit any such combination of brick and wood blending or stacking of various structure styles of one building. (Also, the third floor patio cover just looks plain weird.)

<sup>2</sup> Cohn House NRHP nomination form Statement of Significance.

<sup>3</sup> Page & Turnbull *603 Sutter Street Proposed Project Analysis Memorandum* (March 24, 2021), “a few aspects of compatibility could be improved...”



September 6, 2023

3. **Redesign/reduce the lengths of the building decks/patios to comply with the FMC maximum length (25 percent of wall length<sup>4</sup>) or petition the City Council to amend the zoning code to allow for greater wall coverage prior to seeking approval of a project that exceeds the currently permitted maximum length.**

In particular, the full length second floor balcony adds to the massing of the building (even more than that considered in Page & Turnbull's 2021 determination that the massing was inconsistent with adjacent historic properties) and substantially exceeds the FMC maximum length specifications. If the applicant can justify a variance, the applicant should apply for and seek HDC review of a variance request. Alternatively, if the applicant, staff, or HDC think that the existing FMC 25 percent maximum is too low, then the applicant, staff, or HDC can request that the City Council amend the FMC to allow for greater wall coverage. Since the project has other deficiencies to correct, an amendment to the FMC might be possible during that time, and perhaps the revised project could then be in compliance.

4. **Provide a parking space for persons with disabilities that meets the City's handicapped parking space design standards (e.g., 14-foot min. width) and, if the parking space is to be a parallel space on Sutter Street, ensure safe and ramped access from the vehicle to the sidewalk.**

Staff has recommended a last-minute patch attempting to address the project's failure to provide the required parking space for persons with disabilities. Instead of providing a parking space that meets the FMC's 14-foot minimum for handicapped parking, staff's recommendation and the now-proposed parallel space on Sutter Street would be just 9 feet wide and would require a disabled person to exit their vehicle in the Sutter Street eastbound travel lane and stormwater gutter. No further explanation should be needed for why such a proposal is insufficient.

If a 14-foot-wide (minimum) on-street parking space in front of the building can be designed without encroaching into the travel lane and drainage gutter, then the project might be able to meet its disabled parking requirement in this way. If such a design requires the front of the building to be set back from Sutter Street more than currently proposed to allow for realignment of the sidewalk to accommodate the 14-foot width, so be it. As discussed above, the project's currently proposed FAR is well above the minimum suitable FAR range and accommodating additional setback would not likely require reducing the building's FAR to anywhere near the minimum FAR of 0.5. Alternatively, this developer can apply for a variance from the handicapped parking standard and provide his justification for why he is unable to make reasonable accommodations for persons with disabilities.

5. **Provide a minimum 10-foot setback between construction disturbance and the adjacent historic library building to avoid construction vibration impacts to the existing historic building.**

In its vibration impact analysis, the City's consultant assumed a 25-foot separation between construction and the nearest buildings and concluded that, because of that separation, the project would not have a significant vibration impact to adjacent buildings. However, the project design drawings clearly indicate that the project's west side retaining wall would be within 5 feet or less (4 feet per staff report Attachment 6) from the historic library building at

<sup>4</sup> FMC 17.52.420 Architectural features: "Fireplaces, bay windows, attached porches and decks and patios higher than 30 inches above grade, may extend into a required setback area a maximum of 2 feet, but shall not be closer than 3 feet to a property line or closer than 6 feet to any portion of another structure. **The combined length of all such features shall not account for more than 25 percent of the length of the wall surface on which the features are located.**"

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which distance vibration levels would be more than two times more than the threshold identified as having the potential for structural damage.<sup>5</sup> If, as staff suggests but contrary to the design drawings in the staff report (Attachment 6, et al.), “project-related grading is located approximately 10 feet from the former library building to the west” (9/6/23 HDC packet pg. 483), then the 10-foot separation should be demonstrated on project design drawings and specified as a condition of approval to avoid impacts to the historic library structure.

- 6. **The project should fund installation of a crosswalk across Scott Street on the south side of the Sutter/Scott Street intersection consistent with the design of the existing crosswalks on the other three legs of this intersection to help provide greater visibility and awareness of this crossing for motorists and improve pedestrian safety.**

The project will increase pedestrian activity at the Sutter/Scott Street intersection and a crosswalk is needed across Scott Street on the south side of the Sutter/Scott Street. The crosswalk intersection should be consistent with the design of the existing crosswalks on the other three legs, and would help provide greater visibility and awareness of this crossing for motorists and improve safety for crossing pedestrians.

- 7. **Contribute funding toward a pedestrian safety study to assess options for improving addressing the existing and worsening walkability in the Figueroa subarea neighborhood resulting from increased vehicle travel and increased parking on residential neighborhood streets with no sidewalks.**

The City has been approving projects that will continue to increase vehicle travel to and through the Historic District and projects that will continue to increase the number of vehicles parking on neighborhood streets parking. The 603 Sutter Street project is not causing these circumstances, but the project’s increase in vehicle trips and parking demand will contribute to these circumstances. A pedestrian safety/walkability study is needed to assess options addressing these worsening circumstances. Safe walkability is not just important to residents, it is important for Historic District visitors including people who will be using/visiting the 603 Sutter Street project and parking on residential streets. It is reasonable to require the applicant to contribute funding for such a study.

- 8. **Consider if the proposed outdoor seating area on the northeast corner of the building and the associated retaining wall should be redesigned.**

Although I like the idea of an outdoor seating area on the northeast corner of the project, the below-grade design might be better integrated with a street-level design instead of being recessed below-grade. The recessed design does not help to integrate the building’s outdoor areas with the neighborhood and the recessed pit could unintentionally provide a secluded location for late night graffiti, urination, or worse. (I do like the proposed stacked stone retaining wall style, and suggest that the HDC ensure that real stone is used and that provisions for the applicant to ensure any graffiti or other damage is promptly repaired/cleaned.)

<sup>5</sup> Using the same methodology, equipment, and damage criteria as Planning Partners, but adjusting for a 5-foot separation, the large bulldozer (PPV 0.089) and the Federal Transit Authority damage assessment formula of  $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$  \*where  $PPV_{equip}$  is the PPV of the equipment adjusted for distance;  $PPV_{ref}$  is the PPV of the equipment at the reference distance of 25 feet, and D is the distance between the equipment and the structure of concern, project construction would generate a PPV of 0.2969 at a distance of 5 feet, well in excess of the 0.12 PPV vibration damage threshold.

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#### 4. CEQA ISSUES AND EVIDENCE AGAINST CEQA EXEMPTION

Staff recommends that the project is categorically exempt under Section 15332 (In-Fill Development) of the CEQA Guidelines. However, the project is ineligible for the 15332 exemption for reasons including those discussed below.

##### 1. The Project Is Inconsistent with Applicable Zoning Regulations and Therefore Does Not Qualify for the Asserted CEQA Exemption.

To be eligible for the claimed exemption, the project must be consistent with the applicable general plan designation and all applicable general plan policies as well as with *applicable zoning designation and regulations*. The project does not comply with applicable zoning regulations and is, therefore, ineligible for the claimed exemption. The proposed building exceeds the applicable FMC maximum height of 35 feet by 4 feet. The proposed building includes decks/patio that compose 200 percent of the Sutter Street wall length and 50 percent of the Scott Street wall length, where the FMC limits the length to 25 percent of wall length. The proposed project does not provide a parking space for persons with disabilities that complies with the City's handicapped parking design standards (e.g., minimum width of 14 feet). For these reasons, the project does not comply with zoning regulations and does not qualify for the asserted CEQA exemption.

##### 2. The Claimed CEQA Exemption Requires that a Project Site Must Have *No Habitat Value* for Endangered, Rare, or Threatened Species; the Project Site Contains Suitable Nesting Trees for the State-Listed Threatened Swainson's Hawk and Therefore the Project Site does not qualify for the asserted CEQA exemption.

The project site is a 0.17-acre undeveloped tree-covered open space area located less than 500 feet from the riparian corridor along the American River/Lake Natoma. The site contains 21 inventoried trees, including eleven oak trees with canopy radii of up to 31 feet. Planning Partners *Categorical Exemption Supplemental Evaluation* states with regard to Swainson's hawk, that "[e]xisting trees within the project parcel may serve as nesting trees [for Swainson's hawk]." (Planning Partners, 2023; pg. 18) Swainson's hawk is a California state-list Threatened species (California Department of Fish and Wildlife [CDFW] *State and Federally Listed Endangered and Threatened Animals of California*, July 2023). As documented by Planning Partners, the project site may serve as nesting trees for this species.

To be eligible for the claimed exemption, the project site must have "**no value** as habitat for endangered, rare, or threatened species." For assessing whether the section 15332 categorical exemption can be applied, the question is whether the site provides *any* habitat value for listed species. As discussed above, the project does have habitat value for a state-listed Threatened species, and therefore the exemption cannot be used. This makes sense. While most "infill" projects occur on previously disturbed properties within developed areas lacking suitable habitat for special-status species; the 603 Sutter Street site is not such a property and provides suitable habitat for a state-listed Threatened bird species. Regardless of project attempts to mitigate impacts to Swainson's hawk, the 15332 exemption is precluded for this site.

##### 3. The Project has the Potential to Adversely Affect the Significance of One or More Historical Resources

A Page & Turnbull *603 Sutter Street Proposed Project Analysis Memorandum* (March 24, 2021) was prepared for a previous iteration of the proposed project. That analysis acknowledged **the proposed building massing is inconsistent with the library building**

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and Cohn house massing” (Page & Turnbull, 2021, pg. 18) The analysis then discounts the inconsistencies finding that, “the minor elements of incompatibility of the proposed project are tempered by the location of the proposed project, at the subarea’s northeast periphery.” (Page and Turnbull, 2021; pg. 24)

While Page & Turnbull’s analysis acknowledges that the proposed building is incompatible with the adjacent historic structures, their analysis then dismisses the incompatibility due to the location of the project “at the periphery of the Sutter Street subarea.” However, the project’s location between two historically significant buildings at a transition area between the Sutter Street subarea and the Figueroa subarea does not reduce the importance compatibility and instead it increases the importance of compatibility. The design incompatibilities in the context of the project location *exacerbate* the impacts of the proposed building design on the adjacent historic library building and NRHP-listed Cohn House.

The project design is incompatible with the adjacent historic library building and the NRHP-listed Cohn House. The project massing would diminish the relative size of the Cohn House (an element of its historic significance) and the difference in the massing between the proposed building and the Cohn House and library building would detract from the historic setting of these adjacent historic resources. For these reasons, the project would adversely affect the significance of these historic resources and does not qualify for a CEQA exemption.

**5. CONCLUSION**

Thank you for considering my comments.

Sincerely,



Bob Delp  
Historic District Resident  
Folsom, CA 95630  
[bdelp@live.com](mailto:bdelp@live.com)



**Steven Banks**

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**From:** Samer Abouljoud <samerabj21@gmail.com>  
**Sent:** Tuesday, September 5, 2023 10:36 PM  
**To:** Steven Banks  
**Subject:** Support Letter for 603 Sutter St Mixed-Use Building Project

You don't often get email from samerabj21@gmail.com. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve,

I hope this email finds you well. My name is Sam Abou El Joud and I live in the Empire Ranch area of Folsom and currently work in Folsom as well.

I am sending this email, as a current resident of our beautiful city, to express my full support of the Cedrus Holdings Mixed Use Building project on 603 Sutter St. I strongly believe this project provides a much needed mix of retail, commercial and residential uses that will prove to be very useful on Sutter St in terms of expanding the commercial side, creating local job opportunities for both our youth and long-time residents alike, and providing residential housing in a desirable location.

Moreover, the design of the building is attractive and fits in well with the overall feel of Folsoms Historic District. It blends in perfectly well and makes use of a strategic position on Sutter St to complete the historic look and feel of the street on a corner that currently feels empty and unused.

In conclusion, I am positive that the approval of this project will add immense value and a unique touch to Folsoms Historic District and our city as a whole. It truly is a project that is "Distinctive by Nature" and I hope the HDC approves it.

Best Regards,  
Sam Abou El Joud - Folsom Resident

**Steven Banks**

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**From:** Lance Klug <kluglance@gmail.com>  
**Sent:** Tuesday, September 5, 2023 3:17 PM  
**To:** Steven Banks  
**Subject:** Fwd: Support Letter for 603 Sutter Street

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9/5/2023

"Support Letter for 603 Sutter Street"

Steve,

I am writing this letter to express my support for 603 Sutter Street.

I have grown up and lived in Folsom since 1977 and have always loved the historic district. Not because it was stuck in the 1800's, but because it has always been changing and improving to keep up with growth and demand. Ziad's project is the perfect fit at the gateway to Sutter Street.

This project has been in the entitlement process for years now trying to navigate the various special interests within the district. I realize this is exactly what some folks would like, however, there is a growing number of people who would also like to see new growth and increased traffic throughout the day on Sutter Street. This project, with its increased density and commercial investment, will create the energy and excitement needed for the nearby restaurants and retailers to survive throughout the day and week.

This developer has made so many concessions along the way, and now it's time to appreciate his continued willingness to invest millions of dollars into the community and help increase business traffic on Sutter street.

I ask that you please support this project and continue to encourage those owners who are willing to invest and commit to our communities growth and change.

Lance Klug  
Folsom Resident



September 4, 2023

To: City of Folsom Historic District Commission

Subject: 603 Sutter Street Mixed-Use Project

Dear Historic District Commission:

As the Historic Folsom Residents Association (HFRA) has noted in previous comments related to proposed development at 603 Sutter Street, we support the applicant's right to build on this property, but strongly encourage the Community Development Department to apply existing zoning code requirements or require variances. All comments below are in the spirit of having a design and size that fits within the context of the location adjacent to historic residences, and enhances pedestrian safety on nearby neighborhood streets that lack sidewalks.

After our review of the currently proposed building, HFRA would like the Historic District Commission to consider the following inputs in assessing the final design requirements.

1. The project does not comply with existing city zoning code/ordinance requirements.
  - a. The height exceeds the 35-foot maximum by over 4 feet due the parapet wall. While staff has stated that a parapet is equivalent to a tower or spire, this is concerning as it creates another large façade in an area with two (2) existing buildings that already exceed the 35-foot limit. We urge the Commission to address this issue by requiring a variance or elimination of the parapet in the design.
  - b. In keeping with HFRA's mission to "Protect and Preserve", we encourage the city to find a way to preserve the 2 trees within the City right-of-way. We feel being conservative in this instance is important because once the trees are gone, they can never be replaced and the character of the district is forever altered.

However, the largest of the protected oak trees, Tree #1347, is located on city property and does not conflict with the proposed building footprint. Staff stated in 8-30-23 responses to comments:

*"The applicant is developing the property consistent with what is allowed under the Zoning Code and as part of the project he is required to construct sidewalks. The grading of the site and the construction of the sidewalks will result in the removal of the protected trees both on the site and on City property."*



Consistent with the intent of the city tree preservation ordinance to promote conservation of tree resources and long-term sustainability, the city should modify the sidewalk requirements to incorporate and save protected oak tree #1347 as part of the development project.

- c. The Project is required to provide an ADA accessible parking space and under the current proposal reduces an existing City parking space. There should be no net loss of parking spaces as a result of this project.
  - d. The Folsom Municipal Code requires the ratio of a deck or patio to not exceed 25% of the building wall length. The current proposed design has two floors of 100% deck along Sutter Street and 50% along Scott Street. This is an objective design standard and an adequate justification for the code not being applied to this project has not been provided. At a minimum, a variance is required.
2. Subsequent to the passage of AB2097, the city can no longer require minimum parking standards, but the issue of parking in the Historic District remains unresolved. An alternative would be to require the applicant to contribute to existing district parking and traffic solutions, in particular the shuttle program whose intent is to move traffic between the west parking structure and the highly congested east end of the Historic District.

