



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

HISTORIC DISTRICT COMMISSION AGENDA

March 15, 2017

CITY COUNCIL CHAMBERS

5:00 p.m.

50 Natoma Street

Folsom, California 95630

CALL TO ORDER HISTORIC DISTRICT COMMISSION: Chair Daron Bracht, Vice Chair Candy Miller, Commissioners: John Arnaz, Mary Asay, Jeffrey Rempfer, Ross Jackson, Regina Konet

Any documents produced by the City and distributed to the Historic District Commission regarding any item on this agenda will be made available at the Community Development Counter at City Hall located at 50 Natoma Street, Folsom, California and at the table to the left as you enter the Council Chambers.

PLEDGE OF ALLEGIANCE

CITIZEN COMMUNICATION: The Historic District Commission welcomes and encourages participation in City Historic District Commission meetings, and will allow up to five minutes for expression on a non-agenda item. Matters under the jurisdiction of the Commission, and not on the posted agenda, may be addressed by the general public; however, California law prohibits the Commission from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Commission.

MINUTES

The minutes of March 1, 2017 will be presented for approval.

NEW BUSINESS

1. **PN 10-252, Leidesdorff Village Residential Project – Tentative Subdivision Map Extension, Planned Development Permit Extension, Conditional Use Permit Extension**

A Public Hearing to consider a request from D & S Development for a Tentative Subdivision Map Extension, a Planned Development Permit Extension, and a Conditional Use Permit Extension for the Leidesdorff Village project. The approved Leidesdorff Village project includes development of 36 condominium units, 18 for-sale condominium flats, and 2 single-family homes. The zoning for the project site is R-4 and the General Plan designation is CA. A Mitigated Negative Declaration and Mitigation Monitoring Program were previously approved for the Leidesdorff Village project (PN 10-252) on December 9, 2014 in accordance with the California Environmental Quality Act (CEQA). **(Project Planner: Principal Planner, Steve Banks / Applicant: D & S Development)**

2. **PN 16-307, Coloma / Figueroa - Tentative Parcel Map, Garage and Patio Roof Demolition and Determination that the Project is Exempt from CEQA**

A Public Hearing to consider a request from Dan Nitz for approval of a Tentative Parcel Map to subdivide an existing .483-acre residential property into three individual parcels and to demolish a 619-square-foot detached garage and 140-square-foot patio roof. The zoning designation for the site is R-2 (Two-Family Dwelling, Small Lot District) in the Figueroa Subarea of the Residential Primary Area of the Historic

District and the General Plan designation is SF (Single Family). This project is categorically exempt from environmental review under Section 15315 (Minor Land Divisions) and 15301 (Existing Facilities) of the CEQA Guidelines. **(Project Planner: Assistant Planner, Josh Kinkade / Applicant: Dan Nitz)**

3. PN 16-368, 727 Traders Lane, Escape Folsom - Conditional Use Permit and Determination that the Project is Exempt from CEQA

A Public Hearing to consider a request from Off the Hook Haunted Attractions, LLC for approval of a Conditional Use Permit for an escape room with bar and food service. The zoning designation for the site is HD (Sutter Street Subarea of the Commercial Primary Area) and the General Plan designation is CA (Specialty Commercial). This project is categorically exempt from environmental review under Section 15301 (Existing Facilities) of the CEQA Guidelines. **(Project Planner: Assistant Planner, Josh Kinkade / Applicant: Off the Hook Haunted Attractions, LLC)**

HISTORIC DISTRICT COMMISSION / PRINCIPAL PLANNER REPORT

The next Historic District Commission meeting is scheduled for **April 5, 2017**. Additional non-public hearing items may be added to the agenda; any such additions will be posted on the bulletin board in the foyer at City Hall at least 72 hours prior to the meeting. Persons having questions on any of these items can visit the Community Development Department during normal business hours (8:00 a.m. to 5:00 p.m.) at City Hall, 2nd Floor, 50 Natoma Street, Folsom, California, prior to the meeting. The phone number is 355-7222 and FAX number is 355-7274.

NOTICE REGARDING CHALLENGES TO DECISIONS

The appeal period for Historic District Commission Action: Pursuant to all applicable laws and regulations, including without limitation, California Government Code, Section 65009 and/or California Public Resources Code, Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning, and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, this public hearing. Any appeal of a Historic District Commission action must be filed, in writing with the City Clerk's Office no later than ten (10) days from the date of the action pursuant to Resolution No. 8081.



CITY OF
FOLSOM
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HISTORIC DISTRICT COMMISSION MINUTES

March 1, 2017

CITY COUNCIL CHAMBERS

5:00 p.m.

50 Natoma Street

Folsom, California 95630

CALL TO ORDER HISTORIC DISTRICT COMMISSION: Chair Daron Bracht, Vice Chair Candy Miller, Commissioners: Mary Asay, Jeffrey Rempfer, Regina Konet

ABSENT: Raithel, Rempfer

CITIZEN COMMUNICATION: None

MINUTES: The minutes of February 15, 2017 were approved as submitted.

NEW BUSINESS

1. **PN 17-016, 612 Sibley Street -Shed Demolition and Determination that the Project is Exempt from CEQA**

A Public Hearing to consider a request from Ron Gray for approval of an application to demolish an existing 250-square-foot detached shed located at 612 Sibley Street. The zoning designation for the site is R-1 M (Single-Family Dwelling, Small Lot District) in the Central Subarea of the Residential Primary Area of the Historic District and the General Plan designation is SF (Single Family). This project is categorically exempt from environmental review under Section 15301 of the CEQA Guidelines (Existing Facilities). **(Project Planner: Assistant Planner, Josh Kinkade / Applicant: Ron Gray)**

COMMISSIONER MILLER MOVED TO APPROVE PN17-016 FOR DEMOLITION OF AN EXISTING DETACHED SHED AT 612 SIBLEY STREET, BASED UPON FINDINGS AND CONDITIONS: GENERAL FINDINGS A & B; CEQA FINDINGS C; DEMOLITION FINDING D; CONDITIONS OF APPROVAL 1 – 3.

COMMISSIONER KONET SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: MILLER, KONET, BRACHT, ASAY, ARNAZ
NOES: NONE
ABSTAIN: NONE
ABSENT: RAITHEL, REMPFER

2. PN 17-031, 610 Sibley Street - Garage Demolition and Determination that the Project is Exempt from CEQA

A Public Hearing to consider a request from Scott Spiegelman for approval of an application to demolish an existing 576-square-foot detached garage located at 610 Sibley Street. The zoning designation for the site is R-1 M (Single-Family Dwelling, Small Lot District) in the Central Subarea of the Residential Primary Area of the Historic District and the General Plan designation is SF (Single Family). This project is categorically exempt from environmental review under Section 15301 of the CEQA Guidelines (Existing Facilities). **(Project Planner: Assistant Planner, Josh Kinkade / Applicant: Scott Spiegelman)**

COMMISSIONER BRACHT MOVED TO APPROVE PN 17-031 FOR DEMOLITION OF AN EXISTING DETACHED GARAGE AT 610 SIBLEY STREET, BASED UPON FINDINGS AND CONDITIONS: GENERAL FINDINGS A & B; CEQA FINDING C; DEMOLITION FINDING D; CONDITIONS OF APPROVAL 1 – 3.

COMMISSIONER ARNAZ SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: BRACHT, ASAY, KONET, ARNAZ, MILLER
NOES: NONE
ABSTAIN: NONE
ABSENT: RAITHEL, REMPFER

3. PN 17-032, 413 Leidesdorff Street - Garage Demolition and Determination that the Project is Exempt from CEQA

A Public Hearing to consider a request from Mark Roberts for approval of an application to demolish an existing 402-square-foot detached garage located at 413 Leidesdorff Street. The zoning designation for the site is R-1 M (Single-Family Dwelling, Small Lot District) in the Central Subarea of the Residential Primary Area of the Historic District and the General Plan designation is SF (Single Family). This project is categorically exempt from environmental review under Section 15301 of the CEQA Guidelines (Existing Facilities). **(Project Planner: Assistant Planner, Josh Kinkade / Applicant: Mark Roberts)**

COMMISSIONER ARNAZ MOVED TO APPROVE PN 17-032 FOR DEMOLITION OF AN EXISTING DETACHED GARAGE AT 413 LEIDESDORFF STREET, BASED UPON FINDINGS AND CONDITIONS: GENERAL FINDINGS A & B; CEQA FINDINGS C; DEMOLITION FINDING D; CONDITIONS OF APPROVAL 1 – 3.

COMMISSIONER MILLER SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: ARNAZ, BRACHT, MILLER, KONET
NOES: NONE
ABSTAIN: ASAY
ABSENT: RAITHEL, REMPFER

Historic District Commission/Planning Manager:

None

There being no further business, the meeting was adjourned at 5:20 p.m.

Respectfully Submitted,

Amanda Palmer, Administrative Assistant

APPROVED:

CHAIR, DARON BRACHT

HISTORIC DISTRICT COMMISSION STAFF REPORT

PROJECT TITLE:	Leidesdorff Village Residential Project Entitlement Extension
PROPOSAL:	Request for approval of a Tentative Subdivision Map Extension, a Planned Development Permit Extension, and a Conditional Use Permit Extension for development of the Leidesdorff Village Residential project located at 1108 Sutter Street and determination that no further environmental review is required under CEQA
RECOMMENDED ACTION:	Recommend approval to City Council, based upon findings and subject to conditions
OWNER/APPLICANT:	D & S Development
LOCATION:	1108 Sutter Street
ASSESSOR'S PARCEL NO:	070-0042-002, 070-0042-003, 070-0046-024, and 070-0046-026
GENERAL PLAN DESIGNATION:	CA (Specialty Commercial)
ZONING:	HD PD (Historic District, Planned Development District) with an underlying Historic District Subarea Designation of River Way Subarea
ADJACENT LAND USES AND ZONING:	North: Unimproved Leidesdorff Street Right-Of-Way with the City's Corporation Yard (M-2) Beyond South: Sutter Street with Single-Family Residential Development (R-M) Beyond East: Sibley Street with Single-Family Residential Development (R-4) Beyond West: Veterans of Foreign Wars (VFW) Post 6604 and City Park (M-2 and R-M) with Forrest Street Beyond
SITE CHARACTERISTICS:	The 4.25-acre project site is currently undeveloped and vegetated with both native and introduced vegetation. Of particular note, the site has a total of 161 trees including 90 native oaks. A steep rocky embankment divides the project site and separates the site into two levels. There

are remnants of a hand-placed brick road or pathway leading to the southeast corner of the project site

PREVIOUS ACTION:

City Council Continuance of the Hidden Lake Residential Project (PN 03-115) in 2008 and City Council Approval of the Leidesdorff Village Residential Project (PN 10-252) on December 9, 2014

FUTURE ACTION:

Issuance of Building, Grading, and Tree Permits

APPLICABLE CODES:

FMC Section 12.16; Tree Preservation Ordinance
FMC Section 16.00; Subdivisions
FMC Section 17.38; Planned Development District
FMC Section 17.52; Historic District
FMC Section 17.57; Parking Requirements
FMC Section 17.60; Use Permits
Historic District Design and Development Guidelines

ENVIRONMENTAL REVIEW:

A Mitigated Negative Declaration and Mitigation Monitoring Program were previously approved for the Leidesdorff Village Residential Project (PN 10-252) on December 9, 2014 in accordance with the California Environmental Quality Act (CEQA)

ATTACHED REFERENCE MATERIALS:

1. Vicinity Map
2. Conditions of Approval
3. Site Plan, dated September 30, 2014
4. Tentative Subdivision Map and Condominium Plan, dated November, 2012
5. North Building Elevations, dated September 25, 2014
6. South Building Elevations, dated September 25, 2014
7. Sibley Corner Building Elevations, dated September 25, 2014
8. Color Building Perspective from Leidesdorff Street
9. Single-Family Residences Building Elevations and Floor Plans, dated August 10, 2010
10. Historic District Commission Staff Report, dated August 21, 2013
11. City Council Staff Report, dated December 9, 2014
12. Letter from Applicant, dated November 30, 2016
13. Letter from Terry Sorensen, dated March 7, 2017

PROJECT PLANNER:

Steve Banks, Principal Planner

BACKGROUND

On August 21, 2013, the Historic District Commission considered a request from D & S Development for approval of a Rezone, Zoning Code Text Amendment, Tentative Subdivision Map, Conditional Use Permit, and Planned Development Permit for development of the Leidesdorff Village Mixed-Use project. The proposed project, which included development of 36 for-sale condominium units, 21 for-sale residential flats, 2 single-family homes, and 4,431 square feet of retail space, is located on a 4.25-acre site within the City's Historic District at 1108 Sutter Street. At the aforementioned meeting, the Commission was somewhat divided regarding the proposed project. The Commissioners who opposed the project expressed concerns regarding a number of issues associated with the proposed development

including; traffic and circulation, parking, architecture and design, oak tree impacts, historic resource impacts, building setbacks, limited size of units, introduction of retail uses, incomplete master plan, and lack of public involvement. The Commissioners who favored the proposed project expressed an interest in the transit-oriented nature of the development and also supported the mixed-use building concept.

In relation to traffic and circulation, the Commission voiced concern that the introduction of more traffic would have a negative impact on the adjacent single-family residential neighborhoods, which have already been impacted by traffic associated with the City's Corporation Yard and the VFW Hall. Along those same lines, the Commission was not satisfied that the proposed project would provide sufficient on-site parking and that overflow parking would impact the adjacent single-family neighborhoods. The Commission was also not supportive of the stackable parking solution proposed by the applicant in that they were not convinced that the stackable parking would function or operate efficiently enough to serve the parking demands of the development. With respect to architecture, a number of the Commissioners did not think the design of the proposed project was appropriate for this location within the Historic District in terms of compatibility with surrounding buildings. It is important to note that other Commissioners were supportive of the proposed design and felt it was consistent with the Historic District Design and Development Guidelines.

With regard to environmental issues, one of the Commissioners expressed concern about the project's impact to existing oak trees. City staff noted that an arborist report had been prepared for the proposed project and that the applicant would be required to mitigate impacts to any protected oak trees. Staff also commented that the project includes removal of 61 interior live oak trees which represent 68% of the total oak trees located on the site. The Commission was also apprehensive about the impact to cultural resources (a ground sluicing area, a hydraulic mining area, single-family residential structures, and the Young Wo site). Staff indicated to the Commission that mitigation measures were included to ensure that any potential impacts would be reduced to a less than significant level consistent with CEQA requirements. In addition, it is important to acknowledge that the project includes the requirement for creation of a preservation plan to ensure brick remnants and other important features are preserved.

The Commission expressed a desire to see the two buildings located adjacent to Leidesdorff Street set back further from the property line to provide an opportunity for additional landscape features. City staff noted that the applicant's intent with the proposed project is to continue the design theme found on Sutter Street to this area in terms of the buildings being located closer to the street to create a more vibrant look and feel. The Commission also expressed concern that the proposed units were too small in size and would not be desirable units. The applicant commented that the proposed project is a transit-oriented development and that similar projects in the Sacramento area with units of this size have been quite popular and successful. The applicant also went on to indicate that he was very confident that units of the size at this particular location would be attractive to potential buyers.

The Commission commented that retail uses may not be appropriate for this particular area within the Historic District. Staff commented that retail uses are commonly found in locations in close proximity to public transportation (light rail in this case) and that the River Way Subarea encourages a mixture of different land uses including residential, live-work, studios, and sales space. The Commission also expressed a hope that a comprehensive master plan for the West Leidesdorff Plan Area might be completed prior to moving forward with approval of any project in the specific area. Under ideal circumstances, the West Leidesdorff Plan would be completed prior to development of the subject site, however, it is not a realistic expectation at this time and the applicant expressed a desire to proceed with processing of their development application. Staff noted that a mixed-use project at this location

will not limit any viable options for a future corporation yard master plan and is consistent with SACOG's Sustainable Communities Plan. Lastly, the Commission was not satisfied that the applicant had engaged in enough public outreach to inform and educate the adjacent residents about the proposed project. It is important to note that the applicant sponsored two information meetings regarding the proposed project and that there was substantial attendance at these meetings by the public.

A large number of residents attended the August 21, 2013 Historic Commission meeting, 11 of whom spoke to express their opposition to the proposed project. The residents expressed concerns regarding a wide range of issues associated with the proposed project including; property values, project density, scale of the development, building height, oak tree impacts, destruction of natural habitat, General Plan inconsistencies, appropriateness of mixed-use development, infrastructure and improvements, pedestrian access, compatibility with Corporation Yard, traffic and circulation, and parking. The comments received at the Commission meeting were similar in nature to the verbal and written comments City staff has received during the course of processing the subject application. City staff addressed the comments within the context of the Historic District Commission staff report. Following lengthy deliberation, a motion was introduced to recommend approval of the project to the City Council. The motion to approve the project failed by a vote of 2-4-0-1. A separate motion was introduced to recommend denial of the project to the City Council, that motion was approved by a vote of 5-1-0-1.

Subsequent to the August 21, 2013 Historic District Commission meeting, the applicant engaged City staff in order to identify and address the concerns raised by the Commission. Based on these discussions, the applicant agreed to make a number of significant changes to the proposed project including improving access and circulation, modifying the parking, reducing the number of residential units, and eliminating the common house building and associated swimming pool. As shown on the original site plan, the proposed project included a primary vehicle access driveway off of Sibley Street with secondary access being provided by an emergency vehicle access road with the Leidesdorff Street right-of-way. To improve access and circulation for the project, the applicant revised the site plan (Attachment 3) to transform the Leidesdorff Street right-of-way (only section adjacent to project site) from an emergency vehicles access road into a fully operational two-way public street with associated improvements (curb gutter, sidewalk, landscaping, cul-de-sac and parking). City staff has evaluated the revised site plan and determined that it would greatly improve access to the project site as well as circulation in and around the project site. In addition, the revised site plan resulted in 14 additional on-street parking spaces being made available for use by residents and businesses associated with the proposed project.

At the August 21, 2013 Historic District Commission meeting, the Commission expressed doubt about the stackable parking system that was proposed to be installed within the garage of the Sibley Corner Building. Specifically, the Commission was concerned that the proposed stackable parking system (features car-lift system) would not function or operate in a timely manner, thus resulting in a parking shortage within the proposed development leading to overflow parking in the adjacent residential neighborhoods. To address this concern, the applicant eliminated the stackable parking system from the Sibley Corner Building garage and replaced it with 33 traditional parking spaces. To accomplish this parking modification, the applicant expanded the size of the garage area which in-turn reduced the depth and size of the retail tenant spaces fronting Leidesdorff Street (retail space reduced from 4,431 S.F. to 2,500 S.F.). City staff determined that the modifications to the Sibley Corner Building parking garage will allow residents, business owners, and visitors to park in a more efficient manner, thus satisfying the parking demands generated by the proposed project.

During the August 21, 2013 meeting, the Historic District Commission voiced concerns about the density of the proposed project. To address this issue, the applicant eliminated three, two-bedroom units from the Sibley Corner Building. The reduction in the number of residential units resulted in the overall density of the projecting shifting downward from 13.9 units per acre 13.2 units per acre. City staff was supportive of the proposed density and believes that the proposed project provides an appropriate land use transition (buffer area) between the surrounding residential, light industrial, and quasi-public land uses. While the reduction in the number of units is fairly small, staff acknowledged the good-faith effort of the applicant to address the density concern raised by the Commission and by residents. It is important to note that the removal of a number of residential units also resulted in the reduction in the parking requirements (six less parking spaces required) associated with the project.

Another of the concerns raised by the Commission at its August 21, 2013 meeting was the unknown use of the common house building and pool associated with the Phase I portion of the proposed project. Specifically, the Commission was concerned that portions of the common house building would be used for boarding of guests or visitors. The Commission was also apprehensive that the common house building and pool would be utilized for large events that might impact the adjacent residential neighborhoods in terms of traffic, parking, and noise. To address these concerns, the applicant revised the site plan to eliminate development of the common house building and the associated swimming pool. The area where the common house and swimming pool were to be located will be maintained as open green space. Staff determined that the elimination of the common house building and pool resolved any potential conflicts relative to boarding, traffic, parking, or noise.

The proposed project was considered by the City Council at its June 24, 2014 meeting. At this meeting, the City Council was generally supportive of the overall development concept associated with the proposed project. Specifically, the Council relayed positive comments regarding the residential focus of the development, the transit-oriented nature of the development, the walkability of the development, and the vast amount of open space provided by the development. However, the Council did express concern regarding a number of aspects of the project including; the architecture and design of the buildings, the feasibility of retail uses at this particular location, and the limited size of the retail tenant spaces. The City Council recommended that the aforementioned concerns be addressed by the applicant prior to the project returning to the Council. The Council adopted a motion (4-1-0-0) to move the First Reading of Ordinance No. 1210, and continued the balance of the project (Resolution No. 9388) to a future City Council meeting.

A significant number of residents attended the June 24, 2014 City Council meeting, many of whom expressed their opposition to the proposed project, while others voiced their support of the project. The residents who spoke in opposition to the proposed project expressed concern regarding a wide range of issues including; impact to property values, project density, scale of the development, building height, oak tree impacts, destruction of natural habitat, cultural resource impacts, General Plan inconsistencies, appropriateness of mixed-use development, adequacy of infrastructure and improvements, pedestrian access, compatibility with Corporation Yard, traffic, circulation, and parking. The residents who spoke in support of the proposed project commented on the positive aspects of the development including; mixed-use nature of project, sustainable aspect of project, economic impacts of the project, and the design of the project. The aforementioned comments have been addressed with the context of the City Council staff report.

Subsequent to the June 24, 2014 City Council meeting, City staff worked with the applicant's team to address the concerns identified by the Council and residents. As a result of this interaction, the applicant made a number of changes to the proposed project. Most notably, the applicant modified the architecture and design of the proposed buildings to reflect a more traditional appearance that is similar

to recent development on Sutter Street (Sutter Court and Folsom Electric Building). In addition, the applicant eliminated the ground-level retail tenant spaces (2,500 S.F.) located within the Sibley Corner Building, resulting in an increase of usable area for parking within the covered garage. The elimination of the retail tenant space allowed the applicant to lower the height of the Sibley Corner Building from 34 feet down to 31 feet, while the North and South Buildings were also lowered from 33 feet to 31 feet in height. Lastly, the applicant improved the parking situation by increasing the total number of parking spaces provided from 110 parking spaces to 112 spaces, while at the same time reducing the parking demand from 106 parking to 102 spaces by eliminating the ground-level retail tenant area fronting Leidesdorff Street. It is important to note that vehicle trips (PM peak hour) generated by the proposed project were reduced from 44 trips to 37 trips with elimination of the retail tenant spaces, thus minimizing potential traffic, access, and circulation related impacts. The aforementioned modifications and other minor clarifications are listed below:

- Modified Building Elevations and Renderings
- Reduced Building Heights by Three-Feet and Two-Feet
- Eliminated 2,500 S.F. of Ground-Level Retail Tenant Space
- Increased Total Number of Parking Spaces by Two
- Reduced Parking Demand by Four Parking Spaces
- Clarified Archeologist Review of Unknown Cultural Resources
- Clarified Requirement for Brick Remnant Preservation Plan

On December 9, 2014, the City Council approved a Rezone, Zoning Code Text Amendment, Planned Development Permit, and Conditional Use Permit for development of the revised Leidesdorff Village Residential project. The revised Leidesdorff Village Residential project includes development of 36 for-sale condominium units, 18 for-sale residential flats, and 2 single-family homes on a 4.25-acre site within the City's Historic District at 1108 Sutter Street.

Subsequent to City Council approval of the project, a lawsuit was filed in Sacramento County Superior Court by a local resident contesting the aforementioned approvals. Following filing of the lawsuit, the project applicant and the resident entered into lengthy discussions regarding the proposed project to see if they could resolve their differences. Unfortunately, the applicant and the resident were unable to reach a settlement. As a result, the lawsuit, which prohibits any type of development on the project site, has tentatively scheduled to be heard by the Court on August 4, 2017.

POLICY/RULE

The Folsom Municipal Code (FMC) requires that applications for Tentative Subdivision Maps, Planned Development Permits, and Conditional Use Permits be forwarded to the City Council for final action. City Council actions regarding extension of Tentative Subdivision Maps are covered under Section 16.16.120 of the Folsom Municipal Code. Extensions of Use Permits is covered by Section 17.60.060(B) of the Folsom Municipal Code. Expiration of the Planned Development Permit is covered by Section 17.38.110 of the Folsom Municipal Code.

APPLICANT'S PROPOSAL

The applicant, D & S Development, is requesting a two-year extension in time of the previously approved Tentative Subdivision Map, Planned Development Permit Extension, and Conditional Use Permit associated with development of the Leidesdorff Village Residential project located at 1108 Sutter Street. The applicant is also requesting that the two-year extension in time begin once the lawsuit with the local resident is finalized.

ANALYSIS

As noted in the background section of this report, the City Council approved a Rezone, Zoning Code Text Amendment, Tentative Subdivision Map, Planned Development Permit, and Conditional Use Permit for development of the Leidesdorff Village Residential project on December 9, 2014. With respect to timing of the development, a condition of approval was placed on the project stating that “Unless otherwise extended by provisions of the California Subdivision Map Act, the Folsom Municipal Code, or other request by the applicant, this project approval granted under this staff report shall remain in effect for two years from final date of approval (December 9, 2016). Failure to obtain the relevant building (or other) permits within this time period, without the subsequent extension of this approval, shall result in the termination of this approval.” In this particular case, the entitlements (Tentative Subdivision Map, Planned Development Permit, and Conditional Use Permit) for the project were valid until December 9, 2016. It is important to note that the other two entitlements (Rezone and Zoning Code Text Amendment) associated with the project do not require an extension as they went into effect thirty days after approval of the project.

On November 30, 2016, the project applicant (D&S Development) submitted a timely letter (Attachment 12) to the City requesting a two-year extension in time for the previously approved entitlements including the Tentative Subdivision Map, Planned Development Permit, and Conditional Use Permit. In addition to requesting approval of a two year extension of the project entitlements, the applicant is requesting that the two year extension not commence until such time that the lawsuit with the local resident has been settled. In the letter, the applicant makes the argument that the extension of the entitlements is necessary due to the fact that the lawsuit in effect suspends development activities on the project site until the lawsuit has been resolved. With respect to delaying the commencement of the entitlement extension until resolution of the lawsuit, the applicant has indicated that this necessary due to the uncertainties associated with the Court proceedings and potential further delays.

Staff has reviewed the proposed Tentative Subdivision Map Extension, Planned Development Permit Extension, and Conditional Use Permit Extension to determine whether or not circumstances have changed in the project vicinity that would require modification to or reconsideration of any of the conditions of approval for this project. Upon review, staff determined that there are no changes on this project site, or in the project vicinity that would require modification to any of the conditions of approval for this project. As a result, staff is supportive of the applicant’s request for a two year extension in time for the entitlements associated with Leidesdorff Village Residential project. With regard to the applicant’s request to delay commencement of the entitlement extension until the lawsuit has been resolved, staff is not supportive of this particular request due to the fact this has the potential to allow the entitlements to be extended for an indeterminate period of time. Extending entitlements for an unknown period of time would not be consistent with City Council Policy regarding entitlements for development projects.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration and Mitigation Monitoring Program were previously approved for the Leidesdorff Village Residential Project (PN 10-252) project on December 9, 2014 in accordance with the California Environmental Quality Act (CEQA). Staff has determined that no new impacts will result from this extension that was not already considered with the previous approval. No further environmental review is required.

HISTORIC DISTRICT COMMISSION RECOMMENDATION/ACTION

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF THE TENTATIVE SUBDIVISION MAP EXTENSION, A PLANNED DEVELOPMENT PERMIT EXTENSION, AND A CONDITONAL USE PERMIT EXTENSION FOR A PERIOD OF TWO YEARS (UNTIL APRIL 11,

2019) FOR DEVELOPMENT OF THE LEIDESDORFF VILLAGE RESIDENTIAL PROJECT (PN 10-252) WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL ATTACHED TO THIS REPORT (NO. 1-75);

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN AND ZONING CODE OF THE CITY.

CEQA FINDING

- C. A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM WERE PREVIOUSLY APPROVED FOR THE LEIDESDORFF VILLAGE RESIDENTIAL PROJECT (PN 10-252) ON DECEMBER 9, 2014 IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). NO NEW IMPACTS WILL RESULT FROM THIS EXTENSION THAT WERE NOT ALREADY CONSIDERED WITH THE PREVIOUS APPROVAL, SO NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED UNDER CEQA.

TENTATIVE SUBDIVISION MAP FINDINGS

- D. THE PROPOSED TENTATIVE SUBDIVISION MAP IS CONSISTENT WITH THE CITY'S SUBDIVISION ORDINANCE AND THE SUBDIVISION MAP ACT IN THAT THE PROJECT IS SUBJECT TO CONDITIONS OF APPROVAL THAT WILL ENSURE THAT THE PROJECT IS DEVELOPED IN COMPLIANCE WITH CITY STANDARDS.
- E. THE PROPOSED SUBDIVISION, TOGETHER WITH THE PROVISIONS FOR ITS DESIGN AND IMPROVEMENT, IS CONSISTENT WITH THE GENERAL PLAN AND ALL APPLICABLE PROVISIONS OF THE FOLSOM MUNICIPAL CODE.
- F. THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPES OF DEVELOPMENT.
- G. THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITIES OF DEVELOPMENT
- H. AS CONDITIONED, THE DESIGN OF THE TENTATIVE SUBDIVISION MAP AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIAL AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.
- I. THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS.

- J. THE DESIGN OF THE SUBDIVISION AND THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED SUBDIVISION.
- K. SUBJECT TO SECTION 66474.4 OF THE SUBDIVISION MAP ACT, THE LAND IS NOT SUBJECT TO A CONTRACT ENTERED INTO PURSUANT TO THE CALIFORNIA LAND CONSERVATION ACT OF 1965.
- L. IN RECOMMENDING APPROVAL, CONDITIONAL APPROVAL, OR DENIAL OF THE REQUEST FOR EXTENSION, THE HISTORIC DISTRICT COMMISSION SHALL MAKE FINDINGS SUPPORTING ITS DECISION, INCLUDING FINDINGS WITH RESPECT TO THE POTENTIAL IMPACT OF ANY INCREASES IN APPLICABLE DEVELOPMENT FEES WHICH HAVE OCCURRED SINCE THE DATE OF APPROVAL OF THE TENTATIVE MAP.

