

**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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# CATEGORICAL EXEMPTION AND SUPPLEMENTAL ANALYSIS

**Project Title:** 603 Sutter Street Mixed-Use Building  
(aka Folsom Power & Light Building)

**Application Number:** PN 17-145

**Entitlement Requested:** Design Review

**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  
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**General Plan** Historic Folsom                      **Zoning:** Historic District (HD)  
**Designation:** Mixed Use (HF)

**Historic District Designation:** Historic Commercial Primary Area - Sutter Street Subarea

## 1. INTRODUCTION

The City of Folsom (City) is the lead agency implementing the California Environmental Quality Act (CEQA) for the proposed Historic Sutter Street Mixed-Use Building project located at 603 Sutter Street. Cedrus Holdings Limited Partnership, the project applicant, is seeking City approval of Commercial Design Review for development of the proposed project.

The proposed Historic Sutter Street Mixed-Use Building project would include development of a three-story, 12,177-square-foot building (conditioned area) at 603 Sutter Street that would feature a mixture of retail/restaurant, residential, and office uses.

The Historic Sutter Street Mixed-Use Building project site is located within the Sutter Street Subarea of the Historic District Commercial Primary Area. The parcel has a General Plan land use designation of HF (Historic Folsom Mixed Use) and a zoning designation of HD (Historic District).

## 2. PROJECT DESCRIPTION

The mixed-use building project site is located on the southwest corner of the intersection of Sutter Street and Scott Street in the City of Folsom (see Figures 1, 2 and 3). The mixed-use building project site consists of an undeveloped rectangular plot of land with a measured area of 0.17 acres (7,400 square feet). The parcel is identified as Sacramento County Assessor's Parcel Number (APN) 070-0111-010 (Sacramento County 2022). It is located in an unsurveyed portion of the Rancho de Los Americanos land grant, at latitude/longitude 38°40'41.88"N, 121°10'30.66"W.

## 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>Table 1 Project Site and Surrounding Developed Uses – 603 Sutter Street Mixed-Use Building</b>				
	<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.

<b>Table 2 Proposed Uses and Areas – 603 Sutter Street Mixed-Use Building</b>			
<b>Use</b>	<b>Floor 1: Retail/Restaurant (sq ft)</b>	<b>Floor 2: Office (sq ft)</b>	<b>Floor 3: Residential (sq ft)</b>
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.

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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.

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<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.



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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.

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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.

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## 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.

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**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

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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.

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<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.

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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.

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### 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.

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*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 loss 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.



<b>Table 3 City of Folsom Municipal Code Sections Regulating Urban Development within the City</b>		
<b>Code Section</b>	<b>Code Name</b>	<b>Effect of Code</b>
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:

- 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;
- The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare, or threatened species;

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- 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.

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**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.

<b>Table 4 Sutter Street Subarea Development Standards Table</b>					
	<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.

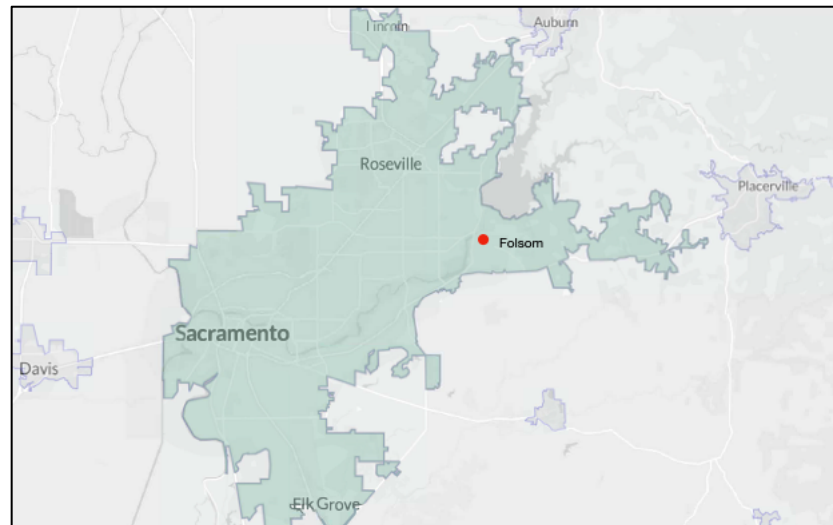
## **6.2 PROJECT SITE SIZE AND SURROUNDINGS**

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



Sacramento CA Urban Area  
Source: Census Reporter, 2023.

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 El 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.

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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.

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<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 Ukiah* (1991) 2 Cal.App.4th 720, 734–736 [categorical exemption].)

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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.

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<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.

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**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

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<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.



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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

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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.

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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.

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<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.

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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.

Table 7 Unmitigated Construction Related Emissions						
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](mailto:doors@arb.ca.gov), or [www.arb.ca.gov/doors/compliance\\_cert1.html](http://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

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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



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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

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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>

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<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.)

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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-

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<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.

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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</i> , Potential to conflict with long term statewide GHG emissions reduction goals for 2050.	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
<p>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.</p> <p>Source: Planning Partners, 2023.</p>		

Additionally, the 2035 General Plan EIR identified topics as having no impact or a less-than-significant impact, as shown in Table 11.

<b>Table 11 Potential Citywide Impacts Determined to be Less than significant or No Impact by the 2035 General Plan EIR</b>			
<b>Potential Impact</b>	<b>Less-than-Significant Impact</b>	<b>No Impact</b>	<b>Considerable Contribution by Project?</b>
<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. No habitat conservation plan in Project area.
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		
<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.L.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?
Hydrology and Water Quality			
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		
Noise and Vibration			
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.	X		No. No harmful levels of vibration. No private airports in project vicinity.
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	
Traffic and Circulation			
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. No new roadways. No changes in emergency access. Project takes advantage of nearby transit facility. No effects on bikeways or pedestrian facilities. See above. See above.
b) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	X		
c) Result in inadequate emergency access?	X		
d) Eliminate or adversely affect an existing bikeway, pedestrian facility, or transit facility in a way that would discourage its use	X		
e) Interfere with the implementation of a planned bikeway or planned pedestrian facility, or be in conflict with a future transit facility	X		
f) Result in unsafe conditions for bicyclists or pedestrians including conflicts with other modes	X		
g) Result in demands to transit facilities greater than available capacity	X		

Source: Planning Partners, 2023.

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## 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.

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### 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

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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 be 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 multitruncked 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 multitruncked 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.

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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,

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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

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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 Healthy 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.



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## 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.

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- 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

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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.

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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.

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<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.

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**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

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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

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<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.

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## ***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.

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### 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.



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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

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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

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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.

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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

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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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## 8. LITERATURE CITED

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