HFRA's recommendations are based on the belief that Historic District projects should err on the side of preserving and protecting the natural and historic elements of the district over economics. Furthermore, HFRA strongly encourages the city to enforce existing zoning requirements or require an applicant to apply for a variance when proposing a project that does not comply.

Respectfully,

The HFRA Board



**Steven Banks**

**From:** powerhousepub@aol.com  
**Sent:** Monday, September 4, 2023 3:25 PM  
**To:** Steven Banks  
**Subject:** Fw: SUPORT LETTER CEDRUS HOLDINGS 603 SUTTER STREET, FOLSOM

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve, Please forward this letter of support to the HDC members.  
 Thanks , Murray

To: HDC  
 From: Murray Weaver  
 Re: CEDRUS HOLDINGS Project Support- 607 Sutter St, Folsom

I fervently support this project. This project has made many, many revisions to appease criticism from sources who essentially want a complete moratorium on any and all projects in the Historic District. This project fits well on the same block as the Steak House building and 607 Sutter Street building. It combines a balanced use of residential, office and retail mixes. It meets historical design requirements and is attractive.

As we know millions of dollars have been spent on the Sutter Street Revitalization so this area can achieve its full potential and become the great destination we all want it to be. However, Sutter Street is a very small hospitality district, and desperately needs the remainder of available space to be thoughtfully built out to achieve the critical mass necessary to become the one-of-a-kind jewel it deserves to be. There are many choices within a 20 mile radius that visitors and residences can consider to spend their time and money. Thanks to the vibrant nature of the business folks and citizens in the district great strides are being made to achieve its potential but we must try to alleviate practices like the weaponization of the " parking paranoia" that has consumed us for years.

After all the city now intends to remove a net 11 parking spaces in the Trader Lane lot. Also, the parking restrictions imposed on Figueroa have removed many more public parking spaces. Evidently, we do not have the parking debacle which has been vastly over emphasized. What we do have now is light rail, bus transit and ride share services. It's time for Folsom to simply realize that people plan for and use these services when going to any popular, dense, commercial area throughout the country. The development community should not be singled out to have arbitrary and unfair parking requirements imposed on them.

Hopefully, the recently passed AB 2097 will stop this practice so needed infill for our historic district can come to full maturity.

Finally, it should be a reminder to the HDC that there has been an unbridled attempt in previous development applications to use the complexity in the CEQA code to prevent warranted projects, by

the utilization of a "spaghetti on the wall" strategy which uses any and all remote CEOs matter how inapplicable they may be, to complain about a project. Recently the HDC, the City Council and staff, and Superior Court have all ruled this practice to be without merit and I believe in bad faith. I hope the HDC will appreciate that teachable example and approve this fine project.

10/10/2023 Item No. 10.

Murray Weaver - Historic District property and business owner

## HERITAGE PRESERVATION LEAGUE OF FOLSOM PROJECT APPLICATION REVIEW

September 1, 2023

**PROJECT:** 603 Sutter Street Mixed-Use Commercial Building in the Sutter Street Sub-Area of the Historic District (File: 17-145)

Heritage Preservation League of Folsom (HPL) reviewed the previous version of this project dated 12-10-2020. Several of our previous concerns remain as there have been no significant changes for these issues; therefore, we are also providing a copy of those comments below our new comments.

Remaining concerns:

### **Encroachment**

The 10-12 feet encroachment of a recessed seating area into the Sutter Street and Scott Street public right-of-way and an important intersection is not acceptable.

*This would allow for permanent private use of City land as opposed to existing encroachment along Sutter Street that generally allows for continued public access. An on-site seating area could be incorporated if the building footprint is pulled back.*

### **Transition from Existing Development**

The highest part of Mixed-Use Building is in the west part of the property. This side faces Folsom's one-story historic library. This development pattern will be visually disturbing, and the 3-story height will also dwarf the existing building. The proposed large retaining wall along the shared boundary (3-feet from the library building) will potentially also compromise the historic structure.

*As a potential solution, the third floor of the new building complex could be pulled back (a minimum of 20-feet from the west boundary. The existing grades along the west façade should also not be substantially changed (eliminating the need for a tall retaining wall).*

### **Parking**

Even if the State Code does not require infill projects to provide parking, the City cannot ignore the well documented negative impact of parking shortages in the east end of the Sutter Street Subarea. It is also questionable if the Historic Folsom Light Rail Station can be considered a 'Major Station' (it is an end-station with limited connection opportunities and the General Plan recognizes that this station has a special status).

*As a first step, the Historic District Commission could urge City Council to identify a path toward the development of new parking spaces. As an example, the City may want to explore the applicants earlier proposals: a) leasing the parking lot at the Elk Lodge, and; b) purchasing the vacant lot along Sutter Street and designate it for a future parking lot. (These two areas could potentially be connected along the existing alley.)*

### **Signs and Lighting**

Signs with individually mounted letters and can lights are not consistent with the design standards for the Sutter Street Subarea.

*Historically Commercial Buildings along Sutter Street posted a sign of the Building Name. This would require that the Mixed-Use Building is not just identified by an address number but also is given an historically appropriate name.*

#### **Cultural Resources**

Even if an Environmental Report is not required, the Sutter Street Subarea is the oldest part of the City. It is also located on land that was occupied by the First People during thousands of years.

*The applicant should be required to keep an archaeologist or environmental consultant at the project site during excavation.*

## **HERITAGE PRESERVATION LEAGUE OF FOLSOM PROJECT APPLICATION REVIEW**

October 29 (Project Review – Plans dated 12-10-20)

**PROJECT:** 603 Sutter Street Mixed-Use Commercial Building in the Sutter Street Sub-Area of the Historic District (File: 17-145)

**REQUEST:** Design Review, Parking Variance, Height Variance and Encroachment Permit/Vacation of Public Right-of-Way Area for a mixed-use commercial building with retail/restaurant use on the first floor and office space on the second and third floors.

#### **PROJECT**

**HISTORY:** HPL provided review comments regarding the original application (named Historic Sutter Mixed-Use Building) on June 14, 2017.

In 2019, the application was modified to no longer include a garage level but the visible part of the building was similar in size to the original proposal. Review comments were prepared by HPL on June 24, 2020.

The current set of plans, for a building that has been further reduced in size, are dated December 10, 2020.

#### **GENERAL STATEMENT**

HPL prepared a separate review letter regarding the updated Initial Study, dated July 2021. This study was based on the same set of plans (dated 12-10-20) as the current review letter. The project has not yet been scheduled for a hearing date before the Historic District Commission.

#### **PROJECT MODIFICATIONS**

As a part of the latest revision, the size of the building has been reduced from 14,811 square feet to 12,316 square feet and the building height facing Sutter Street has been reduced from 50 feet



to 39 feet. As in the previous application, the applicant has requested a variance from parking requirements.

HPL has determined that some of the proposed design changes have moved the project towards closer compliance with the design concept of the Sutter Street Subarea but other project concerns still remain.

### **ENCROACHMENT**

The building footprint is located within the project parcel, but along Sutter Street a roof and second story deck area supported by columns encroaches into the public right-of-way by 5 feet. This amount of encroachment is acceptable.

At the northeast corner of the building and along a portion of Scott Street, the applicant is proposing to create a recessed seating area that can be accessed from the first floor restaurant. This area, and a retaining wall with a height of up to 12 feet, will encroach 10 feet into the public right-of-way areas. Fencing will be installed at the top of the retaining wall and the remaining landscape strip along Scott Street is only 3-4 feet wide (not enough to support street trees). It is also likely that the outdoor seating area in the future will include a shade structure or umbrellas.

Safety concerns could be raised about a seating area close to an at times busy intersection. It is also questionable if a new building should be designed to require public right-of-way area for below-grade access. Historic buildings often present access problems, but you could argue that new buildings in a historic area should be contained within the project site.

Chapter 3 of the Design and Development Guidelines (DDG's) includes street sections for the Historic District. Along Sutter Street, 9-foot-wide covered sidewalks are recommended and along Scott Street residential design standards specify that 5-foot-wide detached sidewalks should be separated from the roadway by 10-foot-wide landscape strips. In the current application, the area in front of the mixed-use building is dominated by hardscape. HPL has concluded that more landscaping along Scott Street would be compatible with the frontage improvements on the east side of the street (outside the Cohn House) and would also provide a better transition to the residential area south of the project site

A recessed access way has also been proposed along the west side of the building. This area provides access to the trash room and the stair case to the upper floors. To accommodate the walkway a retaining wall with a height of up to 13 feet has been proposed along the west property line (3 feet from the historic library building at 605 Sutter Street). In order to reduce the risk for damage to the adjacent structure, the length of the recessed area should be minimized.

### HPL Recommendations

- Reduce the width of encroachment into the public right-of-ways at the northeast corner of the Mixed-Use Building to a maximum of 5 feet and increase the width of the landscape strip.

*(As an option, the outdoor seating area can be enlarged by pulling back the front building façade.)*

- Reduce the amount of hardscape at the Scott Street building entrance and increase the amount of landscaping.  
*(HPL recommends that the sidewalk in this area could be detached from the street by a landscape strip, as shown in Chapter 3 of the DDG's.)*
- Reduce the length of the recessed walkway and retaining wall at the west end of the building to limit the risk of damaging Folsom's historic library building.  
*(The retaining wall should not extend beyond the access door to the stair well.)*

## **BUILDING DESIGN**

In the current application, the applicant has selected narrow windows for the 3<sup>rd</sup> floor, moved the trash room to the west side of the building and incorporated some wall space along the Sutter Street façade of the first floor. The applicant has also made efforts to make the building appear to be two separate structures (even if the same brick material has been proposed for the first two floors). These changes make the building more consistent with the pre-1900 design concept. In addition HPL is proposing that each entrance door facing the public right-of-way should include a lower wood panel.

The building façade facing Sutter Street has been visually divided into two structures (with the width of 62 feet and 34 feet). The wider portion of the building (located at the corner of Scott Street) is still larger than most buildings in the Subarea. Even if the building height has been reduced, the small building to the west at 605 Sutter Street (Folsom's first library) is only one story high and appears dwarfed by the proposed three story building. To provide a better transition, the small portion of the third floor that extends to the edge of the west facade (10 feet from the library building) could be pulled back so a minimum of 20 feet will separate the higher parts of the building from the library structure.

Measured from the top of the raised parapet to finished grade, most of the building façade facing Sutter

Street and some of the facade facing Scott Street are 35-39-foot tall. In order to apply City Codes consistently, the applicant should be required to process a height variance.

## HPL Recommendations

- Reduce the glass area of the entrance doors that face the public right-of-ways by selecting doors with a lower wood panel.  
*(See the applicant's reference sheet regarding Gold Rush Architecture.)*
- End the 3<sup>rd</sup> floor a minimum of 20 feet from the adjacent library building.  
*(Consistent with the recommendations regarding 'massing' in the Historic Commercial Design Criteria).*
- Add a Height Variance to the requested entitlements.

## **PARKING VARIANCE**

HPL considered some of the arguments the applicant presented to justify the approval of a variance from parking requirements. It was the board members conclusion that some of these arguments were not supported by the Initial Study.

### **Unique Constraints from Topography and Geology**

The applicant stated that to build underground parking would require significant blasting of the bedrock and special reinforcement with steel structures. The applicant stated that the proposed project design would not require blasting or excavation. However, the CEQA Document (Initial Study Mitigated Negative Declaration [ISMND]) states in the project description under grading and construction that there would be excavation and potential use of blasting, and retaining walls. The ISMND explains that “to permanently maintain the stability of the cut slopes, retaining walls would be constructed along the western site boundary, at the rear of the first floor, adjacent to Sutter Street at the northeast corner of the building, and along the easterly face of the building adjacent to the first floor. Retaining walls would act to prevent collapse or settlement of existing structures both south and west of the site, in addition to protecting the proposed building from the potential failure of surrounding slopes.” It is obvious that the topography of this site does not easily allow for the proposed design, which is not something the City has to be responsible for. Therefore, the discussion in the ISMND does not coincide with the variance request which is missing the important disclosure of blasting and excavation.

### **Other Options – On-Site Surface Parking**

Applicant states that it would be an economic hardship to adjust the building design to have this may spaces. Economic considerations are not one of the criteria for a variance and the applicant’s property rights are not impacted if he needed a different design than what he is proposing. If it’s not logical or reasonable to construct the design he has planned, then the applicant shouldn’t consider it and should not assume a parking variance would be provided. In addition, the applicant has applied for an encroachment permit to utilize the existing space in the ROW for their own use for sidewalks and outdoor seating, and yet omitting spaces for providing any onsite parking. It appears the applicant is solely interested in own design wishes and ignoring what is permissible within Folsom’s codes and requirements.

Furthermore, just because variances were provided for other projects, does not ensure every new project can also obtain a variance. Each variance is evaluated on each project’s own merit and particular circumstances.

### **Off-Site Parking**

The applicant is trying to lease other spaces in the city. This is not a permanent solution and subject to terms and conditions of the landowners. The City cannot rely on pending, unspecified, outside agreements to provide a variance by the city planning department for a city -approved project.

### Lack of Progress Towards a Parking Solution

After the Historic District Parking Solutions Ad Hoc Committee published its findings on June 23, 2020, the City has been responsible for the implementation of short and long term priorities regarding parking. Staff has initiated some steps towards improving the parking situation, but new parking spaces have not been created. As a result, the applicant is still not able to provide the required evidence that would allow the City to grant a parking variance.

HPL continues to consider the lack of parking in the Sutter Street Subarea the biggest obstacle to the proposed project. If the proposed 12,316 square foot building with a restaurant, retail space and offices is developed without additional parking the existing parking problems (that spill into the surrounding residential neighborhoods) will be intensified.

### HPL Recommendations

- Before a parking variance can be approved for the property at 603 Sutter Street, the applicant should work with the City to initiate the development of an additional public parking facility at the east end of the Sutter Street Subarea.
- As a part of the Zoning Code Update, the City needs to consider if the current parking requirements for the Sutter Street Subarea should be increased.

### **SIGNS**

The previous revision in 2019 included a Uniform Sign Criteria. Even if the selection of tenants has not been finalized at this time, HPL recommends that the applicant should incorporate general locations for building signs as a part of the façade design. Consistent with the practice during the early days of the City, a building name rather than an address would be appropriate along the Sutter Street façade.

### HPL Recommendation

- Select a name for the building that can be incorporated with the front building façade. *(A sign made of plaster, brick or wood would be more appropriate than individually mounted letters.)*

### **CULTURAL RESOURCES**

Based on the age of development along Sutter Street and Scott Street, it is likely that historic objects will be uncovered during the excavation of the building site. These items could provide information about the early history of Folsom.

### HPL's Recommendation

- An archeologist or environmental consultant should be present at the project site during excavation down to bedrock.



To: Folsom Historic District Commission  
Re: 603 Sutter Street Mixed-Use project

I reside at 305 Scott Street (Cohn House) across from the proposed project. I have been involved in reviewing and commenting on this project for several years. I would like to start by saying that I believe property owners should be able to develop their property. I had always assumed that the vacant lot on the corner of Sutter and Scott Streets would be developed. I also want to note that the owners of this property have worked with the residents and surrounding property owners to make important changes to the plans. Their good faith and openness have been commendable.