CONDITIONAL USE PERMIT FINDING

- M. THE ESTABLISHMENT, MAINTENANCE, OR OPERATION OF THE USE OR BUILDING APPLIED FOR WILL NOT, UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE, BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, MORALS, COMFORT AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF SUCH PROPOSED USE, OR BE DETRIMENTAL OR INJURIOUS TO PROPERTY AND IMPROVEMENTS IN THE NEIGHBORHOOD, OR TO THE GENERAL WELFARE OF THE CITY BECAUSE THE PROPOSED LAND USE WILL NOT HAVE A NEGATIVE IMPACT. THERE HAVE BEEN MINOR ADJUSTMENTS TO IMPACTS FEES SINCE CITY COUNCIL APPROVAL OF THE PROJECT ON DECEMBER 9, 2014; HOWEVER, THESE INCREASES DO NOT IMPACT THE USE PERMIT.

PLANNED DEVELOPMENT PERMIT FINDINGS

- N. THE PROPOSED PROJECT COMPLIES WITH THE INTENT AND PURPOSES OF CHAPTER 17.38 (PLANNED DEVELOPMENT DISTRICT) OF THE FOLSOM MUNICIPAL CODE AND OTHER APPLICABLE ORDINANCES OF THE CITY AND THE GENERAL PLAN.
- O. THE PROPOSED PROJECT IS CONSISTENT WITH THE OBJECTIVES, POLICIES AND REQUIREMENTS OF THE DEVELOPMENT STANDARDS OF THE CITY.
- P. THE PHYSICAL, FUNCTIONAL AND VISUAL COMPATIBILITY BETWEEN THE PROPOSED PROJECT AND EXISTING AND FUTURE ADJACENT USES AND AREA CHARACTERISTICS IS ACCEPTABLE.
- Q. THERE ARE AVAILABLE NECESSARY PUBLIC FACILITIES, INCLUDING BUT NOT LIMITED TO, WATER, SEWER AND DRAINAGE AND THE PROJECT ADEQUATELY PROVIDES FOR THE FURNISHING OF SUCH FACILITIES.
- R. THE PROPOSED PROJECT WILL NOT CAUSE ADVERSE ENVIRONMENTAL IMPACTS WHICH HAVE NOT BEEN MITIGATED TO AN ACCEPTABLE LEVEL.

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

Submitted,

DAVID E. MILLER, AICP
 Community Development Director
CONDITIONS

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

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

Attachment 1

Vicinity Map



Attachment 2

Conditions of Approval

**CONDITIONS OF APPROVAL FOR THE LEIDESDORFF VILLAGE RESIDENTIAL PROJECT (PN 10-252)
1108 SUTTER STREET**

**REZONE, ZONING CODE TEXT AMENDMENT, TENTATIVE SUBDIVISION MAP, CONDITIONAL USE PERMIT AND
PLANNED DEVELOPMENT PERMIT**

Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
1.	<p>The applicant shall submit final site development plans to the Community Development Department that shall substantially conform to the exhibits referenced below:</p> <ul style="list-style-type: none"> • Rezone Exhibit • Proposed Zoning Code Text Amendment to <u>FMC</u>, Section 17.52.070 (River Way Subarea) and <u>FMC</u>, Section 17.52.090 (Resort Subarea) • Existing and Proposed Historic District Subarea Maps • Revised Site Plan, dated September 30, 2014 • Revised Cross Section of Project Site, dated August 19, 2014 • Aerial Site Plan and Details, dated November 30, 2012 • Tentative Subdivision Map and Condominium Plan, dated November, 2012 • Right-Of-Way Abandonment Map, dated April, 2012 • Preliminary Grading and Drainage Plan, dated November, 2012 • Preliminary Off-Site Drainage Plan, dated August, 2010 • Preliminary Grading Plan Sections, dated April, 2012 • Preliminary Off-Site Sewer Plan, dated August, 2010 • Preliminary Landscape Plan, dated November 30, 2012 • Tree Removal Exhibit, dated November, 2012 • Emergency Vehicle Access (EVA) Exhibit, dated April 19, 2012 • Vehicle Circulation Exhibit, dated November 30, 2012 • Pedestrian Circulation Exhibit, dated March 20, 2013 • North Building Elevations and Floor Plans, dated September 25, 2014 • South Building Elevations and Floor Plans, dated September 25, 2014 • Single-Family Residences Building Elevations and Floor Plans, dated August 10, 2010 	B	CD (P)(E)

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Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
1. Cont.	<ul style="list-style-type: none"> • Sibley Corner Building Elevations and Floor Plans, dated September 25, 2014 • Color Perspective from Leidesdorff Street • Joss House Dedication Building Elevation and Site Details 	B	CD (P)(E)
2.	<p>The project is approved for the development of 36 for-sale condominium units, 18 for-sale residential flats, and 2 single-family homes. Implementation of the project shall be consistent with the above-referenced items as modified by these conditions of approval.</p> <p>Building plans, and all civil engineering and landscape plans, shall be submitted to the Community Development Department for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Folsom.</p>	I, B	CD (P)(E)(B)
3.	<p>Unless otherwise extended by provisions of the California Subdivision Map Act, the Folsom Municipal Code, or other request by the applicant, this project approval granted under this staff report shall remain in effect for two years from final date of approval (April 11, 2019). Failure to obtain the relevant building (or other) permits within this time period, without the subsequent extension of this approval, shall result in the termination of this approval.</p>	B	CD (P)

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REZONE, ZONING CODE TEXT AMENDMENT, TENTATIVE SUBDIVISION MAP, CONDITIONAL USE PERMIT AND PLANNED DEVELOPMENT PERMIT

Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
4.	<p>The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> • The City bears its own attorney's fees and costs; and • The City defends the claim, action or proceeding in good faith 	OG	CD (P)(E)(B) PW, PR, FD, PD, NS
5.	<p>The owner/applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the owner/applicant.</p> <p>The owner/applicant shall be required to participate in a mitigation monitoring and reporting program pursuant to City Council Resolution No. 2634 and Public Resources Code 21081.6. The mitigation monitoring and reporting measures identified in the Mitigated Negative Declaration prepared for this project have been incorporated into these conditions of approval in order to mitigate or avoid significant effects on the environment. These mitigation monitoring and reporting measures are identified with a check mark (✓) in the mitigation measure column.</p>	G, I	CD (P)
DEVELOPMENT COSTS AND FEE REQUIREMENTS			
6.	The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.	I, B	CD (P)(E)
7.	If applicable, the owner/applicant shall pay off any existing assessments against the property, or file necessary segregation request and pay applicable fees.	B	CD (E)

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Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
8.	<p>The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.</p>	I	CD (P)(E)
9.	<p>If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the applicant shall reimburse the City for actual costs it incurs in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the Final Map, improvement plans, or beginning inspection, whichever is applicable.</p>	I, M, B	CD (P)(E)
10.	<p>This project shall be subject to all City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all City-wide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project has begun. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.</p>	B	CD (P)(E), PW, PK

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Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
11.	The owner/applicant agrees to pay to the Folsom-Cordova Unified School District the maximum fee authorized by law for the construction and/or reconstruction of school facilities. The applicable fee shall be the fee established by the School District that is in effect at the time of the issuance of a building permit. Specifically, the owner/applicant agrees to pay any and all fees and charges and comply with any and all dedications or other requirements authorized under Section 17620 of the Education Code; Chapter 4.7 (commencing with Section 65970) of the Government Code; and Sections 65995, 65995.5 and 65995.7 of the Government Code.	B	CD (P)
SITE DEVELOPMENT REQUIREMENTS			
12.	Prior to the issuance of any grading and/or building permit, the owner/applicant shall have a geotechnical report prepared by an appropriately licensed engineer that includes an analysis of site suitability, proposed foundation design for all proposed structures, and roadway and pavement design. In addition, the owner/applicant shall retain an appropriately licensed engineer during the grading activities to identify existing landslides and potential slope failure hazards. The engineer shall be notified a minimum of two days prior to any site clearing or grading in order to facilitate meetings with the grading contractor in the field. The licensed engineer shall conduct additional geotechnical investigations prior to issuance of a grading permit to the satisfaction of the Community Development Department.	G, B	CD (E)
13.	Public and private improvements, including roadways, curbs, gutters, sidewalks, bicycle lanes and trails, streetlights, underground infrastructure and all other improvements shall be provided in accordance with the current edition of the City of Folsom <u>Standard Construction Specifications</u> and the <u>Design and Procedures Manual and Improvement Standards</u> .	I, B	CD (P)(E)

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Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
14.	The applicant/owner shall submit water, sewer and drainage studies to the satisfaction of the Environmental and Water Resources Department and provide sanitary sewer, water and storm drainage improvements with corresponding easements, as necessary, in accordance with these studies and the current edition of the City of Folsom <i>Standard Construction Specifications</i> and the <i>Design and Procedures Manual and Improvement Standards</i> . The final determination regarding the routing of the proposed off-site sewer improvements shall be subject to City Council approval.	I	EWR (E)
15.	The improvement plans for the required public and private subdivision improvements shall be reviewed and approved by the Community Development Department prior to approval of the Final Map.	M	CD(E)
16.	Final lot and building configurations may be modified to allow for overland release of storm events greater than the capacity of the underground system.	B	CD (E)
17.	The owner/applicant shall coordinate the planning, development and completion of this project with the various utility agencies (i.e., SMUD, PG&E, etc.).	I	CD (P)(E)
18.	The owner/applicant shall be responsible for replacing any and all damaged or hazardous public sidewalk, curb and gutter, and/or bicycle trail facilities along the site frontage and/or boundaries, including pre-existing conditions and construction damage, to the satisfaction of the Community Development Department.	O	CD (E)
19.	The owner/applicant shall disclose to the homebuyer in the Conditions, Covenants, and Restrictions and in the Department of Real Estate Public Report that the City of Folsom Corporation Yard is situated directly adjacent to the project site, and that noise, light, odor, vibrations, and similar impacts commonly associated with a light-industrial use will be present at various times, including but not limited late evening and early morning hours. The disclosure shall also be made as a note on the subdivision map and on the title report prior to purchase. The owner/applicant shall provide a copy of the Department of Real Estate Public Report to the Community Development Department for review and approval. In addition, it shall be disclosed to homebuyers that the project site is located within close proximity to the Mather Airport flight path and that overflight noise may be present at various times.	B	CD (P) PK

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Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
20.	For any improvements constructed on private property that are not under ownership or control of the owner/applicant, a right-of-entry, and if necessary, a permanent easement shall be obtained and provided to the City prior to issuance of a grading permit and/or approval of improvement plans.	G, I	CD (E)
21.	The owner/applicant shall form a Landscape Lighting Assessment District, a Community Services District, or a Home Owners Association, which shall be responsible for on-site landscape maintenance throughout the life of the project to the satisfaction of the Community Development Department. Vegetation or plantings shall not be less than that depicted on the final landscape plan, unless tree removal is approved by the Community Development Department because the spacing between trees will be too close on center as they mature.	B	CD (P)(E)
22.	The owner/applicant shall enter into a deferred subdivision improvement agreement with the City to provide their "fair share" contribution towards the ultimate construction of the Leidesdorff Street improvements along the entire frontage of the project site.	I, B	CD (P)(E)
23.	All street frontage improvements constructed adjacent to Sibley Street shall be provided in accordance with the current edition of the City of Folsom <u>Standard Construction Specifications</u> and the <u>Design and Procedures Manual and Improvement Standards</u> .	I, B	CD (P)(E)
MAP REQUIREMENTS			
24.	Prior to the issuance of building permits, the owner/applicant shall provide a digital copy of the recorded Final Map (in AutoCAD format) to the Community Development Department.	B	CD (E)
25.	Prior to issuance of building permits, the owner/applicant shall provide the Folsom-Cordova Unified School District with a copy of the recorded Final Map.	B	CD (P)
26.	Prior to the recording of the Final Map, the owner/applicant shall enter into a subdivision improvement agreement with the City, identifying improvements, if any, to be constructed. The owner/applicant shall provide security acceptable to the City, guaranteeing construction of the improvements.	M	CD (E)

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Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
27.	Twelve and one-half-foot (12.5') wide Public Utility Easements for underground facilities shall be dedicated adjacent to all private and public roadways for other utilities (i.e., SMUD, Pacific Gas and Electric, cable television, telephone). The width of the public utility easements adjacent to public and private streets may be reduced with prior approval from public utility companies.	M	CD (E)
28.	Should multiple Final Maps be filed by the owner/applicant for the project in the future, the phasing of maps shall be to the satisfaction of the Community Development Department.	M	CD (E)
29.	The owner/applicant shall attempt to acquire any off-site rights-of-way and easements necessary for improvements required for the Final Map prior to submittal of the map. If the owner/applicant is unsuccessful in acquiring said rights-of-way and easements, the owner/applicant shall submit evidence to the City that a "good faith" effort was made in attempting to acquire said rights-of-way and easements prior to the City's approval of the Final Map. The owner/applicant shall be responsible for all costs associated with rights-of-way and easement acquisition, including any costs the City incurs in attempting to acquire any rights-of-ways and easements.	M	CD (E)
30.	The owner/applicant shall form a homeowners association. In addition, CC&R's shall be prepared by the owner/applicant and shall be subject to review and approval by the Community Development Department for compliance with this approval and with the Folsom Municipal Code and adopted policies, prior to the recordation of the Final Map.	M	CD (P)(E)
31.	Any reimbursement for improvements constructed by the applicant shall be in accordance with a formal reimbursement agreement entered into between the City and the owner/applicant prior to the approval of the Final Map.	M	CD (E)
32.	The Final Map shall show easements or other mapped provisions for the placement of centralized mail delivery units. The owner/applicant shall provide a concrete base for the placement of any centralized mail delivery unit. Specifications and location of such base shall be determined pursuant to the applicable requirements of the U. S. Postal Service and the City of Folsom Community Development Department, with due consideration for street light location, traffic safety, security, and consumer convenience.	M	CD (E)

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Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
STORM WATER POLLUTION/CLEAN WATER ACT REQUIREMENTS			
33.	During Construction, the owner/applicant shall be responsible for litter control and sweeping of all paved surfaces in accordance with City standards. All on-site storm drains shall be cleaned immediately before the commencement of the rainy season (October 15).	G, I, B	CD (E)
34.	The storm drain improvement plans shall provide for "Best Management Practices" that meet the requirements of the water quality standards of the City's National Pollutant Discharge Elimination System Permit issued by the State Regional Water Quality Control Board.	G, I, B, O	CD (E)
35.	Erosion and sedimentation control measures shall be incorporated into construction plans. These measures shall conform to the City of Folsom requirements and the County of Sacramento <i>Erosion and Sedimentation Control Standards and Specifications</i> -current edition and as directed by the Community Development Department.	G, I	CD (E)
36.	Prior to the approval of the final facilities design and the initiation of construction activities, the applicant shall submit an erosion control plan to the City for review and approval. The plan shall identify protective measures to be taken during excavation, temporary stockpiling, any reuse or disposal, and revegetation. Specific techniques may be based upon geotechnical reports, the <i>Erosion and Sediment Control Handbook</i> of the State of California Department of Conservation, and shall comply with all updated City standards.	G, I	CD (E)
LANDSCAPE/TREE PRESERVATION REQUIREMENTS			
37.	The applicant shall submit a tree permit application to the City and the City shall issue the Tree Permit prior to commencement of any grading or site improvement related activities.	I	CD(P)(E)

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	Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
38.		Final landscape plans and specifications for site development shall be prepared by a registered landscape architect and approved by the City Arborist and City staff prior to the approval of improvement plans. Said plans shall include all on-site landscape specifications and details. Landscaping of the parking area shall meet shade requirements as outlined in the <u>Folsom Municipal Code Chapter 17.57</u> . The landscape plans shall comply and implement water efficient requirements as adopted by the State of California (Assembly Bill 1881) until such time the City of Folsom adopts its own Water Efficient Landscape Ordinance. Shade and ornamental trees shall be maintained according to the most current American National Standards for Tree Care Operations (ANSI A-300) by qualified tree care professionals. Tree topping for height reduction, sign visibility, light clearance or any other purpose shall not be allowed. Specialty-style pruning, such as pollarding, shall be specified within the approved landscape plans and shall be implemented during a 5-year establishment and training period.	I	CD(P)(E)
39.	✓	The project is subject to the Tree Preservation Ordinance and any mitigation required as a result of impacts to oak trees. The owner/applicant shall retain a certified arborist for the project. The project arborist will oversee tree removal and the preservation of the trees on site during and after construction. The owner/applicant shall provide funding for this arborist.	I	CD(P)(E)
40.	✓	The owner/applicant shall place high-visibility orange mesh protective fencing and signing every 50 feet around the Tree Protection Zone of any existing trees on the project site that are identified for preservation pursuant to Folsom Municipal Code Chapter 12.16. The fencing shall remain in place throughout the construction process to assure that the protected trees are not damaged. Placement of the fencing shall be subject to the review and approval of staff prior to the issuance of any improvement, gradings, or building permits. Simply protecting the area within the Tree Protection Zone may not always save the tree(s), so other tree protection measures may be required.	I	CD(P)(E)

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Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
41. ✓	<p>Tree mitigation is required pursuant to the Tree Ordinance, and can include replanting of oak trees on the site, paying mitigation fees, or a combination of these two methods. The City Arborist will review the final site improvement plans and determine the precise amount required at that time. Compensatory mitigation off-site consists of one of the following mitigation measures:</p> <ul style="list-style-type: none"> • Payment into the Tree Planting and Replacement Fund of an inch-for-diameter-inch replacement in lieu fee set by City Council resolution; or • Dedication of property for the purpose of planting trees based on the following ratio: 1 diameter inch = 0.004 acre of land (175 square feet) – the minimum area of dedication for such property shall be five acres of land, unless the property is contiguous to existing or planned open space, in which case the minimum dedication is one acre of land; off site mitigation of this type must be approved by the City council; or • Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the City, pursuant to the ratios set forth in the Tree Ordinance. 	I	CD(P)(E)

BIOLOGICAL RESOURCE REQUIREMENTS

42.

To protect the elderberry shrub from construction activities, the applicant shall place temporary fencing 100 feet from the outer edge of the shrub canopy to protect the root system of the elderberry shrub. The applicant shall ensure that no grading, ground disturbance, or parking occurs within this 100-foot fenced buffer area during project construction. The fencing shall be in place before construction work begins.

OR

The applicant has applied for a USFWS permit to construct within the buffer area (Folsom 2006). The following measure will ensure that the applicant provides documentation to the City that said permit has been issued by USFWS: Prior to the initiation of any grading or the issuance of any construction or grading permit, the owner/applicant shall obtain all required state and federal permits and provide evidence to the City of Folsom that said permits have been obtained, or that the permit is not required. Specifically, the applicant must provide verification of a USFWS permit for construction within the required 100-foot buffer area of the elderberry bush located at the southwest corner of the site.

OR

EIP Associates prepared a Draft Low Effect Habitat Conservation Plan (HCP) for VELB for the proposed project in 2003. This HCP calls for relocation of the elderberry shrub to a mitigation bank, and the purchase of four VELB mitigation units at the Wildland's Sheridan Mitigation Bank (EIP 2003b). Implementation of this plan would reduce the impact to VELB to a less-than-significant level. The following measure would ensure that the applicant provides documentation to the City that said mitigation has been completed: Prior to the initiation of any grading or the issuance of any construction or grading permit, the owner/applicant shall provide evidence to the City of Folsom that a) USFWS approved the HCP prepared for the project, b) the elderberry shrub was relocated to the mitigation bank pursuant to the HCP; c) four VELB mitigation units were purchased in the mitigation bank; and d) arrangements have been made to meet all conditions of the HCP, including irrigation and monitoring.

✓

CD(P)(E)

G, I

43.	<p style="text-align: center;">✓</p>	<p>If construction activities will occur during the nesting season (usually from March through September), no more than 30 days prior to the initiation of construction, pre-construction surveys for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within a 500 foot radius of proposed construction areas. If active nests are identified in these areas, construction should be delayed until the young have fledged, or the CDFG should be consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing, or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.</p>	G, I	CD(P)(E)
CULTURAL RESOURCE REQUIREMENTS				
44.	<p style="text-align: center;">✓</p>	<p>An archaeologist shall be present to examine the ground surface for the entirety of the project site, including both the upper and the lower terrace, during and after vegetation removal and during grading and construction activities. If any archaeological, cultural, historical resources, artifacts, or other features are discovered during the course of construction anywhere on the project site, Mitigation Measure CUL-2 (Condition No. 45) shall be implemented. This measure shall apply during the original construction of each phase of the project, and shall continue to be implemented during any subsequent ground disturbance by any party. To ensure future compliance with this measure, the CCR's or other guidance documents prepared and recorded for the project shall include this provision, and all plans for grading shall be referred to the Community Development Department for review. In addition, the owner/applicant shall prepare a brick remnant preservation plan that documents the specific means by which the brick remnants associated with the Young Wo Chinese benevolent hall will be protected before, during, and after construction of the project to the satisfaction of the Community Development Department. In addition the brick remnant preservation plan shall be reviewed and approved by the Historic District Commission prior to approval of approval of a Grading Permit.</p>	G, I	CD (P)(E)

45.	✓	<p>If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides consultation with the Folsom Historical Society, City staff, and the Historic Preservation League. Appropriate mitigation as recommended by the archaeologist and the Historical Society representative shall be implemented. If agreement cannot be met, the Historic District Commission shall determine the appropriate implementation method.</p>	G, I	CD (P)(E)
46.	✓	<p>In the event human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American Origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely decedent. The decedent will then recommend to the landowner or landowner's representative appropriate disposition of the remains and any grave goods.</p>	G, I	CD (P)(E)
AIR QUALITY REQUIREMENTS				
47.		<p>Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust.</p>	G, I, B	CD (P)(E)(B)
48.		<p>In compliance with Rule 201 of the Sacramento Metropolitan Air Quality Management District (SMAQMD), the applicant/developer of the project shall verify with SMAQMD if a permit is required before equipment capable of releasing emissions to the atmosphere are used at the project site. The applicant/developer shall comply with the approved permit or provide evidence that a permit is not required.</p>	G, I, B	CD (P)(E)(B)
49.		<p>In compliance with Rule 442 of the Sacramento Metropolitan Air Quality Management District (SMAQMD), the applicant/developer of the project shall use architectural coatings that comply with the volatile organic compound content limits specified in the general rule.</p>	G, I, B	CD (P)(E)(B)
50.		<p>Street sweeping shall be conducted to control dust and dirt tracked from the project site onto any of the surrounding roadways. Construction equipment access shall be restricted to defined entry and exit points to control the amount of soil deposition.</p>	G, I, B	CD (P)(E)(B)

51.		<p>Dust generated on the project site shall be controlled by selective watering of exposed areas, especially during clearing and grading operations. All unpaved areas of the project site that are being graded, excavated or used as construction haul roadways shall be sprayed with water as often as is necessary to assure that fugitive dust does not impact nearby properties. Stockpiles of soil or other fine materials being left for periods in excess of one day during site construction shall be sprayed and track walked after stockpiling is complete.</p>	I, B	CD (P)(E)(B)
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52.

The following measures are required to reduce construction criteria air emissions, consistent with current SMAQMD Basic Construction Emissions Control Practices:

- 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 [required by California Code of Regulations, Title 13, sections 2449(d)(3) and 2485]. Provide clear signage that posts this requirement for workers at the entrances to the site.
- 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.

✓

G, I, B

CD (P)(E)(B)

PARKING AND CIRCULATION REQUIREMENT

53.		A minimum of 112 parking spaces shall be provided for the project. In addition, a minimum of 11 bicycle parking spaces shall be provided in close proximity to the building entrances (North Building, South Building, and Sibley Corner Building). This condition of approval shall be included in the CC&Rs for this project.	I, O	CD (P,E)
NOISE REQUIREMENTS				
54.		Compliance with Noise Control Ordinance and General Plan Noise Element shall be required. Hours of construction operation shall be limited from 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction on Sundays or holidays shall be permitted. Construction equipment shall be muffled and shrouded to minimize noise levels.	G, I, B	CD (P)(E)
55.	✓	<ul style="list-style-type: none"> • Windows associated with residential units along the north side and east and west corners of the North Building shall have windows with an STC rating of 35. • Prior to issuance of any certificate of occupancy, the project applicant shall construct a 6-foot- tall noise barrier along the southeast corner of the project site (north property line of the Johnson residence). The 6-foot-tall noise barrier shall be constructed of masonry block, concrete, or similar materials. The final location, height, design, materials, and colors of the noise barrier shall be subject to review and approval by the Community Development Department. • All deliveries shall be restricted to the hours after 7:00 a.m. and before 9:00 p.m. • Outside events (such as community gatherings) shall be limited to the hours between 7:00 a.m. and 10:00 p.m. 	G, I, B	CD (P)(E)

ARCHITECTURE/SITE DESIGN REQUIREMENTS

56.	Final exterior building and site lighting plans shall be submitted for review and approval by Community Development Department for aesthetics, level of illumination, glare and trespass prior to the issuance of any building permits. Lighting shall be equipped with a timer or photo condenser. Lighting shall be designed to be directed downward onto the project site and away from adjacent properties and public rights-of-way.	I, B	CD (P)
57.	<ol style="list-style-type: none"> 1. This approval is for one, three-story, 19,315-square foot residential building (North Building), one, three-story, 19,984-square-foot residential building (South Building), two, single-story parking garages, two, two-story, single-family residential homes, and one, two-story, 38,745-square-foot mixed use building. The applicant shall submit building plans that correspond with attachments 6 through 30 as shown on page no. 20 and 21 of the City Council Staff Report dated December 9, 2014. 2. The design, materials, and colors of the proposed Leidesdorff Mixed-Use project shall be consistent with the submitted building elevations, materials samples, and color scheme to the satisfaction of the Community Development Department 3. All roof-mounted equipment shall be shielded or screened by a parapet wall or similar architectural feature. In addition, all ground-mounted mechanical and utility equipment be shielded with landscaping, a trellis, or similar-type design feature to the satisfaction of the Community Development Department 4. The decorative building-attached lighting fixtures shall complement the architectural style of the individual buildings (North Building, South Building, Sibley Corner Building, common house, garage structures, and single-family homes) to the satisfaction of the Community Development Department. 5. The final location, height, design, materials, and colors of the noise barrier shall be subject to review and approval by the Community Development Department. 	B	CD (P)(B)

GRADING REQUIREMENTS

58.		The owner/applicant shall locate and remediate all antiquated mine shafts, drifts, open cuts, tunnels and water conveyance or impoundment structures existing on the project site, with specific recommendations for the sealing, filling or removal of each that meet all applicable health, safety, and engineering standards. Recommendations shall be prepared by an appropriately licensed engineer or geologist. All remedial plans shall be reviewed and approved by the City.	G, I	CD (E)
59.	✓	The owner/applicant shall retain an appropriately licensed engineer during the grading activities to identify existing landslides and potential slope failure hazards. The engineer shall be notified a minimum of two days prior to any site clearing or grading in order to facilitate meetings with the grading contractor in the field. The licensed engineer shall conduct additional geotechnical investigations prior to issuance of a grading permit to the satisfaction of the Community Development Department.	G, I	CD (E)
60.		The final location, height, design, and materials of all retaining walls be subject to review and approval by the Community Development Department.	G, I	CD (E)
OTHER AGENCY REQUIREMENT				
61.		The owner/applicant shall obtain all required State and Federal permits and provide evidence that said permits have been obtained, or that the permit is not required, subject to staff review and approval of any grading or improvement plan.	G, I	CD (P)(E)
FIRE DEPARTMENT REQUIREMENTS				
62.		The buildings shall have illuminated addresses visible from the street or drive fronting the property. Size and location of address identification shall be reviewed and improved by the Fire Marshal.	I	FD
63.		Prior to the issuance of any improvement plans or building permits, the Community Development and Fire Departments shall review and approve all detailed design plans for accessibility of emergency fire equipment, fire hydrant flow location, and other construction features.	I, B	FD

POLICE/SECURITY REQUIREMENT

64.	<p>The owner/applicant shall consult with the Police Department in order to incorporate all reasonable crime prevention measures. The following security/safety measures shall be required:</p> <ul style="list-style-type: none"> • A security guard shall be on-duty at all times at the site or a six-foot security fence shall be constructed around the perimeter of construction areas. (This requirement shall be included on the approved construction drawings). • Security measures for the safety of all construction equipment and unit appliances shall be employed. • Landscaping shall not cover exterior doors or windows, block line-of-sight at intersections or screen overhead lighting. 	G, I, B	PD
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MISCELLANEOUS REQUIREMENTS

65.	<p>The final design, materials, and colors of the proposed trash/recycling enclosure shall be subject to review and approval by the Community Development Department. In addition, the final trash/recycling plan shall be subject to review and approval by the Community Development Department.</p>	G, I, B	CD (E)(P)
66.	<p>All signs for the project shall comply with the sign regulations established by Sections 17.52.520 and 17.57 of the <u>Folsom Municipal Code</u>.</p>	B	CD (P)
67.	<p>The project (commercial portions) is subject to the Housing Trust Fund Ordinance, unless exempt by a previous agreement.</p>	B	CD (P)
68.	<p>The Final Inclusionary Housing Plan shall be subject to review and approval by the Community Development Department. In addition, the owner/applicant shall execute the Final Inclusionary Housing Agreement with the City prior to recordation of the Final Map for the Leidesdorff Village Residential project.</p>	M	CD (P)(E)
69.	<p>The owner/applicant shall enter into an agreement to provide for reciprocal access and use easements for driveway access, parking, sewer, trash/recycling facilities, water, landscape, and fire protection systems between the Phase I and Phase II portions of the project to the satisfaction of the Community Development Department. In addition the owner/applicant shall create and record Covenants, Conditions, and Restrictions (CC&Rs) which guarantee reciprocal use all driveways, drive aisles, and parking spaces and which guarantee reciprocal use, cost, and maintenance of the trash and recycling facilities within the Phase I and Phase II portions of the project to the satisfaction of the Community Development Department.</p>	M	CD (P)(E)

70.		The owner/applicant shall participate in the Folsom Historic District Business Improvement District to the satisfaction of the Community Development Department. This condition is only applicable to the commercial portion of the proposed project as determined by the Community Development Department.	M, OG	CD (P)(E)
71.		A six-foot-tall wood fence shall be constructed along the project's southeast boundary adjacent to the two existing single family properties (APN: 070-0046-022 and 070-0046-023). The final location, height, design, materials, and colors of the wood fence shall be subject to review and approval by the Community Development Department.	B	CD (P)(E)
72.		The proposed project is limited to development of 36 for-sale condominium units, 18 for-sale residential flats, and 2 for-sale single-family homes. Any deviation or modification to the for-sale concept associated with the subject development application (including but not limited to development of rental units) shall be subject to review and approval by the Historic District Commission and the City Council.	B, OG	CD (P)(E)
73.		The owner/applicant shall provide a two-car garage for each of the proposed single-family residences located on Sutter Street. The final location, design, and materials of the garages shall be subject to review and approval by the Historic District Commission.	B	CD (P)(E)
74.		The owner/applicant shall create separate individual parcels for each of the proposed single-family residences located on Sutter Street. The aforementioned parcels shall be delineated on the Tentative Subdivision Map to the satisfaction of the Community Development Department.	M	CD (P)(E)

Attachment 3

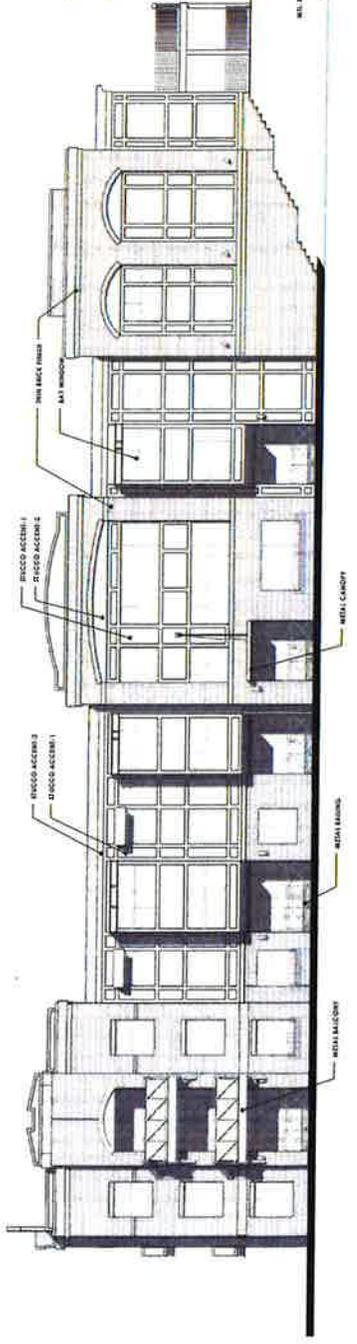
Site Plan, dated September 30, 2014

Attachment 4

Tentative Subdivision Map and Condominium Plan
Dated November, 2012

Attachment 5

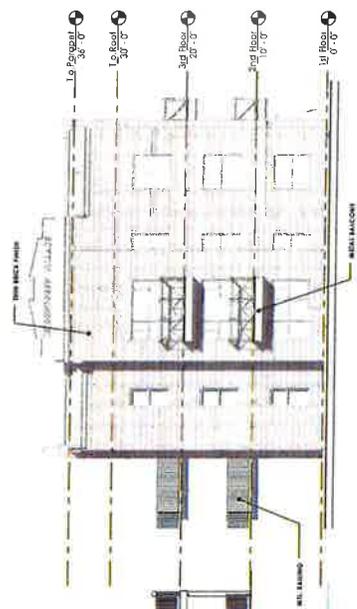
North Building Elevations, dated September 25, 2014



NORTH BUILDING_NORTH ELEVATION_BW

1/8" = 1/4"

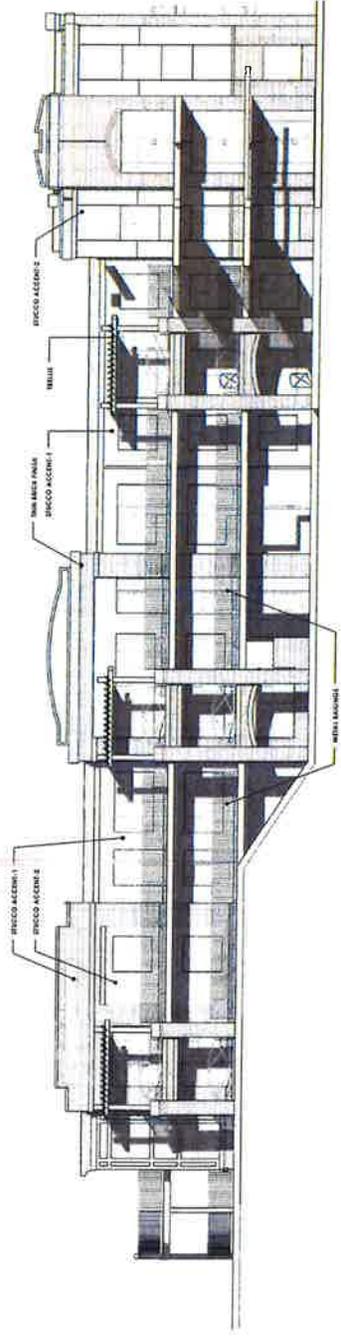
3



NORTH BUILDING_EAST ELEVATION_BW

1/8" = 1/4"

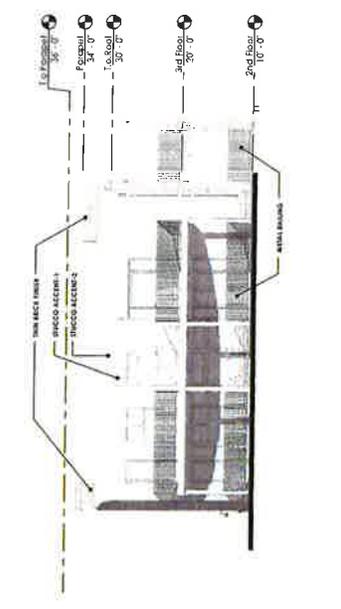
3



NORTH BUILDING_SOUTH ELEVATION_BW

1/8" = 1/4"

2



NORTH BUILDING_WEST ELEVATION_BW

1/8" = 1/4"

4



2077 North Central Expressway, Suite 200
 Irving, TX 75038
 972.440.1000 | www.hrga.com

EXTERIOR ELEVATIONS - NORTH BLDG_BW

Leidesdorff Village

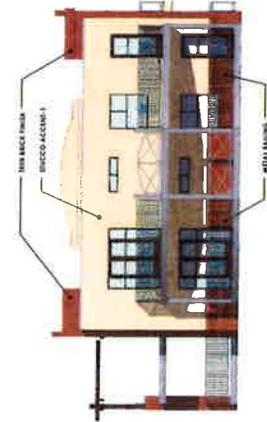
D&S Development

07/25/14

A9

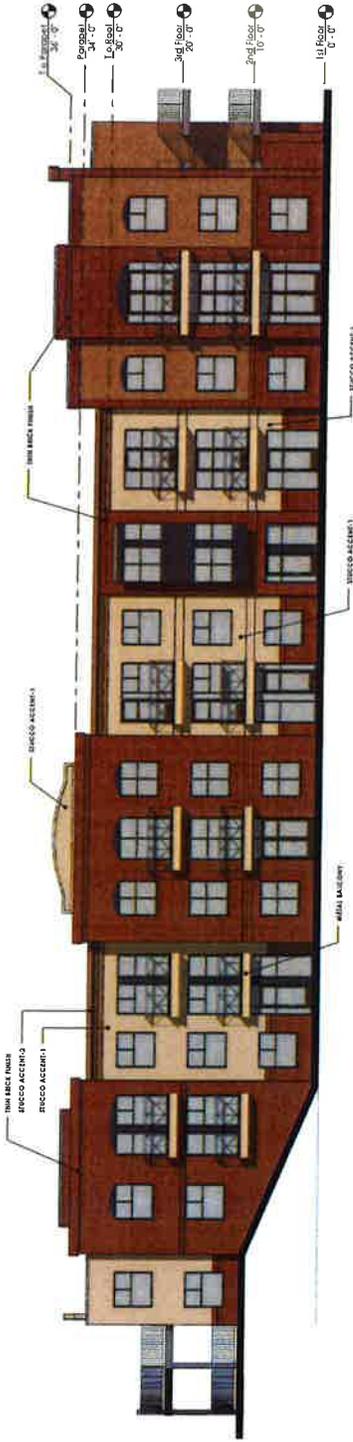
Attachment 6

South Building Elevations, dated September 25, 2014

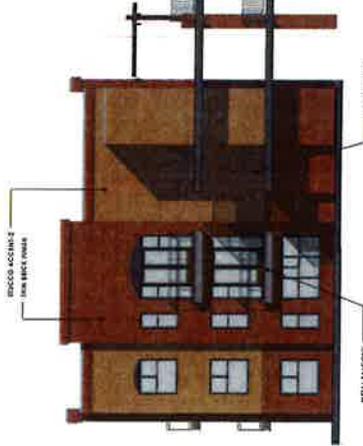


3

SOUTH BUILDING_SOUTH ELEVATION



SOUTH BUILDING_EAST ELEVATION



4

SOUTH BUILDING_NORTH ELEVATION



SOUTH BUILDING_WEST ELEVATION

2



22715 Oak Boulevard, Suite 200, Columbia, Colorado 80503
781-955-4800 | www.hrga.com

EXTERIOR ELEVATIONS - SOUTH BLDG_COLOR

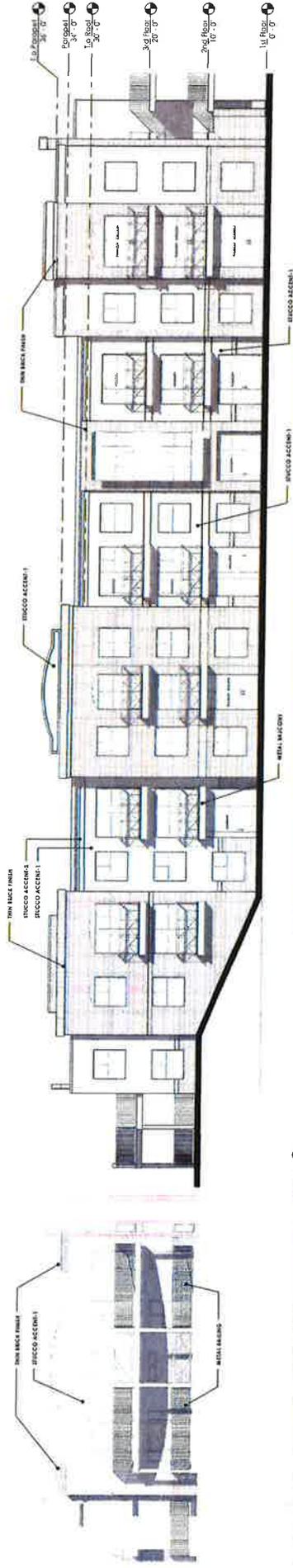
Leidersdorff Village

D&S Development

09/19/14



A7



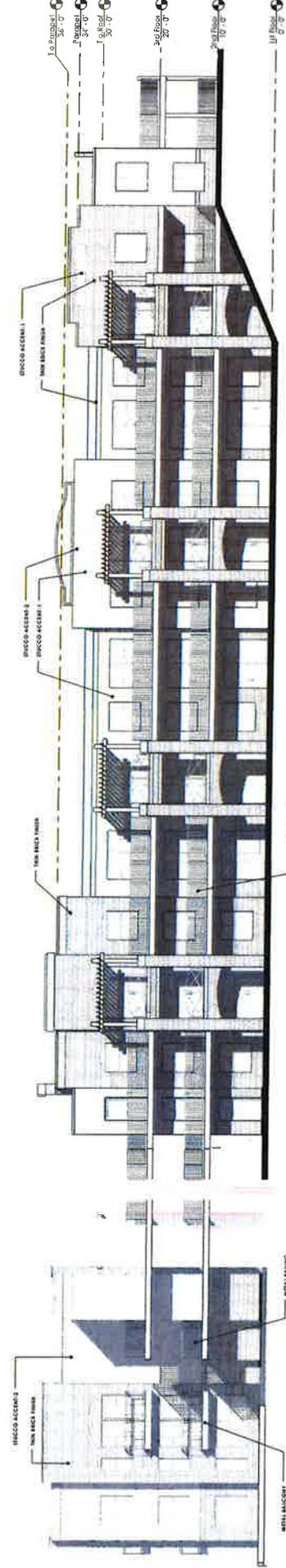
SOUTH BUILDING_SOUTH ELEVATION_BW

3



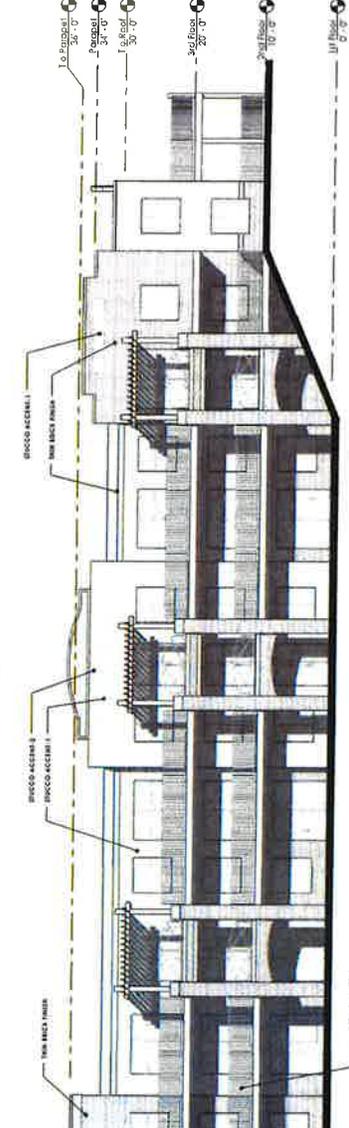
SOUTH BUILDING_EAST ELEVATION_BW

3



SOUTH BUILDING_NORTH ELEVATION_BW

4



SOUTH BUILDING_WEST ELEVATION_BW

4



2271 Lee Street, Suite 220, Minneapolis, Colorado, 80260
763.555.4881 | www.hr-ga.com

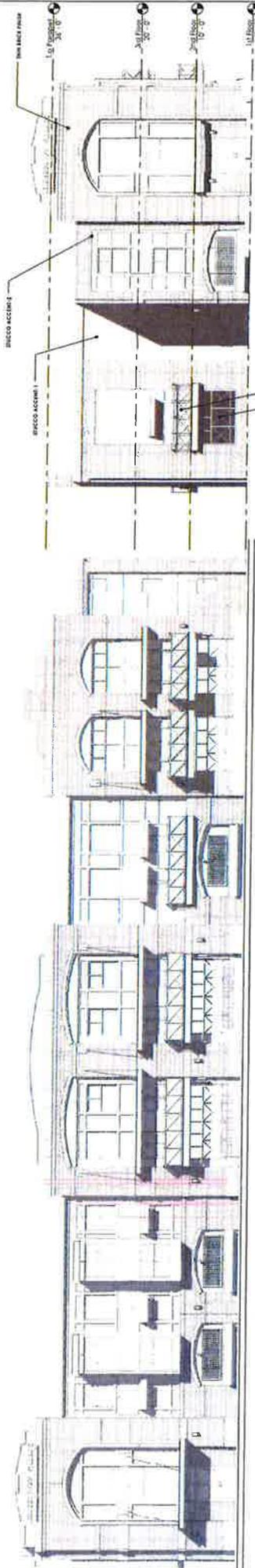
EXTERIOR ELEVATIONS - SOUTH BLDG_BW
Leidesdorff Village
 D&S Development

09/25/14

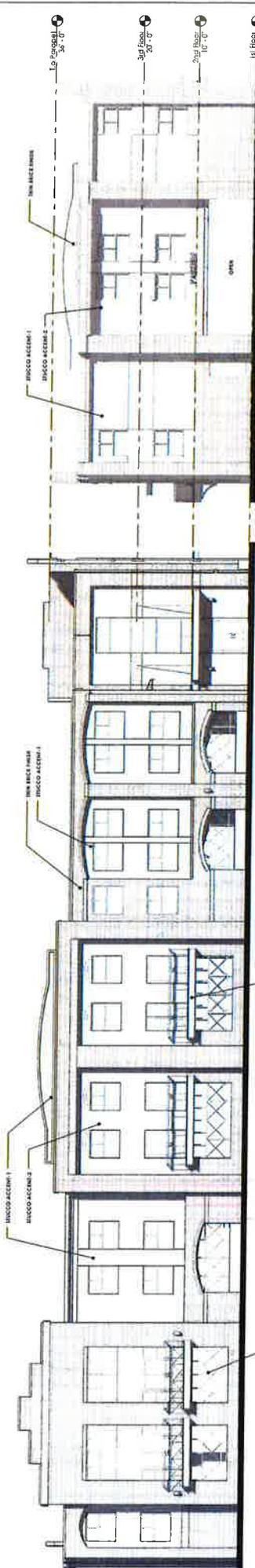
A10

Attachment 7

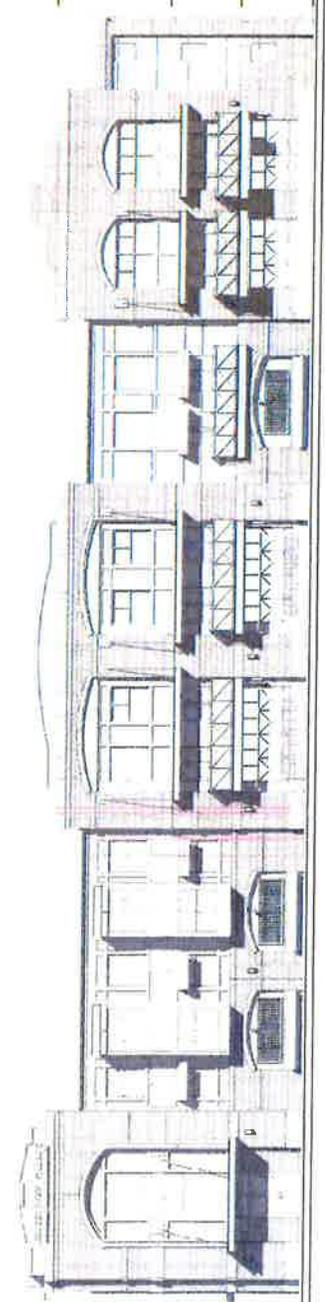
Sibley Corner Building Elevations, dated September 25, 2014



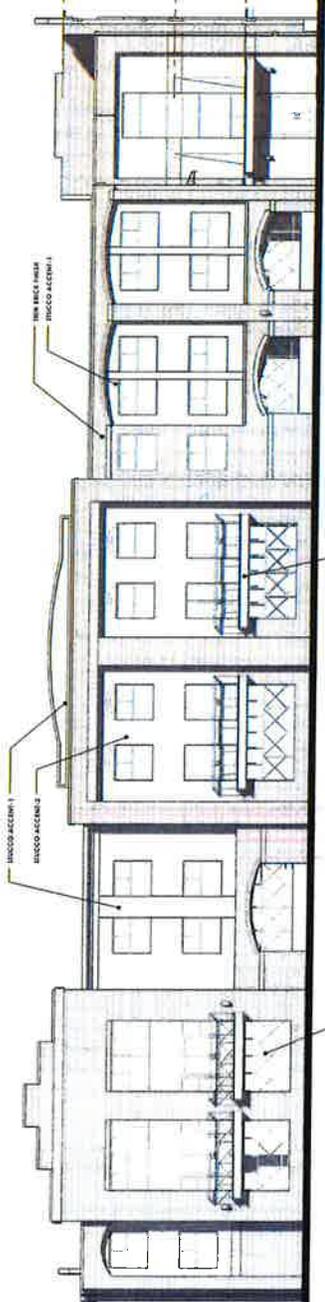
SIBLEY CORNER NORTH ELEVATION_BW 3



SIBLEY CORNER SOUTH ELEVATION_BW 2



SIBLEY CORNER EAST ELEVATION_BW 3



SIBLEY CORNER WEST ELEVATION_BW 4



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EXTERIOR ELEVATIONS - SIBLEY CORNER BLDG_BW
Leidesdorff Village
 D&S Development
 09/25/14

A8

Attachment 8

Color Building Perspective from Leidesdorff Street



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PERSPECTIVE
Leidesdorff Village
D&S Development

08/25/14

A1



CLOSEUP VIEW-1



CLOSEUP VIEW-2

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PERSPECTIVE
Leidsdorff Village
D&S Development

09/29/14

A2

Attachment 9

Single-Family Residences Building Elevations
Dated August 10, 2010

ELEVATIONS TYPICAL OF BOTH RESIDENCES



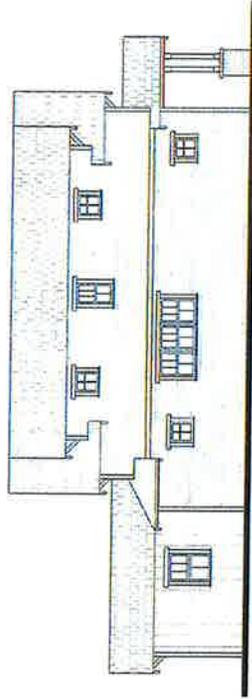
1 SOUTH ELEVATION



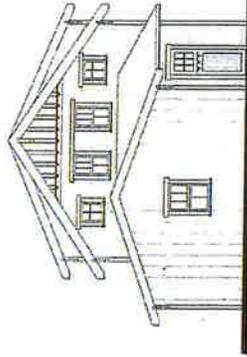
2 EAST ELEVATION

COLORS & MATERIALS

	ASPHALT SHINGLES - PARCO "MANSION" / "LEATHERED WOOD"		ACCENT COLOR - SHERWIN WILLIAMS "TODGET BROWN"
	BRICK VENEER - HC HUDDOX "BLU TOWN"		ACCENT COLOR - SHERWIN WILLIAMS "COCONUT PINK"
	WOOD SIDING - HARGI-PLANK "NUTMAN INF"		ACCENT COLOR - SHERWIN WILLIAMS "RICHWOOD ANTIQUE GOLD"
	STUCCO - SHERWIN WILLIAMS "PUNTOON GREY"		ACCENT COLOR - SHERWIN WILLIAMS "SHAMROCK"
	STUCCO - SHERWIN WILLIAMS "LANTERN LIGHT"		



3 WEST ELEVATION



4 NORTH ELEVATION (FACING SUTTER STREET)



STUDIO GREEN
ARCHITECTURE LLP
1000 SUTTER STREET, SUITE 1000
FOLSOM, CA 95630

LEIDESDORFF VILLAGE
FOLSOM, CA.

SINGLE FAMILY RESIDENCES
EXTERIOR ELEVATIONS

A10

Attachment 10

Historic District Commission Staff Report
Dated August 21, 2013

HISTORIC DISTRICT COMMISSION STAFF REPORT

PROJECT TITLE:	Leidesdorff Village Mixed-Use Project
PROPOSAL:	Request for approval of a Rezone, Zoning Code Text Amendment, Tentative Subdivision Map, Conditional Use Permit, and Planned Development Permit for development of the Leidesdorff Village Mixed-Use project, which includes 36 for-sale condominium units, 21 for-sale residential flats, 2 single-family homes, and 4,431 square feet of retail space
RECOMMENDED ACTION:	Recommend approval to City Council, based upon findings and subject to conditions
OWNER/APPLICANT:	D & S Development
LOCATION:	1108 Sutter Street
ASSESSOR'S PARCEL NO:	070-0042-002, 070-0042-003, 070-0046-024, and 070-0046-026
GENERAL PLAN DESIGNATION:	CA (Specialty Commercial)
ZONING:	R-4 (General Apartment District) with underlying Historic District Subarea Designations of River Way Subarea and Resort Subarea
ADJACENT LAND USES AND ZONING:	North: Unimproved Leidesdorff Street Right-Of-Way with the City's Corporation Yard (M-2) Beyond South: Sutter Street with Single-Family Residential Development (R-M) Beyond East: Sibley Street with Single-Family Residential Development (R-4) Beyond West: Veterans of Foreign Wars (VFW) Post 6604 and City Park (M-2 and R-M) with Forrest Street Beyond
SITE CHARACTERISTICS:	The 4.25-acre project site is currently undeveloped and vegetated with both native and introduced vegetation. Of particular note, the site has a total of 161 trees including 90 native oaks. A steep rocky embankment divides the project site and separates the site into two levels. There

are remnants of a hand-placed brick road or pathway leading to the southeast corner of the project site

PREVIOUS ACTION: City Council Continuance of the Hidden Lake Residential Project (PN 03-115) in 2008

FUTURE ACTION: Issuance of Building, Grading, and Tree Permits

APPLICABLE CODES: FMC Section 12.16; Tree Preservation Ordinance
FMC Section 16.00; Subdivisions
FMC Section 17.13; General Apartment District (R-4)
FMC Section 17.38; Planned Development District
FMC Section 17.52, Historic District
FMC Section 17.57; Parking Requirements
FMC Section 17.60, Use Permits
Historic District Design and Development Guidelines

ENVIRONMENTAL REVIEW: An Initial Study and Mitigated Negative Declaration have been prepared as part of this application in accordance with the California Environmental Quality Act (CEQA)

ATTACHED REFERENCE MATERIALS:

1. Vicinity Map
2. Project Narrative, dated May 10, 2013
3. Rezone Exhibit
4. Proposed Zoning Code Text Amendment to FMC, Section 17.52.070 (River Way Subarea) and FMC, Section 17.52.090 (Resort Subarea)
5. Existing and Proposed Historic District Subarea Maps
6. Preliminary Site Plan, dated November 30, 2012
7. Colored Site Plan, dated November 30, 2012
8. Aerial Site Plan and Details, dated November 30, 2012
9. Tentative Subdivision Map and Condominium Plan, dated November, 2012
10. Right-Of-Way Abandonment Map, dated April, 2012
11. Preliminary Grading and Drainage Plan, dated November, 2012
12. Preliminary Off-Site Drainage Plan, dated August, 2010
13. Preliminary Grading Plan Sections, dated April, 2012
14. Preliminary Off-Site Sewer Plan, dated August, 2010
15. Preliminary Landscape Plan, dated November 30, 2012
16. Tree Removal Exhibit, dated November, 2012
17. Emergency Vehicle Access (EVA) Exhibit, dated April 19, 2012
18. Vehicle Circulation Exhibit, dated November 30, 2012
19. Pedestrian Circulation Exhibit, dated March 20, 2013
20. North Building Elevations and Floor Plans, dated August 7, 2012
21. South Building Elevations and Floor Plans, dated August 8, 2012
22. Common House Building Elevations and Floor Plans, dated August 10, 2010
23. Single-Family Residences Building Elevations and Floor Plans, dated August 10, 2010
24. Sibley Corner Building Elevations and Floor Plans, dated August 10, 2010
25. Color Street Scene of Leidesdorff Street
26. Building Statistics and Layout
27. Joss House Dedication Building Elevation and Site Details

28. Inclusionary Housing Plan
29. Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program
30. Public Comments
31. Site Photographs
32. Modified Parking Plan, Dated Received July 18, 2013
33. Modified Parking Table, Dated Received August 15, 2013

PROJECT PLANNER:

Steve Banks, Senior Planner

BACKGROUND

On September 17, 2003, the Historic District Commission approved an application (PN 03-115) to demolish a number of residential structures and accessory buildings located on the subject site at 1108 Sutter Street. In September, 2005, a demolition permit was issued by the City's Building Division and subsequently the aforementioned structures and buildings were demolished and associated debris was removed from the project site.

On January 19, 2005, the Historic District Commission recommended approval to the City Council of a development application (Leidesdorff Townhome Project, PN 03-115) submitted by D&S Development for development of 48 townhomes on the subject site located at 1108 Sutter Street. The proposed Leidesdorff Townhome Project included a request for approval of a General Plan Amendment, Tentative Subdivision Map, Conditional Use Permit, Right-of-Way Abandonment, and Design Review. On May 10, 2005, the City Council adopted a motion to continue the project to the May 24, 2005 City Council meeting and directed staff to prepare findings for denial of the proposal. At the May 24, 2005 City Council meeting, the applicant requested that the Council remand the project back to the Historic District so that they could adequately address concerns raised by the Council regarding the proposed townhome development.

On October 4, 2006, the Historic District Commission recommended approval to the City Council of a revised development application (Hidden Lake Subdivision project, PN 03-115) submitted by D&S Development for development of a 36-unit single-family residential subdivision on the subject site located at 1108 Sutter Street. The proposed subdivision included development of six detached single-family units, 18 half-plex units, and 12 attached townhouse units. As was the case with the prior development proposal, the proposed Hidden Lake Subdivision Project included a request for approval of a General Plan Amendment, Tentative Subdivision Map, Conditional Use Permit, Right-of-Way Abandonment, and Design Review. On December 9, 2008, the City Council continued the project off-calendar to provide the applicant more time to work through various issues associated with the project. After much consideration, the applicant decided not to proceed with processing of the development application for the Hidden Lake Subdivision project.

The subject development application for the Leidesdorff Village Mixed-Use project was submitted to the City on August 9, 2010. Subsequent to submittal of the development application, City staff (including the Community Development Director) met with the applicant on multiple occasions to discuss the City's long range vision for development of the City's Corporation Yard and surrounding properties located within the Resort and River Way Subareas (including the subject site). Staff recommended to the applicant that they wait before moving forward with their development proposal in order to provide the City with sufficient time to complete a comprehensive master plan for the Resort and River Way Subareas. The applicant indicated to staff that they wished to proceed with processing of the subject development application and not wait for completion of the master plan.

The City of Folsom was awarded a grant by the Local Government Commission in the amount of \$100,000 as part of their Infill Streamlining Program, the Grant Program was subsequently terminated prior to the funding of the study. While the Grant Program was terminated, the City is in the process of submitting for a SACOG Community Design Program Grant to prepare the master plan. The City intends to utilize the grant monies to create a comprehensive master plan (West Leidesdorff Area Plan) for development of certain properties (21 total acres) located within the Resort and River Way Subareas (including the City's Corporation Yard and the subject site). The primary goal of the West Leidesdorff Area Plan is to create a focused area plan that will ultimately be folded into the City's General Plan Update and direct development for this key site. The City will accomplish this by a variety of means including; exploring the market potential for the site, visioning alternative scenarios with key stakeholder groups, designing and locating context-sensitive mixed uses, and facilitating implementation and ultimate development of the site. Under ideal circumstances, the West Leidesdorff Area Plan would be completed prior to any one individual development plan being implemented. However, as referenced previously, the applicant exercised their right to move forward with the subject application immediately.

APPLICANT'S PROPOSAL

The applicant, D & S Development, is requesting approval of a Rezone, Zoning Code Text Amendment, Tentative Subdivision Map, Conditional Use Permit, and Planned Development Permit for development of the Leidesdorff Village Mixed-Use project. The proposed project, which includes development of 36 for-sale condominium units, 21 for-sale residential flats, 2 single-family homes, and 4,431 square feet of retail space, is located on a 4.25-acre site within the City's Historic District at 1108 Sutter Street. The General Plan land-use designation for the site is CA (Specialty Commercial) and the project is zoned R-4 (General Apartment District). The project site also has underlying Historic District Subarea Designations of River Way Subarea and Resort Subarea.