I was also a member of the group of citizens who, over 25 years ago, developed the historic specific plan and the ordinances that were enacted to control the development of the historic district. So, if the ordinances are not clear, I will take part of the blame.

I have reviewed the revised application and plans which will be under review by the Commission next week. Bob Delp was nice enough to provide me with his thoughtful comments concerning the project and I have reviewed the response of Steve Banks. I will use their organization to provide my thoughts on the issues.

1. Handicapped Parking:

The ordinances relating to the Historic District do require one handicapped parking space. FMC 17.57,050(B) The State Law that precludes cities from requiring parking in buildings that are within a half a mile of a transit station makes an exception for handicapped parking spaces. Therefore, the ordinance requiring a handicapped parking space for this project would apply. I believe that the only way to eliminate this requirement would be for the Commission to grant a variance. However, I don't believe there has been a request for a variance.

## 2. Cultural Resources Inventory List

Just a note to say that the list does not include my house. I think that is because it is already on the National Register of Historic Places. I also notice that the railroad depot is not included. It is also on the National Register. This should not negatively affect this application, but it seems to me that National Register properties should be included in Folsom's Cultural Resources Inventory List.

## 3. Building Height

It appears that the applicant and the planning staff agree that the building exceeds the height limitations of 35' when measured from the sidewalk on Sutter Street to the top of the parapet wall. The city justifies this by claiming that a parapet wall is the same as a tower or spire. FMC Section 17.52.510(C). As one of the members of the committee that drafted these ordinances, I can tell you that this was not what we intended. Almost all commercial buildings have parapet walls, and if we had intended to allow them to exceed the 35' requirement, we would have said so.

I believe the only way to allow this height would to be for the project owner to apply for a variance.

## 4. Setbacks and property lines.

On this point I agree with staff. There was never an intent to require setbacks for commercial buildings in the Sutter Street subarea. FMC Section 17.52.510(C) under the heading "Setbacks" provides that "Contiguous shops on Sutter Street frontage shall maintain continuity of facades along public sidewalk." In other words, there are no setbacks for Sutter Street commercial buildings, most of which have zero clearance between them and are expected to be built to the sidewalk. It is also obvious that most buildings provide covering over the sidewalk. Therefore, the proposed building is consistent with the law and the majority of existing buildings.

## 5. Appeal Rights

I have wondered for years why the City allowed such a broad range of parties to appeal the decisions of the Historic District Commission. The ordinance reserves the right to appeal a decision to “the permit applicant, the permittee and or other person whose property rights may be affected.” Past notices were not consistent with the ordinance and that has now been corrected.

## 6. Design Review

This is perhaps the most important responsibility of the Historic District Commission. It is also the most subjective. I only have one comment on the design. What is that structure over the patio on the right side of the third floor. It does not look historic and looks completely out of place. The rest of the design issues I leave to the good sense of the Commissioners.

**Steven Banks**

**From:** LJ Laurent <ljlarent@att.net>  
**Sent:** Thursday, August 31, 2023 12:30 PM  
**To:** Steven Banks  
**Cc:** daoffice@sacda.org; Lydia Konopka; samuel.assefa@opr.ca.gov; Office of Planning and Research California; OPR State Clearinghouse; Stephanie Henry; Rick Hillman  
**Subject:** Fw: ceqa NOP HOUSING EIR Draft 6000 new housing Units, AMENDMENTS

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Steve Banks, planner  
 cc: S. Henry planner, oversight people  
 From: Laurie  
 August 31, 2023

**RE PN 2017 145 for 603 Sutter St. still noncompliant, NOT eligible as Housing Project under INFILL new 65000 sections.**

RE: Omissions, wrongful claims, outright not provable opinions of non-engineering, non-legal licensed city employees, or outside hired licensed people.

**CONTEXT:**

Please NOTE: COMMENT PERIOD BEGAN and ENDED August 23, 2023.

Housing Element is not in compliance, and likely never will be. Who'd OMIT South of Hwy 50 Vacant land? S50 is far larger & denser than N50 city --- and logical place for STANDARD Streets in the future.

PRIOR to anyone having the Full Comment Period to submit CONCERNS. How can other counties, cities, American River Water users, Fire Dept. be expected to RESPOND so fast, from such a woeful Draft NOP Notice. When did city intend to CLAIM falsely a FULL Preparation with COMMENTS was actually done?

Who can respond to a "DRAFT EIR Notice like Folsom's"????

How can 66 dead on Folsom city property cease to increase with Processes and practices and faulty Circulation of Legal Notices -- such as this process illustrates?

Today Planner Banks issued NOTICE of PUBLIC HEARING before the "2nd alleged plan commission" [AKA an h.d. commission will FULL/ but duplicate Legal Jurisdiction over LAND USE LAWS in State of California.

None of Files would download, which he wrote is my problem or fault.

NONE of PN 2017 145 603 Sutter St. claimed ENTITLEMENT & INCLUSION from Regulations and State & Federal Laws [such as ADA] because planning stated it was a LEGAL INFILL PROJECT.

Law BECAME ACTIVE yesterday. City coverage and Conclusions about this very old Land Use Change to ruin the Residential Area around this rocky, wooded steep hill, are WRONG, totally wrong.

This is Research on Alleged UPDATE NOP for Folsom HOUSING ELEMENT --- which is critical to circulate to all adjoining or Impacted jurisdictions.

ceqanet had and still has NO RECORD --- which

City "law" & opinions NEVER OVERRIDE Federal ADA laws, NOR override the new Govt Code sections, which cannot apply to this rocky slope served by Illegal In-Ground Temporary RAW SEWAGE VAULTS in many places in h.d. --- including the huge vault/pipe in Sutter St., from which raw sewage of city and prison is STORED and REMOVED by trucks to be [apparently] dried someplace in Open Air on some city property. City discontinued hauling of raw extracted sewage a few years ago. Guess Fees for haulers were too high, or no one wanted raw sewage drying on their land. Not known where city disposes of raw sewage in vaults all around h.d. area. LOCATE them by presence of Medallion Locators, or two Sanitary Sewer Manholes in close proximity, such as on Bidwell just below Riley, at Comstock area.



**CONTEXT:** Evidence is Ms. Henry, planning employee did NOT proceed with this pretend Housing Element Update. Nothing has been Legally done, nor Widely Submitted to adjacent entities since before 2021. EXPLANATION of INABILITY to Locate Draft EIR: Unless one has the OFFICIAL CEQA # --- which I did NOT have last week --- one cannot Locate this DRAFT NOP.

What I had was from a local paper piece only.

**Below** please find the ALLEGED Circulation LIST of many Agencies for this Housing Element DRAFT EIR. NONE of the agencies staffers who I know had any Notice of Knowledge of RECEIPT of this Notice. I am on REQUEST LIST with CITY CLERK to receive COPIES of all Folsom CEQA Filings, and yet I got Nothing. Having been a Private Enforcer of CWA, against city vioations, this is quite an omission IMO. Would anyone know it is NOT PROVED CA State Deputy Fire Marshal for Enforcement & staff ever saw this? How does this look combined with closing Natoma St. down to only 1 real lane, and closing down Folsom Blvd. to single lane each direct WITH NO Detours for 1st Responders? That is Endangerment Frosting on an ugly cake allegedly created by city staff.

HOUSING ELEMENT plan actions FROZE, this is first email to Ms. Henry. More to follow.

This is PROOF this city lacks an Independent Civil Engineer and independent [or even active] city lawyers. Still cannot find either of them on Calbar.org List of CA lawyers.

----- Forwarded Message -----

**Sent:** Friday, July 28, 2023 at 02:40:09 PM PDT  
**Subject:** DRAFT ceqa NOP 6000 new housing Units, AMENDMENTS

Sr. Planner Henry  
cc bccs  
From: LJ  
July 28, 2023

Re: Notice of Prep

1. City of Folsom 2035 General Plan Amendments for Increased Residential Densities

**SCH Number** 2023070470  
**Lead Agency**  
City of Folsom  
**Document Title**  
City of Folsom 2035 General Plan Amendments for Increased Residential Densities  
**Document Type**  
NOP - Notice of Preparation of a Draft EIR  
**Received**  
7/24/2023  
**Present Land Use**  
Various  
**Document Description**

The City adopted the 2021-2029 Housing Element in August of 2021. As part of the Housing Element update the City is required to establish and maintain multi-family and mixed-use land available to meet the target housing demand at all income levels over an eight-year period. The City's Regional Housing Needs Allocation (RHNA) obligation for the eight-year Housing Element cycle is 6,363 housing units, of which 3,567 units are to be affordable to low- and very low-income households (collectively referred to as the lower-income RHNA).

To create adequate capacity for lower-income RHNA the 2021-2029 Housing Element includes Program H-2 to strategically increase densities in targeted areas of the City, including the East Bidwell Mixed-Use Overlay, Sacramento Area Council of Governments (SACOG) transit priority areas (Glenn and Iron Point light rail stations), and the Folsom Plan Area (FPA).

To implement Program H-2 and increase opportunities for multi-family high density development to support lower income housing capacity in the City, the Project includes amendments to the City's General Plan and FPA Specific Plan. In total, the Project would create capacity for up to 6,046 additional residential units in the City.

**Context:** CEQA net does not have Proof of Filing this as a formal NOP Notice of Preparation. Search at Ceqanet does not produce NOP nor does it produce Results for Notice of Preparation by city of Folsom, as shown below.

With my experience, I found information, however it is woefully lacking in ALL aspects which a Licensed Professional Civil City Engineer would CERTIFY as Relevant under LAW.

For Example, you listed "many issues" but NOT ONE is Adequately Named & Described by Folsom Charge, and Sealed with his License. How can a planner be entrusted with ENFORCEMENT of all State & Federal Laws impacting Health & Safety?

10/10/2023 Item No. 10.

Worse than that, this appears to be a "drawing exercise" and Fails the Test of Physical Reality and Infrastructure to support the 6,500 Plus new residences. It's as if city lives in a "paper place" with NO engineering Evidence whatsoever.

This is especially appalling because this city plan FAILS to Note that City in South of Highway 50 HAS NO PLANS whatsoever to INCLUDE Transit, Planned Multi-housing which can be PLANNED for consistent with NEW INFRASTRUCTURE, Utilities construction, and services..... PLUS a realistic Plan for Fire and Police Protection in this VACANT LAND.

Summary of above Concern: WHY is Folsom planning to IMPOSE more housing on an already inadequately served old area of the city?

Why is the city "planning" NOTHING to accommodate the new state laws on VACANT CITY LAND --- by AMENDING the UNBUILT portions of city --- vacant South of 50.

Why is city thus accommodating "entitlements" AS-IS --- and NOT ADDRESSING the necessary new housing ON VACANT LAND PARCELS and areas.

**Why is city council ignoring how it is easier to BUILD Infrastructure from a PLAN, than to IMPOSE all the burdens upon the Over-impacted, and jammed up infrastructure in oldest parts of city?**

**Why is City Engineer NOT at all involved in making Signed & Sealed with License Land USE Plan Amendments which MAKE Economic Sense?**

FEDERAL CONTEXT:

The MOST important asset of this city is Federal American River.

Yet Planner totally OMITTS Conveyance of this NOP to the MOST important of ALL PROTECTORS of our MOST important Asset --- FEDERAL Waters including all Tributaries, and the Watershed Forests abutting and protecting LAR.

WHY are ALL Federal Agencies NOT Copied Formally at Ceqanet -- with this very important Amendment "willy-nilly" to the densest, underserved parts of city of Folsom?

Is this a Method of Passive Discrimination? To put all new and affordable housing AWAY from the luxury & single family homes where all the VACANT Land Exists?

Is this intended to ENSURE separation & isolation of poorer new residents children from the single family zoning so Totally Prevalent South of 50 in VACANT LAND?

[Search Results - Office of Planning and Research](#)



# Governor's Office of Planning and Research

CEQA & Federal Grants ▾ Planning & Land

# Search Result

Folsom CA NOP

No Results

[Search for Folsom CA NOP on Google](#)

Where is city's PROOF of PUBLICATION with the Affidavit Certificate from the publishing newspaper?

10/10/2023 Item No. 10.

1. CEQA NOP does not include any Definition nor Map of so-called "overlay areas" included in NOP.
2. Map is insufficient to determine all of the Noted "aims" because there is NO Analysis section for
  - a. Public Infrastructure expansions to accommodate such ambitious growth, with Water supply, roadways, required open spaces, school capacity, fire & police protection, and other Services, as well as Public Infrastructure.
3. This proposal appears to LACK completely the Approved & Certified City Engineers Seal & Signature, indicating the INCREASED Public Utilities, Infrastructure, Safety, Public Health, Welfare, and Educational IMPACTS.
4. Nothing is included which covers the Demographics of the the Anticipated Increase of Population.





city of folsom NOP

About 276 results (0.14 seconds)

Folsom South of U.S. Highway 50 Specific  
ceqanet.opr.ca.gov > ...

**State Review Period Start**

7/24/2023

**State Review Period End**

8/23/2023

**State Reviewing Agencies**

California Air Resources Board (ARB), California Department of Corrections and Rehabilitation (CDCR), California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Housing and Community Development (HCD), California Department of Parks and Recreation, California Department of Transportation, District 3 (DOT), California Department of Water Resources (DWR), California Governor's Office of Emergency Services (OES), California Highway Patrol (CHP), California Natural Resources Agency, California Public Utilities Commission (CPUC), California State Lands Commission (SLC), Central Valley Flood Protection Board, Delta Protection Commission, Delta Stewardship Council, Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Drinking Water, District 9, State Water Resources Control Board, Division of Water Quality, State Water Resources Control Board, Division of Water Rights, California Native American Heritage Commission (NAHC), California Regional Water Quality Control Board, Central Valley Sacramento Region 5 (RWQCB), California Department of Fish and Wildlife, North Central Region 2 (CDFW)

**State Reviewing Agency Comments**

California Native American Heritage Commission (NAHC), California Regional Water Quality Control Board, Central Valley Sacramento Region 5 (RWQCB), California Department of Fish and Wildlife, North Central Region 2 (CDFW)

**Development Types**

Other (General Plan Amendment)

**Local Actions**

General Plan Amendment, Rezone

**Project Issues**

Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Cumulative Effects, Drainage/Absorption,

Energy, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Growth Inducement, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Schools/Universities, Septic System, Sewer Capacity, Solid Waste, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wetland/Riparian, Wildfire

**Local Review Period Start**

7/24/2023

**Local Review Period End**

8/23/2023

**Steven Banks**

**From:** LJ Laurent <ljlaurent@att.net>  
**Sent:** Thursday, August 31, 2023 10:02 AM  
**To:** Steven Banks; Elaine Andersen; Steven Wang  
**Cc:** daoffice@sacda.org; Rosario Rodriguez; YK Chalamcherla; The HFRA; Bob Delp; Kat Gray; HPLBoard; Beth Kelly  
**Subject:** Re: DISMISSAL as MY FAULT???? Historic District Commission 9-6-23 Meeting Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I have just accessed the Historic District Commission Agenda and Packet successfully from my computer at work, you may have to be patient as the Packet is very large.

Steve

**Context:** I have actual Hard Evidence the "planning dept. computers" actually have DIFFERENT and FULLER ACCESS to Real Estate Parcel links, Tax Assessor Links, Permit Evaluation information, Conditional Use Permit Records.

Do you truly believe you are dealing with a novice? Ten years in land use judicial hotseat, and certifying complete Compliance on over 2000 Petitions, working exclusively with Licensed Experts -- that is a lot of experience with Land Use Law and all enabling Legislation.