The applicant is proposing to develop the project in two phases. The Phase I portion of the project includes development of a three-story, 19,315-square foot residential building (North Building), a three-story, 19,984-square-foot residential building (South Building), a two-story, 3,870-square-foot common house, three, single-story parking garages, and two, two-story single-family residential homes. The North Building is comprised of 17 for-sale condominium units including 5 live/work units, while the South Building consists of 19 for-sale condominium units. The Phase II portion of the project (Sibley Corner) includes development of a three-story, 38,745-square-foot mixed-use building that features 21 for-sale residential flats and 4 ground-level retail spaces. The following table outlines the specific details regarding each phase of the proposed project:

Leidesdorff Village Mixed-Use Project Table			
Phase I			
<i>Building Name</i>	<i>Units</i>	<i>Size (S.F.)</i>	<i>Total Square Footage</i>
North Building Condominiums	17	599 S.F. to 1,710 S.F.	19,315 S.F.
South Building Condominiums	19	599 S.F. to 1,710 S.F.	19,884 S.F.
Common House	1	3,870 S.F.	3,870 S.F.
Single-Family Residences	2	1,700 S.F.	3,400 S.F.
Sub Total	39		46,469 S.F.
Phase II			
<i>Sibley Corner Mixed-Use Building</i>	<i>Units</i>	<i>Size (S.F.)</i>	<i>Total Square Footage</i>
Residential Flats	21	665 S.F. to 1,754 S.F.	20,159 S.F.
Retail Space	4	1,100 S.F. to 1,131 S.F.	4,431 S.F.
Common Areas (Lobby, Hallways, Parking Garage, etc.)	0	14,155 S.F.	14,155 S.F.
Sub Total	25		38,745 S.F.
Totals	64		85,214 S.F.

The proposed Phase I buildings blend together a variety of design themes (Art Deco, Moorish, Historic Main Street, and Craftsman) together and include a number of significant architectural features including: varied roof forms and shapes, bay windows, balconies, canopies, decorative ironwork, wood shutters, corbels, and multi-paned windows. Primary building materials include stucco, cement board siding, cement board shingles, stone veneer, brick veneer, ceramic wall tiles, metal accent fascia, asphalt roof shingles, Spanish roof tiles, and wrought-iron railing. The predominant building colors, which consist of brick red, dark green, green, tan, and white are accented by brown, gold, green, maroon, red, and tan colors. The proposed Phase II building focuses on a historic design theme and features a variety of significant architectural elements including varied roof heights and shapes, balconies, canopies, corbels, cornices, decorative light fixtures, and multi-paned windows. Primary building materials include stucco, cement board siding, cement board shingles, brick veneer, canvas awnings, metal awnings, wood railing, and asphalt roof shingles. The predominant building colors, which consist of brick red, brown, and tan, are accented by brown, green, grey, red, tan, white, and yellow colors.

Primary access to the project site is provided by a new driveway that will connect to Sibley Street, just south of the intersection of Leidesdorff Street and Sibley Street. Secondary access to the site is facilitated by a new emergency vehicle access road located within the Leidesdorff Street right-of-way. The emergency vehicle access road will also connect to Sibley Street, just north of the primary project entrance. Access to the two, single-family residential homes is accommodated by a new driveway that will be accessed directly from Sutter Street. The proposed project includes a total of 101 parking spaces including 54 garage parking spaces and 47 open parking spaces. Proposed site improvements include: underground utilities, driveways, a turf-stone fire access lane, pervious parking spaces, bicycle parking, pedestrian pathways, retaining walls, a common swimming pool, a play area, a plaza area with Joss house, a trash/recycling enclosure, site lighting and landscaping.

GENERAL PLAN AND ZONING CONSISTENCY

The project site, which consists of four individual parcels, has a General Plan land use designation of CA (Specialty Commercial) and has a zoning designation of R-4 (General Apartment District). In addition, the project has underlying Historic District Subarea Designations of River Way Subarea and Resort Subarea. The existing General Plan land use designation (CA) and the existing zoning designation (R-4) are not consistent with each other. As a result, the applicant is requesting approval of a Rezone to change the zoning designation from R-4 (General Apartment District) to HD PD (Historic District, Planned Development District). The proposed zoning district corresponds with the existing General Plan designation boundary lines. The project is consistent with both the existing General Plan land use designation and the proposed zoning designation for the site, as residential and retail commercial development are identified as permitted land uses (based on River Way Subarea Special Use and Design Standards, FMC Section 17.52.520) subject to issuance of a Conditional Use Permit. A Conditional Use Permit is required because the development contains three or more dwelling units and due to the fact that the development is considered a “large scale” project (discussed further under Conditional Use Permit section of this report).

In reviewing the request for approval of a Rezone on the project site, staff considered a number of factors including existing inconsistencies between the General Plan designation and the zoning designation and the conflict between the existing zoning designation and the underlying subarea designations. As described previously, the existing General Plan designation of CA (Specialty Commercial) is inconsistent with the existing zoning designation of R-4 (General Apartment District) as the General Plan promotes commercial development, while the zoning encourages high density residential development. In addition, the existing zoning designation of R-4 (General Apartment District) conflicts with the underlying subarea designations of River Way Subarea and Resort Subarea as the zoning allows high density residential development whereas the subareas are intended for a mixture of residential, retail, artistic, craftsman, and resort/conference center-related land uses. It is important to note that the proposed zoning designation of HD PD (Historic District, Planned Development District) does not determine permitted land uses, but rather relies on the underlying subareas to determine which uses are permitted, conditionally permitted, and not permitted. Staff has determined that the Rezone request is beneficial due to the fact that it will ensure consistency between the General Plan and the zoning designations. In addition, staff supports the Rezone because it will eliminate conflicts between the traditional zoning and the underlying subareas, and it will allow the subarea to determine appropriate land uses and design standards as was originally intended when the Historic District was created.

As discussed earlier within this report, the project site is comprised of four individual parcels. Two of the subject parcels (APN: 070-0046-024 and 070-0046-026) have an underlying Historic District Subarea Designation of River Way Subarea while the remaining two parcels (APN: 070-0042-002 and 070-0042-003) have a Subarea Designation of Resort Subarea. The applicant is requesting approval of a Zoning Code Text Amendment to move the two parcels located within the Resort Subarea to the River Way Subarea, thus resulting in all four parcels associated with the project being located within the River Way Subarea. Specifically, the Zoning Code Text Amendment will result in a modification to the geographic boundaries established for the River Way Subarea (FMC, Section 17.52.170) and the Resort Subarea (FMC, Section 17.52.190). Attachment No. 4 includes the actual text for the Zoning Code Text Amendments as well as maps illustrating the existing subarea boundaries and the proposed subarea boundaries.

In evaluating the request for approval of a Zoning Code Text Amendment, staff took into consideration the purpose and intent of the River Way Subarea and the fact that the project site is currently divided into two separate subareas. As stated in the Historic District Design and Development Guidelines (Section 5.02.02), the primary intent of the River Way Subarea is to “allow artists to combine their living, working, and sales space in one location, thereby encouraging artistic expression and enriching the cultural fabric of Folsom.” As shown on the submitted plans and described in the project narrative, the proposed includes a mixture of residential units, small retail spaces (including live/work units), and amenities that are very closely aligned with the vision of the River Way Subarea and are likely to enhance the cultural fabric of Folsom. As mentioned previously, the project site is divided into two subareas, the River Way Subarea and the Resort Subarea. Staff is supportive of the proposal to combine the project into one cohesive subarea (River Way Subarea), thereby eliminating potential conflicts between the subarea designation, the zoning designation, and the General Plan land use designation. In addition, staff has determined that the proposed Zoning Code Text Amendment is appropriate because the proposed project meets the purpose and intent of the River Way Subarea.

Density

The proposed project is to be developed at an overall density of 13.9 units per acre. As a point of reference, the project density is similar to that of some small-lot residential subdivisions recently approved within the City including the Island Subdivision (10 units/acre), the Treehouse Subdivision (8 units/acre), the Parkside Subdivision (12.5 units/acre), and the Willow Bridge Subdivision (8 units/acre). The General Plan Designation for the project site (CA/Specialty Commercial) does not specify an allowable density range with regard to residential development nor does the proposed zoning designation (HD PD/ Historic District, Planned Development District) address density. In addition, the Resort Subarea does not specify a minimum or maximum residential density but does require projects containing three or more residential dwelling units to obtain a Conditional Use Permit.

The City recently adopted a new General Plan land use designation (MU/Mixed-Use) and a new zoning designation (MU/Mixed-Use) to address the concept of mixed-use development. The maximum residential density under the new Mixed-Use (MU) General Plan designation is 30 units per acre. The MU District encourages a variety of housing types and opportunities including live/work studio, similar to what is being proposed by the applicant with the subject proposal. In addition, properties located within the MU District are required to be within walking distance of public transportation routes and/or established pedestrian and bicycle friendly areas including multi-family residential areas (the project site is in close proximity to a light rail station and the bicycle trail system). While the proposed project is not designated or proposed to be designated as an MU District, the project includes many of the attributes that are encouraged with respect to mixed-use development. As a result, staff has determined that the residential density (13.9 units/acre) of the proposed project is appropriate due to the fact that it is in-fact a mixed-use type development.

Schools

The proposed project is expected to generate 21 (K-12) students. Students from the proposed project are expected to attend Theodore Judah Elementary School (Grades K-5), Sutter Middle School (Grades 6-8), and Folsom High School (Grades 9-12) respectively. The following table details the student generation associated with the proposed project:

Grade Level	Single-Family and Condominium Units	Total Pupils Generated
K-5	59	11
6-8	59	4
9-12	59	6
Totals		21

The Folsom-Cordova Unified School district has indicated that all of the aforementioned schools are currently operating at or near capacity (Judah-92%, Sutter-92%, and Folsom-93%) and that there is no excess capacity at current school sites. It is the policy of the District to balance class loads at each school. If an individual grade level is full, then the student or pupil may be bused to another school within the district. It is important to note that the District also reviews attendance boundaries on a yearly basis and makes adjustments as necessary.

The State of California (Government Code Section 65995) establishes the maximum fee that a school district can impose on residential development or construction to address the impacts associated with an increase in student population. In the specific case of the Folsom Cordova Unified School District, the established residential impact fee is approximately \$6.24 per square foot. Based on the aforementioned impact fee, the District expects to generate approximately \$419,667 (\$7,113 per unit) in revenue from the proposed project. It is critical to note that, under state law, the City is prohibited from denying or refusing to approve a residential subdivision based on the adequacy of the existing school facilities.

LAND USE COMPATIBILITY/SITE CONSIDERATIONS

The Folsom Municipal Code, Section 17.52.520 dictates that “large-scale” projects located within the River Way Subarea of the Historic District are required to obtain a Conditional Use Permit. “Large scale” projects are defined as an individual structure, or combination of structures, which exceed 5,000 square feet in size. In addition, the Folsom Municipal Code also requires projects located within the River Way Subarea and containing three or more residential dwelling units to obtain a Conditional Use Permit. In this particular case, the proposed project includes more than 5,000 square feet (85,214 square feet) of floor area and includes more than three (59 residential units) residential dwelling units.

In order to approve this request for a Conditional Use Permit, the Commission must find that the “establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City.”

The 4.25-acre project site is located on the north side of Sutter Street (1108 Sutter Street), slightly northeast of the intersection of Sutter Street and Forrest Street. The project site is bounded by the unimproved Leidesdorff Street right-of-way to the north with the City of Folsom corporation yard beyond, Sutter Street and a neighborhood park to the south with single-family residential development beyond, Sibley Street to the east with single-family residential development beyond, and Veterans of Foreign Wars (VFW) Post 6604 with Forrest Street beyond. Staff has determined that the proposed project, which includes a combination of residential and small-scale retail uses, is compatible with the diverse mixture of surrounding land uses. In addition, staff has determined that the proposed project provides an appropriate land use transition (buffer area) between the surrounding residential, light industrial, and quasi-public land uses.

As highlighted in the project description, the proposed project includes development of a three-story residential building (includes live/work units), a three-story residential building, a three-story mixed-use building, a two-story common house, two, two-story single-family residences, and three detached single-story garage structures. Two of the multi-story residential buildings are positioned on the northern property boundary adjacent to the corporation yard. The third multi-story residential building has a north-south orientation and is centrally located in the middle of the project site along with the

detached parking garages. The two, single-family residences are located on the southeastern portion of the project site and are oriented towards Sutter Street. Based on the physical location, scale, and orientation of the proposed buildings as described above, staff has determined that the proposed project is compatible with the surrounding land uses.

Noise Impacts

In order to evaluate potential noise impacts associated with the proposed project, an Environmental Noise Assessment was prepared by Bollard Acoustical Consultants on July 24, 2012. The Assessment included background information on noise fundamentals and terminology, noise levels for common noise sources, and regulatory information on the City of Folsom General Plan Noise Element and the Noise Ordinance for both transportation and non-transportation noise. The Assessment also described and quantified existing ambient noise levels in the project vicinity and predicted noise levels from the City's Corporation Yard and from on-site noise sources.

With implementation of the proposed Leidesdorff Village Mixed-Use project, noise generated on the site would be that typically associated with residential and small retail uses. Automobile traffic, children and adults playing at the proposed play area and pool, activities at the common house, and unknown retail activities would result in noise. While traffic levels on Sibley Street and Sutter Street would increase as a result of the project, there would be a less-than-significant increase in noise due to traffic resulting from the proposed project. For operational noise, deliveries and operations within retail uses, or outdoor events at the common house or pool could result in adverse levels of noise for residential uses located above retail uses, or stand-alone residential uses located adjacent to noise-generating operations. Because the mixed-use portion of the project represents a more urbanized setting, however, future residents of the mixed-use project would be attracted to the higher activity levels and amenities that the urban environment would provide. However, operational activities could result in adverse levels of noise for existing adjacent residences.

The project site is located in an area that has heightened noise levels under existing conditions due to operations at the Corporation Yard. The existing noises from the Corporation Yard would result in adverse levels of noise for some of the proposed residential units. To ensure noise effects from operational activities described above and from existing activities at the Corporation Yard are reduced to below a level of significance, staff recommends that the following measures be implemented (Condition No. 56):

- Windows associated with residential units along the north side and east and west corners of the North Building shall have windows with an STC rating of 35.
- Prior to issuance of any certificate of occupancy, the project applicant shall construct a 6-foot-tall noise barrier along the southeast corner of the project site (north property line of the Johnson residence). The 6-foot-tall noise barrier shall be constructed of masonry block, concrete, or similar materials. The final location, height, design, materials, and colors of the noise barrier shall be subject to review and approval by the Community Development Department.
- All deliveries shall be restricted to the hours after 7:00 a.m. and before 9:00 p.m.
- The swimming pool shall not open prior to 7:00 a.m. and close before 9:00 p.m.
- Outside events (such as community gatherings) shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

Based on the fact that the proposed site is located directly adjacent to the City of Folsom Corporation Yard, where a wide variety of light industrial activities are expected to occur throughout the course of the day and night, staff recommends that the following measure be implemented to alert potential homebuyers and renters to potential nuisance issues (Condition No. 19):

- The owner/applicant shall disclose to the homebuyer in the Conditions, Covenants, and Restrictions and in the Department of Real Estate Public Report that the City of Folsom Corporation Yard is situated directly adjacent to the project site, and that noise, light, odor, vibrations, and similar impacts commonly associated with a light-industrial use will be present at various times, including but not limited late evening and early morning hours. The disclosure shall also be made as a note on the subdivision map and on the title report prior to purchase. The owner/applicant shall provide a copy of the Department of Real Estate Public Report to the Community Development Department for review and approval.

Development of the proposed mixed-use project would temporarily increase noise levels in the project vicinity during the construction period, which would take approximately nine to twelve months. Construction activities including site clearing, excavation, grading, building construction, and paving, would be considered an intermittent noise impact throughout the construction period of the project. The City's Noise Ordinance excludes construction activities from meeting the General Plan Noise Element standards, provided that all phases of construction are limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. To ensure compliance with the City's Noise Control Ordinance and General Plan Noise Element, staff recommends that hours of construction operation be limited from 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays with no construction permitted on Sundays or holidays. In addition, staff recommends that construction equipment be muffled and shrouded to minimize noise levels. Condition No. 55 is included to reflect these requirements.

TENTATIVE SUBDIVISION MAP

The applicant is requesting approval of a Tentative Subdivision Map to subdivide the existing 4.25-acre project site (comprised of four individual parcels and public right-of-way) into 2 lots. Lot 1, which is 3.34-acres in size, includes a 17-unit residential building (South Building), a 19-unit residential building (North Building), and two single-family residences. As part of the Tentative Subdivision Map, the applicant is proposing to create 36 residential condominium units and two single-family residential units on Lot 1. Lot 2, which is .9-acres in size, includes a 38,745-square-foot building (Sibley Corner) with a mixture of for-sale residential units and ground-level retail space. The applicant will be required to form a homeowners association and establish CC&R's for the proposed subdivision. Staff recommends that the CC&R's be reviewed and approved by the Community Development Department prior to issuance of a Grading or Building Permit. Condition No. 30 is included to reflect these requirements. Staff has determined that the proposed subdivision complies with all City requirements, as well as with the requirements of the State Subdivision Map Act.

PLANNED DEVELOPMENT PERMIT

The Historic District (HD) has been adopted by ordinance, pursuant to Section 17.52 of the Folsom Municipal Code, and serves as a regulatory land use plan functioning in the place of traditional zoning. Deviation from the requirements of Folsom Municipal Code and the Historical District (HD) can be approved by the Historic District Commission if a Planned Development overlay zone is established with project specific regulations. In this particular case, the applicant is proposing to establish Planned Development Overlay which will allow greater flexibility in the design of the development than otherwise possible through strict application on land use regulations. This Planned Development Permit process also allows staff and the Historic District Commission to review a project for

compatibility with surrounding uses and property conditions, and also allows the developer to work with staff and the Historic District Commission in designing a project without being restricted by the zoning regulations of the underlying district. The following table outlines the existing development standards for River Way Subarea within the Historic District and proposed development standards for the Leidesdorff Village Mixed-Use project:

Land Use	Minimum Lot Size	Frontage Setback	Side Yard Setback	Rear Yard Setback	Garage Setback	Maximum Building Height	Maximum Lot Coverage
North Building	145,490 sf.	0ft.	210ft. 60ft.	170ft.	5ft	33ft.	38%
South Building	145,490 sf.	70ft.	350ft. 40ft.	30ft.	5ft.	33ft.	38%
Single-Family Residences	145,490 sf.	25ft.	11ft. 100ft.	126ft.	55ft.	25ft.	38%
Sibley Corner Building	39,204 sf.	2'6"	40ft. 37ft.	75ft.	NA	34 ft.	38%
River Way Subarea	7,000 sf. (6,000 sf.)	5ft.	5ft.	5ft.	20 ft. 5ft.	35 ft.	55%

As shown in the table above, the proposed project is either meeting or exceeding all of the development standards established for the River Way Subarea with the exception of the required frontage setback. In the case of the maximum building height, the three-story buildings (North Building, South Building, and Sibley Corner) are approximately 33-34 feet tall with architectural features extending upward to 41-42 feet in height. Architectural features are permitted to extend up 15 feet above the building height. Of particular note, the larger scale buildings (North Building, South Building, and Sibley Corner Building) associated with the proposed project are located significant distances from the nearest single-family developments to the east and to the south. In addition, the proposed project is preserving and creating a significant amount of open space/landscape areas (62% of the overall project site is pervious). As a result of the aforementioned factors, staff has determined that the proposed project meets the intent, purposes, and standards set forth in the Planned Development District (FMC Section 17.38) and the River Way Subarea (FMC Section 17.52.520).

Parking

The applicant proposes to provide a total of 114 parking spaces for the project (Attachment 32). The Phase I portion of the project includes 47 uncovered parking spaces, 23 detached garage parking spaces and 4 single-family garage parking spaces. The Phase II portion of the project includes 38 garage parking spaces within the Sibley Square building and 2 uncovered parking spaces. As referenced above, 74 of the parking spaces are dedicated to Phase I and 40 parking spaces are committed to Phase II. The Folsom Municipal Code, Section 17.52.520 (River Way Subarea Special Use and Design Standards) requires one parking space for residential dwelling units less than 600 square feet in size and 2 parking spaces for dwelling units greater than 600 square feet. In addition, commercial retail and office uses are required to provide one parking space per 350 square feet of floor area. It is important to acknowledge that the River Way Subarea Special Use and Design Standards do not specifically address the requirement for guest parking spaces. However, the City of Folsom Design Guidelines for Multifamily Development recommends that one guest parking space be provided for every five multifamily residential units within a development.

The condominium units located within Phase I (North Building and South Building) include a total of 10 dwelling units that are less than 600 square feet in size and 26 dwelling units that are greater than 600 square feet, thus requiring 69 on-site parking spaces (includes 7 guest parking spaces). As shown on the modified parking plan, the project provides 69 on-site parking spaces that are dedicated to the condominium units including 23 garage parking spaces and 46 uncovered parking spaces. The two single-family residential units located within the Phase I portion of the project are 1,700 square feet in size respectively, thus 2 off-street parking spaces are required for each residence. As shown on the modified parking plan, the project provides 4 off-street garage parking spaces for the single-family residences. Based upon the aforementioned parking details, Staff has determined that the Phase I portion of the project meets the requirements established by the Folsom Municipal Code by providing 74 parking spaces whereas 74 parking spaces are required.

The residential flats located within Phase II (Sibley Corner Building) include a total of 13 one-bedroom units (665 square feet to 690 square feet) and 8 two-bedroom units (1,033 square feet to 1,754 square feet), thus requiring 33 on-site parking spaces (includes 4 guest parking spaces). The four, ground level retail units within Phase II, which range from 1,100 square feet to 1,131 square feet in size, require a total of 13 on-site parking spaces. As shown on the modified parking plan, the Phase II portion of the project provides only 40 on-site parking spaces (38 garage parking spaces and 2 uncovered parking spaces) whereas 46 on-site parking spaces are required. As a result, staff recommends that 6 additional on-site parking spaces be provided for the Phase II portion of the project. Staff also recommends the final location of the additional parking spaces be to the satisfaction of the Community Development Department. As an alternative, staff recommends that the number of residential units within the Phase II portion of the project be reduced so that the project can meet the parking requirements established by the Folsom Municipal Code as referenced within this section of the staff report. Condition No. 54 is included to reflect these requirements.

Site/Building Lighting

The applicant proposes to utilize a combination of decorative building-attached lighting, landscape lighting, and pole-mounted parking lot/street lighting within the project area. Staff recommends that the decorative building-attached lighting complement the architectural style of the individual buildings (North Building, South Building, Sibley Corner Building, common house, garage structures, and single-family homes) to the satisfaction of the Community Development Department. In addition, staff recommends that the proposed building-attached lighting, landscape lighting, and parking lot/street lighting meet the standards established in the City of Folsom Standard Construction Specifications, which requires primary light sources to be shielded and directed downward and exterior lighting be designed to minimize glare on adjacent properties. Condition No. 57 is included to reflect these requirements.

Signage

The applicant is not proposing any signage for the residential or commercial components of the project with this particular application. Signage is subject to the sign regulations established by the Folsom Municipal Code, Section 17.52.520 (River Way Subarea Special Use and Design Standards). Staff recommends that all future signs for the project comply with the Folsom Municipal Code. Condition No. 67 is included to reflect this requirement.

Trash/Recycling

The applicant is proposing to construct a trash/recycling enclosure within the parking lot area to manage trash and recycling for a majority of the project (North Building, South Building, Sibley Corner Mixed-Use Building). The two single-family residential units will utilize standard residential trash and recycling containers (placed on Sutter Street for collection). Staff recommends that the final

location, design, materials, and colors of the proposed trash/recycling enclosure be subject to review and approval by the Community Development Department. In addition, staff recommends the final trash/recycling plan be subject to review and approval by the Community Development Department. Condition No. 66 is included to reflect these requirements.

Mechanical Equipment

The proposed plans do not identify the proposed location for mechanical and utility equipment, such as transformers, electric and gas meters, and junction boxes. Staff recommends that all roof-mounted equipment be shielded or screened by a parapet wall or similar architectural feature. In addition, staff recommends that all ground-mounted mechanical and utility equipment be shielded with landscaping, a trellis, or similar-type design feature. Condition No. 58-3 is included to reflect these requirements.

ARCHITECTURE AND DESIGN

As mentioned in the project description, the applicant has provided specific architectural details for each of the buildings (North Building, South Building, freestanding parking garages, common house, single-family residences, and Sibley Corner) associated with the proposed project. The proposed buildings associated with the Phase I blend together a mixture of interesting design themes including Art Deco, Moorish, Historic Main Street, and Craftsman. Prominent architectural features include varied roof forms and shapes, bay windows, balconies, canopies, decorative ironwork, wood shutters, corbels, and multi-paned windows. Primary building materials include stucco, cement board siding, cement board shingles, stone veneer, brick veneer, ceramic wall tiles, metal accent fascia, asphalt roof shingles, Spanish roof tiles, and wrought-iron railing. The color scheme, whose prominent colors consist of brick red, dark green, green, tan, and white are supplemented by brown, gold, green, maroon, red, and tan accent colors. Phase II (Sibley Corner), which features a more traditional historic design theme, is highlighted by number of significant architectural elements including varied roof heights and shapes, balconies, canopies, corbels, cornices, decorative light fixtures, and multi-paned windows. The primary building materials include stucco, cement board siding, cement board shingles, brick veneer, canvas awnings, metal awnings, wood railing, and asphalt roof shingles. The color scheme consists of brick red, brown, and tan primary colors which are accented by brown, green, grey, red, tan, white, and yellow accent colors.

The design concept envisioned for the River Way Subarea of the Historic District is focused on design forms from the 1850 to 1950 time frame. The Historic District Design and Development Guidelines indicate that requests to deviate from historic authenticity in structural design may be more readily approved in this area due to the areas mixed-use intent, the space needs of artists, and the proximity to state park lands, a newer residential subdivision, a potential future resort-conference center, and a bridge corridor. However, the Guidelines strongly urge the creative use of historic forms of the 1850-1950 era. The design intent for new construction within the River Way Subarea and for the Historic District in general is to encourage development to:

- Retain and enhance the attributes that make the Historic District unique while providing a basis for change
- Ensure that new development is integrated with renovation and upgrading of existing historic structures wherever feasible and appropriate
- Provide a basis upon which new development can be constructed consistent with preservation and upgrading of the existing building stock

- Ensure that the new construction reflects the residential scale and character of the neighborhoods

As discussed previously, the design principles for new construction within the Historic District recommend that details and materials should follow the patterns and principles of historic architectural design from the 1850 to 1950 era. General patterns and design elements recommended by the Guidelines include; maintaining harmony in the height and volume of structures, ensuring corner buildings are visually prominent, providing windows that are large and transparent, including pedestrian walkway coverings, and incorporating historic decorative elements. With respect to building materials, the Guidelines encourage the use of durable, high-quality finishes, commercial grade materials, historically appropriate detailing, and new materials that are complementary to the historic context. Examples of appropriate building materials include; wood siding, board and batten, stucco, brick, stone, masonite, metal fascia, wood shingles, composition shingles, wood-framed windows, painted metal, canvas awnings, and wood shutters. The Guidelines also recommend that color schemes avoid being bland where the values are the same or very similar.

In reviewing the proposed building elevations for the North Building and the South Building, staff observed the use of multiple design themes including; Art Deco, Moorish, Historic Main Street, and Craftsman. The use of the multiple design themes creates a visually interesting street-scene that is likely to encourage street-level pedestrian shopping and activity. The North and South Building elevations utilize a variety of building design details that are encouraged by the Design Guidelines including; consistent building massing and heights, covered pedestrian elements, and decorative. The proposed building materials (stucco, cement board siding, brick veneer, cement board shingles, stone veneer, brick veneer, ceramic wall tiles, metal accent fascia, asphalt roof shingles, Spanish roof tiles, and wrought-iron railing) are appropriate as outlined in the Design Guidelines. In addition, the proposed color scheme is vibrant and creates a unique appeal for each of the separate buildings. It is important to note that the end building elevations for the North and South Buildings follow a craftsman-style theme that is residential in nature and more appropriate given its orientation towards the common house and the adjacent single family residential neighborhood.

The proposed common house, which is a multi-level building that is built into the contour of the hillside, is connected to the North and South Buildings by a pedestrian bridge. The proposed building is two-stories tall (31 feet in height) facing the interior of the site and one-story in height facing the pool and terrace area. The proposed common house features a craftsman-style design and utilizes a variety of building materials including stucco, wood siding, brick, wood trim, wood shutters, and wood trellises. The proposed color scheme is intended to complement the color scheme utilized on the North and South Buildings and features a combination of green, yellow, gold, tan, and brown colors. Staff has determined that the proposed common house incorporates a design, materials, and colors that are consistent with the recommendations of the Design Guidelines.

The proposed project includes two freestanding garage structures that are intended to provide parking for residents of the North and South Buildings. Each of the proposed garages is a single-story structure that is 16 feet in height. Proposed building materials for the garages include wood siding, wood trim, paneled wood doors, stone veneer, and composition shingle roof tiles. Proposed colors include green (siding and doors), white (trim elements), grey (stone veneer), and earth-tone (roof tiles). Staff has determined that the proposed garage structures utilize a design, materials, and colors that are complementary to the North and South Buildings. In addition, staff has determined that garage structures are consistent with the Design Guidelines.

The proposed project includes development of two single-family residences on the upper level of the site facing Sutter Street. The single-family homes, which are two-stories tall (21 feet tall), include an attached garage that will accommodate a single car. The single-family residences feature a craftsman-style design and incorporate a variety of unique features including varied roof shapes, covered porches, and decorative trim elements. Primary building materials include wood siding, brick veneer, wood trim and detailing, and composition shingles. The color scheme for the single-family homes includes tan as the primary color accented by brown, gold, and earth-tone colors. Staff has determined that the design, materials, and colors of the single-family homes are consistent with residential recommendations of the Design guidelines. In addition, staff has determined that the design of the homes is compatible with the design of the nearby single-family residential homes in Lake Natoma Shores.

In evaluating the proposed building elevations for the Sibley Corner Building, staff noted a more traditional historic design theme through the prominent use of brick veneer, covered walkways, and arched window openings. This classic design theme helps create a vibrant street scene that is likely to promote street-level pedestrian shopping and activity. The Sibley Corner building elevations incorporate notable architectural elements that are promoted by the Design Guidelines including varied roof heights and shapes, balconies, canopies, corbels, cornices, decorative light fixtures, and multi-paned windows. The proposed building materials are consistent with the Design Guidelines and include stucco, cement board siding, cement board shingles, brick veneer, canvas awnings, metal awnings, wood railing, and asphalt roof shingles. In addition, the proposed color scheme creates a warm and inviting environment through the use of strong dark tones (red, brown, and tan) supplemented with vibrant accent colors.

TRAFFIC, ACCESS, AND CIRCULATION

The subject 4.25-acre project site is located at the southwest corner of the intersection of Leidesdorff Street and Sibley Street. Leidesdorff Street terminates at the entrance to the City's Corporation Yard, slightly northeast of the project site. Regional access to the project site is provided via Folsom Boulevard, which connects to U.S. Highway 50, Folsom-Auburn Road, and Greenback Lane. Primary access to the project site is provided by a new driveway which will connect to Sibley Street to the east. Secondary access to the project site is provided by a new emergency vehicle access road situated north of the project site (located in the Leidesdorff Street right-of-way), which will also connect to Sibley Street. The two single-family homes included in Phase I portion of the project will be accessed directly from Sutter Street. An emergency vehicle access lane (turf stone) to serve the project site is also proposed off of Sutter Street. Pedestrian circulation is provided by a combination of sidewalks, walkways, and stairs.