Your response email is 100% dismissive and Hard Evidence you, "planner in charge" have NOT READ and ADDRESSED Research Report sent to you last week. Nor have you Acted and Published Legal Notices with FULL direction, guidance, and Certified Approval of Licensed city civil engineers, city lawyers, or any Outside Certified Engineer, lawyer, or Compliance Officer with Jurisdiction.

We previously downloaded and Investigated the ENTIRE packet placed on "h.d. pretend commission" for review and found it legally Insufficient and Questionable in Many Legal Respects. Report of this was widely circulated, including to city council.

Did you RECEIVE the entire set of Research Emails containing Exclusively Public Records and very few "questions/comments" of the OMG Type.

Did you consult all Licensed Civil Engineers, Surveyors, and City Clerk, City lawyers --- for Certified Direction in regard to Legal Cite Faults, Omissions, and using rank opinions as Legal Authority?

Do you not feel "concerned" that Neither a Licensed city lawyer, Petitioner Lawyer, City Civil Engineer, nor Petitioner Civil Engineer FAILED entirely to Certify and SEAL as Legally Compliant, all pages and "unsubstantiated claims" contained in city PN Public Record?

Why would you, as Named "in charge" of major Land Use Alterations, Legal Notices, etc., respond that my new computer MUST BE lacking in RAM speed? Or Opine that SIZE of File is too large for rapid download?

Moreover, even if you and remainder of planners involved and NON-Registered "owners trust" anonymous PETITIONER, have NO LICENSED professional Certifying/Sealing with Real Licenses, Why would you DISMISS FAILURE by you and city to ENSURE ACCESS at City Website?



Laws Require/Demand Licensed Civil Engineer, Geologist, Surveyor, Sanitary Sewage Engineer to All  
 Recommendations contained in Waterworks SSS Hydraulic Capacity Report 2018  
 which very clearly states and certifies Densification, Conditional Use Permits, Alterations which FAIL to consider SSS  
 pose a DIRECT THREAT to the entire Sewershed for this h.d.  
<https://www.folsom.ca.us/home/showpublisheddocument/786/637467522258230000>

A large number of such Glaring Improper [apparently willful] city staff, city council, and Petitioners counsel "errors, emissions, Disregard of City commissioned Outside Reports, sealed by multiple engineers" and 4 preceding Reports appears to indicate a pattern of Wrongdoing.

All Issues and neglected Signed, sealed, Certified Reports mandatory for Densification, de facto REZONING, False Reporting to County Tax Assessor --- have been reported to you directly.

**PLEASE Certify RECEIPT and Civil Engineer Perusal of all Public Records submitted to you Immediately after city ad appeared in Telegraph.** If you wish copy, be CERTAIN to obtain the AFFIDAVIT of Publication in Telegraph last issue, from Gold Country Media new owners, and ATTACH said AFFIDAVIT to the very TOP of this application in City Clerk FILES, and in City Engineer FILES.

These are Elements of Legal Compliance for Land Use Regulation. It is serious to Ignore Legal Requirements in Land Use and of course, the Potential FALSE FILINGS with County, Avoidance of State Laws governing RE TAX EVALUATION Process, Ownership shown on County FILE, Ownership PROVED with CA Secretary of State Business Entity Evidence of REGISTRATION of "owner entity."

Unless & UNTIL all required Records are on FILE formally with the Receiving Entity --- Folsom City Clerk Office, and Deputy City Clerk, Advertising this and Wrongfully concluding it's OK to call it infill --- when under CEQA regulations -- it is NOT legally eligible as "Infill." Moreover, this plan Contradicts General Plan designations, Folsom Municipal Code Chapter 17 Definitions, Processes, and Governing Rules, etc.

UNTIL a SWORN City Clerk Deputy enforces all the Publication, storage and Distribution of Folsom's FORMAL Documents and Legal Notices have affidavits, planners, "alleged 2nd plan commission & CUP approval/recommending bunch" have zero legal Jurisdiction.

Of course Governor's Office Planning & Research. will be Notified formally & continuously of city's Opinions being Published without a Single Licensed Civil Engineer Certifying and FILING all city Land Use operations Truthfully with Sacramento County Officials. "False Filings to County Recorder/Assessor" is neither trivial, nor clearly NOT a Civil matter.

Your response merely indicates some sort of "going along" with someone, some "usual practice", or some pressures.

Get Licensed Civil Engineer, Geologist Certificate, and Independent Legal Counsel, and PROOF the new "co. or company" exists legally.  
 Then brag to me cityhall staff have FAR MORE DOCUMENT ACCESS in-house -- than Public has.

Law says Public Records BELONG to us as "Part of the Peoples' Business."  
 That includes LEGAL COMPLIANCE to letter of law.

100% disappointed in your maintaining a sense of Ethics, Integrity, and professionalism,

Kindly READ and RESOLVE prior Research Report and compose a proper Response and Recommendation. Please stop endorsing/supplying Legal Notices which are mere non-licensed persons' opinions.

Must Research Report Labelled and Submitted to council and Deputy Clerk as this PN's COMMENTS for FILE and corrections ---- be resent for an actual Analysis and Consultation with Licensed Ethical Professionals? and don't ever think you can skip Waterworks 2018 Report as VITAL condemnation advice for all densifications, CUPs, de facto RE-Zones in violation of Gen Plan Map & CEQA as Essential Elements of a Signed/Sealed/Approved & Certified Report.

Look at what caused all but 1 lane of Natoma St. Closure for two-way traffic.....

Look at COLLAPSE of land under structures, public roads, etc., which are identical in ALL sections of "h.d." Look at Sutter St. medallions with Location of an illegal underground Temporary storage "vault" for excess Raw Sewage there.

Why does council sit on their "let's have another favorites on a committee to discuss" total deterioration of city" throne? At least Sarah reacted to this repetitive "talk about it among the favorites in city policy. Failing to have an Independent Licensed Civil Engineer re-instated to City Charter and FMC law codes --- how is that OK?

How will Proposal to INCREASE TAXES stop more deaths on city property?  
Any single person believing past secrecy and putting all city laws "ONLINE ONLY" will continue to prevail without opposition, is still deluded.

Let's get real Steve.

YOU appear to be a mouthpiece, but until Licensed Lawyers, Scientists, and Independent Civil Engineers Sign/seal/approve -- and thus Certify Total Legal Compliance ---- this PN reappearance is Insulting.

Especially since PETITIONER DOES NOT EXIST according to Sec of State CA

## No results were found for "Cedrus Holding Co."

Try your search again with different filters or a different search term.

On Thursday, August 31, 2023 at 08:51:24 AM PDT, Steven Banks <sbanks@folsom.ca.us> wrote:

Good morning,

I have just accessed the Historic District Commission Agenda and Packet successfully from my computer at work, you may have to be patient as the Packet is very large.

Steve

**From:** LJ Laurent <ljl Laurent@att.net>

**Sent:** Thursday, August 31, 2023 8:02 AM

**To:** Christina Kelley <ckelley@folsom.ca.us>; Steven Banks <sbanks@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; YK Chalamcherla <ykchalamcherla@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Anna Rohrbough <annar@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>

**Cc:** amuegge@sacbee.com; kcra\_news\_tips <kcra\_news\_tips@hearst.com>; The HFRA <thehfra@gmail.com>; daoffice@sacda.org

**Subject:** Re: Historic District Commission 9-6-23 Meeting Agenda

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

10/10/2023 Item No.10.

Hello city "plan employees, legal eagle, TOP officials"

**FYI PREVIEW REFUSES TO DOWNLOAD.**

**City Online information Link**

**states PAGE NOT FOUND**

..... to us PUBLIC, it seems integrity and Law Compliance cannot be found.



folsom.ca.us/city\_hall/depts/cnc/historic/default.a



MENU



CITY OF FOLSOM  
DISTINCTIVE BY NATURE

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You can go to the home page but why not s

Enter some details about what you were tr  
what page you were trying to access - and



On Wednesday, August 30, 2023 at 07:03:47 PM PDT, Christina Kelley <[ckelley@folsom.ca.us](mailto:ckelley@folsom.ca.us)> wrote:

Please see attached the Historic District Commission Meeting Agenda for **September 6, 2023**.

Thank you,



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE



**Christina Kelley**  
*Administrative Assistant*



**Community Development**  
**City of Folsom**



50 Natoma Street, Folsom, CA 95630  
[ckelley@folsom.ca.us](mailto:ckelley@folsom.ca.us)  
916-461-6231



[www.folsom.ca.us](http://www.folsom.ca.us)

**Steven Banks**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Tuesday, August 29, 2023 10:18 AM  
**To:** Desmond Parrington  
**Cc:** Steven Banks; Pam Johns; Sari Dierking; Elaine Andersen; kcolepolicy@gmail.com; Nathan Stroud  
**Subject:** Re: 603 Sutter Street [Oak Tree Impacts]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Desmond: I'm sure you're already planning to, but can you please make sure the staff report fully addresses the project's impacts to "protected" oak trees and clearly discusses:

1) the applicant's rights, or lack thereof, to destroy/damage protected trees that are on City property (per mapping in most recent arborist report, two protected oak trees that would be eliminated by the project are on City property and are not on the 603 Sutter parcel);

and

2) the findings that the HDC would need to make to allow the destruction of these two protected oak trees on City property, in particular, the required finding that, "*[u]se of the property consistent with the Zoning Code cannot be made unless the Protected Tree is removed and there are no Reasonable Alternative Measures to allow for use of the property consistent with the Zoning Code.*"

I suggest that reasonable use of the property could be made while preserving even some of the protected trees that are *on* the property; and reasonable use of the property could certainly be made without destroying both of the two oak trees that are not even on the property.

Thank you,  
 -Bob

Bob Delp  
 916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Monday, August 28, 2023 2:24 PM  
**To:** Desmond Parrington <dparrington@folsom.ca.us>  
**Cc:** Steven Banks <sbanks@folsom.ca.us>; Pam Johns <pjohns@folsom.ca.us>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>  
**Subject:** Re: 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

If you intend to proceed with the Sept 6 hearing, I will await the staff report and provide my input to the HDC. If you decide to take seriously my concerns about this project not being ready for hearings, I would be

glad to discuss with you and the applicant and whomever else ways in which I think the City deficiencies and move a 603 development project to the finish line.

Thanks, Desmond.  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

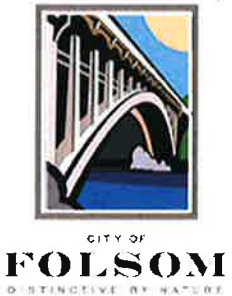
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**From:** Desmond Parrington <[dparrington@folsom.ca.us](mailto:dparrington@folsom.ca.us)>  
**Sent:** Monday, August 28, 2023 2:10 PM  
**To:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Cc:** Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>; Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>; Sari Dierking <[sdierking@folsom.ca.us](mailto:sdierking@folsom.ca.us)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>  
**Subject:** RE: 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

Hi Bob:

We have received all your emails and are currently gathering the information you've requested and looking into the issues you've raised. Since August 18<sup>th</sup>, we have received 8 separate emails from you requesting information or raising issues that you want staff to address. If there are further issues or information you need, please let us know as soon as possible so that we can get that to you. Staff will be providing you this week with one consolidated email response containing the information that you have requested. Please note that any issues raised after the release of the staff report later this week will be addressed by staff at the Historic District Commission meeting on September 6th.

-Desmond



**Desmond Parrington, AICP**  
*Planning Manager*  
**City of Folsom**  
50 Natoma Street, Folsom, CA 95630  
[dparrington@folsom.ca.us](mailto:dparrington@folsom.ca.us)  
o:916-461-6233 c:916-216-2813  
[www.folsom.ca.us](http://www.folsom.ca.us)

**Steven Banks**

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**From:** Adena Blair <adenacblair@yahoo.com>  
**Sent:** Monday, August 28, 2023 5:53 PM  
**To:** Steven Banks  
**Cc:** Bob Delp; Jennifer Lane  
**Subject:** Re: Amended Public Notice for 603 Sutter Street Mixed-Use Project  
**Attachments:** HDC Amended Public Notice 11x17 603 Sutter Street Mixed-Use Building (PN 17-145) 9-6-23.docx

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Steve,

Thank you for sending this amended notice.

You say that it "simply clarifies who is eligible to file an appeal," but this doesn't seem like a simple issue. The notice you sent before this one said anyone could file an appeal and I think that's what other notices for Historic Commission meetings have said in the past, but this revised notice seems to really limit who can file an appeal. Can you do that?

I live about a block from 603 Sutter and I'm really concerned about the project, but I haven't really thought about if my "property rights" would be affected. The proposed building is too big (taller than what the city code allows), the businesses and restaurant and whoever else would use the building will make an already ridiculous parking situation in this neighborhood even worse (I know the City can't impose minimum parking standards any more, but there are a lot of other things the City could do to address impacts related to parking, and I'm afraid you and the Historic Commission won't try to do anything about those).

The very thought of an eating establishment and the corresponding smelly dumpster makes me want to gag if one is located anywhere on the site. Try walking anywhere near the one on the corner of Riley and Scott in the heat of the day to get a preview.

I don't see how they could justify it, but if the Historic Commission does approve this building I think we should be able to ask the the City Council to reconsider. Is this revised notice saying that I and my neighbors can't appeal to the City Council?

Respectfully,  
Adena Blair, 607 Figueroa St

On Thursday, August 24, 2023 at 08:36:12 AM PDT, Steven Banks <sbanks@folsom.ca.us> wrote:

Good morning,



Please find the amended public notice for the 603 Sutter Street Mixed-Use project which 10/10/2023 Item No. 10. be heard by the Historic District Commission on September 6, 2023. The amended public notice simply clarifies who is eligible to file an appeal regarding the proposed project to the City Council and the process for filing an appeal.

Best regards,

Steven Banks

Principal Planner

City of Folsom

(916) 461-6207

[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)

## Steven Banks

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**From:** Bob Delp <bdelp@live.com>  
**Sent:** Monday, August 28, 2023 11:27 AM  
**To:** Desmond Parrington  
**Cc:** Steven Banks; Pam Johns; Sari Dierking; Elaine Andersen; Rosario Rodriguez; YK Chalamcherla; Sarah Aquino; Anna Rohrbough; Mike Kozlowski; kcolepolicy@gmail.com  
**Subject:** Re: 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Parrington:

On June 22<sup>nd</sup> you wrote in an email to me, "I am interested in working with you, HPL, HFRA, FHDA, and others in a productive way to *improve the process*, improve the zoning regulations in the Historic District, and *develop objective design standards* for the area to do what we can to protect it given all the changes in state law."

Based on Mr. Banks' email below and my review of the 603 Sutter Street project-related materials on the City's pending development applications webpage, it appears that you and your staff are intending to bring forward a project to the Historic District Commission that fails to comply with *existing* objective standards in the Folsom Municipal Code (FMC). If you and Ms. Johns are truly interested in a productive way to improve the process and protect the Historic District, I suggest you begin immediately by performing a more careful review of the 603 Sutter Street project and recognize that the project has thus far been inadequately reviewed and processed.

Project documents include a report by Planning Partners entitled "Categorical Exemption Supplement". Instead of updating the previous CEQA Initial Study (several draft versions of which have been prepared for various previous iterations of this project), the Planning Partners document was apparently prepared with the sole purpose of making an argument for why the City can claim that the project is exempt from CEQA. Consider this approach in light of information you presented to the community in a virtual meeting on August 17, in which you and your consultant presented a slide on the purposes of the CEQA process, explaining that important purposes of CEQA include "public involvement and disclosure" and "informed decision making." While there are other reasons that the project does not qualify for a CEQA exemption, attempting to avoid those two important purposes for the 603 Sutter Street project is inexcusable for the 603 Sutter Street project.

Immediately across Scott Street from the 603 Sutter Street site is Folsom's premier historic property, the NRHP-listed Cohn House. To the immediate west of 603 Sutter Street is the historic Folsom library property, on which sits the historic library building and a unique and perhaps one-of-a-kind cobble-faced retaining wall. East and south of 603 Sutter Street is a Historic Folsom residential neighborhood in which live many Folsom residents who care deeply about this community, its historic character, and our ability to enjoy living here safely and comfortably. Yet, instead of embracing the public involvement, disclosure, and informed decision-making that a comprehensive CEQA process would entail, it appears you are now intending to assert a CEQA exemption in an effort to avoid those aims. City staff have previously circulated at least two draft Initial Studies for previous iterations of this project, both of which identified potentially significant

environmental impacts and mitigation measures recommended to address those impacts; yet the basic project remains essentially the same - a new building that is too large for the property's setting - you now appear to have decided to avoid the public involvement, disclosure, and informed decision-making (and mitigation) that would be involved with a meaningful CEQA process. How you arrived at that approach is baffling and truly disappointing, and I strongly encourage you to reconsider.

Further insulting this community, last week Mr. Banks circulated a revised public notice for the HDC hearing which eliminates the ability of "any interested party" to appeal an HDC decision to the City Council, and now specifies that an appeal can only be filed by a person whose property rights are affected. The language in the revised notice substantially restricts standing to appeal an HDC decision to the City Council. Even if property rights are broadly interpreted, the revised language effectively denies the right of many Folsom residents to even attempt to show standing. For instance, many residents are renters and do not own property in the City, so it would be seemingly impossible for those non-property-owning residents to qualify for an appeal, and non-profit organizations interested in protecting the Historic District but which do not own property would be similarly limited in demonstrating standing to appeal. Further, many individuals and organizations who, based on the revised language may not have standing to appeal to the City Council, will still have standing to legally challenge the claimed CEQA exemption. Therefore, the approach of your revised hearing notice creates a situation in which an HDC decision could subject the City to a lawsuit without first providing an opportunity for the City Council to hear from concerned residents and organizations and giving the City Council an opportunity to address concerns and avoid a lawsuit. Previous HDC hearing notices advised that an appeal could be filed by any interested party. Rescinding that ability severely restricts the public's right to be heard by our elected officials and puts the City at a heightened legal risk.

Below is discussion of some of the objective standards of the Folsom Municipal Code with which the currently designed project does not comply and for which the project must be required to obtain variances or be redesigned to comply with (and there may be others):

**FMC 17.52.420 "Architectural features. Fireplaces, bay windows, attached porches and decks and patios higher than 30 inches above grade, may extend into a required setback area a maximum of 2 feet, but shall not be closer than 3 feet to a property line or closer than 6 feet to any portion of another structure. The combined length of all such features shall not account for more than 25 percent of the length of the wall surface on which the features are located."** The project fails to comply with the objective standards of 17.52.420. The proposed second floor deck along Sutter Street extends 5ft 1in over the property line (into the public right of way) and therefore does not comply with the "shall not be closer than 3 feet to a property line" objective standard. The proposed third floor deck extends to the property line along Scott Street and therefore does not comply with the "shall not be closer than 3 feet to a property line" objective standard. Additionally, the proposed design includes second and third floor decks that both extend along the building's entire Sutter Street frontage. These combined length of these features compose **200 percent** of the wall and do not comply with the "shall not account for more than 25 percent of the wall surface" objective standard. Additionally, the third-floor deck extends along 50 percent of the building wall facing Scott Street, and therefore this feature does not comply with the "shall not account for more than 25 percent of the wall surface" objective standard. The proposed second and third floor decks do not comply with the FMC 17.52.420 objective standards and require variances or the project needs to be redesigned to comply with this code section.

**FMC 17.52.510 "Sutter street subarea special use and design standards. C. Height. Building heights shall not exceed 35 feet adjacent to the sidewalk area on Sutter or Leidesdorff Street and 50 feet in other sections of the subarea. Towers, spires, or other similar architectural features may extend up to 15 feet above the building**

height." According to the project drawings (see North Elevation on Figure A-211), the proposed parapet wall would extend above the 35ft level on northwest corner of the third floor and the proposed parapet wall would extend as much as **4 feet above the maximum allowable height** plane as illustrated in the drawings. Even if the parapet wall was excused from the building height consideration (which it cannot be), the roof itself still extends above the max height plane as illustrated by the project design plans. Further, the 17.52.510(C) height provision pertains to "building height" not "roof height." The parapet walls that extend above the roof elevation are part of the building and exceed the height limitation. The parapet walls are not towers or spires, and are not similar to towers or spires, they are part of the building and are subject to the height limitation. The building height does not comply with FMC 17.52.510(C) objective height standard and requires a variance or the project needs to be redesigned to comply with this code section.

**FMC 17.57.050(B)** is an objective standard that specifies the number of parking spaces that "shall be provided for the handicapped" and requires that one (1) handicapped parking space is required when the total number of standard parking spaces otherwise required is between 0 and 40. Although AB 2097 added Section 65863.2 to the Government Code which precludes the City's imposition of minimum parking standards on this project, **the law expressly does not dismiss or disallow the City from requiring compliance with parking standards for the provision of parking spaces accessible to persons with disabilities.** Gov. Code Section 65863.2(f) states, **"This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply."** Based on the proposed first floor retail (2,716 sf) and second floor office (5,246 sf), without AB 2097 the project would otherwise be required to provide at least 22 parking spaces. FMC Section 17.57.050(B) specifies the number of parking spaces that "shall be provided for the handicapped" and requires that one (1) handicapped parking space is required when the total number of standard parking spaces otherwise required is between 0 and 40. The project is therefore required to either provide a minimum of 1 parking space that meets the handicapped parking space design requirements of FMC 17.57.050 (e.g., located so as to provide for safety and optimum proximity for direct access to the primary entrance of the building, at least 14 feet wide, etc.) or the project applicant needs to apply for and obtain approval of a variance from the City's handicapped parking standard.

This project is not ready for the HDC. An applicant can propose a project that does not comply with design standards, but to do so, must file an application for a variance for each non-compliant project component and provide the applicant's attempt at justifying the variance. Rather than your staff's current approach of attempting to help this applicant circumvent the FMC's objective design standards and variance obligations, please readjust your trajectory for this project and process it in compliance with the requirements of the FMC and in a manner that is protective of the City's Historic District and its historic properties, resources, and residents.

Thank you,  
-Bob Delp

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)



To: Deputy City Clerk/Records/direction to elected council and city lawyers;  
 cc: copied to Investigative agencies, local residents  
 From: Laurette Laurent  
 August 24 2023

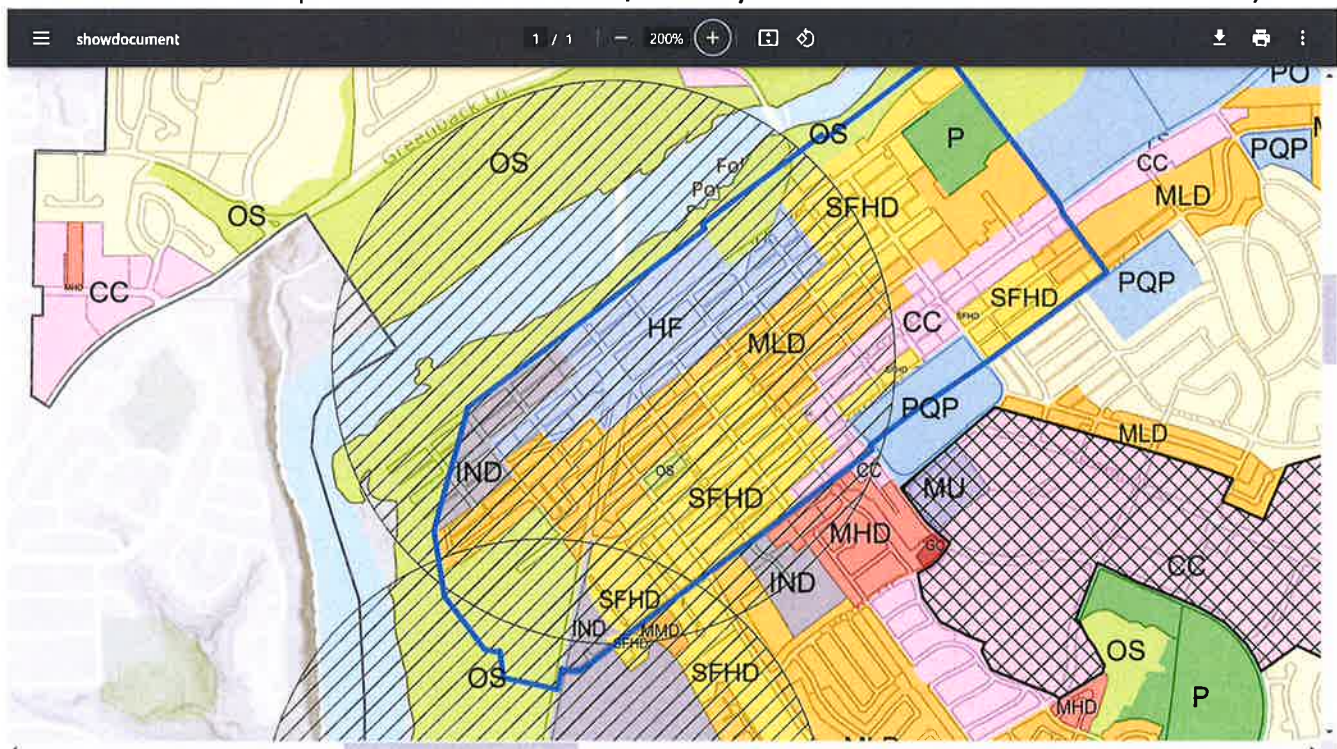
Re: Apparent false publication data; false or no Filings with County; False claim of Infill CEQA application

Context: Public Notice WRONGLY states EITHER the resident APPEARS and tries to speak objections in minutes OR they must DELIVER Objections at meeting. WRONG!!! Apparently many Other FALSE claims are in PUBLIC NOTICE 8 24 2023 in Telegraph, and Actual apparent Pattern of recurring Failures in Legal Compliance. [It is PN-17-145 back to haunt Abutting Residential Zone District citizens with NO city Lawyers-Certification in Re: Misstatements of Governing Laws] Years of this is abusive, wrongful PATTERN of behaviors, attributable ultimately to Elected Officials Failures.

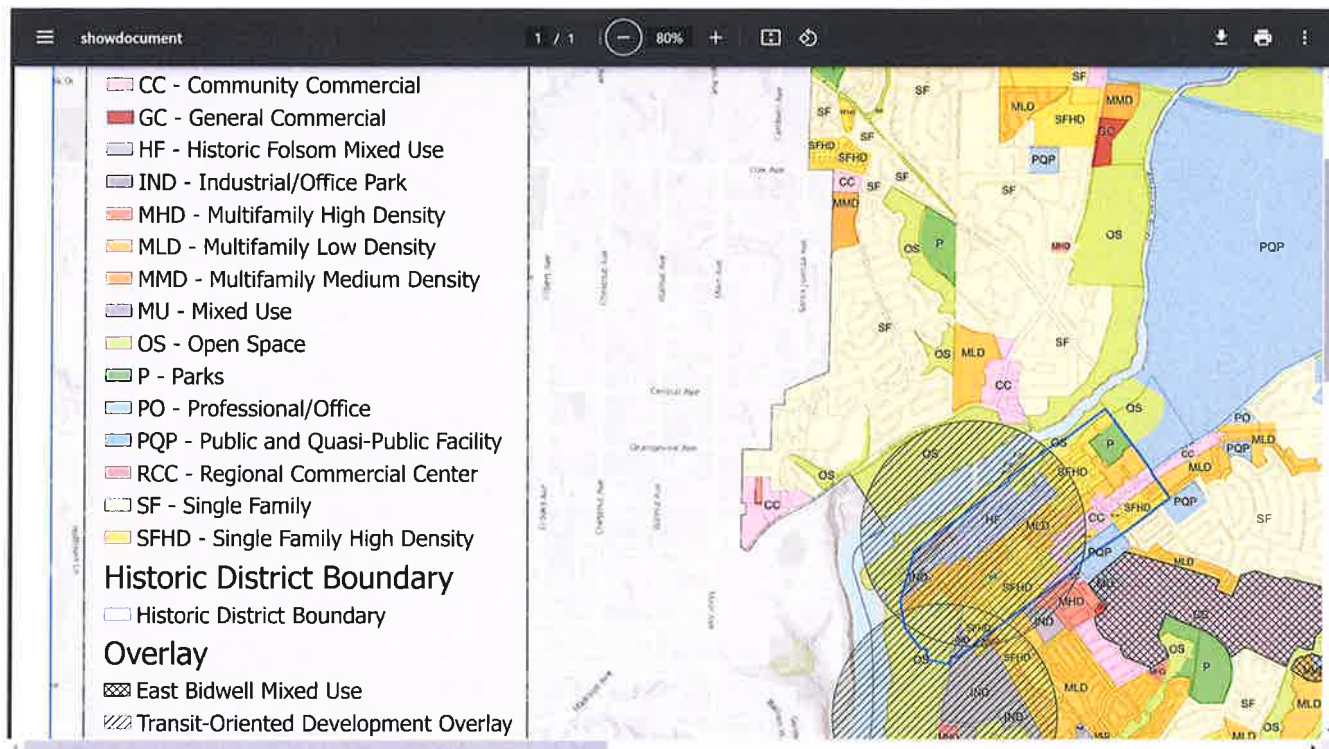
Clearly THIS does NOT meet CEQA and California Government CODE Laws because this is really a REZONING to a NON-Existent ZONE DISTRICT. Thus it's de-facto REZONING by means of having TWO Distinct "plan commissions" & NO Licensed Engineer to APPROVE and PREVENT such misdeeds. Folsom thinks it can have TWO plan commissions not the legal One per entity. Folsom thinks Advisory groups can MAKE REZONING DECISIONS without Legal Due Processes being applied.

Proof of this is clear in California Government Code Laws which I have repeatedly supplied directly to city lawyers [always silent on violations], and city council elected persons who routinely DENY APPEALS to such highly questionable & likely wrongful Patterns of Wrongful Violations.

Any law-abiding Licensed Attorney at Law can verify doing a quiet "de Facto" rezoning in this manner is NOT permitted in this state/country. There is NO DEFINITION of any



“mixed use Zone District” in city Laws. There is NO ADMISSION Law absolutely Prohibits having TWO “plan commissions” which creates TWO distinct cities and an improper group of private appointed citizens actually Changing Land Uses AT WILL, with some city council Refusal to enforce laws by following proper Signed & Sealed Reports of Licensed Expert and Independent City Engineer in charge.



Transit-Oriented Development Overlay = NOTE OVERLAY IS NOT ZONE DISTRICT  
 East Bidwell Mixed Use Overlay = NOTE OVERLAY IS NOT ZONE DISTRICT  
 Historic District Boundary BLUE LINE

**ISSUE:** Light BLUE COLOR labeled as “HF” Historic Folsom MIXED USE Zone District. However, consult the included Folsom Chapter 17 in this report. There is NO Legal Zone District called “Mixed Use” which includes, like real Zone District Definitions all the Standards, Regulations, Infrastructure, Road widths, Safety & CA FIRE CODE laws into its actual Legal Definition as a State of California Legally Sufficient under Government Code 65000 laws, to be such a complete Legal Definition of All Components of a ZONE DISTRICT DEFINITION.