The proposed project is expected to generate (Utilizing Institute of Transportation Engineers (I.T.E.) Trip Generation Manual) 44 PM peak hour trips. Traffic, access, and circulation-related issues were analyzed in full detail by City staff and by a professional consulting firm (Environmental Planning Partners, Inc.) as part of the Initial Study prepared for the project. Significant roadways in the project vicinity include Sutter Street, Leidesdorff Street, Folsom Boulevard, and Natoma Street. All of the aforementioned roadways and associated street intersections (Sutter Street/Leidesdorff Street) and Folsom Boulevard/Natoma Street) are currently operating at an acceptable level of service (LOS C or better). While the proposed project would result in an increase in traffic volume on the subject streets and intersections, the project increase (44 PM peak hour trips) is considered minimal and will not lead to a significant increase in traffic or congestion.

Access to the project site is provided by a new driveway on Sibley Street, an emergency vehicle access driveway on Sibley Street, a driveway entrance on Sutter Street, and an emergency vehicle access driveway connected to the residential driveway entrance on Sutter Street. The proposed project will not result in any modification of to any intersection or street design feature that currently existing on these streets. In addition, the proposed project would not result in the modification of, or interference with, any pedestrian, bicycle, or transit facility. Internal vehicle and pedestrian circulation is facilitated by a combination of drive aisles, frontage sidewalks, walkways, and stairs. Upon review of the preliminary site plan, staff has determined that vehicle and pedestrian circulation associated with the proposed project would function in a safe and orderly manner.

The proposed project was reviewed by the City of Folsom Traffic Safety Committee at its April 28, 2011 meeting. At this meeting, the Traffic Safety Committee discussed a variety of issues associated with the proposed project including; the need for an emergency vehicle access route if Leidesdorff Street is not constructed, noise issues related to the City's Corporation Yard, frontage improvements on Leidesdorff Street and Sutter Street, and the existing parallel parking situation on Leidesdorff Street. While the Committee discussed the aforementioned items, no specific recommendations regarding the proposed project were made. It is important to note that the Committee did express their support for the proposed project.

Street Frontage Improvements

As mentioned previously within this report, the proposed project is located directly adjacent to the Leidesdorff Street right-of-way and Sibley Street. The applicant is proposing to construct a number of improvements within the Leidesdorff Street right-of-way including a 27-foot-wide emergency vehicle access road, an electronic entry gate, stairs, a sidewalk, curbs and gutters. Typically, it is City policy to require all development projects to construct or provide funding for public improvements (street, sidewalk, curb, gutter, storm drain, sewer, landscaping and lighting) within one-half the right-of-way for adjacent roadways and street frontages. At this time, the City has no specific plans to extended Leidesdorff Street from Sibley Street through to Forrest Street. In addition, the City has not determined whether it is going to utilize the entire 82-foot right-of-way or what the exact alignment of the new roadway would be. As a result, staff recommends that the owner/applicant enter into a deferred subdivision improvement agreement with the City to provide their "fair share" contribution towards the ultimate construction the Leidesdorff Street improvements along the entire frontage of the project site. Condition No. 22 is included to reflect this requirement.

The applicant is proposing to construct a number of street frontage improvements adjacent to Sibley Street including additional street width, a driveway entrance, sidewalks, curbs, gutters, landscaping and lighting. Staff recommends that all street frontage improvements constructed adjacent to Sibley Street be provided in accordance with the current edition of the City of Folsom Standard Construction Specifications and the Design and Procedures Manual and Improvement Standards. Condition No. 23 is included to reflect this requirement.

GRADING AND DRAINAGE

The irregularly-shaped 4.25-acre project site includes a topography that slopes downward from east to west and from north to south at a gradient of approximately five horizontal feet for every one vertical foot. The high points on the property are located along Sutter Street (187 feet above sea level) and Sibley Street (184 feet above sea level), while the low points (168 feet above sea level) are situated in the northeast portion of the project site adjacent to the City's Corporation Yard. The higher elevated and un-mined portion of the project site (west and southeast along Sutter Street) includes a variety of grasses and introduced trees (cedar, apple, pear, plum, and tree of heaven). The hydraulically-mined

area on the lower portion of the project site includes leveled cobble tailings and supports strands of live oak, grey pine, and fig trees.

Development of the project site is anticipated to require significant movement of soils and the compaction of said materials. The proposed project will also include construction of a number retaining walls throughout the project site. The applicant will be required to provide a complete geotechnical report before the design of interior roads, building foundations, retaining walls, and stem walls are finalized. Staff recommends that the final location, height, design, and materials of all retaining walls be subject to review and approval by the Community Development Department. Condition No. 61 is included to reflect this requirement. The proposed project is not located in an area that is likely to contain naturally occurring asbestos as identified by the Sacramento Air Quality Management District (SMAQMD) and according to the California Geological Survey Special Report 192. As a result, the Sacramento Air Quality Management District would impose no special restrictions beyond what is normally required for dust control during grading activities.

Historic mining features and historic mining materials (cobble tailings) are located on and around the project area due to previous hydraulic and placer mining activities. There still exists the possibility that historic mining features may create soil or strata instability, leading to the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse. To address potential soil and strata impacts associated with historic mining features, staff recommends that the owner/applicant locate and remediate all antiquated mine shafts, drifts, open cuts, tunnels and water conveyance or impoundment structures existing on the project site, with specific recommendations for the sealing, filling or removal of each that meet all applicable health, safety, and engineering standards. Condition No. 59 is included to reflect this requirement.

The project site is not located within a 100-year flood plain or the 500-year floodplain of the American River or other local streams as identified by the Federal Emergency Management Agency. Accordingly, development of the proposed project will not expose persons to water-related hazards such as flooding. Because the site is currently undeveloped, implementation of the project site will result in the addition of new impervious surfaces to the project site. However, this is a normal consequence associated with the development of previously undeveloped parcels of land. To address potential drainage-related impacts associated with the project, staff recommends that the project incorporate the Best Management Practices (BMP's) to maintain the existing water quality in accordance with City regulations. Condition No. 34 is included to reflect this requirement.

Existing and Proposed Utilities

The applicant is proposing to utilize a combination of on-site vegetated swales and on-site storm drainage vaults to manage stormwater runoff and stormwater quality treatment associated with development of the project site (Attachment 11). The applicant is also proposing to connect to the existing stormwater drainage system located within the Leidesdorff Street right-of-way just north of the project site (Attachment 12). As the project site is greater than 1 acre in size, stormwater quality treatment controls are required to be incorporated into the site design. The City currently requires that on-site treatment control measures be designed consistent with the *Stormwater Quality Design Manual for the Sacramento and South Placer Regions* dated May 2007. However, the current Design Manual will be superseded by an updated Stormwater Quality Design Manual within the next year. The updated Design Manual will require that a certain amount of Low Impact Development (LID) techniques be incorporated into the site design. Those requirements will apply to this project if designed and approved under the updated Design Manual.

The applicant is proposing to connect the project's sanitary sewer system to an existing sanitary sewer system located within the Leidesdorff Street right-of-way, just to the north of the project site. The applicant is also proposing addition off-site improvements in order to facilitate utilization of the existing sanitary sewer system located on Young Wo Circle to the west of the project site. Local residents have expressed concern that the existing sanitary sewer system and associated sewer lift station on Young Wo Circle are not appropriately sized to accommodate any additional sanitary sewer input. To address this concern, staff recommends that the owner/applicant submit a sewer study to the satisfaction of the Community Development and provide sanitary sewer improvements with corresponding easements, as necessary, in accordance with this study and the current edition of the City of Folsom Standard Construction Specifications and the Design and Procedures Manual and Improvement Standards. Condition No.14 is included to reflect this requirement. As a side note, this is a standard condition of approval placed on all development projects, and applies to drainage and water-related issues as well.

Cultural Resources

A Cultural Resources Investigation or Study of the project site was performed by PAR Environmental Services, Inc. in August 2003. The Study identified four potentially significant historic features on the project site including; a ground sluicing area, a hydraulic mining area, single-family residential structures, and the Young Wo site. The ground sluice feature (western edge of project site) consisted of a portion of an unknown mining operation. The Study determined that the ground sluice mining feature was not unique, could not be associated with historic persons or events, and was not eligible for the California Register of Historic Places. As a result, the ground sluice feature is not considered a historic resource per CEQA (California Environmental Quality Act). The hydraulic mining feature (northeast portion of project site) consisted of a portion of a hydraulic mining operation. The Study determined that hydraulic mining feature lacked physical and interpretive integrity. As a result the hydraulic mining feature is not considered a historic resource. The single-family residential feature included three craftsman-style single-family residences (not longer present on the project site) that were built sometime in the early to mid-twentieth century. The three structures were significantly modified thus reducing their integrity. The Study determined the three former single-family residential features were not considered a historic resource.

The Young Wo feature (south-central portion of project site) includes potential archeological deposits associated with the Young Wo Chinese benevolent association hall and temple. The Young Wo Chinese benevolent association occupied the site from at least the 1820's to the 1880's. The 2003 PAR study concluded that it is possible that significant intact deposits associated with the Young Wo Association are present on the site, and recommended that archaeological test excavations be conducted in advance of construction. Excavations by PAR were completed in July 2004, though the lower terrace of the project site was inaccessible due to dense vegetation. Numerous artifacts were recovered from the site and brought to PAR's laboratory for sorting, cataloging, identifying, and interpreting. Items included personal, domestic, and structural items. PAR assessed each item for its physical integrity as a resource using criteria outlined in CEQA and used by the National Park Service. Artifacts dated from the late nineteenth century to the midtwentieth century were identified, but did not meet National or California Register criteria.

The project site does include remnants of a hand-placed brick road or pathway at the southeast corner of the site. These brick remnants are likely associated with the Young Wo Chinese benevolent hall which was located nearby in the late 1800's and early 1900's. While the brick road is not considered historically significant (based on CEQA criteria), descendants of Oak Chan and members of the local community have expressed a strong desire to preserve the brick remnants *in situ*, as one of the few remaining visible links to the Chinese history in Folsom. As a result, staff recommends that the

owner/applicant prepare a brick remnant preservation plan that documents the specific means by which the brick remnants will be protected before, during, and after construction of the project to the satisfaction of the Community Development Department. Condition No. 44 is included to reflect this requirement. It is important to note that the applicant is also proposing to include a “Joss House” dedication (Attachment 27) adjacent to the North Building to honor the Chinese history associated with the project site. A “Joss House” is a Chinese temple where people worshiped.

Because the proposed project would result in significant grading of the project site, construction activities could reveal unknown cultural resources, including human remains. As mentioned previously, studies of the site indicate that the lower level has been previously mined, but the potential still exists to locate previously unknown historic materials. To ensure protection of unknown cultural resources, including human remains, staff recommends that the following measures be implemented (Condition Nos. 44-46):

- An archaeologist shall be present to examine the ground surface in the lower terrace after vegetation removal and during construction.
- If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides consultation with the Folsom Historical Society, City staff, and the Historic Preservation League. Appropriate mitigation as recommended by the archaeologist and the Historical Society representative shall be implemented. If agreement cannot be met, the Historic District Commission shall determine the appropriate implementation method.
- In the event human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American Origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely decedent. The decedent will then recommend to the landowner or landowner’s representative appropriate disposition of the remains and any grave goods.

Biological Resources

A Biological Reconnaissance Survey was conducted by a professional biologist on October 16, 2011 to determine current conditions at the project site, whether substantial changes to the environment have occurred since the 2003 Biological Survey was prepared for the project site, and the current presence, location, and/or extent of biological resources in the proposed project vicinity. The regulatory framework that is relevant to the California Environment Quality Act review process for this project include; Federal Endangered Species Act, Migratory Bird Treaty Act, California Endangered Species Act, CDFG Species of Concern, California Native Plant Society, State Jurisdiction, Jurisdictional Water of the United States, and CEQA Significance Criteria.

The Biological Survey determined that none of the special status plants recorded in the project vicinity is likely to occur in the project area. One federally listed Threatened species, the valley elderberry longhorn beetle, has potential habitat in the project area. Two bird species of special concern have potential habitat in the project area and are classified as migratory birds protected by the Migratory Bird Treaty Act: white tailed kite and tricolored blackbird. Several other migratory birds also have

potential habitat in the project area, or are known to occur, including (but not limited to): barn owl, great horned owl, long eared owl, Cooper's hawk, red shouldered hawk, red tailed hawk, and Anna's hummingbird. There are no state-listed species with potential habitat in the area of the proposed project. One fully protected species is the white-tailed kite, which is likely to occur in the vicinity. There is one blue elderberry shrub located within the project site. This shrub has two main stem/trunks that are 6 to 8 inches in diameter at ground level. Several borer holes on the stems indicate use by valley elderberry longhorn beetle (VELB), a species that is federally listed as threatened. Implementation of the project would not require the removal or pruning of the elderberry shrub. While the elderberry shrub is located on the western slope of the site and may be protected by other trees, the shrub and the valley elderberry longhorn beetle could be harmed accidentally by construction-related activities. To ensure protection of the existing elderberry shrub, staff recommends that the following measure be implemented (Condition No. 42):

- The owner/applicant shall place temporary fencing 100 feet from the outer edge of the shrub canopy to protect the root system of the elderberry shrub. The owner/applicant shall ensure that no grading, ground disturbance, or parking occurs within this 100-foot fenced buffer area during project construction. The fencing shall be in place before construction-related work begins

OR

- The owner/applicant has applied for a USFWS permit to construct within the buffer area (Folsom 2006). The following measure will ensure that the applicant provides documentation to the City that said permit has been issued by USFWS: Prior to the initiation of any grading or the issuance of any construction or grading permit, the owner/applicant shall obtain all required state and federal permits and provide evidence to the City of Folsom that said permits have been obtained, or that the permit is not required. Specifically, the applicant must provide verification of a USFWS permit for construction within the required 100-foot buffer area of the elderberry bush located at the southwest corner of the site.

OR

- Prior to the initiation of any grading or the issuance of any construction or grading permit, the owner/applicant shall provide evidence to the City of Folsom that; a) USFWS approved the HCP prepared for the project; b) the elderberry shrub was relocated to the mitigation bank pursuant to the HCP; c) four VELB mitigation units were purchased in the mitigation bank; and d) arrangements have been made to meet all conditions of the HCP, including irrigation and monitoring.

As mentioned previously within this section of the staff report, special status bird species exist in the vicinity of the project area. The project area contains nesting habitat for various bird species because of the presence of mature trees, including 90 native interior live oak trees). 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 disturbances. To ensure protection of the special status birds, staff recommends that the following measure be implemented (Condition No. 43):

- If construction activities occur during the nesting season (usually from March through September), no more than 30 days prior to the initiation of construction, pre-construction surveys for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within a 500 foot radius of proposed construction areas. If active nests are identified in these areas, construction should be delayed until the young have fledged, or the CDFG should be consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing, or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Wetlands

There are two topographical depressions located on the project site as identified in the Biological Survey (EIP 2003a), the 2003 subsurface investigation (PAR 2003), the 2006 Initial Study (Folsom 2006), and the 2011 Biological Reconnaissance. The conclusion of these evaluations is that the depressions are the result of previous mining on the site, and that they do not meet the criteria to be considered jurisdictional waters or wetlands of the U.S. (as defined by the U.S. Army Corps of Engineers). These depressions lack wetland features and are isolated from interstate waters. There are also no blue lines (indicating surface water) on the USGS topographical map of the project site. In addition, the USFWS National Wetland Inventory does not identify any water resources within the project area.

Tree Preservation

The City of Folsom Tree Preservation Ordinance (Folsom Municipal Code Chapter 12.16) regulates both the removal of protected trees and the encroachment of construction activities within their drip lines. Protected trees include native oak trees with a trunk diameter of 6 inches or greater, or multiple-trunked oak trees with an aggregate trunk diameter of 20 inches. An arborist report prepared by Kemper Tree Care, Inc. dated March 25, 2010 identified 161 trees, including 90 interior oak trees, within the project area. The arborist report identified 16 trees that should be removed due to poor health, including 12 interior live oak trees, and recommended many others for pruning (crown clean out). The March 2011 tree removal plan provided by the applicant plan indicates removal of 105 trees (65 percent of the total), including 61 interior live oak trees (68 percent of oak trees on site).

Protected trees (according to City of Folsom Tree Preservation Ordinance (Chapter 12.16)) that are proposed to be removed under the current tree removal plan include: 51 interior live oak trees that meet the definition of *protected native oak tree*; and 7 interior live oak trees that meet the definition of *protected heritage tree*. It is important to note that project site grading and/or construction may result in damage to additional trees. To mitigate the impact to the protected oak trees, staff recommends that the following measures be implemented (Condition No. Nos. 37-41):

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

- Tree mitigation is required pursuant to the Tree Ordinance, and can include replanting of oak trees on the site, paying mitigation fees, or a combination of these two methods. The City Arborist will review the final site improvement plans and determine the precise amount required at that time. Compensatory mitigation off-site consists of one of the following mitigation measures:
 - Payment into the Tree Planting and Replacement Fund of an inch-for-diameter-inch replacement in lieu fee set by City Council resolution; or
 - Dedication of property for the purpose of planting trees based on the following ratio: 1 diameter inch = 0.004 acre of land (175 square feet) – the minimum area of dedication for such property shall be five acres of land, unless the property is contiguous to existing or planned open space, in which case the minimum dedication is one acre of land; off site mitigation of this type must be approved by the City council; or
 - Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the City, pursuant to the ratios set forth in the Tree Ordinance.
- The owner/applicant shall place high-visibility orange mesh protective fencing and signing every 50 feet around the Tree Protection Zone of any existing trees on the project site that are identified for preservation pursuant to Folsom Municipal Code Chapter 12.16. The fencing shall remain in place throughout the construction process to assure that the protected trees are not damaged. Placement of the fencing shall be subject to the review and approval of staff prior to the issuance of any improvement, grading, or building permits. Simply protecting the area within the Tree Protection Zone may not always save the tree(s), so other tree protection measures may be required.
- The owner/applicant shall submit a tree permit application to the City prior to commencement of any grading or site improvement related activities.

Existing and Proposed Landscaping

Vegetation on the 4.25-acre project site consists primarily of oak or oak/foothill pine woodland, with an understory of native and introduced shrubs, vines, and annual grasses and forbs. As mentioned previously, there are a total of 161 trees on the project site including 90 interior oak trees. Native and/or naturalized tree and shrubs species present on the site include; interior live oak, foothill pine, incense cedar, California buckeye, California black walnut, Tree of Heaven, coyote brush, elderberry, poison oak, blackberry, and oleander. Plant species present on the site include; Italian rye grass, foxtail barley, ripgut brome, clover, milk thistle, wild oats, lupine, fennel, and purple vetch.

Proposed landscape improvements include a variety of trees, shrubs, groundcover, and turf. Among the proposed trees are; sycamore, Chinese pistache, London plan, crape myrtle, and dogwood. Proposed shrubs and groundcover include; Oregon grape, California spice bush, giant chain fern, bearberry, horsetail, toyon, India hawthorn, fortnight lily, and rosemary. Consistent with the City's parking lot shade requirement (40% shade coverage within 15 years), the proposed project is providing 40% shade coverage over the uncovered portion of the parking areas. It is also important to note the western portion of the project site will remain undeveloped and in its natural vegetated state. Staff recommends that the final landscape plans and specifications for site development be prepared by a registered landscape architect and approved by the City Arborist and City staff prior to approval of improvement plans. In addition, staff recommends that the final landscape plans comply and implement

water efficient requirements as adopted by the State of California (Assembly Bill 1881). Condition No. 38 is included to reflect this requirement.

PUBLIC INPUT

The project applicant sponsored two informational meetings with local neighbors to educate them about the details of the proposed project. The first informational meeting was held on March 3, 2010 in the City Council Chambers (this meeting was actually held prior to the applicant submitting a formal development application). The second informational meeting was conducted on August 9, 2010 in the City Council Conference Room. A fairly substantial number of residents (approximately 25 people) attended each of the aforementioned informational meetings. Among the concerns expressed by residents at the informational meetings were; traffic impacts, access locations, density of the project, design consistency, recognition of cultural features, number of rental units, and sewer capacity. Staff has addressed these topics within the context of this staff report.

The subject development application associated with the proposed project was originally submitted to the City on August 9, 2010. Subsequent to the application being submitted, City staff has had a significant amount of communication (phone calls, in-person meetings, letters, and emails) with residents expressing their concern about the proposed project. The following list summarizes the general nature of the concerns expressed about the proposed project:

- Decrease in property values
- The project density is too great
- Scale of the buildings is not consistent with the surrounding development
- Significant number of trees proposed for removal
- Destruction of plant and animal habitat
- Negative Declaration relies on 1992 General Plan which is outdated
- Project should be delayed until General Plan is updated
- Mixed-use development is not appropriate for the project site
- Concern over existing and proposed infrastructure and improvements
- Applicant's obligation for improvements to the Leidesdorff Street right-of-way
- Pedestrian access between the project site and the Preserve neighborhood
- Impact to the City's Corporation Yard and future development of that site

Staff has addressed the aforementioned areas of concern within the individual sections of this staff report.

INCLUSIONARY HOUSING ORDINANCE

As specified in the Folsom Municipal Code, Section 17.140.030, the applicant is required to provide inclusionary housing units equal to ten (10) percent of the total number of units in the project, including very-low income units equal to three (3) percent of the market rate units within the subdivision and low-income units equal to seven (7) percent of the market rate units. In this particular case, the applicant would be required to provide six inclusionary housing units within the proposed development including 4 low-income units and 2 very-low income units. The applicant has submitted an inclusionary housing plan that calls for development of 4 affordable housing units (3 low-income units and 1 very-low income unit) within the Phase I portion of the project site and 2 affordable housing units (1 low-income unit and 1 very-low income unit) with the Phase II portion of the site. Staff recommends that the Final Inclusionary Housing Plan be subject to review and approval by the Community Development Department. In addition, staff recommends that the applicant prepare an

Inclusionary Housing Agreement, which will be subject to review and approval by the City Council. Condition No. 69 is included to reflect these requirements.

ENERGY CONSERVATION

The applicant will be subject to the California Energy Standards as stated in Title 24 of the Uniform Building Code. The exterior building lighting is required to achieve energy efficient standards. In addition, conditions of approval have been included that require lighting to be equipped with a timer or photo condenser (Condition No. 57).

ENVIRONMENTAL ANALYSIS

Staff has prepared an Initial Study and Mitigated Negative Declaration (Attachment 29) for the project and determined that with the proposed mitigations, the project will not have a significant effect on the environment. The Mitigated Negative Declaration has been prepared and noticed for public comment on the project, and mitigation measures have been included as Conditions of Approval. To date, no written comments have been received from the public during the Mitigated Negative Declaration public review period.

RECOMMENDED ACTION

Staff recommends that the Historic District Commission recommend City Council approval of the Rezone, Zoning Code Text Amendment, Tentative Subdivision Map, Conditional Use Permit, and Planned Development Permit for development of the Leidesdorff Village Mixed-Use project, which includes 36 for-sale condominium units, 21 for-sale residential flats, 2 single-family homes, and 4,431 square feet of retail space, based upon the following findings and subject to the Conditions of Approval included within this report.

HISTORIC DISTRICT COMMISSION ACTION

MOVE TO RECOMMEND CITY COUNCIL ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE LEIDESDORFF VILLAGE MIXED-USE PROJECT (PN 10-252);

AND

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF A REZONE TO CHANGE THE ZONING FOR THE 4.25-ACRE PROJECT SITE LOCATED AT 1108 SUTTER STREET FROM R-4 (GENERAL APARTMENT DISTRICT) TO HD PD (HISTORIC DISTRICT, PLANNED DEVELOPMENT DISTRICT) AS ILLUSTRATED ON ATTACHMENT 3 FOR THE LEIDESDORFF VILLAGE MIXED-USE PROJECT;

AND

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF A ZONING CODE TEXT AMENDMENT TO CHANGE THE HISTORIC DISTRICT SUBAREA DESIGNATION FOR TWO PARCELS (APN: 070-0042-002 AND 070-0042-003) LOCATED WITHIN THE RESORT SUBAREA TO THE RIVER WAY SUBAREA AS DESCRIBED ON ATTACHMENT 4 AND ILLUSTRATED ON ATTACHMENT 5 FOR THE LEIDESDORFF VILLAGE MIXED-USE PROJECT;

AND

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF A TENTATIVE SUBDIVISION MAP AND CONDOMINIUM PLAN TO SUBDIVIDE THE EXISTING 4.25-ACRE PROJECT SITE INTO 2 LOTS (INCLUDING THE CREATION OF 36 RESIDENTIAL CONDOMINIUM UNITS AND 2 SINGLE-FAMILY RESIDENTIAL UNITS ON LOT 1 AND 21 CONDOMINIUM UNITS ON LOT 2) AS ILLUSTRATED ON ATTACHMENT 9 FOR THE LEIDESDORFF VILLAGE MIXED-USE PROJECT;

AND

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF A CONDITIONAL USE PERMIT FOR DEVELOPMENT OF THE LEIDESDORFF VILLAGE MIXED-USE PROJECT WHICH IS CONSIDERED A LARGE-SCALE PROJECT AND CONTAINS MORE THAN THREE RESIDENTIAL DWELLING UNITS;

AND

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF A PLANNED DEVELOPMENT PERMIT FOR DEVELOPMENT OF 36 FOR-SALE CONDOMINIUM UNITS, 21 FOR-SALE RETAIL FLATS, 2 SINGLE-FAMILY HOMES, AND 4,431 SQUARE FEET OF RETAIL SPACE AS ILLUSTRATED ON ATTACHMENTS 6 THROUGH 27 FOR THE LEIDESDORFF VILLAGE MIXED-USE PROJECT WITH THE FOLLOWING FINDINGS AND CONDITIONS (NO. 1-75);

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN AND ZONING CODE OF THE CITY.

CEQA FINDINGS

- C. A MITIGATED NEGATIVE DECLARATION HAS BEEN PREPARED FOR THE PROJECT IN ACCORDANCE WITH CEQA AND MITIGATION MEASURES HAVE BEEN INCORPORATED AS CONDITIONS OF APPROVAL.
- D. THE HISTORIC DISTRICT COMMISSION HAS CONSIDERED THE PROPOSED MITIGATED NEGATIVE DECLARATION BEFORE MAKING A DECISION REGARDING THE PROJECT.
- E. THE MITIGATED NEGATIVE DECLARATION REFLECTS THE INDEPENDENT JUDGMENT AND ANALYSIS OF THE CITY OF FOLSOM.
- F. ALL IDENTIFIED IMPACTS HAVE BEEN OR WILL BE SATISFACTORILY MITIGATED TO A LESS THAN SIGNIFICANT LEVEL.

REZONE AND ZONING CODE TEXT AMENDMENT FINDING

- G. THE PROJECT IS CONSISTENT WITH THE CITY'S GENERAL PLAN AND THE FOLSOM MUNICIPAL CODE WITH THE PROPOSED REZONE AND ZONING CODE TEXT AMENDMENT.

TENTATIVE SUBDIVISION MAP FINDINGS

- H. THE PROPOSED TENTATIVE SUBDIVISION MAP IS CONSISTENT WITH THE CITY'S SUBDIVISION ORDINANCE AND THE SUBDIVISION MAP ACT IN THAT THE PROJECT IS SUBJECT TO CONDITIONS OF APPROVAL THAT WILL ENSURE THAT THE PROJECT IS DEVELOPED IN COMPLIANCE WITH CITY STANDARDS.
- I. THE DESIGN OF THE TENTATIVE SUBDIVISION MAP AND THE PROPOSED IMPROVEMENTS WILL NOT CAUSE ENVIRONMENTAL DAMAGE OR INJURE FISH OR WILDLIFE OR THEIR HABITAT.
- J. THE DESIGN OF THE TENTATIVE SUBDIVISION MAP AND THE PROPOSED IMPROVEMENTS WILL NOT CAUSE PUBLIC HEALTH OR SAFETY PROBLEMS.
- K. THE DESIGN OF THE TENTATIVE SUBDIVISION MAP AND THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS FOR ACCESS THROUGH OR USE OF PROPERTY WITHIN THE PROPOSED TENTATIVE SUBDIVISION MAP.

CONDITIONAL USE PERMIT FINDING

- L. THE ESTABLISHMENT, MAINTENANCE, OR OPERATION OF THE USE OR BUILDING APPLIED FOR WILL NOT, UNDER THE CIRCUMSTANCES OF THE PARTICULAR CASE, BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, MORALS, COMFORT AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF SUCH PROPOSED USE, OR BE DETRIMENTAL OR INJURIOUS TO PROPERTY AND IMPROVEMENTS IN THE NEIGHBORHOOD, OR TO THE GENERAL WELFARE OF THE CITY BECAUSE THE PROPOSED LAND USE WILL NOT HAVE A NEGATIVE IMPACT.

PLANNED DEVELOPMENT PERMIT FINDINGS

- M. THE PROPOSED PROJECT COMPLIES WITH THE INTENT AND PURPOSES OF CHAPTER 17.38 (PLANNED DEVELOPMENT DISTRICT) OF THE FOLSOM MUNICIPAL CODE AND OTHER APPLICABLE ORDINANCES OF THE CITY.
- N. THE PROPOSED PROJECT IS CONSISTENT WITH THE OBJECTIVES, POLICIES AND REQUIREMENTS OF THE DEVELOPMENT STANDARDS OF THE CITY.
- O. THE PHYSICAL, FUNCTIONAL AND VISUAL COMPATIBILITY BETWEEN THE PROPOSED PROJECT AND EXISTING AND FUTURE ADJACENT USES AND AREA CHARACTERISTICS IS ACCEPTABLE.

- P. THERE ARE AVAILABLE PUBLIC FACILITIES, INCLUDING BUT NOT LIMITED TO, WATER, SEWER AND DRAINAGE TO ALLOW FOR THE DEVELOPMENT OF THE PROJECT SITE IN A MANNER CONSISTENT WITH THIS PROPOSAL.
- Q. THE PROPOSED PROJECT WILL NOT CAUSE UNACCEPTABLE VEHICULAR TRAFFIC LEVELS ON SURROUNDING ROADWAYS, AND THE PROPOSED PROJECT WILL PROVIDE ADEQUATE INTERNAL CIRCULATION.
- R. THE PROPOSED PROJECT WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PERSONS OR PROPERTY WITHIN THE VICINITY OF THE PROJECT SITE, AND THE CITY AS A WHOLE.
- S. ADEQUATE PROVISION IS MADE FOR THE FURNISHING OF SANITATION SERVICES AND EMERGENCY PUBLIC SAFETY SERVICES TO THE DEVELOPMENT.