Below is ENTIRE FMC Statement of ZONE DISTRICTS in city of Folsom. There is no such thing as a “mixed use Zone District.” No city Engineers could Possibly ADAPT the Infrastructure and Public Services to such Arbitrary diffuse improper “laws” and the Demands they create on Infrastructure and SERVICE Provision in a single city.

Folsom OFFICIAL & Legally BINDING DEFINITION of ZONE DISTRICTS within city Limits must be fully defined in Folsom Municipal Code which is the Controlling Zoning LAW:

NOTE: Legally Folsom law is improperly labeling Legal ZONE DISTRICTs “classes of general districts.” State and Federal law DO NOT allow for distinguishing a “difference” between a “class” of Zone District and actual Legal Definition of Each ZONE DISTRICT,



with statements of all Standards which apply in Each Defined & Named ZONE DISTRICT.

Overlays, such as those included magically, WITHOUT PUBLIC VOTING, are NOT ZONE DISTRICTS at all. Overlays and "Mixed Use" "districts" are NOT LEGALLY DEFINED by city of Folsom employees, such as city lawyers CERTIFYING with their Licenses, that NEW ZONE DISTRICT Definition have been, were, or Will be created and Approved in Open Sessions, and possibly subject to Public Vote.

Creating Willy-nilly, new commissions without any Right to be a SECOND, ONLY Part of city Land Use Laws IS NOT Granted to cities or counties by CA Govt Code Enabling Legislation. It is ONE plan commission for each ONE CITY.

Any unlicensed Trained Expert employed by city, or in elected office, who Claims a Right to a "second commission creation" with Legal powers to treat One, very old part a city Differently in ZONE DISTRICT Definitions & Administration is NOT obeying CA Govt Code Prohibitions on More Than one single Set of City Zone Laws, and One single Plan Commission.

In this country, cities cannot have Multiple "plan Commissions" to administer different parts of city --- which creates Multiple cities with NO applicable Standards in the "second, third" of subsequent improper divisions of that one city. Such a Right is DENIED to any city or other entity in this state, or this country.

Furthermore, where in CA Government Code does State grant to cities the Right to Make NEW Zone Districts and New Commissions to 'grant Exceptions to Law' without PUBLIC HEARINGS and Preferably VOTE of Residents to approve such huge Land Use Alterations.

Note there is NO 21<sup>st</sup> century Hard Proof of Public Notices being given, and multiple bogus "extra plan commissions created." City law clearly states the 20<sup>th</sup> century Laws are STILL the Prevailing law ---- no matter how many "overlays" are used by these bogus additional "commissioners" and others, to Treat this like TWO distinct cities with 2 distinct sets of Standards, Regulations, ENFORCEMENT bodies.

Note in FMC: Very Old, Prior Century City Laws/Ordinances are CITED as the Legal Authority granted to Folsom by State Laws. However, this bogus set of OVERLAYS are NOT created and not allowed by CA Government Code --- hence the city's actions DO NOT OBEY State Laws - which are the Final Authority.

While "architectural" groups are allowed, NOTHING they decide can be LEGALLY Valid because if they were --- then Folsom is claiming it is Legal to have TWO plan commissions with TWO separate sets of laws --- which is against higher laws. OVERLAYS are NOT ZONE DISTRICT LAW Definitions at all. Advisory-Only people, including those with Conflicts of Interests, cannot legally make Zone Law Alterations in this country. Each Zone District requires Conformity with Higher Levels of Law Enforcement. Our US Constitution gives us these Rights to be Equal Americans under Laws.

Had not a prior elected man put Entire city Laws and Charter ONLINE ONLY, this nonsense of changing laws without Open Public Notice & Hearings, could never have happened. This current council Must be held RESPONSIBLE for ignoring the Failure of Folsom CA to have any longer a Title/Duties/Responsibilities and longterm Contract of an Independent Licensed Civil Engineer in Charge.

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## Chapter 17.10 DESIGNATION OF DISTRICTS

Sections:

[17.10.010 Established.](#)

[17.10.020 Special districts established.](#)

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### 17.10.010 Established.

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The several classes of general districts established and into which the city is divided are designated as follows:

- A. R-1-L, R-1-ML, R-1-M, single-family residence districts;
  - B. R-2, two-family residence district;
  - C. R-3, neighborhood apartment district;
  - D. R-4, general apartment district;
  - E. C-1, neighborhood business district;
  - F. C-2, central business district;
  - G. C-3, general commercial district;
  - H. CH, highway service commercial district;
  - I. CM, commercial-manufacturing district;
  - J. M-1, light industrial district;
  - K. M-2, general industrial district;
  - L. M-L, limited industrial district;
  - M. MF, industrial frontage district;
  - N. PD, planned development district;
  - O. R-M, residential, multifamily dwelling district;
  - P. BP, business and professional office district. (Ord. 378 (part), 1979; prior code § 3102.01)
- 

### 17.10.020 Special districts established.

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In addition to the foregoing classes of districts, certain **combining districts** are established and are designated as follows:

- A. A, special agricultural district;
- B. B, special building site district;
- C. F, special highway frontage district;
- D. P, special parking district;



E. H, special height limit district;

F. CD, special civic district. (Ord. 378 (part), 1979; Ord. 239 § 1, 1969; prior code § 3102.02)

[Home](#)

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**The Folsom Municipal Code is current through Ordinance 1336, passed January 10, 2023.**

Disclaimer: The City Clerk's office has the official version of the Folsom Municipal Code. Users should contact the City Clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.folsom.ca.us>

City Telephone: (916) 355-7270

[Code Publishing Company](#)

**COMMENTS: PLEASE NOTE, Combining Districts are NOT ONLY NOT DEFINED, but city Laws DO NOT PROVIDE Actual enforceable STANDARDS for Public Infrastructure in these "combining districts."**

**In Plain Words, "combining district" has NO DEFINITIONS for What they are and WHAT STANDARDS, Bulk Regulations, and Restrictions APPLY. Clearly this is "ZONING" without Obeying CA State Govt Code 65000 et seq.**

<https://www.nevadacityca.gov/files/documents/NevadaCityHistoricNeighborhoodsDistrictInitiative1338040331070722PM.pdf>

**Example of Historic Neighborhood District with REGULATIONS Requiring VOTE of LOCAL RESIDENTS to APPROVE ANY "changes" to nature of any buildings --- not specified in HND LAW whether Future Buildings are ALSO SUBJECT TO VOTE OF HND or City-Wide RESIDENTS for approval of NEW CONSTRUCTION of any TYPE.**

**There is considerable evidence from city's own Charter and FMC in their "online-only" state, that both are NOT in compliance with either State, Federal laws, or the Constitutions of both these higher levels of government. If you live adjacent to a Residential Zone, and NO such legal entity as a "Mixed Use Zone District" even EXISTS [nor does "combining district" have any Legal basis] it would appear you have every Right to seek Formal Investigations and file Formal Complaints with an agency which has Authority under law to enforce Patterns of organized Violations of laws by multiple persons.**

**How can your Parcel and home maintain any True Value if the city claims to have the RIGHT to Densify, Deversify, Alter, ADD dis-allowed Zone District Uses --- which impact the value of YOUR property. But, Worst of all your raw sewage lines are impacted. Your roadways are mis-used and over-crowded by Other Zone District Uses such as Commercial, Live-Entertainment Commercial, Outdoor consumption of Restricted food or beverage on Public Property AND your property. Your parcels have been used as public toilets, illegal commercial Use parking.**

This city has seen fit to make you In EFFECT a second city where YOUR Property Rights and Your Zone District Definition and Legal Uses are mixed & confused with all sorts of Land Uses NOT legally permitted in your Residential Zone District.

You also have seen repeatedly the city illegally using a second [not allowed] "plan commission" group to actually ALTER Zone District LAND USES which is clearly NOT consistent with California State Government Code.

For your information, Formal Reports have been filed that using this illegal "second Land Use Exception- granting body" nonsense, has led to huge, really huge amounts of Real Estate Tax Revenue to the Entire Sacramento County.

It adds to home owner & other Residential Zone RE Tax Assessments Rising, so that city can make City Owned Parcels the "off street parking" by a simple declaration of this "h.d. Commission" which is NOT under CA Law allowed to ENACT Land Use Exceptions, NOT permitted as a Second plan commission in this state/country.

It is time to consider: in such fast-changing political conditions, is it acceptable for a city to continue to operate in this decades long fashion?

How much harm and expense have you suffered on your own Parcel?

How many Public Infrastructure projects have NEVER happened nor been paid for by New Development owners/builders – who are apparent kings of city?

Why is every roadway, raw sewage pipe full of 3 prisons plus most city raw sewage, suddenly caused you money, time, inconvenience, concern --- and finally city admits a sudden Giant shortfall of \$600,000 and looming larger shortfalls and new taxes to cover ignored & willfully occurred actions which harm residents?

FAULTS in Telegraph Public Notice include following:

THIS is NOT a CEQA "infill project" because there is NO ZONE DISTRICT DEFINITION for this type of Land Use in Commercial Zone contained in preserved PRINT VERSIONS of City Laws and Zoning maps.

PROOF: Entire city Zone District DEFINITIONS law is cited --- and there is NO "Mixed Use Zone District Defined". It would be insane to think that without APPROVED City Engineer Plans, this rock pile abutting Residential Zone Districts would be suitable for Land Use WITHOUT all the City Services, Infrastructure, Roadways, being Protected, enlarged as needed for a Legal Zone District Commercial Zone Application. Plainly put, this is a 2<sup>nd</sup> "plan commission" pretending to have the Rights and Power to REZONE this Parcel into a NON-EXISTENT Multi-uses & incompatible Zone Districts as defined by city, and Regulated by State Law.

Cal. Code Regs. tit. 14 § 15300.2 ("ange without regulatory effect amending Note filed 10-6-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 40).")

<https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-19-categorical-exemptions/section-153002-exemptions>

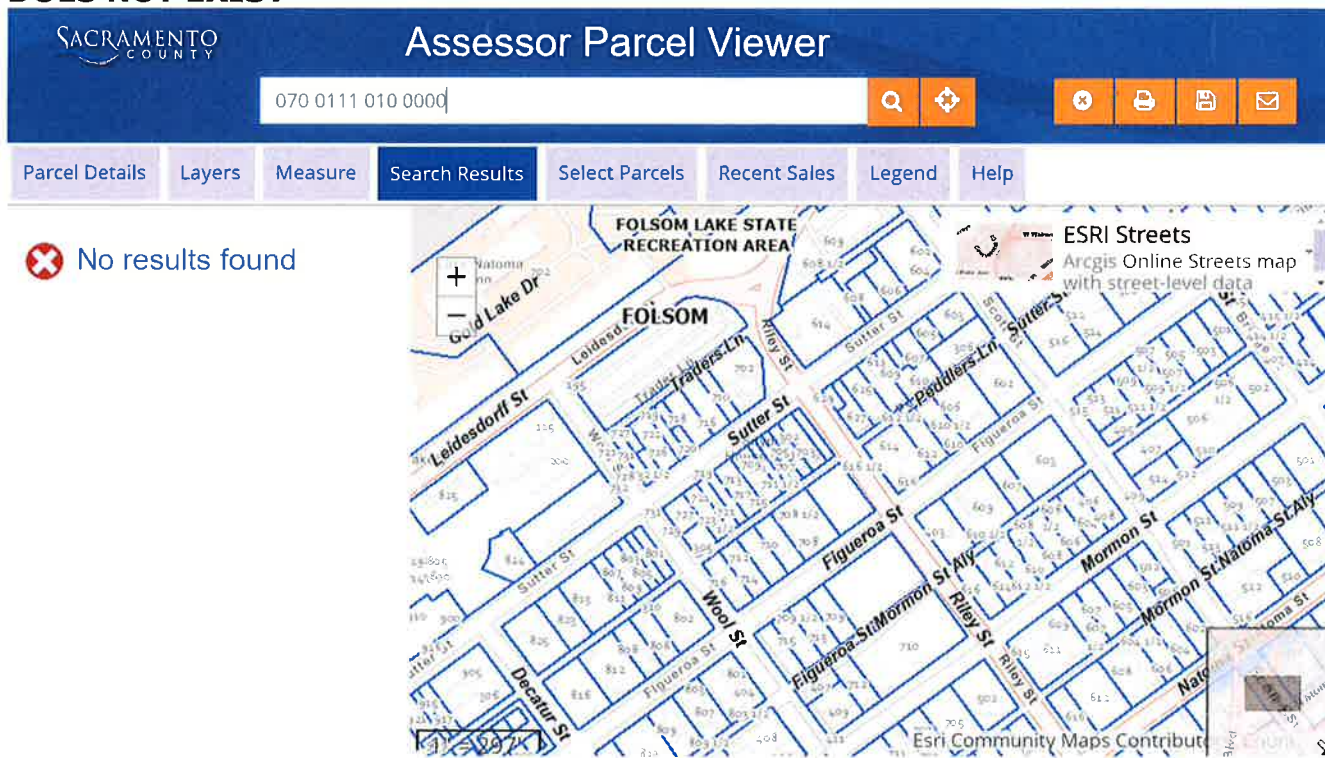
Clearly, Folsom's lawyers FORGOT to check the LAW BOOKS before having planners proceed with a Clear EXCEPTION to use of So-called "infill" rule. A,B, C all apply.

There is tremendous evidence and Signed Reports proving Infrastructure is so poor in this area that Waterworks Engineers stated to Folsom: NO densification of Uses, NO

Uses of Conditional Use Permits/exceptions to densify or alter Zoning until AFTER the Raw Sewage system in this American River Impacting Sewageshed is Made sufficiently in Hydraulic Capacity to AVOID making [again] the Federal Waters and Watershed forests, an Open Folsom & Prisons raw sewage conveyance. Link to study supplied to planners, council & city lawyers, dozens of times.

**MAJOR LEGAL ISSUE:** Lookup by APN SHOWN results in NO RESULTS, BUT using ADDRESS 603, the city SIZE OF PARCEL APN # is TOTALLY WRONG.

**PARCEL INFORMATION:** Check NOTICE APN = 070 0111 010 **DOES NOT EXIST**



Is this a case of city employees making up what SHOULD have been FILED with Sacramento County Recorder & Tax Assessor by our Missing Folsom City Engineer in Charge??? Who makes such critical errors and places Legal Notice with False information???

One might stop here, but the Implications of false filings by non-licensed employees, goes far further in terms of LOST TAX REVENUE because of FALSE FILINGS. Look at TAX Information for this ADDRESS, but NOT Parcel APN.

Net Assessed Value **\$135,450**

[https://www.google.com/maps/place/603+Sutter+St,+Folsom,+CA+95630/@38.6782716,-121.175545,121m/data=!3m1!1e3!4m6!3m5!1s0x809ae6ab15a19b87:0xb78f15c27d259a35!8m2!3d38.6782676!4d-121.1751775!16s%2Fg%2F11c4gm\\_w\\_0?entry=ttu](https://www.google.com/maps/place/603+Sutter+St,+Folsom,+CA+95630/@38.6782716,-121.175545,121m/data=!3m1!1e3!4m6!3m5!1s0x809ae6ab15a19b87:0xb78f15c27d259a35!8m2!3d38.6782676!4d-121.1751775!16s%2Fg%2F11c4gm_w_0?entry=ttu)

Check Google Map --- this is an urban forest lot !!! It abuts according to Sacramento Cty Single family homes, including one which is a true Historic Treasure.