Submitted,

DAVID E. MILLER, AICP

Public Works and Community Development Director

CONDITIONS

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

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

Attachment 11

City Council Staff Report, dated December 9, 2014

DATE: December 9, 2014

TO: Mayor and City Council Members

FROM: Community Development Department

SUBJECT: **LEIDESDORFF VILLAGE RESIDENTIAL PROJECT: REZONE, ZONING CODE TEXT AMENDMENT, TENTATIVE SUBDIVISION MAP, CONDITIONAL USE PERMIT, PLANNED DEVELOPMENT PERMIT, AND CONSIDER ADOPTION OF A MITIGATED NEGATIVE DECLARATION REGARDING THE PROJECT – 1108 SUTTER STREET (PN 10-252)**

- i. Resolution No. 9388 - A Resolution to Adopt a Mitigated Negative Declaration, to Approve a Tentative Subdivision Map, to Approve a Tentative Subdivision Map, to Approve a Zoning Code Text Amendment, to Approve a Conditional Use Permit, and to Approve a Planned Development Permit for the Development of 36 for-sale condominium units, 18 for-sale residential flats, and 2 single-family homes for the Leidesdorff Village Residential Project
- ii. Ordinance No. 1210 - An Uncodified Ordinance to Amend the Zoning Designation for the 4.25-acre project site (APN: 070-0042-002, 070-0042-003, 070-0046-024, and 070-0046-026) from R-4 (General Apartment District) to HD PD (Historic District, Planned Development District) for the Leidesdorff Village Residential Project (Second Reading and Adoption)

BACKGROUND/ISSUE

The proposed project was considered by the City Council at its June 24, 2014 meeting. At this meeting, the City Council was generally supportive of the overall development concept associated with the proposed project. Specifically, the Council relayed positive comments regarding the residential focus of the development, the transit-oriented nature of the development, the walkability of the development, and the vast amount of open space provided by the development. However, the Council did express concern regarding a number of aspects of the project including; the architecture and design of the buildings, the feasibility of retail uses at this particular location, and the limited size of the retail tenant spaces. The City Council recommended that the aforementioned concerns be addressed by the applicant prior to the project returning to the Council. The Council adopted a motion (4-1-0-0) to move the First Reading of Ordinance No. 1210, and continued the balance of the project (Resolution No. 9388) to a future City Council meeting.

A significant number of residents attended the June 24, 2014 City Council meeting, many of whom expressed their opposition to the proposed project, while others voiced their support of the project. The residents who spoke in opposition to the proposed project expressed concern regarding a wide range of issues including; impact to property values, project density, scale of the development, building height, oak tree impacts, destruction of natural habitat, cultural resource impacts, General Plan inconsistencies, appropriateness of mixed-use development, adequacy of infrastructure and improvements, pedestrian access, compatibility with Corporation Yard, traffic and circulation, and parking. The residents who spoke in support of the proposed project commented on the positive aspects of the development including; mixed-use nature of project, sustainable aspect of project, economic impacts of the project, and the design of the project. The aforementioned comments have been addressed with the context of the City Council staff report.

Subsequent to the June 24, 2014 City Council meeting, City staff worked with the applicant's team to address the concerns identified by the Council and residents. As a result of this interaction, the applicant made a number of changes to the proposed project. Most notably, the applicant modified the architecture and design of the proposed buildings to reflect a more traditional appearance that is similar to recent development on Sutter Street (Sutter Court and Folsom Electric Building). In addition, the applicant eliminated the ground-level retail tenant spaces (2,500 S.F.) located within the Sibley Corner Building, resulting in an increase of usable area for parking within the covered garage. The elimination of the retail tenant space allowed the applicant to lower the height of the Sibley Corner Building from 34 feet down to 31 feet, while the North and South Buildings were also lowered from 33 feet to 31 feet in height. Lastly, the applicant improved the parking situation by increasing the total number of parking spaces provided from 110 parking spaces to 112 spaces, while at the same time reducing the parking demand from 106 parking to 102 spaces by eliminating the ground-level retail tenant area fronting Leidesdorff Street. It is important to note that vehicle trips (PM peak hour) generated by the proposed project have been reduced from 44 trips to 37 trips with elimination of the retail tenant spaces, thus minimizing potential traffic, access, and circulation related impacts. The aforementioned modifications and other minor clarifications are listed below:

- Modified Building Elevations and Renderings (Attachments No. 24, 25, 27, and 28)
- Reduced Building Heights by Three-Feet and Two-Feet (Attachments No. 24, 25, and 27)
- Eliminated 2,500 S.F. of Ground-Level Retail Tenant Space (Attachment No. 27)
- Increased Total Number of Parking Spaces by Two (Attachments No. 7 and 22)
- Reduced Parking Demand by Four Parking Spaces (Attachment No. 22)
- Clarified Archeologist Review of Unknown Cultural Resources (Condition No. 44)
- Clarified Requirement for Brick Remnant Preservation Plan (Condition No. 44)

The applicant, D & S Development, is requesting approval of a Rezone, Zoning Code Text Amendment, Tentative Subdivision Map, Conditional Use Permit, and Planned Development Permit for development of the Leidesdorff Village Residential project. The proposed project, which includes development of 36 for-sale condominium units, 18 for-sale residential flats, and 2 single-family homes, is located on a 4.25-acre site within the City's Historic District at 1108 Sutter Street. The General Plan land-use designation for the site is CA (Specialty Commercial) and the project is zoned R-4 (General Apartment District). The project site also has underlying Historic District Subarea Designations of River Way Subarea and Resort Subarea.

The applicant is proposing to develop the project in two phases. The Phase I portion of the project includes development of a three-story, 19,315-square foot residential building (North Building), a three-story, 19,984-square-foot residential building (South Building), three, single-story parking garages, and two, two-story single-family residential homes. The North Building is comprised of 17 for-sale condominium units including 5 live/work units, while the South Building consists of 19 for-sale condominium units. The Phase II portion of the project (Sibley Corner) includes development of a three-story, 38,745-square-foot building that features 18 for-sale residential flats. The following table outlines the specific details regarding each phase of the proposed project:

Leidesdorff Village Residential Project Table			
Phase I			
<i>Building Name</i>	<i>Units</i>	<i>Size (S.F.)</i>	<i>Total Square Footage</i>
North Building Condominiums	17	599 S.F. to 1,710 S.F.	19,315 S.F.
South Building Condominiums	19	599 S.F. to 1,710 S.F.	19,884 S.F.
Single-Family Residences	2	1,700 S.F.	3,400 S.F.
Sub Total	39		42,599 S.F.
Phase II			
<i>Sibley Corner Building</i>	<i>Units</i>	<i>Size (S.F.)</i>	<i>Total Square Footage</i>
Residential Flats	18	665 S.F. to 1,754 S.F.	20,159 S.F.
Common Areas (Lobby, Hallways, Parking Garage, etc.)	0	14,155 S.F.	18,586 S.F.
Sub Total	18		38,745 S.F.
Totals	56		81,344 S.F.

The proposed Phase I and Phase II buildings, which focus on a historic design theme similar that found on Sutter Street, feature a variety of significant architectural elements including varied roof heights and shapes, arched openings, balconies, canopies, awnings, cornice details, decorative light fixtures, and multi-paned windows. Primary building materials include brick, stucco, metal balconies and canopies, canvas awnings, and wood-framed window and door systems. The predominant building colors, which consist of brick red, brown, and tan, are accented by darker colors including black and silver.

Primary access to the project site is provided by a new driveway that will connect to Sibley Street, just south of the intersection of Leidesdorff Street and Sibley Street. Secondary access to the site is facilitated by the westward extension of Leidesdorff Street. Access to the two, single-family residential homes is accommodated by a new driveway that will be accessed directly from Sutter Street. The proposed project includes a total of 112 on-site parking spaces including 60 garage parking spaces and 52 open parking spaces. Proposed site improvements include: underground utilities, driveways, a turf-stone fire access lane, pervious parking spaces, bicycle parking, pedestrian pathways, retaining walls, a play area, a plaza area with Joss house, a trash/recycling enclosure, site lighting and landscaping.

POLICY/RULE

The Folsom Municipal Code (FMC) requires that applications for Rezones, Zoning Code Text Amendments, and Tentative Subdivision Maps be forwarded to the City Council for final action. City Council actions regarding Rezones, Zoning Code Text Amendments, and Tentative Subdivision Maps are covered under Sections 17.68.050 and 16.08.020 of the Folsom Municipal Code.

ANALYSIS

General Plan and Zoning Consistency

The project site, which consists of four individual parcels, has a General Plan land use designation of CA (Specialty Commercial) and has a zoning designation of R-4 (General Apartment District). In addition, the project has underlying Historic District Subarea Designations of River Way Subarea and Resort Subarea. The existing General Plan land use designation (CA) and the existing zoning designation (R-4) are not consistent with each other. As a result, the applicant is requesting approval of a Rezone to change the zoning designation from R-4 (General Apartment District) to HD PD (Historic District, Planned Development District). The proposed zoning district corresponds with the existing General Plan designation boundary lines. The project is consistent with both the existing General Plan land use designation and the proposed zoning designation for the site, as residential and retail commercial development are identified as permitted land uses (based on River Way Subarea Special Use and Design Standards, FMC Section 17.52.520) subject to issuance of a Conditional Use Permit. A Conditional Use Permit is required because the development contains three or more dwelling units and due to the fact that the development is considered a “large scale” project (discussed further under Conditional Use Permit section of this report).

In reviewing the request for approval of a Rezone on the project site, staff considered a number of factors including existing inconsistencies between the General Plan designation and the zoning designation and the conflict between the existing zoning designation and the underlying subarea designations. As described previously, the existing General Plan designation of CA (Specialty Commercial) is inconsistent with the existing zoning designation of R-4 (General Apartment District) as the General Plan promotes commercial development, while the zoning encourages high density residential development. In addition, the existing zoning designation of R-4 (General Apartment District) conflicts with the underlying subarea designations of River Way Subarea and Resort Subarea as the zoning allows high density residential development whereas the subareas are intended for a mixture of residential, retail, artistic, craftsman, and resort/conference center-related land uses. It is important to note that the proposed zoning designation of HD PD (Historic District, Planned Development District) does not determine permitted land uses, but rather relies on the underlying subareas to determine which uses are permitted, conditionally permitted, and not permitted. Staff has determined that the Rezone request is beneficial due to the fact that it will ensure consistency between the General Plan and the zoning designations. In addition, staff supports the Rezone because it will eliminate conflicts between the traditional zoning and the underlying subareas, and it will allow the subarea to determine appropriate land uses and design standards as was originally intended when the Historic District was created.

As discussed earlier within this report, the project site is comprised of four individual parcels. Two of the subject parcels (APN: 070-0046-024 and 070-0046-026) have an underlying Historic District Subarea Designation of River Way Subarea while the remaining two parcels (APN: 070-0042-002 and 070-0042-003) have a Subarea Designation of Resort Subarea. The applicant is requesting approval of a Zoning Code Text Amendment to move the two parcels located within the Resort Subarea to the

River Way Subarea, thus resulting in all four parcels associated with the project being located within the River Way Subarea. Specifically, the Zoning Code Text Amendment will result in a modification to the geographic boundaries established for the River Way Subarea (FMC, Section 17.52.170) and the Resort Subarea (FMC, Section 17.52.190). Attachment No. 4 includes the actual text for the Zoning Code Text Amendments as well as maps illustrating the existing subarea boundaries and the proposed subarea boundaries.

In evaluating the request for approval of a Zoning Code Text Amendment, staff took into consideration the purpose and intent of the River Way Subarea and the fact that the project site is currently divided into two separate subareas. As stated in the Historic District Design and Development Guidelines (Section 5.02.02), the primary intent of the River Way Subarea is to “allow artists to combine their living, working, and sales space in one location, thereby encouraging artistic expression and enriching the cultural fabric of Folsom.” As shown on the submitted plans and described in the project narrative, the proposed includes a mixture of residential units, live/work units, and amenities that are very closely aligned with the vision of the River Way Subarea and are likely to enhance the cultural fabric of Folsom. As mentioned previously, the project site is divided into two subareas, the River Way Subarea and the Resort Subarea. Staff is supportive of the proposal to combine the project into one cohesive subarea (River Way Subarea), thereby eliminating potential conflicts between the subarea designation, the zoning designation, and the General Plan land use designation. In addition, staff has determined that the proposed Zoning Code Text Amendment is appropriate because the proposed project meets the purpose and intent of the River Way Subarea.

Land Use Compatibility

The Folsom Municipal Code, Section 17.52.520 dictates that “large-scale” projects located within the River Way Subarea of the Historic District are required to obtain a Conditional Use Permit. “Large scale” projects are defined as an individual structure, or combination of structures, which exceed 5,000 square feet in size. In addition, the Folsom Municipal Code also requires projects located within the River Way Subarea and containing three or more residential dwelling units to obtain a Conditional Use Permit. In this particular case, the proposed project includes more than 5,000 square feet (85,214 square feet) of floor area and includes more than three (56 residential units) residential dwelling units.

In order to approve this request for a Conditional Use Permit, the Commission must find that the “establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City.”

The 4.25-acre project site is located on the north side of Sutter Street (1108 Sutter Street), slightly northeast of the intersection of Sutter Street and Forrest Street. The project site is bounded by the unimproved Leidesdorff Street right-of-way to the north with the City of Folsom corporation yard beyond, Sutter Street and a neighborhood park to the south with single-family residential development beyond, Sibley Street to the east with single-family residential development beyond, and Veterans of Foreign Wars (VFW) Post 6604 with Forrest Street beyond. Staff has determined that the proposed project, which includes a combination of residential and live-work units, is compatible with the diverse mixture of surrounding land uses. In addition, staff has determined that the proposed project provides an appropriate land use transition (buffer area) between the surrounding residential, light industrial, and quasi-public land uses.

As highlighted in the project description, the proposed project includes development of a three-story residential building (includes live/work units), a three-story residential building, a three-story residential building, two, two-story single-family residences, and three detached single-story garage structures. Two of the multi-story residential buildings are positioned on the northern property boundary adjacent to the corporation yard. The third multi-story residential building has a north-south orientation and is centrally located in the middle of the project site along with the detached parking garages. The two, single-family residences are located on the southeastern portion of the project site and are oriented towards Sutter Street. Based on the physical location, scale, and orientation of the proposed buildings as described above, staff has determined that the proposed project is compatible with the surrounding land uses.

Development Standards

The Historic District (HD) has been adopted by ordinance, pursuant to Section 17.52 of the Folsom Municipal Code, and serves as a regulatory land use plan functioning in the place of traditional zoning. Deviation from the requirements of Folsom Municipal Code and the Historical District (HD) can be approved by the Historic District Commission if a Planned Development overlay zone is established with project specific regulations. In this particular case, the applicant is proposing to establish Planned Development Overlay which will allow greater flexibility in the design of the development than otherwise possible through strict application on land use regulations. This Planned Development Permit process also allows staff and the Historic District Commission to review a project for compatibility with surrounding uses and property conditions, and also allows the developer to work with staff and the Historic District Commission in designing a project without being restricted by the zoning regulations of the underlying district. The following table outlines the existing development standards for River Way Subarea within the Historic District and proposed development standards for the Leidesdorff Village Residential project:

Land Use	Minimum Lot Size	Frontage Setback	Side Yard Setback	Rear Yard Setback	Garage Setback	Building Height	Lot Coverage
North Building	145,490 sf.	0ft.	210ft. 60ft.	170ft.	5ft	31ft.	38%
South Building	145,490 sf.	70ft.	350ft. 40ft.	30ft.	5ft.	31ft.	38%
Single-Family Residences	145,490 sf.	25ft.	11ft. 100ft.	126ft.	55ft.	25ft.	38%
Sibley Corner Building	39,204 sf.	2'6"	40ft. 37ft.	75ft.	NA	31 ft.	38%
River Way Subarea	7,000 sf. (6,000 sf.)	5ft.	5ft.	5ft.	5ft.	35 ft.	55%

As shown in the table above, the proposed project is either meeting or exceeding all of the development standards established for the River Way Subarea with the exception of the required frontage setback. In the case of the maximum building height, the three-story buildings (North Building, South Building, and Sibley Corner) are approximately 30 feet tall with architectural features extending upward to 36 feet in height. Architectural features are permitted to extend up 15 feet above the building height. Of particular note, the larger scale buildings (North Building, South Building, and Sibley Corner Building) associated with the proposed project are located significant distances from the nearest single-family developments to the east and to the south. In addition, the proposed project is preserving and creating a significant amount of open space/landscape areas (62% of the overall project site is pervious). As a result of the aforementioned factors, staff has determined that the proposed

project meets the intent, purposes, and standards set forth in the Planned Development District (FMC Section 17.38) and the River Way Subarea (FMC Section 17.52.520).

Traffic, Access, and Circulation

The subject 4.25-acre project site is located at the southwest corner of the intersection of Leidesdorff Street and Sibley Street. Leidesdorff Street terminates at the entrance to the City's Corporation Yard, slightly northeast of the project site. Regional access to the project site is provided via Folsom Boulevard, which connects to U.S. Highway 50, Folsom-Auburn Road, and Greenback Lane. Primary access to the project site is provided by a new driveway which will connect to Sibley Street to the east. Secondary access to the project site is provided by the westward extension of Leidesdorff Street, which will also connect to Sibley Street. The two single-family homes included in Phase I portion of the project will be accessed directly from Sutter Street. An emergency vehicle access lane (turf stone) to serve the project site is also proposed off of Sutter Street. Pedestrian circulation is provided by a combination of sidewalks, walkways, and stairs.

The proposed project is expected to generate (Utilizing Institute of Transportation Engineers (I.T.E.) Trip Generation Manual) 37 PM peak hour trips. Traffic, access, and circulation-related issues were analyzed in full detail by City staff and by a professional consulting firm (Environmental Planning Partners, Inc.) as part of the Initial Study prepared for the project. Significant roadways in the project vicinity include Sutter Street, Leidesdorff Street, Folsom Boulevard, and Natoma Street. All of the aforementioned roadways and associated street intersections (Sutter Street/Leidesdorff Street) and Folsom Boulevard/Natoma Street) are currently operating at an acceptable level of service (LOS C or better). While the proposed project would result in an increase in traffic volume on the subject streets and intersections, the project increase (37 PM peak hour trips) is considered minimal and will not lead to a significant increase in traffic or congestion.

Access to the project site is provided by a new driveway on Sibley Street, a driveway on the extension of Leidesdorff Street, a driveway entrance on Sutter Street, and an emergency vehicle access driveway connected to the residential driveway entrance on Sutter Street. The proposed project will not result in any modification of to any intersection or street design feature that currently existing on these streets. In addition, the proposed project would not result in the modification of, or interference with, any pedestrian, bicycle, or transit facility. Internal vehicle and pedestrian circulation is facilitated by a combination of drive aisles, frontage sidewalks, walkways, and stairs. Upon review of the preliminary site plan, staff has determined that vehicle and pedestrian circulation associated with the proposed project would function in a safe and orderly manner.

The proposed project was reviewed by the City of Folsom Traffic Safety Committee at its April 28, 2011 meeting. At this meeting, the Traffic Safety Committee discussed a variety of issues associated with the proposed project including; the need for an emergency vehicle access route if Leidesdorff Street is not constructed, noise issues related to the City's Corporation Yard, frontage improvements on Leidesdorff Street and Sutter Street, and the existing parallel parking situation on Leidesdorff Street. While the Committee discussed the aforementioned items, no specific recommendations regarding the proposed project were made. It is important to note that the Committee did express their support for the proposed project.

As mentioned previously within this report, the proposed project is located directly adjacent to the Leidesdorff Street right-of-way and Sibley Street. With the westward extension of Leidesdorff Street, the applicant is proposing to construct a number of improvements within the Leidesdorff Street right-of-way including travel lanes, on-street parking spaces, a sidewalk, curbs and gutters. Typically, it is

City policy to require all development projects to construct or provide funding for public improvements (street, sidewalk, curb, gutter, storm drain, sewer, landscaping and lighting) within one-half the right-of-way for adjacent roadways and street frontages. At this time, the City has no specific plans to extend Leidesdorff Street from the project site through to Forrest Street. In addition, the City has not determined whether it is going to utilize the entire 82-foot right-of-way or what the exact alignment of the new roadway would be. As a result, staff recommends that the owner/applicant enter into a deferred subdivision improvement agreement with the City to provide their “fair share” contribution towards the ultimate construction of the Leidesdorff Street improvements along the entire frontage of the project site. Condition No. 22 is included to reflect this requirement.

The applicant is proposing to construct a number of street frontage improvements adjacent to Sibley Street including additional street width, a driveway entrance, sidewalks, curbs, gutters, landscaping and lighting. Staff recommends that all street frontage improvements constructed adjacent to Sibley Street and adjacent to Leidesdorff Street be provided in accordance with the current edition of the City of Folsom Standard Construction Specifications and the Design and Procedures Manual and Improvement Standards. Condition No. 23 is included to reflect this requirement.

Parking

The applicant proposes to provide a total of 112 parking spaces for the project (Attachment 22). The Phase I portion of the project includes 49 uncovered parking spaces, 23 detached garage parking spaces and 4 single-family garage parking spaces. The Phase II portion of the project includes 33 garage parking spaces within the Sibley Square building and 3 uncovered parking spaces. As referenced above, 76 of the parking spaces are dedicated to Phase I and 36 parking spaces are committed to Phase II. It is important to note that 14 additional on-street parking spaces are being created with the improvements to the extension of Leidesdorff Street. The Folsom Municipal Code, Section 17.52.520 (River Way Subarea Special Use and Design Standards) requires one parking space for residential dwelling units less than 600 square feet in size and 2 parking spaces for dwelling units greater than 600 square feet. In addition, commercial retail and office uses are required to provide one parking space per 350 square feet of floor area. It is important to acknowledge that the River Way Subarea Special Use and Design Standards do not specifically address the requirement for guest parking spaces. However, the City of Folsom Design Guidelines for Multifamily Development recommends that one guest parking space be provided for every five multifamily residential units within a development.

The condominium units located within Phase I (North Building and South Building) include a total of 10 dwelling units that are less than 600 square feet in size and 26 dwelling units that are greater than 600 square feet, thus requiring 69 on-site parking spaces (includes 7 guest parking spaces). As shown on the parking plan, the project provides 72 on-site parking spaces that are dedicated to the condominium units including 23 garage parking spaces and 49 uncovered parking spaces. The two single-family residential units located within the Phase I portion of the project are 1,700 square feet in size respectively, thus 2 off-street parking spaces are required for each residence. As shown on the modified parking plan, the project provides 4 off-street garage parking spaces for the single-family residences. Based upon the aforementioned parking details, Staff has determined that the Phase I portion of the project meets the requirements established by the Folsom Municipal Code by providing 76 parking spaces whereas 73 parking spaces are required.

The residential flats located within Phase II (Sibley Corner Building) include a total of 11 one-bedroom units (690 square feet) and 7 two-bedroom units (1,033 square feet to 1,754 square feet), thus requiring 18 on-site parking spaces (includes 4 guest parking spaces). Based upon the aforementioned

parking details, Staff has determined that the Phase II portion of the project meets the requirements established by the Folsom Municipal Code by providing 36 parking spaces whereas only 29 parking spaces are required. It is important to note the stackable parking spaces originally proposed for Sibley Corner Building garage have been replaced by traditional parking spaces.

Noise

In order to evaluate potential noise impacts associated with the proposed project, an Environmental Noise Assessment was prepared by Bollard Acoustical Consultants on July 24, 2012. The Assessment included background information on noise fundamentals and terminology, noise levels for common noise sources, and regulatory information on the City of Folsom General Plan Noise Element and the Noise Ordinance for both transportation and non-transportation noise. The Assessment also described and quantified existing ambient noise levels in the project vicinity and predicted noise levels from the City's Corporation Yard and from on-site noise sources.

The project site is located in an area that has heightened noise levels under existing conditions due to operations at the Corporation Yard. The existing noises from the Corporation Yard would result in adverse levels of noise for some of the proposed residential units. To ensure noise effects from operational activities described above and from existing activities at the Corporation Yard are reduced to below a level of significance, staff recommends that the following measures be implemented (Condition No. 56):

- Windows associated with residential units along the north side and east and west corners of the North Building shall have windows with an STC rating of 35.
- Prior to issuance of any certificate of occupancy, the project applicant shall construct a 6-foot-tall noise barrier along the southeast corner of the project site (north property line of the Johnson residence). The 6-foot-tall noise barrier shall be constructed of masonry block, concrete, or similar materials. The final location, height, design, materials, and colors of the noise barrier shall be subject to review and approval by the Community Development Department.
- All deliveries shall be restricted to the hours after 7:00 a.m. and before 9:00 p.m.
- Outside events (such as community gatherings) shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

Based on the fact that the proposed site is located directly adjacent to the City of Folsom Corporation Yard, where a wide variety of light industrial activities are expected to occur throughout the course of the day and night, staff recommends that the following measure be implemented to alert potential homebuyers and renters to potential nuisance issues (Condition No. 19):

- The owner/applicant shall disclose to the homebuyer in the Conditions, Covenants, and Restrictions and in the Department of Real Estate Public Report that the City of Folsom Corporation Yard is situated directly adjacent to the project site, and that noise, light, odor, vibrations, and similar impacts commonly associated with a light-industrial use will be present at various times, including but not limited late evening and early morning hours. The

disclosure shall also be made as a note on the subdivision map and on the title report prior to purchase. The owner/applicant shall provide a copy of the Department of Real Estate Public Report to the Community Development Department for review and approval.

Development of the proposed mixed-use project would temporarily increase noise levels in the project vicinity during the construction period, which would take approximately nine to twelve months. Construction activities including site clearing, excavation, grading, building construction, and paving, would be considered an intermittent noise impact throughout the construction period of the project. The City's Noise Ordinance excludes construction activities from meeting the General Plan Noise Element standards, provided that all phases of construction are limited to the hours between 7:00 a.m. and 6:00 p.m. on weekdays and 8:00 a.m. and 5:00 p.m. on Saturdays. To ensure compliance with the City's Noise Control Ordinance and General Plan Noise Element, staff recommends that hours of construction operation be limited from 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays with no construction permitted on Sundays or holidays. In addition, staff recommends that construction equipment be muffled and shrouded to minimize noise levels. Condition No. 55 is included to reflect these requirements.

Grading and Drainage

The irregularly-shaped 4.25-acre project site includes a topography that slopes downward from east to west and from north to south at a gradient of approximately five horizontal feet for every one vertical foot. The high points on the property are located along Sutter Street (187 feet above sea level) and Sibley Street (184 feet above sea level), while the low points (168 feet above sea level) are situated in the northeast portion of the project site adjacent to the City's Corporation Yard. The higher elevated and un-mined portion of the project site (west and southeast along Sutter Street) includes a variety of grasses and introduced trees (cedar, apple, pear, plum, and tree of heaven). The hydraulically-mined area on the lower portion of the project site includes leveled cobble tailings and supports strands of live oak, grey pine, and fig trees.

Development of the project site is anticipated to require significant movement of soils and the compaction of said materials. The proposed project will also include construction of a number retaining walls throughout the project site. The applicant will be required to provide a complete geotechnical report before the design of interior roads, building foundations, retaining walls, and stem walls are finalized. Staff recommends that the final location, height, design, and materials of all retaining walls be subject to review and approval by the Community Development Department. Condition No. 61 is included to reflect this requirement. The proposed project is not located in an area that is likely to contain naturally occurring asbestos as identified by the Sacramento Air Quality Management District (SMAQMD) and according to the California Geological Survey Special Report 192. As a result, the Sacramento Air Quality Management District would impose no special restrictions beyond what is normally required for dust control during grading activities.

Historic mining features and historic mining materials (cobble tailings) are located on and around the project area due to previous hydraulic and placer mining activities. There still exists the possibility that historic mining features may create soil or strata instability, leading to the potential for landslides, lateral spreading, subsidence, liquefaction, or collapse. To address potential soil and strata impacts associated with historic mining features, staff recommends that the owner/applicant locate and remediate all antiquated mine shafts, drifts, open cuts, tunnels and water conveyance or impoundment structures existing on the project site, with specific recommendations for the sealing, filling or removal of each that meet all applicable health, safety, and engineering standards. Condition No. 59 is included to reflect this requirement.

The project site is not located within a 100-year flood plain or the 500-year floodplain of the American River or other local streams as identified by the Federal Emergency Management Agency. Accordingly, development of the proposed project will not expose persons to water-related hazards such as flooding. Because the site is currently undeveloped, implementation of the project site will result in the addition of new impervious surfaces to the project site. However, this is a normal consequence associated with the development of previously undeveloped parcels of land. To address potential drainage-related impacts associated with the project, staff recommends that the project incorporate the Best Management Practices (BMP's) to maintain the existing water quality in accordance with City regulations. Condition No. 34 is included to reflect this requirement.

Existing and Proposed Utilities

The applicant is proposing to utilize a combination of on-site vegetated swales and on-site storm drainage vaults to manage stormwater runoff and stormwater quality treatment associated with development of the project site (Attachment 11). The applicant is also proposing to connect to the existing stormwater drainage system located within the Leidesdorff Street right-of-way just north of the project site (Attachment 12). As the project site is greater than 1 acre in size, stormwater quality treatment controls are required to be incorporated into the site design. The City currently requires that on-site treatment control measures be designed consistent with the *Stormwater Quality Design Manual for the Sacramento and South Placer Regions* dated May 2007. However, the current Design Manual will be superseded by an updated Stormwater Quality Design Manual within the next year. The updated Design Manual will require that a certain amount of Low Impact Development (LID) techniques be incorporated into the site design. Those requirements will apply to this project if designed and approved under the updated Design Manual.

The applicant is proposing to connect the project's sanitary sewer system to an existing 27" diameter sanitary sewer system located within the Folsom Boulevard right-of-way, just north of the project site. A recent analysis of the sanitary sewer system in the project area determined that there is sufficient capacity to serve the project via a 27" diameter sewer line situated within the Folsom Boulevard right-of-way. The applicant is also proposing additional off-site improvements in order to facilitate utilization of the existing sanitary sewer system located on Young Wo Circle to the west of the project site. However, it is important to note that the existing sewer lift station located on Young Wo Circle may not be appropriately sized to accommodate routing of additional sanitary sewer throughput to Folsom Boulevard without modifications to the existing infrastructure.