NOTE Sacramento County alleged ZONE DISTRICT ----

HD Zone District --- which is NOT a ZONE DISTRICT at all, but a mere OVERLAY with NO binding Legal Authority to ever call "h.d." a ZONE DISTRICT under Law.

ISSUE:

Unless this OWNER: "Cedrus Holdings Co." can justify and PROVE it bought this lot LONG AGO --- which justifies the tiny Annual RE TAX BILL, how does this lot have Assessed Current Evaluation which is so low?

Who believes this beautiful lot 7,400 sq ft was only \$135K in 2020?

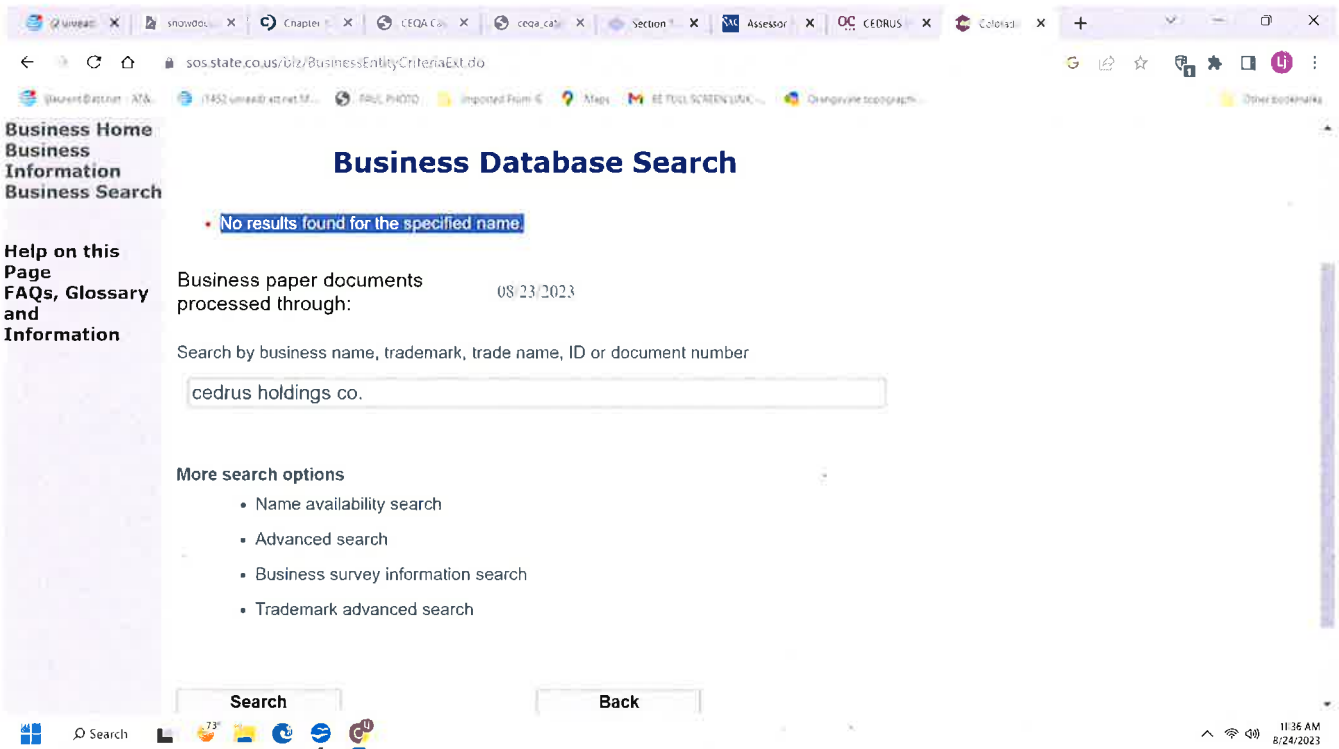
Last Ownership Transfer Document Type **GRANT DEED/CORP. DEED/GIFT DEED/JNT TEN DEED**

County Recorder's Document Number **Book 20200827, Page 833**

Event Date **Thu Aug 27 2020**

Assessor's LOT DESCRIPTION states: **LOTS 1 & 2**

Sec. Of State says this Co. does NOT EXIST. What is with city staff with licenses to protect against errors, omissions, wrong filings?



## Advanced Search

- No results found for the specified name.

SUMMARY QUESTIONS:



Who at city is PROVING this is NOT a false owner name,

Who, without any License, filed Folsom Reports resulting in questionable Difference between 2020 Price plus two different results for address vs APN?

Why is Valuation since 2020 so LOW, and the "Cedrus Holding Co." is not a California company according to California Secretary of State?

<https://finance.saccounty.gov/AuditorController/Documents/TaxAcct/RATE%20BOOK%2022-23%20Combine.pdf>

Who gave city permission to violate the State Government Code Rule: one city --- ONLY one plan commission which merely makes Recommendations to council on REZONE Actions with huge impacts on a troubled Sewershed above/abutting American River?

Who really advised this planner to make a FALSE CLAIM that this WAS NOT a Real CEQA EXCEPTION to the so-called INFILL notion?

Who said this lot is anything EXCEPT Residential Zone from the "real Printed Folsom laws & Charter in print" but dropped off the printing press by a certain mayor, to expedite his interests?

**Steven Banks**

**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Wednesday, August 23, 2023 12:53 PM  
**To:** Pam Johns; Desmond Parrington  
**Cc:** Sari Dierking; kcolepolicy@gmail.com; Steven Banks  
**Subject:** 603 Sutter Street - Maximum Height

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pam and Desmond:

Planning Partners' Supplemental Analysis for 603 Sutter Street states, "[a]s proposed, the building height would be a **maximum of 35 feet, 0 inches** from the ground (building pad) to the roof surface, the maximum allowed by FMC §17.52.510.C within the Sutter Street subarea of the Historic District."

Figure 5 of the PP document includes a drawing illustrating the North Elevation along Sutter Street, and provides a red dashed line demonstrating what is labeled as the "Max. Allowable Height Plane" angling upward from west to east following the Sutter Street slope. The drawing also labels and illustrates the "roof surface" with a blacked dashed line. Centrally in the drawing, the lines cross each other obviously demonstrating that the proposed roof surface extends above the maximum allowable height. Perhaps this is just a few inches of this one portion of the building, but it is entirely unclear how your consultant concluded that the building is a max of 35.0 feet, when at the same time information is presented that clearly shows the building's roof would exceed this height. (Note that I am not referring to the parapet wall which is clearly several feet above the allowable height and also should be factored into the max allowable height assessment.)

**A determination that the building doesn't exceed the maximum allowable height is clearly contradicted by evidence in the drawings that show the proposed building height does exceed the maximum allowable height. Therefore, the project as proposed requires a height variance or the project needs to be redesigned to lower it to be below the max allowable height.** This project is not sufficiently evaluated and applications for the variances this project requires (height, as well as disabled parking per separate communication) have not been submitted. This project is simply not ready for a hearing.

(Pam: You might recall a few years ago in acknowledging the missteps at 908 Bidwell and the side-yard setback variance situation there, you advised that had the new structure been moved *even an inch* closer to the side property line, that would have triggered the need to revisit the variance approval. Your commitment to precise measurement is appreciated and needs to be applied here as well.)

Thanks,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**Steven Banks**

**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Wednesday, August 23, 2023 10:44 AM  
**To:** Pam Johns; Desmond Parrington; Steven Banks  
**Cc:** Sari Dierking; kcolepolicy@gmail.com  
**Subject:** 603 Sutter Street - Architectural Review Documents

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pam, Desmond, and Steve: The following documents related to architectural design and impact evaluation are referenced in, but not included with, the materials posted on the Pending Development Applications webpage for the 603 Sutter Street project. Can you please provide the documents ASAP so I can consider in my review?

**1. City of Folsom Cultural Resources Inventory, as amended July 20, 2022.** I was not aware of an amendment to the cultural resources inventory, but this is discussed, cited, and listed in the references of the "Categorical Exemption Supplemental Analysis" (Planning Partners, Aug 2023). I would like not just the list per the 2022 amendment, but also any documentation/analysis that went along with any such July 2022 amendment, including documents/records associated with any HDC and/or public review and input opportunities for that amendment.

**2. Third-party Independent Historic Architect Specialist Review.** The "Categorical Exemption Supplemental Analysis" (Planning Partners, Aug 2023) references a March 2021 Page & Turnbull project analysis that was prepared for a building design different than the currently proposed building. The 2021 P&T report (evaluating a now-superseded building design) is included in the materials posted on the PDA webpage and I do not see any other more recent review or any review of the currently proposed building design. However, the applicant's narrative of Feb 2023 states, "the applicant voluntarily agreed to fund a third-party review by an independent historic architect specialist. We understand that the independent review of the proposed design was positive." Can you please either provide documentation of that third-party review or advise if the third-party review being referenced is actually the 2021 P&T evaluation of the now-superseded building design?

**3. Non-privileged Portions of the Records Search, including the actual request submitted requesting the records search.** Page 46 of the Planning Partners Aug 2023 report states, "Non-privileged portions of the records search are available for review by request through the City of Folsom Community Development Department, 50 Natoma Street, Folsom, CA 95630. Requests should be directed to the attention of Steven Banks, Principal Planner." Please consider this to be my request for those documents.

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**Steven Banks**

**From:** Bob Delp <bdelp@live.com>  
**Sent:** Friday, August 18, 2023 8:31 AM  
**To:** Desmond Parrington; Pam Johns  
**Cc:** Steven Banks; Sari Dierking; kcolepolicy@gmail.com  
**Subject:** Re: 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Pam and Desmond:

Mr. Banks' email below states that "the applicant is not proposing to provide any parking (on-site or off-site) to serve the proposed project per new State Legislation (Assembly Bill 2097) which states the cities in California can no longer impose minimum parking requirements on new developments within a half-mile of major public transit stop." Mr. Banks then states that the project is no longer required to obtain a parking variance. This position fails to recognize the continued applicability of the City's handicapped parking standards.

When I had the opportunity a few weeks ago to discuss a few planning matters with Desmond, I mentioned that I was concerned CDD was overlooking the need for the 603 Sutter Street project to provide accessible parking or to obtain a variance from the City's handicapped parking requirements. That aspect of this project remains unaddressed, yet your department is advertising that the project is ready for an approval decision. I am respectfully requesting that you retract the public notice for a Sept 6 hearing and postpone any further processing of this application until the applicant submits all required application materials, including an application and applicant's rationale for a handicapped parking variance.

**AB 2097 added Section 65863.2 to the Government Code which does preclude the City's imposition of minimum parking standards in certain circumstances. However, the law expressly does not dismiss or disallow the City from requiring compliance with parking standards for the provision of parking spaces accessible to persons with disabilities. Gov. Code Section 65863.2(f) states, "This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply."**

Based on the proposed first floor retail (2,716 sf) and second floor office (5,246 sf), without AB 2097 the project would otherwise be required to provide at least 22 parking spaces or apply for and obtain a variance from the City's minimum parking standard of 1 space per 350 sq ft of office/retail in the Historic District. FMC Section 17.57.050(B) specifies the number of parking spaces that "shall be provided for the handicapped" and requires that one (1) handicapped parking space is required when the total number of standard parking spaces otherwise required is between 0 and 40.

The project is therefore required to either provide a minimum of 1 parking space that meets the handicapped parking space design requirements of FMC 17.57.050 (e.g., located so as to provide for safety and optimum



proximity for direct access to the primary entrance of the building, at least 14 feet wide, etc. applicant needs to apply for and obtain approval of a variance from the City's handicapped parking standard. Per FMC 17.62, to be considered for a variance, an applicant must submit an application with evidence showing 1) exceptional or extraordinary circumstances, 2) that the variance is needed for the preservation of property rights, and 3) that the granting of the variance will not be detrimental to the public welfare.

It may be that this applicant could make a strong argument for why the project should be eligible for a handicapped parking variance, and the FMC provides a mechanism for the applicant to request the variance and explain his rationale. City decision makers can then decide whether or not that variance should be granted and along with that can consider whether the project needs to be conditioned in any way to help address the deficiency in accessible parking.

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
**Sent:** Wednesday, August 16, 2023 2:19 PM  
**Subject:** 603 Sutter Street Mixed-Use Project Scheduled for September 6, 2023 Historic District Commission Meeting

Good afternoon,

The purpose of this message is to inform you that the proposed 603 Sutter Street Mixed-Use project (PN 17-145) has been scheduled to be heard by the Historic District Commission at their regularly scheduled meeting on September 6, 2023. Attached is a copy of the Public Notice for the proposed project with additional details regarding the Historic District Commission meeting. As you may be aware, the applicant revised their Development Application in February of this year, the updated application, relevant development plans, environmental document, and special studies can be found on the City's website located at: <https://www.folsom.ca.us/government/community-development/planning-services/current-project-information> There are three notable changes to the Development Application that I wanted to make sure that you were aware of. The first change or modification is that the applicant is not proposing to provide any parking (on-site or off-site) to serve the proposed project per new State Legislation (Assembly Bill 2097) which states the cities in California can no longer impose minimum parking requirements on new developments within a half-mile of major public transit stop. The second change is that the applicant is reducing the number of proposed residential rental units from three to two. The two proposed residential rental units will still be located on the third floor of the mixed-use building. Lastly, the applicant has modified the Development Application and is now only seeking Design Review approval from the Historic District Commission for development of the proposed project as a Height Variance, Parking Variance, and Conditional Use Permit are no longer required based on the modifications to the proposed project and recent changes in State law.

If you have any comments or questions regarding the proposed project, City staff welcomes you to reach out to us via email ([sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)) or phone (916-461-6207). City staff also encourages you to attend the Historic District Commission meeting on September 6, 2023.

Best regards,

## Steven Banks

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**From:** Vee Sanchez <vee@empowermissouri.org>  
**Sent:** Wednesday, March 22, 2023 8:37 PM  
**To:** Steven Banks  
**Subject:** Support for 603 Sutter Street Mixed Use Project

You don't often get email from vee@empowermissouri.org. [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Mr. Banks,

I am emailing you to express my support for more affordable housing - and support for the 603 Sutter Street Mixed Use Project.

The project would provide much needed affordable housing in the area. I understand that there may be some opposition against the build.

However, without prioritizing affordable housing, homelessness is bound to increase. Inclusive and well integrated communities are more prosperous and are safer for all.

Thank you for your consideration,

--  
Vee Sanchez  
Affordable Housing Policy Manager  
Empower Missouri  
C:417-824-6679  
[vee@empowermissouri.org](mailto:vee@empowermissouri.org)



<https://empowermissouri.org/woa2023/>

Attachment 4



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

**HISTORIC DISTRICT COMMISSION MINUTES**

September 6 , 2023

6:30 p.m.

50 Natoma Street

Folsom, California 95630

CALL TO ORDER HISTORIC DISTRICT COMMISSION :

The regular Historic District Commission Meeting was called to order at 6:30 p.m. with Chair Kathy Cole presiding.

ROLL CALL :

Commissioners Present: Daniel West, Commissioner  
John Lane, Vice Chair  
Mark Dascallos, Commissioner  
Jennifer Cabrera, Commissioner  
Kathy Cole, Chair

Commissioners Absent: John Felts, Commissioner  
Ralph Peña, Commissioner

PLEDGE OF ALLEGIANCE :

The Pledge of Allegiance was recited.

CITIZEN COMMUNICATION:

NONE

MINUTES:

The minutes of the May 3, 2023, meeting was approved.