Based on the aforementioned information, City staff and the applicant discussed whether there are more efficient means to connect the project's sanitary sewer lines to the existing 27" diameter sewer line located within the Folsom Boulevard right-of-way. The City, in coordination with the applicant, determined that it may be advantageous to explore the routing of the project's sanitary sewer system through another location including but not limited to the Leidesdorff Street right-of-way or the City's Corporation Yard. To ensure that the proposed on-site and off-site sewer system improvements will achieve optimal integration, staff recommends that the applicant be required to submit a sewer study to the satisfaction of the Environmental and Water Resources Department and provide sanitary sewer improvements with corresponding easements, as necessary, in accordance with this study and the current edition of the City of Folsom *Standard Construction Specifications* and the *Design and Procedures Manual and Improvement Standards*. In addition, staff recommends that the final determination regarding the routing of the proposed off-site sewer improvements be subject to City Council approval. Condition No.14 is included to reflect these requirements.

Cultural Resources

A Cultural Resources Investigation or Study of the project site was performed by PAR Environmental Services, Inc. in August 2003. The Study identified four potentially significant historic features on the project site including; a ground sluicing area, a hydraulic mining area, single-family residential structures, and the Young Wo site. The ground sluice feature (western edge of project site) consisted of a portion of an unknown mining operation. The Study determined that the ground sluice mining feature was not unique, could not be associated with historic persons or events, and was not eligible for the California Register of Historic Places. As a result, the ground sluice feature is not considered a historic resource per CEQA (California Environmental Quality Act). The hydraulic mining feature (northeast portion of project site) consisted of a portion of a hydraulic mining operation. The Study determined that hydraulic mining feature lacked physical and interpretive integrity. As a result the hydraulic mining feature is not considered a historic resource. The single-family residential feature included three craftsman-style single-family residences (not longer present on the project site) that were built sometime in the early to mid-twentieth century. The three structures were significantly modified thus reducing their integrity. The Study determined the three former single-family residential features were not considered a historic resource.

The Young Wo feature (south-central portion of project site) includes potential archeological deposits associated with the Young Wo Chinese benevolent association hall and temple. The Young Wo Chinese benevolent association occupied the site from at least the 1820's to the 1880's. The 2003 PAR study concluded that it is possible that significant intact deposits associated with the Young Wo Association are present on the site, and recommended that archaeological test excavations be conducted in advance of construction. Excavations by PAR were completed in July 2004, though the lower terrace of the project site was inaccessible due to dense vegetation. Numerous artifacts were recovered from the site and brought to PAR's laboratory for sorting, cataloging, identifying, and interpreting. Items included personal, domestic, and structural items. PAR assessed each item for its physical integrity as a resource using criteria outlined in CEQA and used by the National Park Service. Artifacts dated from the late nineteenth century to the midtwentieth century were identified, but did not meet National or California Register criteria.

The project site does include remnants of a hand-placed brick road or pathway at the southeast corner of the site. These brick remnants are likely associated with the Young Wo Chinese benevolent hall which was located nearby in the late 1800's and early 1900's. While the brick road is not considered historically significant (based on CEQA criteria), descendants of Oak Chan and members of the local community have expressed a strong desire to preserve the brick remnants *in situ*, as one of the few remaining visible links to the Chinese history in Folsom. As a result, staff recommends that the owner/applicant prepare a brick remnant preservation plan that documents the specific means by which the brick remnants will be protected before, during, and after construction of the project to the satisfaction of the Community Development Department. Condition No. 44 is included to reflect this requirement. It is important to note that the applicant is also proposing to include a "Joss House" dedication (Attachment 27) adjacent to the North Building to honor the Chinese history associated with the project site. A "Joss House" is a Chinese temple where people worshiped.

Because the proposed project would result in significant grading of the project site, construction activities could reveal unknown cultural resources, including human remains. As mentioned previously, studies of the site indicate that the lower level has been previously mined, but the potential still exists to locate previously unknown historic materials. To ensure protection of unknown cultural resources, including human remains, staff recommends that the following measures be implemented (Condition Nos. 44-46):

- An archaeologist shall be present to examine the ground surface for the entirety of the project site, including both the upper and the lower terrace, during and after vegetation removal and during grading and construction activities. If any archaeological, cultural, historical resources, artifacts, or other features are discovered during the course of construction anywhere on the project site, Mitigation Measure CUL-2 (Condition No. 45) shall be implemented. This measure shall apply during the original construction of each phase of the project, and shall continue to be implemented during any subsequent ground disturbance by any party. To ensure future compliance with this measure, the CCR's or other guidance documents prepared and recorded for the project shall include this provision, and all plans for grading shall be referred to the Community Development Department for review. In addition, the owner/applicant shall prepare a brick remnant preservation plan that documents the specific means by which the brick remnants associated with the Young Wo Chinese benevolent hall will be protected before, during, and after construction of the project to the satisfaction of the Community Development Department. In addition the brick remnant preservation plan shall be reviewed and approved by the Historic District Commission prior to approval of approval of a Grading Permit.
- If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides consultation with the Folsom Historical Society, City staff, and the Historic Preservation League. Appropriate mitigation as recommended by the archaeologist and the Historical Society representative shall be implemented. If agreement cannot be met, the Historic District Commission shall determine the appropriate implementation method.
- In the event human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American Origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely decedent. The decedent will then recommend to the landowner or landowner's representative appropriate disposition of the remains and any grave goods.

Biological Resources

A Biological Reconnaissance Survey was conducted by a professional biologist on October 16, 2011 to determine current conditions at the project site, whether substantial changes to the environment have occurred since the 2003 Biological Survey was prepared for the project site, and the current presence, location, and/or extent of biological resources in the proposed project vicinity. The regulatory framework that is relevant to the California Environment Quality Act review process for this project include; Federal Endangered Species Act, Migratory Bird Treaty Act, California Endangered Species Act, CDFG Species of Concern, California Native Plant Society, State Jurisdiction, Jurisdictional Water of the United States, and CEQA Significance Criteria.

The Biological Survey determined that none of the special status plants recorded in the project vicinity is likely to occur in the project area. One federally listed Threatened species, the valley elderberry longhorn beetle, has potential habitat in the project area. Two bird species of special concern have potential habitat in the project area and are classified as migratory birds protected by the Migratory Bird Treaty Act: white tailed kite and tricolored blackbird. Several other migratory birds also have

potential habitat in the project area, or are known to occur, including (but not limited to): barn owl, great horned owl, long eared owl, Cooper's hawk, red shouldered hawk, red tailed hawk, and Anna's hummingbird. There are no state-listed species with potential habitat in the area of the proposed project. One fully protected species is the white-tailed kite, which is likely to occur in the vicinity. There is one blue elderberry shrub located within the project site. This shrub has two main stem/trunks that are 6 to 8 inches in diameter at ground level. Several borer holes on the stems indicate use by valley elderberry longhorn beetle (VELB), a species that is federally listed as threatened. Implementation of the project would not require the removal or pruning of the elderberry shrub. While the elderberry shrub is located on the western slope of the site and may be protected by other trees, the shrub and the valley elderberry longhorn beetle could be harmed accidentally by construction-related activities. To ensure protection of the existing elderberry shrub, staff recommends that the following measure be implemented (Condition No. 42):

- The owner/applicant shall place temporary fencing 100 feet from the outer edge of the shrub canopy to protect the root system of the elderberry shrub. The owner/applicant shall ensure that no grading, ground disturbance, or parking occurs within this 100-foot fenced buffer area during project construction. The fencing shall be in place before construction-related work begins

OR

- The owner/applicant has applied for a USFWS permit to construct within the buffer area (Folsom 2006). The following measure will ensure that the applicant provides documentation to the City that said permit has been issued by USFWS: Prior to the initiation of any grading or the issuance of any construction or grading permit, the owner/applicant shall obtain all required state and federal permits and provide evidence to the City of Folsom that said permits have been obtained, or that the permit is not required. Specifically, the applicant must provide verification of a USFWS permit for construction within the required 100-foot buffer area of the elderberry bush located at the southwest corner of the site.

OR

- Prior to the initiation of any grading or the issuance of any construction or grading permit, the owner/applicant shall provide evidence to the City of Folsom that; a) USFWS approved the HCP prepared for the project; b) the elderberry shrub was relocated to the mitigation bank pursuant to the HCP; c) four VELB mitigation units were purchased in the mitigation bank; and d) arrangements have been made to meet all conditions of the HCP, including irrigation and monitoring.

As mentioned previously within this section of the staff report, special status bird species exist in the vicinity of the project area. The project area contains nesting habitat for various bird species because of the presence of mature trees, including 90 native interior live oak trees). 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 disturbances. To ensure protection of the special status birds, staff recommends that the following measure be implemented (Condition No. 43):

- If construction activities occur during the nesting season (usually from March through September), no more than 30 days prior to the initiation of construction, pre-construction surveys for the presence of special-status bird species or any nesting bird species shall be conducted by a qualified biologist within a 500 foot radius of proposed construction areas. If active nests are identified in these areas, construction should be delayed until the young have fledged, or the CDFG should be consulted to develop measures to avoid the take of active nests prior to the initiation of any construction activities. Avoidance measures may include establishment of a buffer zone using construction fencing, or the postponement of vegetation removal until after the nesting season, or until after a qualified biologist has determined the young have fledged and are independent of the nest site.

Wetlands

There are two topographical depressions located on the project site as identified in the Biological Survey (EIP 2003a), the 2003 subsurface investigation (PAR 2003), the 2006 Initial Study (Folsom 2006), and the 2011 Biological Reconnaissance. The conclusion of these evaluations is that the depressions are the result of previous mining on the site, and that they do not meet the criteria to be considered jurisdictional waters or wetlands of the U.S. (as defined by the U.S. Army Corps of Engineers). These depressions lack wetland features and are isolated from interstate waters. There are also no blue lines (indicating surface water) on the USGS topographical map of the project site. In addition, the USFWS National Wetland Inventory does not identify any water resources within the project area.

Tree Preservation

The City of Folsom Tree Preservation Ordinance (Folsom Municipal Code Chapter 12.16) regulates both the removal of protected trees and the encroachment of construction activities within their drip lines. Protected trees include native oak trees with a trunk diameter of 6 inches or greater, or multiple-trunked oak trees with an aggregate trunk diameter of 20 inches. An arborist report prepared by Kemper Tree Care, Inc. dated March 25, 2010 identified 161 trees, including 90 interior oak trees, within the project area. The arborist report identified 16 trees that should be removed due to poor health, including 12 interior live oak trees, and recommended many others for pruning (crown clean out). The March 2011 tree removal plan provided by the applicant plan indicates removal of 105 trees (65 percent of the total), including 61 interior live oak trees (68 percent of oak trees on site).

Protected trees (according to City of Folsom Tree Preservation Ordinance (Chapter 12.16)) that are proposed to be removed under the current tree removal plan include: 51 interior live oak trees that meet the definition of *protected native oak tree*; and 7 interior live oak trees that meet the definition of *protected heritage tree*. It is important to note that project site grading and/or construction may result in damage to additional trees. To mitigate the impact to the protected oak trees, staff recommends that the following measures be implemented (Condition No. Nos. 37-41):

- The project is subject to the Tree Preservation Ordinance and any mitigation required as a result of impacts to oak trees. The owner/applicant shall retain a certified arborist for the project. The project arborist will oversee tree removal and the preservation of the trees on site during and after construction. The owner/applicant shall provide funding for this arborist.
- Tree mitigation is required pursuant to the Tree Ordinance, and can include replanting of oak trees on the site, paying mitigation fees, or a combination of these two methods. The

City Arborist will review the final site improvement plans and determine the precise amount required at that time. Compensatory mitigation off-site consists of one of the following mitigation measures:

- Payment into the Tree Planting and Replacement Fund of an inch-for-diameter-inch replacement in lieu fee set by City Council resolution; or
 - Dedication of property for the purpose of planting trees based on the following ratio: 1 diameter inch = 0.004 acre of land (175 square feet) – the minimum area of dedication for such property shall be five acres of land, unless the property is contiguous to existing or planned open space, in which case the minimum dedication is one acre of land; off site mitigation of this type must be approved by the City council; or
 - Planting of trees on either public property, property with a conservation easement, or on property with an irrevocable offer of dedication to the City, pursuant to the ratios set forth in the Tree Ordinance.
- The owner/applicant shall place high-visibility orange mesh protective fencing and signing every 50 feet around the Tree Protection Zone of any existing trees on the project site that are identified for preservation pursuant to Folsom Municipal Code Chapter 12.16. The fencing shall remain in place throughout the construction process to assure that the protected trees are not damaged. Placement of the fencing shall be subject to the review and approval of staff prior to the issuance of any improvement, grading, or building permits. Simply protecting the area within the Tree Protection Zone may not always save the tree(s), so other tree protection measures may be required.
 - The owner/applicant shall submit a tree permit application to the City prior to commencement of any grading or site improvement related activities.

Existing and Proposed Landscaping

Vegetation on the 4.25-acre project site consists primarily of oak or oak/foothill pine woodland, with an understory of native and introduced shrubs, vines, and annual grasses and forbs. As mentioned previously, there are a total of 161 trees on the project site including 90 interior oak trees. Native and/or naturalized tree and shrubs species present on the site include; interior live oak, foothill pine, incense cedar, California buckeye, California black walnut, Tree of Heaven, coyote brush, elderberry, poison oak, blackberry, and oleander. Plant species present on the site include; Italian rye grass, foxtail barley, ripgut brome, clover, milk thistle, wild oats, lupine, fennel, and purple vetch.

Proposed landscape improvements include a variety of trees, shrubs, groundcover, and turf. Among the proposed trees are; sycamore, Chinese pistache, London plan, crape myrtle, and dogwood. Proposed shrubs and groundcover include; Oregon grape, California spice bush, giant chain fern, bearberry, horsetail, toyon, India hawthorn, fortnight lily, and rosemary. Consistent with the City's parking lot shade requirement (40% shade coverage within 15 years), the proposed project is providing 40% shade coverage over the uncovered portion of the parking areas. It is also important to note the western portion of the project site will remain undeveloped and in its natural vegetated state. Staff recommends that the final landscape plans and specifications for site development be prepared by a registered landscape architect and approved by the City Arborist and City staff prior to approval of

improvement plans. In addition, staff recommends that the final landscape plans comply and implement water efficient requirements as adopted by the State of California (Assembly Bill 1881). Condition No. 38 is included to reflect this requirement.

Architecture/Design

As mentioned in the project background, the applicant has made significant changes with respect to the architecture and design of the proposed multi-story condominium buildings. Previously, the applicant attempted to blend a variety of design themes (Art Deco, Moorish, Historic Main Street, and Craftsman) together to create a rather unique historic appearance. Based on comments received at the June 24, 2014 City Council meeting, the applicant worked closely with staff to create a new design concept for the proposed project that focused on a more traditional historic design theme. The revised architecture contains many design features that can be found on Sutter Street (Sutter Court Building and the Folsom Electric Building) including varied roof heights and shapes, arched openings, balconies, canopies, awnings, cornice details, decorative light fixtures, and multi-paned windows. Primary building materials are also similar and include brick, stucco, metal balconies and canopies, canvas awnings, and wood-framed window and door systems. The predominant building colors, which consist of brick red, brown, and tan, are accented by darker colors including black and silver.

The design concept envisioned for the River Way Subarea of the Historic District is focused on design forms from the 1850 to 1950 time frame. The Historic District Design and Development Guidelines indicate that requests to deviate from historic authenticity in structural design may be more readily approved in this area due to the areas mixed-use intent, the space needs of artists, and the proximity to state park lands, a newer residential subdivision, a potential future resort-conference center, and a bridge corridor. However, the Guidelines strongly urge the creative use of historic forms of the 1850-1950 era. The design intent for new construction within the River Way Subarea and for the Historic District in general is to encourage development to:

- Retain and enhance the attributes that make the Historic District unique while providing a basis for change
- Ensure that new development is integrated with renovation and upgrading of existing historic structures wherever feasible and appropriate
- Provide a basis upon which new development can be constructed consistent with preservation and upgrading of the existing building stock
- Ensure that the new construction reflects the residential scale and character of the neighborhoods

As discussed previously, the design principles for new construction within the Historic District recommend that details and materials should follow the patterns and principles of historic architectural design from the 1850 to 1950 era. General patterns and design elements recommended by the Guidelines include; maintaining harmony in the height and volume of structures, ensuring corner buildings are visually prominent, providing windows that are large and transparent, including pedestrian walkway coverings, and incorporating historic decorative elements. With respect to building materials, the Guidelines encourage the use of durable, high-quality finishes, commercial grade materials, historically appropriate detailing, and new materials that are complementary to the historic context. Examples of appropriate building materials include; wood siding, board and batten, stucco, brick, stone, masonite, metal fascia, wood shingles, composition shingles, wood-framed

windows, painted metal, canvas awnings, and wood shutters. The Guidelines also recommend that color schemes avoid being bland where the values are the same or very similar.

In evaluating the proposed building elevations for the Sibley Corner Building, the North Building, and the South Building, staff noted the application of a traditional historic design theme through the prominent use of brick veneer, balconies, covered entries, and arched window openings. This classic design theme helps create a vibrant street scene that is likely to promote street-level pedestrian activity. The building elevations incorporate notable architectural elements that are promoted by the Design Guidelines including varied roof heights and shapes, arched openings, balconies, canopies, awnings, cornices elements, decorative light fixtures, decorative railing, and multi-paned windows. The proposed building materials are consistent with the Design Guidelines and include brick, stucco, metal balconies and canopies, canvas awning, and wood-framed windows and doors . In addition, the proposed color scheme creates a warm and inviting environment through the use of strong earth tones (red, brown, and tan) supplemented with dark accent colors.

The proposed project includes three freestanding garage structures that are intended to provide parking for residents of the North and South Buildings. Each of the proposed garages is a single-story structure that is 16 feet in height. Proposed building materials for the garages include paneled wood doors, brick veneer, and composition shingle roof tiles. Proposed colors include tan (doors), white (trim elements), red (brick veneer), and earth-tone (roof tiles). Staff has determined that the proposed garages structures utilize a design, materials, and colors that are complementary to the North and South Buildings. In addition, staff has determined that garage structures are consistent with the Design Guidelines.

The proposed project includes development of two single-family residences on the upper level of the site facing Sutter Street. The single-family homes, which are two-stories tall (21 feet tall), include an attached garage that will accommodate a single car. The single-family residences feature a craftsman-style design and incorporate a variety of unique features including varied roof shapes, covered porches, and decorative trim elements. Primary building materials include wood siding, brick veneer, wood trim and detailing, and composition shingles. The color scheme for the single-family homes includes tan as the primary color accented by brown, gold, and earth-tone colors. Staff has determined that the design, materials, and colors of the single-family homes are consistent with residential recommendations of the Design guidelines. In addition, staff has determined that the design of the homes is compatible with the design of the nearby single-family residential homes in Lake Natoma Shores.

Inclusionary Housing Ordinance

As specified in the Folsom Municipal Code, Section 17.140.030, the applicant is required to provide inclusionary housing units equal to ten (10) percent of the total number of units in the project, including very-low income units equal to three (3) percent of the market rate units within the subdivision and low-income units equal to seven (7) percent of the market rate units. In this particular case, the applicant would be required to provide six inclusionary housing units within the proposed development including 4 low-income units and 2 very-low income units. The applicant has submitted an inclusionary housing plan that calls for development of 4 affordable housing units (3 low-income units and 1 very-low income unit) within the Phase I portion of the project site and 2 affordable housing units (1 low-income unit and 1 very-low income unit) with the Phase II portion of the site. Staff recommends that the Final Inclusionary Housing Plan be subject to review and approval by the Community Development Department. In addition, staff recommends that the applicant prepare an

Inclusionary Housing Agreement, which will be subject to review and approval by the City Council. Condition No. 69 is included to reflect these requirements.

Public Input

The project applicant sponsored two informational meetings with local neighbors to educate them about the details of the proposed project. The first informational meeting was held on March 3, 2010 in the City Council Chambers (this meeting was actually held prior to the applicant submitting a formal development application). The second informational meeting was conducted on August 9, 2010 in the City Council Conference Room. A fairly substantial number of residents (approximately 25 people) attended each of the aforementioned informational meetings. Among the concerns expressed by residents at the informational meetings were; traffic impacts, access locations, density of the project, design consistency, recognition of cultural features, number of rental units, and sewer capacity. Staff has addressed these topics within the context of this staff report.

The subject development application associated with the proposed project was originally submitted to the City on August 9, 2010. Subsequent to the application being submitted, City staff has had a significant amount of communication (phone calls, in-person meetings, letters, and emails) with residents expressing their concern about the proposed project. The following list summarizes the general nature of the concerns expressed about the proposed project:

- Decrease in property values
- The project density is too great
- Scale of the buildings is not consistent with the surrounding development
- Significant number of trees proposed for removal
- Destruction of plant and animal habitat
- Negative Declaration relies on 1992 General Plan which is outdated
- Project should be delayed until General Plan is updated
- Mixed-use development is not appropriate for the project site
- Concern over existing and proposed infrastructure and improvements
- Applicant's obligation for improvements to the Leidesdorff Street right-of-way
- Pedestrian access between the project site and the Preserve neighborhood
- Impact to the City's Corporation Yard and future development of that site

Staff has addressed the aforementioned areas of concern within the individual sections of this staff report.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study and Mitigated Negative Declaration (Attachment 32) for the project in accordance with the California Environmental Quality Act (CEQA) regulations and determined that with the proposed mitigations, the project will not have a significant effect on the environment. The Mitigated Negative Declaration has been prepared and noticed for public comment on the project, and mitigation measures have been included as Conditions of Approval. To date, no written comments have been received from the public during the Mitigated Negative Declaration public review period specific to the Initial Study and Mitigated Negative Declaration.

ATTACHMENTS

1. Resolution No. 9388 – A Resolution to Adopt the Mitigated Negative Declaration, to Approve a Tentative Subdivision Map, to Approve a Zoning Code Text Amendment, to Approve a Conditional Use Permit, and to Approve a Planned Development Permit for the development of 36 for-sale condominium units, 18 for-sale residential flats, and 2 single family homes for the Leidesdorff Village Residential Project
2. Ordinance No. 1210 – An Uncodified Ordinance to Amend the Zoning Designation for the 4.25-acre project site from R-4 (General Apartment District) to HD PD (Historic District, Planned Development District) for the Leidesdorff Village Residential Project
3. Vicinity Map
4. Rezone Exhibit
5. Proposed Zoning Code Text Amendment to FMC, Section 17.52.070 (River Way Subarea) and FMC, Section 17.52.090 (Resort Subarea)
6. Existing and Proposed Historic District Subarea Maps
7. Revised Site Plan, dated September 30, 2014
8. Revised Cross-Section of Project Site, dated August 19, 2014
9. Originally Submitted Site Plan, dated November 30, 2012
10. Originally Submitted Colored Site Plan, dated November 30, 2012
11. Aerial Site Plan and Details, dated November 30, 2012
12. Tentative Subdivision Map and Condominium Plan, dated November, 2012
13. Right-Of-Way Abandonment Map, dated April, 2012
14. Preliminary Grading and Drainage Plan, dated November, 2012
15. Preliminary Draft Off-Site Drainage Plan, dated August, 2010
16. Preliminary Grading Plan Sections, dated April, 2012
17. Preliminary Off-Site Sewer Plan, dated August, 2010
18. Preliminary Landscape Plan, dated November 30, 2012
19. Tree Removal Exhibit, dated November, 2012
20. Emergency Vehicle Access (EVA) Exhibit, dated April 19, 2012
21. Vehicle Circulation Exhibit, dated November 30, 2012
22. Parking Table
23. Pedestrian Circulation Exhibit, dated March 20, 2013
24. North Building Elevations and Floor Plans, dated September 25, 2014
25. South Building Elevations and Floor Plans, dated September 25, 2014
26. Single-Family Residences Building Elevations and Floor Plans, dated August 10, 2010
27. Sibley Corner Building Elevations and Floor Plans, dated September 25, 2014
28. Color Perspective from Leidesdorff Street
29. Joss House Dedication Building Elevation and Site Details
30. Project Narrative, dated May 10, 2013
31. Inclusionary Housing Plan
32. Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program
33. Public Comments
34. Site Photographs
35. Historic District Commission Staff Report, dated August 21, 2013
36. Minutes from August 21, 2013 Historic District Commission Meeting

RECOMMENDATION /CITY COUNCIL ACTION

Move to Adopt Resolution No. 9388 – A Resolution to Adopt the Mitigated Negative Declaration, to Approve a Tentative Subdivision Map, to Approve a Zoning Code Text Amendment, to Approve a Conditional Use Permit, and to Approve a Planned Development Permit for the development of 36 for-sale condominium units, 18 for-sale residential flats, and 2 single family homes for the Leidesdorff Village Residential Project

And

Move to Adopt Ordinance No. 1210 - An Uncodified Ordinance to Amend the Zoning Designation for the 4.25-acre project site from R-4 (General Apartment District) to HD PD (Historic District, Planned Development District) for the Leidesdorff Village Residential Project (Second Reading and Adoption)

Submitted,



DAVID E. MILLER, AICP

Public Works and Community Development Director

Attachment 12

Letter from Applicant, dated November 30, 2016



1725 Capitol Ave, Sacramento, CA 95811
916.442.4288 office , 916.442.2110 fax
www.dandsdev.com

To Steve Banks,

D&S Development, Inc. would like to formally request to extend entitlements on our Leidesdorff Village project located at 1108 Sutter Street. Due to the lawsuit from an adjacent neighbor, we have been unable to proceed forward with our project. The current lawsuit prohibits any activity or development on this site until resolved in court.

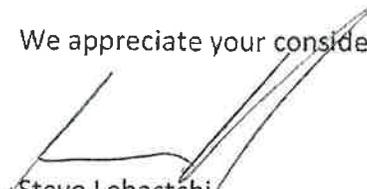
In consideration of the above extension, we ask that the project conditions include the below language that would allow our two years of entitlement begin once the lawsuit is finalized. We have tried our best to settle with the neighbor, however, she has been unreasonable and this has tied up any possible development of the land. We believe it is fair to ask that the City consider the following.

Project's Conditions of Approval #3 be amended as follows:

"Unless otherwise extended by provisions of the California Subdivision Map Act, the Folsom Municipal Code, or other request by the applicant, this project approval granted under this staff report shall remain in effect for two years from final date of approval (December 9, 2016). Failure to obtain the relevant building (or other) permits within this time period, without the subsequent extension of this approval, shall result in the termination of this approval.

If a lawsuit is filed subsequent to approval of this project which seeks to invalidate any approvals granted, or to enjoin the development contemplated herein or the issuance by any governmental agency of any environmental document, Planned Development Permit, building permit, or other construction permit or entitlement required in connection with any of the activities or construction authorized by the project approvals, the project approvals shall be tolled during the time that any litigation is pending, including any appeals."

We appreciate your consideration on the matter.



Steve Lebastchi
D&S Development, Inc.
steve@dandsdev.com
916.997.5033

Attachment 13

Letter from Larry Sorensen, dated March 7, 2017

RECEIVED

MAR 8 2017

FOLSOM BUILDING

Terry L. Sorensen
1216 Forrest Street
Folsom, CA 95630
(916) 351-1328

March 7, 2017

Commissioners
Historic District Commission
City of Folsom
50 Natoma Street
Folsom, CA 95630

RE: March 15, 2017, HDC public hearing on Leidesdorff Village Residential Project

Dear Commissioners:

My name is Terry Sorensen and I reside in the Historic District of Folsom, at 1216 Forrest Street. I have lived at that address since 2005. Over the last several years, I have followed quite closely the on-going efforts of Steve Lebastchi dba D & S Development to build what is essentially a high-density condominium project on a piece of property located in the Historic District at 1108 Sutter Street immediately adjacent to the City Corporation Yard. That project is currently known as the Leidesdorff Village Residential Project.

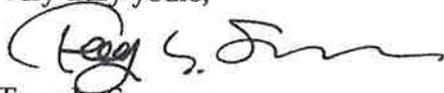
I have several comments to make concerning that Project and the subject HDC Hearing as follows:

1. The Project is currently the subject of an item of litigation pending in Sacramento County Superior Court titled *Deborah Grassl v City of Folsom, et al.*, Case No. 34-2015-80002007. That litigation takes the form of a Petition for Writ of Mandamus and alleges, in essence, that in approving the Project back on December 09, 2014, the City failed to comply with certain legal provisions, principally the California Environmental Quality Act (CEQA), and that the Court should therefore order the City to set aside and void its approvals of the Project and refrain from further consideration of the Project pending the City's full compliance with CEQA, including preparation and certification of a full and complete environmental impact report (EIR). A copy of the subject Petition is attached. Said litigation is ongoing but should be resolved at a trial/hearing on the merits scheduled for August 4, 2017. While the subject Petition does, admittedly, request relief in the form of a temporary restraining order and/or preliminary injunction, Petitioner Grassl has never moved the Court for the issuance of such an order/injunction, and, accordingly, no such order/injunction has ever been in effect in enjoining any activity on the Project by Steve Lebastchi/D&S. This state of affairs easily can be confirmed by consulting the Court website: www.services.saccourt.ca.gov, choose Public Case Access System, from the tabs up above choose Civil, on the pull-down menu choose Search by Case, enter the Case No. and hit Search;
2. The nature of the relief sought by developer Lebastchi/D&S at the March 15, 2017, HDC hearing is confusing, to say the least. As the HDC records should reflect, the entitlements on which Lebastchi/D&S are now seeking extensions were all denied by the HDC back on August 21, 2013, when the Project (then known as the Leidesdorff Village Mixed-Use Project) was last before the HDC. Query: How can HDC grant approval of extensions of entitlements it has

previously denied? The “logic” of this matter being brought before the HDC for consideration escapes me unless, perhaps, a complete “re-do” of the Project approval process is contemplated. However, such an intention certainly is not expressed in the Notice of Public Hearing circulated by the City (and, furthermore, would be improper due to lack of public notice);

3. Also, it appears that the relief sought by Lebastchi/D&S is untimely and therefore barred. By the admission of Lebastchi/D&S in their undated letter to the City requesting “to extend entitlements” on the Project, the subject entitlements, pursuant to “Project’s Conditions of Approval #3” were to remain in effect only until December 9, 2016, and that the failure to obtain the relevant permits pursuant to those entitlements during that time period would result in the “termination” of the entitlement approvals. Accordingly the time for Lebastchi/D&S to obtain the relief now sought expired approximately three months ago. Clearly, an entitlement that has been terminated no longer exists, and something that no longer exists cannot be extended;
4. In the Notice of Public Hearing under consideration, the City represented that: “Copies of the proposal are on file in the Community Development Department, 50 Natoma St., Folsom, California.” Wishing to review that proposal I went to the Community Development Department on the morning of March 1, 2017 where I met briefly with Steve Banks, Principal Planner. I told Mr. Banks that I would like to review a copy of the “proposal” referred to in the Notice of Public Hearing. In response, Mr. Banks provided me with a copy of a truncated-version (up through page 21, only) of the December 9, 2014 City Council Staff Report on the Project; various maps, plans, elevations and floor plans (identified as Attachments 2-9); an additional copy of the December 2014 City Council Staff Report (identified as Attachment A10); and an undated letter to the City from Mr. Lebastchi of D & S (identified as Attachment 11). None of the CEQA compliance documents were attached, and, at page 19 of the Staff Report it is stated: “To date, no written comments have been received from the public during the Mitigated Negative Declaration public review period specific to the Initial Study and Mitigated Negative Declaration.” In my opinion, this “no written comments” assertion is blatantly untrue. Numerous written comments expressing environmental concerns were submitted by the public to the City in opposition to the Project, one of which deserves special consideration; and
5. That written submission was prepared by Deborah Grassl, the *pro per* Petitioner in the *Grassl v the City of Folsom* case, in which she argued convincingly that there were potentially significant Chinese cultural resources at the Project site that heretofore had not been archaeologically identified or explored. She further argued that a full-blown EIR was required under CEQA prior to any grading/construction on the site in order to preserve potential cultural resources. A copy of Ms. Grassl's written submission dated December 9, 2014 is attached. It is my information that Ms. Grassl submitted this report to the Planning Department no later than the early afternoon hours of December 9, 2014. Also attached is a copy of a transcript of Ms. Grassl's oral testimony provided to the City Council later that same evening. It is of note that none of this information provided by Ms. Grassl is referenced in the copy of the December 9, 2014 City Council Staff Report provided to me by Steve Banks.