NEW BUSINESS:

1. PN 17-145: 603 Sutter Street Mixed -Use Building Design Review and Determination that the Project is Exempt from CEQA

A Public Meeting to consider a request from Cedrus Holdings Limited Partnership for approval of Design Review for development of a three-story, 12,177-square-foot mixed-use building on a 0.17-acre site located at the southwest corner of the intersection of Sutter Street and Scott Street (603 Sutter Street). The zoning classification for the site is Sutter Street Subarea/Historic District Zone (SUT/HD), while the General Plan land-use designation is Mixed-Use Historic Folsom (HF). The project is categorically exempt under Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines. (Project Planner: Steve Banks/Applicant: Cedrus Holdings Limited Partnership)



1. Adena Blair addressed the Commission with concerns of the trash enclosure and the scale of the building of the proposed project.
2. Ben Fuentes addressed the Commission with concerns of the project's proximity to his residence and the challenges he anticipates with the location of the windows and his sewer line that runs through the property.
3. Phil Scott addressed the Commission in support of the proposed project.
4. Jim Snook addressed the Commission in support of the proposed project.
5. Bob Delp addressed the Commission with concerns of the size of the building and the impact it will have on the Oak trees, in addition to other concerns regarding the project.
6. Loretta Hettinger addressed the Commission on behalf of the Heritage Preservation League with concerns regarding the project.
7. Mike Reynolds addressed the Commission on behalf of HFRA with concerns regarding the project.
8. Jennifer Lane addressed the Commission with concerns regarding the size of the building, the removal of the trees and concerns with the safety of the pedestrians.

COMMISSIONER WEST MOVED TO APPROVE A DESIGN REVIEW APPLICATION (PN 17-145) FOR DEVELOPMENT OF A THREE-STORY, 12,177-SQUARE-FOOT MIXED-USE BUILDING ON A 0.17-ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF SUTTER STREET AND SCOTT STREET (603 SUTTER STREET) AS DESCRIBED AND ILLUSTRATED ON ATTACHMENTS 5-17. THIS APPROVAL IS BASED ON THE FINDINGS (FINDINGS A-O) AND SUBJECT TO THE CONDITIONS OF APPROVAL (CONDITIONS 1-51) ATTACHED TO THIS REPORT.WITH CHANGES TO THE FOLLOWING CONIDITIONS:

MODIFICATION OF CONDITION 28, NO. 6, THE CANOPY/AWNING LOCATED ON THE THIRD FLOOR OF THE BUILDING SHALL BE REMOVED TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DEPARTMENT (THIS CONDITION WAS MODIFIED BY THE HISTORIC DISTRICT COMMISSION AT ITS SEPTEMBER 6, 2023 MEETING).

MODIFICATION OF CONDITION 28, NO. 7, THE FOUR WINDOWS LOCATED ON THE SECOND FLOOR OF THE SOUTH-FACING BUILDING ELEVATION SHALL INCLUDE WINDOW GLAZING OR A FROSTED GLASS TREATMENT TO ENSURE PRIVACY BETWEEN THE SUBJECT PROPERTY AND THE SINGLE-FAMILY RESIDENCE LOCATED AT 306 SCOTT STREET TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DEPARTMENT (THIS CONDITION WAS MODIFIED BY THE HISTORIC DISTRICT COMMISSION AT ITS SEPTEMBER 6, 2023 MEETING).

MODIFICATION OF CONDITION 42 TO PROVIDE CURRENT CERTIFICATE(S) OF COMPLIANCE FOR CARB'S IN-USE OFF-ROAD DIESEL-FUELED FLEETS REGULATION (CALIFORNIA CODE OF REGULATIONS, TITLE 13, S 2449 AND 2449.1. FOR MORE INFORMATION CONTACT CARB AT 877-593-6677, DOORS@ARB.CA.GOV, OR WWW.ARB.CA.GOV/DOORS/COMPLIANCE\_CERT1.HTML (THIS CONDITION WAS MODIFIED BY THE HISTORIC DISTRICT COMMISSION AT ITS SEPTEMBER 6, 2023 MEETING)

COMMISSIONER DASCALLOS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, DASCALLOS, CABRERA, COLE  
 NOES: NONE  
 RECUSED: NONE  
 ABSENT: FELTS, DASCALLOS

MOTION PASSED

PRINCIPAL PLANNER REPORT

Principal Planner Steve Banks reported that the next Historic District Commission meeting is tentatively scheduled for October 4, 2023.

There being no further business to come before the Folsom Historic District Commission, Chair Kathy Cole adjourned the meeting at 9:13 p.m.

RESPECTFULLY SUBMITTED,

---

Karen Sanabria, ADMINISTRATIVE ASSISTANT

APPROVED:

---

Kathy Cole, CHAIR

Attachment 5



September 29, 2023

Dear Mayor Rodriguez and Councilmembers:

On September 6, 2023, the 603 Sutter Street Mixed-Use Project (the “Project”) came before the City of Folsom Historic District Commission (“Commission”). After careful consideration of the extensive details, data, and analysis provided for the Project, the Commission approved the Project application, along with the Project’s exemption from further review under the California Environmental Quality Act (“CEQA”) as an infill project. Despite the City responding to each of Mr. Bob Delp’s concerns and questions during the Project review process, Mr. Delp has appealed the Commission’s approval to the City Council. As the Project applicant, with this letter we respond to Mr. Delp’s contentions. We ask that the Council reject each of Mr. Delp’s baseless arguments and unsupported opinions and confirm the Commission’s approval of the Project.

**I. The Historic District Commission Has Clear Jurisdiction.**

The Commission’s authority over the Project is clear. Under the Folsom Municipal Code, the Commission’s duties and responsibilities include “review [of] the design and architecture of any new structure ... within the historic district.” (Folsom Municipal Code (“Muni. Code”) § 17.52.120.) Further, the Commission has “**final authority** relating to the design and architecture of the following structures within the historic district boundaries: A. All new office, industrial, commercial and residential structures.” (Id. § 17.52.300 (emphasis added).) The right of appeal to the City Council of a Commission decision does not diminish the Commission’s authority to act on an application for design review in the first instance. (Id. §§ 17.52.300, 17.52.700.A.)

**II. The Commission’s Findings on Design and Architecture are Fully Supported.**

In the Appeal, Mr. Delp concludes that the Project’s mass and scale is too large for the location and setting, including allegedly resulting “in unnecessary diminution of the relative scale/mass of the historic library building.” (Letter from Bob Delp to City of Folsom City Clerk’s Office re Appeal of Historic District Commission Decision to City Council, Sept. 11, 2023 (“Appeal”), Items 6, 7.) Mr. Delp has provided his subjective opinion on the Project’s design, and attempts to support this opinion by cherry-picking language from the expert analysis by Page & Turnbull.



The Commission has considered the analysis of the design and architecture of the proposed Project and found that the Project conforms to the Historic District design standards. The factual support for the Commission's findings are provided throughout the City's documentation on the Project. While Mr. Delp has come to his own conclusion on the Project's compatibility with the surrounding Historic District, his opinion does not undermine the Commission's findings. (*See Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 274-275 ("Unsubstantiated opinions, concerns, and suspicions about a project, though sincere and deeply felt, do not rise to the level of substantial evidence.")) With its review, the City Council should reach the same conclusion as the Commission.

Mr. Delp's suggestion that the Project renderings are "substantially inaccurate and misleading" with respect to scale and massing is a red herring. (Appeal, Item 2.) At the September 6, 2023 hearing, the Commission was able to consider various realistic renderings of the proposed Project. By definition, a rendering is a representation, and at the hearing, the Project architect explained the inherent technological limitations. There was no indication from the Commission that its ability to fully consider the design and setting of the Project was compromised.

### **III. The Project Conforms with City Zoning.**

Mr. Delp argues that the Project is inconsistent with applicable zoning regulations and therefore does not qualify for the Class 32 Infill Exemption. (Appeal, Item 14.e.) Mr. Delp relies on his own interpretation of the Municipal Code to reach the conclusion that the Project does not comply with applicable zoning regulations. The City, however, has demonstrated the Project's consistency with each applicable zoning regulation, including carefully considering the applicability of express exemptions to certain design standards. (Historic District Commission Staff Report for 603 Sutter Street Mixed-Use Building (Sept. 6, 2023) ("Staff Report"), pp. 13-16; City of Folsom Categorical Exemption Supplemental Analysis for the 603 Sutter Street Mixed-Use Building Project (Aug. 2023) ("NOE"), pp. 13-16.) Mr. Delp has not presented evidence of non-conformance with any zoning regulations that undermines the Commission's findings of the applicability of the CEQA Class 32 Exemption.

### **IV. The Project Improves the Safety of Pedestrians.**

The Project will increase safety for pedestrians with the improvement of existing sidewalks and construction of new sidewalks. Consistent with the City's Active Transportation Plan, Policy 2.1.1, to fill sidewalk gaps in the pedestrian network in order to provide a complete and connected network, the Project will construct a sidewalk along its Scott Street frontage. (NOE, pp. 20-21.) The Project would also result in reconstruction of the sidewalks along Sutter Street. (NOE, p. 21.) Overall, the Project will increase sidewalk availability or improve existing sidewalks for all areas of the Project with frontage along the public right-of-way. Mr. Delp's allegations concerning a lack of pedestrian safety are unfounded. (Appeal, Item 8.)

### **V. The Project Will Provide Handicapped Accessible Parking in Accordance with the Municipal Code**

The Municipal Code governs the number of accessible parking spaces required for the Project, as well as the specifications for those spaces. (Muni. Code § 17.57.050.B.1.) Details on the handicapped accessible space for the Project were presented in the Commission Staff Report. (Staff Report, p. 30.) Under Condition of Approval No. 45, the Community Development Department and the Public Works Department will review the final design of the proposed parking space to ensure it meets all City requirements. The facts do not support Mr. Delp's allegations that the Project would provide an "inadequate" parking space for persons with disabilities. (Appeal, Item 9.)

## **VI. The Project's Design Elements Comply with the Municipal Code**

### **A. Retaining Wall Design**

The Appeal protests that the Project's retaining wall design was altered at the Commission hearing. (Appeal, Item 9.) As the Commission Staff Report explained, the final design, materials, and colors of the wall are subject to review and approval by the Community Development Department under Condition of Approval No. 30. Accordingly, while Project design elements could shift (even during or after the hearing), any change must be consistent with the City's design standards, and expressly approved by Staff. The Commission's approval is not flawed if elements of the retaining wall design were changed at the hearing.

### **B. Rooftop Utilities**

Similar to the Project's retaining wall, the placement of rooftop mechanical equipment for the Project is subject to a Condition of Approval that places parameters on the rooftop utilities. Under Condition of Approval No. 28, rooftop equipment may not extend above the height of the parapet walls, and any utility equipment must be screened. (Staff Report, pp. 19, 57.) Because rooftop utilities would not be seen, further description or illustration of such utilities was not necessary. Mr. Delp's protest that these Project elements were not sufficiently described or illustrated for an accurate evaluation is without merit. (Appeal, Item no. 10.)

## **VII. The Project Will Not Have a Significant Impact on the Environment, including Due to Unusual Impacts**

### **A. Infill Exemption**

Mr. Delp argues the Class 32 Exemption is inapplicable because the Project will have a significant impact on the environment due to unusual circumstances, including significant aesthetic impacts and vibrational impacts. Mr. Delp ignores the City's finding, and its analysis in support thereof, that the Project is not subject to unusual circumstances. (NOE, p. 38.) Further, Mr. Delp has not provided evidence that undermines the City's conclusion that no unusual circumstances exist. Even the presence of contradictory evidence cannot invalidate or usurp the City's appropriate findings of fact that a project is not subject to unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1106.) Thus, as a starting point, Mr. Delp's allegations do not invalidate the City's factual determinations and findings that no unusual circumstances exist.

## **B. Biological Resources**

### **Swainson's Hawk**

The NOE provides that Swainson's hawk has occurred in the *vicinity* of the Project – a single occurrence within a half-mile of the Project site. The Project site itself contains no foraging habitat for Swainson's hawk, and shows no evidence of use of the trees on the site by Swainson's hawk. (NOE, p. 18.) In fact, “[w]ildlife use of the site is limited to species adapted to urban environments.” (Id., p. 17.) For the avoidance of doubt, the City has required pre-construction surveys for the presence of special-status bird species or nesting birds. (Condition of Approval no. 40.) Accordingly, “as proposed the project would not interfere with the value of the project site as habitat for nesting birds.” (NOE, p. 42.)

The mere presence of trees on an urban 0.17-acre site does not equate to the site having value as habitat for endangered, rare or threatened species, and Mr. Delp has failed to provide support for his conclusion otherwise. (Appeal, Item 14(e).) Further, Mr. Delp has not substantiated his statements that the City, or its consultants, have provided inaccurate and unqualified opinions on habitat quality. (Appeal, Item 13.) The City's consultant, Environmental Planning Partners, is an experienced environmental consulting firm, knowledgeable in environmental review under CEQA and employing biologists on staff.

### **Native Oak Trees**

Mr. Delp takes issue with the proposed removal native oak trees to allow for development of the Project, implying that “protected” oak trees cannot be removed. (Appeal, Items 3, 14.d.) The City Tree Preservation Ordinance expressly allows for the removal of native oak trees, but only with issuance of a tree removal permit and only after the City Arborist – as the delineated “Approving Authority” in the Ordinance – has made required findings. (Muni. Code § 12.16.080.B.) Compliance with the Tree Preservation Ordinance is an express condition of approval by the Commission. (Condition of Approval No. 35.) City rules and regulations for the protection of native oak trees have been complied with thus far in the entitlement process for the Project, and will continue to be applied to the Project going forward.

## **C. Vibrational Impacts**

Mr. Delp argues that there is a reasonable possibility that vibration associated with Project construction will result in structural damage to the neighboring historic library building. (Appeal, Items 7, 14(e).) Mr. Delp states that construction activities have the potential to produce groundborne vibrational levels above levels identified as having the potential for structural damage.

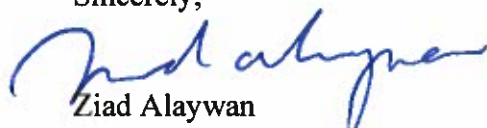
According to the Federal Transit Administration, buildings that are extremely susceptible to vibration damage could face damage at vibration levels of 90 VdB. (NOE Noise & Vibration Assessment, p. 18.) Bollard Acoustical Consultants conducted a noise and vibrational analysis for the Project, concluding that “vibration levels generated by the type of construction equipment

which will be required for this project is not anticipated to exceed 90 VdB at the nearest structures.” (Id., pp. 9, 18.) Mr. Delp takes issue with the fact that vibration levels of certain construction equipment could reach approximately 87 VdB at 25 feet, and the historic library building is less than 25 feet from the Project site. City staff clarified that the largest and strongest equipment, removing bedrock and creating the most vibration, would primarily be operated in the area of the Project site *farthest* from the library building. (Staff Response to Comments, p. 6 (Aug. 30, 2023).) There is not a reasonable possibility that the Project will have a significant impact on the environment due to vibration levels.

**VIII. The Council Should Confirm the Commission’s Approval.**

At the September 6, 2023 hearing, the Commission thoughtfully considered the Project design review application and accompanying CEQA analysis. The Commissioners’ probing questions about the Project evidence that before issuing its approval, the Commission thoroughly vetted every detail of the Project to ensure it conformed to all City regulations and standards. The Council, in reviewing this Commission’s decision and the Project should affirm the Commission’s approval.

Sincerely,



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