Very truly yours,



Terry L. Sorensen

P.S. By the way, if you have a few spare minutes, you might be interested in viewing an on-line presentation by Ed McMahon, Senior Analyst with the Urban Land Institute titled, "Where Am I? The Power of Uniqueness" that I feel presents a point of view relevant to the Leidesdorff Village Residential Project. Simply Google "Ed McMahon Where Am I? The Power of Uniqueness". This is a TED-X Talk from Jacksonville, Florida. TLS

attachments: Petition for Writ of Mandamus
Deborah Grassl's 12/09/14 written submission packet
12/09/14 City Council Meeting transcription of Grassl testimony

1 Deborah Grassl
2 1340 Young Wo Circle
3 Folsom, CA 95630
4 916.952.0916
5 arm@artpass.net

FILED
Superior Court Of California,
Sacramento
01/12/2015
mmeraz
By _____, Deputy
Case Number:
34-2015-80002007

6 In Propria Persona

7
8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SACRAMENTO**
11

12
13 **Deborah Grassl**

Case No.

14
15 Petitioners,

**Petition for
Writ of Mandamus**

16 v.

17 **City of Folsom and City Council**
18 **of the City of Folsom;**

California Environmental Quality Act
[CEQA]

19 Respondents;

20 _____/
21 **D & S Development, Steve**
Lebastchi, and Does 10 to 15;

BY FAX

22 Real Parties in Interest.
23
24 _____/
25
26
27
28

1 Petitioner alleges:
2

3 **Introduction**

4 1. This mandamus action is brought in the public interest to challenge
5 approval of the Leidesdorff Village Residential Project in the Folsom Historic District
6 without adequate environmental review and mitigation of the project's impacts,
7 including significant impacts to cultural and historic resources. The multi-phased
8 project proposes condominiums, apartments, and single family homes that in turn
9 require construction of underground utilities, driveways, parking spaces, retaining
10 walls, and extending Leidesdorff Street.
11

12 Because environmental impacts, including but not limited to impacts to
13 historic and archaeological resources, may be significant, the Folsom Historic
14 District Commission recommended denial of the project's use permit, tentative
15 subdivision map, and condominium plan. The City Council rejected the
16 recommendations and approved the project without adequately studying
17 environmental impacts, including impacts to historic, cultural, and archaeological
18 resources, without adopting feasible mitigation measures requested by community
19 members and the Historic District Commission, and without preparing an
20 environmental impact report (EIR).
21
22

23 Each public agency in California must prepare an EIR whenever citizens or
24 appointed commissioners present a fact-based "fair argument" that a proposed
25 discretionary project *may* have significant environmental impact, regardless of
26
27
28

1 evidence to the contrary. Petitioner Deborah Grassl is among those that provided
2 fact-based evidence of potentially significant project impacts.

3 CEQA is a citizen-enforced statute, and petitioner Grassl seeks a peremptory
4 writ in the first instance. To comply with CEQA, the City must set aside its approval
5 of the project and reconsider its action only after preparing an adequate EIR that
6 studies environmental impacts and adopts feasible alternatives and mitigations.
7
8

9 **Jurisdiction**

10
11 2. This Court has jurisdiction under Public Resources Code section 21168
12 and Code of Civil Procedure section 1094.5. The parties and the project site are located
13 within the County of Sacramento in the City of Folsom.
14

15 **Parties**

16 3. Deborah Grassl is a resident of Folsom who enjoys and appreciates the
17 environmental qualities of the City, including its cultural and historic character. She
18 brings this petition on behalf of all others similarly situated too numerous to be named
19 and brought before this Court as petitioners. Grassl objected to the approval of the
20 project, requested the preparation of an EIR, and exhausted administrative remedies.
21
22

23 4. Respondent City of Folsom, through its respondent City Council, is the
24 governmental body that approved the Leidesdorff Village Residential Project on the
25 basis of a mitigated negative declaration, and is the lead agency under CEQA.
26

27 5. Real parties in interest D & S Development and Steve Lebastchi are the
28 project applicants who sought and received approval for the Leidesdorff Village

1 Residential Project and are named in the Notice of Determination.

2 6. Does 1 through 15 are named as petitioners and real parties in interest
3 because true names and capacities are currently unknown to Grassl. If true names and
4 capacities become known, Grassl will amend this petition to assert them.
5

6 7. The paragraphs below refer to and rely on information in documents
7 relating to this action, all of which will be filed with this Court as part of the record of
8 proceedings and are here incorporated by reference.
9

10 **General Allegations**

11
12 8. Real parties in interest D & S Development and Steve Lebastchi propose to
13 develop a 4.25 acre site in the City of Folsom's Historic District. The Leidesdorff Village
14 Residential Project proposes development of 36 for-sale condominium units, 18 for-sale
15 residential flats, and 2 single-family homes. The project requires a rezone, Zoning Code
16 amendment, tentative subdivision map, conditional use permit, and planned
17 development permit.
18

19
20 9. Local residents, including Deborah Grassl, expressed significant
21 environmental concerns in recent years when the project has been pending, relating to
22 project-related impacts on the City's cultural, historic, and archaeological resources,
23 traffic, open space, visual impacts, lack of completion of city studies re biology and
24 cultural resources, and inconsistencies with adopted land use plans, statutes,
25 regulations, and ordinances, among other impacts.
26
27
28

1 10. In 2012, the City filed a Notice of Preparation with the State Clearinghouse,
2 listing areas of environmental concern including biological resources, noise, soil
3 erosion/compaction/grading, land use, and archaeologic-historic impacts. A Notice of
4 Preparation is only filed after an agency decides that an EIR is required for a project.
5 However, the City did not proceed to prepare an EIR.
6

7 11. Also in 2013, the City's appointed Historic District Commission resolved to
8 recommend the City Council's adoption of the project's proposed mitigated negative
9 declaration and mitigation monitoring program, the rezone, and the zoning code text
10 amendment. The Commission then recommended that the City Council *deny* the
11 proposed tentative map, condominium plan, conditional use permit, and planned
12 development permit for the Leidesdorff Village Residential Project. The Commission
13 found, among other problems, that the site is not physically suitable for the type or
14 density of development and that the project would be detrimental to the neighborhood
15 and that the proposed land use would have negative impact. The Commission also
16 found that the project would not comply with the intent and purposes of Chapters 17-38
17 of the Planned Development District of the Folsom Municipal Code and other
18 applicable City ordinances, that it was not consistent with the objectives, policies, and
19 requirements of City development standards, and would cause unacceptable traffic
20 impacts. The Commission recommended mitigation measures that were not adopted.
21

22 12. The City Council held two public hearings on the project in 2014. Despite
23 significant project opposition, the project was approved on December 9, 2014. A Notice
24
25
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27
28

1 of Determination was filed on December 12, 2014, and this action is timely filed on
2 Monday January 12, 2015, the first court day following the 30-day statute of limitations.

3
4 13. Petitioner Grassl has no plain, speedy, and adequate remedy in the
5 ordinary course of law. Issuance of a peremptory writ is needed to avoid immediate,
6 severe, and irreparable harm to Folsom residents and City resources via the
7 construction of the project without compliance with environmental laws. The City has
8 the capacity to correct its violations of law but refuses to do so.
9

10 **Violations of the California Environmental Quality Act**

11
12 14. Petitioner Grassl incorporates all previous paragraphs as if fully set forth.

13
14 15. The City abused its discretion and failed to act in the manner required by
15 law in approving the Leidesdorff Village Residential Project on the basis of a mitigated
16 negative declaration rather than preparing an EIR, because the administrative record
17 contains substantial evidence supporting a fair argument that the project may result in
18 significant environmental impacts, including, *inter alia*, project-related and cumulative
19 impacts on the City's cultural, historic, and archaeological resources, traffic, biology,
20 open space, visual impacts, and inconsistencies with adopted land use plans, statutes,
21 regulations, and ordinances. The City failed to address cumulative impacts and
22 reasonably foreseeable future development of the City's Corporation Yard facilitated by
23 the rezoning and use permit issued for this project.
24

25
26 16. The City abused its discretion and failed to act in the manner required by
27 law in approving the Leidesdorff Village Residential Project because it failed to adopt
28

1 feasible mitigation measures, failed to adequately analyze biology and cultural
2 resources, and failed to adopt an adequate mitigation monitoring program.
3
4

5 Wherefore, petitioner Grassl requests:

6 1. That the Court issue a peremptory writ of mandamus ordering respondents
7 City of Folsom, *et al.*, to set aside and void approvals of the Leidesdorff Village
8 Residential Project and to refrain from further consideration of the project pending its
9 full compliance with CEQA, including preparation and certification of an adequate EIR
10 and adoption of feasible mitigations and alternatives based on findings supported by
11 substantial evidence;
12

13 2. That the Court issue a temporary restraining order and/or preliminary
14 injunction enjoining the City respondents and real parties in interest and their agents
15 and employees from any and all physical actions in furtherance of the Leidesdorff
16 Village Residential Project or that would physically alter the project site while this
17 petition is pending, including but not limited to grading, demolition, pre-construction,
18 or construction activities of any kind;
19

20 3. For costs and attorney fees pursuant to CCP section 1021.5; and
21

22 4. For such other and further relief as the Court finds proper.
23

24 January 12, 2015
25

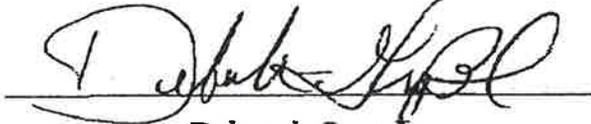
26 

27 Deborah Grassl
28 In Propria Persona

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Verification

I, Deborah Grassl, verify that I have read this petition and know its contents. The matters stated in it are true and correct based on my knowledge, except as to the matters stated on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the above is true and correct and is executed this 12th day of January, 2015, at Folsom, California.


Deborah Grassl

RECEIVED

DEC - 9 2014

PLANNING DEPARTMENT

Deborah Grassl
1340 Young Wo Circle
Folsom, CA 95630
(916) 952-0916
arm@artpass.net

December 9, 2014

Mayor and City Council Members
CITY OF FOLSOM
50 Natoma Street
Folsom, CA 95630

RE: Resolution No. 9388, Mitigated Neg Dec
Leidesdorff Village Residential Project (LVRP)

Dear Mayor and City Council Members:

There is new primary source evidence pertaining to Chan Oak and Young Wo & Co cultural resources which impacts the Mitigated Negative Declaration contained in Resolution No. 9388 attached to the Leidesdorff Village Residential Project (LVRP). Beyond the previously identified remnant of Chinese hand-placed bricks (LVRP Staff Report, Cultural Resources, page 12), the fate of potentially significant cultural resources associated with Chinese people significant in our past, and unique to the areas of Folsom and Canton, China, hang in the balance.

PRIMARY SOURCE EVIDENCE

The primary source evidence accompanying this packet documents Young Wo & Co property chain-of-title from 1878, 1881, and 1883 (Center for Sacramento History archives), oral histories of individuals who lived in Folsom (Folsom Historical Society and History Museum archives), and a 1956 City of Folsom survey map (Clair A Hill & Associates of Redding, California in Appendix).

The City of Folsom survey map shows the the siting of building foundations connected by an unincorporated road, where activities took place from at least 1878 – 1939 on the city-owned Burnett Street easement, between Leidesdorff and Sutter Streets, and Lebastchi owned parcels 1-4 in Block 17, and parcels 9-13, in Block 18, as documented on the map. The map descriptions fit the oral histories of George Chan and Howard Chan, sons of Chan Oak, June Chan, granddaughter of Chan Oak and Mr. Les Cruickshank, son of the Folsom blacksmith, who then followed in his father's footsteps. All grew up in Folsom and were familiar with Chinese people and their activities. These sites, together with the property chain-of-title documents, show Burnett Street and parcels on Block 17 & 18 have the highest possibility for the Young Wo & Co. Huiguan activity, foundations for a Benevolence Hall, Shrine and caretaker's cottage, plus the stable where Chan Oak kept his horse and wagon.

The huiguans of Folsom belonged to the Young Wo, Sam Yup, and Hakka who came from specific regions in and around Canton, China, and the Sze Yup, who were clan based from the same region. A huiguan was a centuries old association rooted in a geographical region or clan to support and benefit Chinese sojourners

and immigrants in a foreign country. (Him Mark Lai) Please see the Chart and Map of Huiguan member origins for further clarification of where Folsom's Chinese people originated (Appendix): 130

If the oral histories bear out that Chan Oak was from the village of Shuinan (Suinan) in the Taishan (Toishan) area, then he would have belonged to the Sze Yup Huiguan – although primary and secondary evidence documents he served the Young Wo, Sam Yup and Hakka in Folsom, too. Currently, his direct descendents carry on this tradition of service through the Chinese cemeteries.

In 1995 the Folsom cemeteries built by the Young Wo, Sam Yup and Sze Yup, and maintained by Chan Oak and the Chan family, were recognized as a California State Point of Interest and put on the National Register of Historic Places. These Cantonese cemeteries have been the only visible part of the entire huiguan system. Now the other building locations belonging to the Young Wo & Co. Huiguan have been found.

CONCLUSION

The Young Wo were a significant people who brought valuable knowledge and skills to a newly forming State of California. The huiguan branches organized people newly arrived from Canton, China who in turn provided the base labor, goods and services frontier towns needed. They were part of the reason the Folsom area evolved quickly from individual mining claims to a flourishing network of small towns that prospered

June Chan, granddaughter of Chan Oak, and the Folsom history community are actively engaged in saving Chan Oak's home on Sutter Street and organizing a Chinese museum, because Chan Oak was a pioneer, merchant, interpreter, scribe, comprador, father and early citizen of California, in short a significant person o note.

Therefore, the potentially significant archaeological information to be gathered before starting grading of the Leidesdorff Village Residential Project site is relevant and timely.

RECOMMENDATON

Based on new primary source evidence the Council should consider:

1. Removal of the Mitigated Negative Declaration from Resolution 9388;
2. Enacting the legal protections provided by CEQA for potentially significant cultural resources;
3. Require an Environmental Impact Review before the LVRP proceeds;

New Archaeological Treatment and Curation Plans should take into consideration suggestions made by Chinese cultural historian and specialist-in-lost-or-obscured information, Anna Naruta (see Bibliography) by including a knowledgeable Chinese history community; including 'sensitive impact threshold' language recognizing the unique potential of significant resources; a requirement of work done by a qualified team; anticipation of an extensive report to be published; and the curated artifacts with documents and reports housed in a permanent repository accessible to researchers;

- A. Archaeological Plan oversight of the in-progress and final results should be accountable and specify the general scope of land use research, and name specific documents and records that must be studied;
- B. Qualified Cultural Resources specialist and Archaeologist requirements on the archaeology team during ground disturbances – both specialty area coverage;
- D. Methodology for sensitive impact threshold treatment of archaeological deposits which is efficient, effective and affords a chance to observe relationships between deposits. No backhoe trenching;
- E. Procedure for history community participation;
- F. Community review prior to any removal of foundations or other ground-disturbing activities;
- G. Curation Plan showing how the resultant archaeological collection will be provided for and where it will reside.

Respectfully submitted,



Deborah Grassl

Cc: June Chan, Folsom, CA
Naomi Chan Jobe, Folsom, CA
Mr. Yiu Ting Ng, President, Yeung Wo Association, San Francisco, CA
Ms. Sue Lee, Executive Director, Chinese Historical Society of America, San Francisco, CA

APPENDIX

1878, June 18. **Deed.** Yong Wo & San Yup purchased acreage in Mormon Island from James Carr.

1881, Dec. 22. **Deed.** Young Wo Co purchased Section 17, parcels 1-4 from C.H. Wilder.

1883, May 3. **Deed.** Yong Wo, purchased parcels 3-8 of Block 40 purchased from Jas. B. and Mary Harris

Survey of the City of Folsom. Clair A. Hill & Associates, Redding, CA. , Leidesdorff/Burnett Streets & vicinity.
Map 6 of 6: approx 1956. Courtesy of Jerry Young, Surveyor.

Chart of Historical Composition of Membership in Sze Yup, Sam Yup, Young Wo nd Yan Wo Huiguans of San Francisco in Folsom, California 1851-2014. November, 2014

Guangdong Province **Map** of Huiguan Member Origins 1850s to 1880s. November, 2014

Letter. July 12, 2013 Land Use and CEQA Documents, addressed to the Historic District Commission, Folsom, California

Letter. August 21, 2013 Leidesdorff Village Revised Initial Study and Mitigated Negative Declaration, addressed to the Historic District Commission, Folsom, California

Letter. June 18, 2014. Historic District Commission's Denial of Leidesdorff Village, addressed to City Council Members, Folsom, California.

County of Sacramento, Clerk Recorder
Grantee Grantor Index System
January 1849 thru December 1889

Page 295-297

Original Book 91
Recorded December 22, 1881

JAMES CARR

TO

YONG WO & SAN YUP
COMPANY

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This indenture made this eighteenth day of June
in the year of our Lord one thousand eight
hundred and seventy eight between

James Carr of the County of Sacramento State of California the party of the first part and the Yong Wo and San Yup Companys (Chinamen) consisting of Ah Yet, Ah Hum, Ah Sung, Ah Wong, Ah Keil, Ah See, Ah Sue, Ah Pak, Ah Cum and Ah Moon of said County of Sacramento State aforesaid the parties of the second part Witnesseth that the said party of the first part for and in consideration of the sum of Ten hundred and fifty dollars to him in hand paid by the parties of the second part the receipt whereof is hereby acknowledged has bargained sold and conveyed and by these presents does grant bargain sell and convey unto the said parties of the second part and to their heirs and assigns an undivided one third (1/3) part of all that certain piece or parcel of land situate lying and being in the County of Sacramento State of California described as the North east quarter of the South East quarter of Section No Twenty (20) Township No Ten (10) N. Range Eight (8) East Mount Diablo Meridian Together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in anywise appertaining rents issues and profits thereof and also all the estate right title interest property possession claim and demand whatsoever as well in law as in equity of the said party of the first part of in or to the said premises and every part and parcel thereof with appurtenances. To have and to hold all and singular the said premises together with the said appurtenances unto the said parties of the second part and to their heirs and assigns forever In witness whereof the said party of the first part and hereunto set his hand and seal the day and year first above written.

SIGNED SEALED & DELIVERED
IN PRESENCE OF W.W. SHELDON

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{

JAMES CARR

(SEAL)

State of California
County of Sacramento

iss

On the Eighteenth day of June AD on the year one thousand eight hundred and seventy eight before me W.W. Sheldon Justice of the Peace in & for the Town of Folsom County of Sacramento personally appeared James Carr known to me to be the same person whose name is subscribed to the annexed instrument and acknowledged to me that he executed the same In Witness whereof I have hereunto set my hand and affixed my private seal of my office having no seal of office the day and year in this Certificate first above written.

(SEAL)

W.W. Sheldon
Justice of the Peace

(SEAL)

Recorded at the request of W.C. Crosett August 23rd 1878 at 51 min's past 11 A.M.

Note: This deed was for land in the Town of Mormon Island, on the outskirts of Folsom, next to Henry Mette's property at a bend in the American River. The property consisted of approximately 41 acres. The property is recorded in Sacramento County Assessors Maps of 1882, page 33 with the description of Township 10 North Range 8 East as being occupied by C's Yong Sam, Ah Qua & Co. agt.

County of Sacramento, Clerk Recorder
Grantee Grantor Index System
January 1849 thru December 1889

Original Book 104
Recorded December 22, 1881

Page 228

CHARLES H. WILDER

TO

YOUNG WO. CO.

This indenture made the 12th day of August

in the year of our Lord one thousand eight

hundred and eighty one between

Charles H. Wilder party of the first part and the Young Wo Company both of the County of Sacramento & State of California the party of the second part witnesseth, that the said part of the first party for and in consideration of the sum of One Hundred and fifty (\$150) Dollars to him in hand paid by the said party of the second part the receipt where of is hereby acknowledged has granted bargained and sold, conveyed and confirmed and by these presents does grant bargain and sell convey and confirm unto the said party of the second part and to their heirs and assigns forever all of that real property situate in the town of Folsom in said County of Sacramento & State of California & known & described as Lots one (1) two (2) three (3) four (4) in Block Number seventeen (17) as laid down upon the map of said Tow of Folsom made by T.D. Judah. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining and the reversion and reversions remainder and remainders, rents, issues and profits thereof, and also all the estate, rights title interest property possession, claim and demand whatsoever as well in law as in equity of the said party of the first part of in or to the said premises and every part and parcel thereof with the appurtenances to have and to hold, all and singular the said premises together with the appurtenances unto the said parties of the second part their heirs and assigns forever. In witness thereof the said party of the first has hereunto set his hand and seal the day and year first above written.

SIGNED SEALED AND

DELIVERED IN PRESENCE

OF P.J.HOPPER

W.W. SHELDON

CHARLES H. WILDER

(SEAL)

State of California
County of Sacramento

{
{
{

SOS

On this 12th day of August in the
year one thousand eight hundred and eighty one before me P.J. Hopper a Notary Public in & for
said County personally appeared Charles H. Wilder known to me to be the person whose name is
subscribed to the written instrument and acknowledged to me that he executed the same In
Witness whereof I have hereunto set my hand and affixed my official seal the day and year in
this Certificate first above written.

(SEAL)

P.J. HOPPER

Recorded at the request of the YOUNG WO CO. December 22nd 1881 at 50 mins past 2 P.M.

James B. Harris }
Mary Harris } This, Indenture, made the third day of May
To } in the year of our Lord one thousand eight
Yong Wo } hundred and eighty three between James

B. Harris and Mary Harris his wife of the Town of Folsom
County of Sacramento, State of California, the parties of the
first part and Yong Wo, of same place the party of the second
part, It is remembered, that the said parties of the first part, for and
in consideration of the sum of Four hundred and fifty
Dollars, gold coin of the United States of America, to them in
hand paid by the said party of the second part, the receipt
whereof is hereby acknowledged, do by these presents grant
bargain sell and convey unto the said party of the second
part, and to his heirs and assigns forever, all those certain
lots, pieces or parcels of land, situate lying and being in
the town of Folsom, County of Sacramento, State of Califor-
nia described as follows to wit: Lots No. Three (3) Four (4)
Five (5) Six (6) Seven (7) Eight (8) in Block No. Forty as laid
down and delineated on the map or plan of said town
of Folsom made by J. D. French which map or plan is
now on file in the office of the Recorder of said County
of Sacramento, State aforesaid. Together with all and
singular the tenements, hereditaments and appurtenances
thereto belonging or in anywise appertaining, and the
reversion and reversions, remainder and remainders,
rights, issues and profits thereof. To have and to hold,
all and singular, the said premises, together with the ap-
purtenances, unto the said party of the second part, and
to his heirs and assigns forever. In Witness Whereof,
the said party of the first part have hereunto set their
hands and seals the day and year first above written.
Signed, Sealed and Delivered } James B. Harris Seal
in the presence of } Mary Harris Seal
H. C. Corsett
Hartford Anderson

Deed I (cont.)
Harris to Yong Wo, 1883

State of California }
County of Sacramento } On this 3rd day of May A.D.
one thousand eight hundred
and eighty three before me, Hart
ford Anderson a Justice of the Peace in and for said
Sacramento County, residing therein, duly commis-
sioned and sworn, personally appeared James B.
Harris and Mary Harris, his wife satisfactorily proved
to me to be the identical individuals described in and
who executed the annexed instrument, as parties
thereto, by the oath of M. C. Crowett a competent and
credible witness for that purpose by me duly sworn,
and the said James B. Harris and Mary Harris his wife
thereupon acknowledged to me that they executed
the same freely and voluntarily, and for the uses and
purposes therein mentioned. And the said Mary wife
of the said James B. Harris having been by me first
made acquainted with the contents of said Instrument
acknowledged to me on a private examination, sepa-
rate and apart from and without the hearing of her
husband, that she executed the same freely and volun-
tarily, without fear or compulsion, or undue influence
of her husband, and that she did not wish to retract
the execution of the same. In Witness Whereof, I here
unto set my hand and affixed my Print seal,
in said County, the day and year in this Certificate
first above written.

Hartford Anderson

Justice of the Peace (S)

Recorded at request of H. C. Crowett May 11th 1883
at 2 P. M.

CITY OF FOLSOM, CALIFORNIA SURVEY MAP: 1956

Prepared by Clair A. Hill & Associates
Redding, California

YOUNG WO & CO. HUIGUAN
PROPERTIES, BUILDINGS & ROAD
1883 - 1956

PARCELS 1-4, BLOCK 17
PARCELS 3-8, BLOCK 40
BURNETT STREET EASEMENT, BETWEEN
LEIDESDORFF AND SUTTER STREETS
HAND-PLACED BRICK ROAD

CHAN OAK BUILDING

BURNETT STREET EASEMENT, BETWEEN
LEIDESDORFF AND SUTTER STREETS } SAME

Survey map courtesy of Jerry Young, Surveyor, January, 2014.

1956

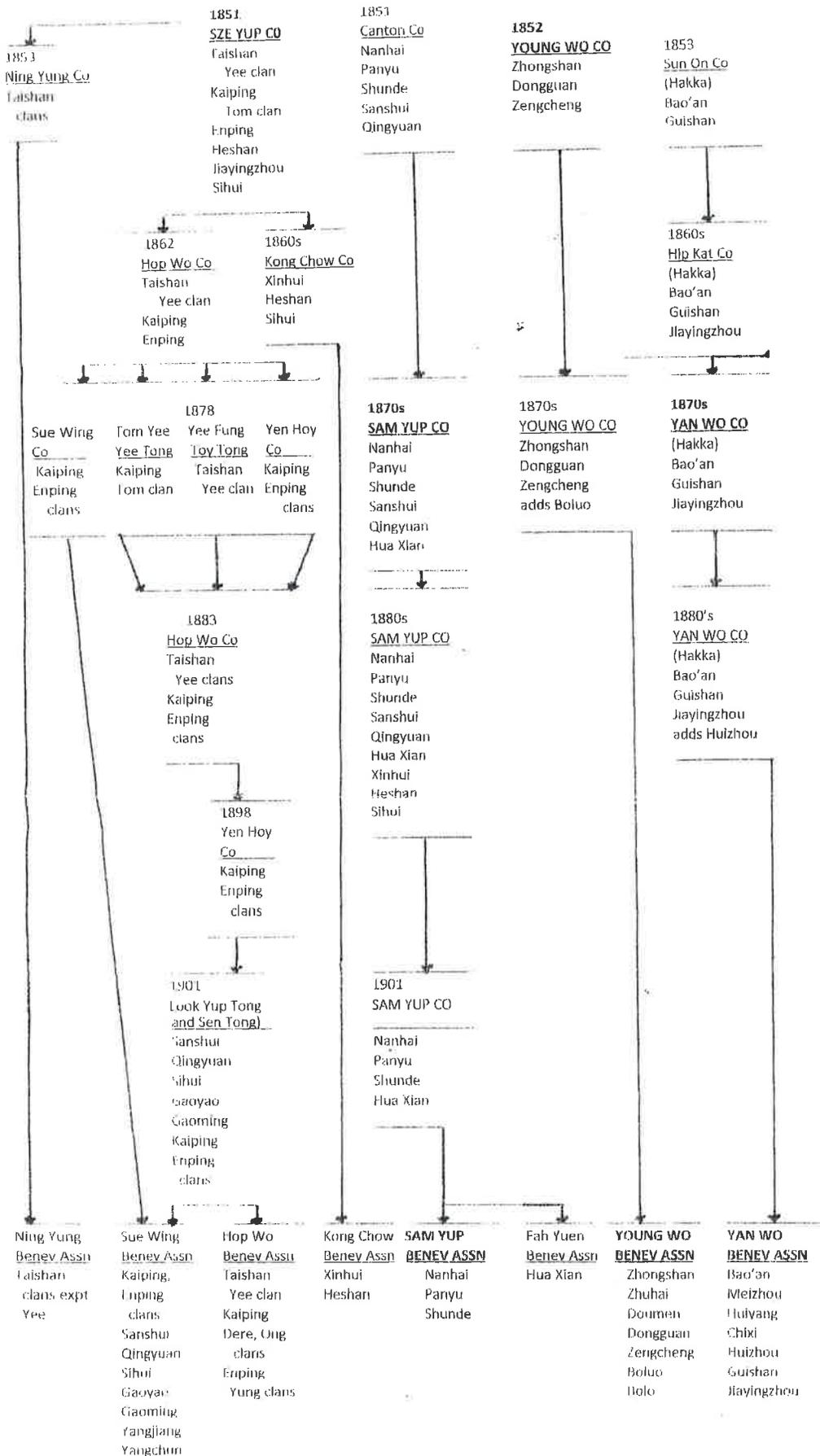
SCALE 1" = 100'
CONTOUR INTERVAL = 4'

CITY OF FOLSOM



PREPARED BY CLAIR A. HILL & ASSOCIATES
REDDING, CALIFORNIA
SHEET 6





**Historical Composition of Membership in Sze Yup, Sam Yup, Young Wo and Yan Wo
 Huiguans of San Francisco in Folsom, California 1851-2014**

by Deborah Grassl, November, 2014
 Folsom, California, USA

1880
 CHINESE SIX COMPANIES
 Ning Yung, Hop Wo, Kong Chow, Sam Yup, Young Wo, Yan Wo
 1901-2014
 CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION
 Hoy San Ning Yung, Sue Wing, Hop Wo, Kong Chow, Sam Yup, Young Wo, Yan Wo

August 21, 2013

City of Folsom
Historic District Commission
C/O Steve Banks
50 Natoma Street
Folsom, CA 95630

RE: COMMENTS ON THE LEIDESDORFF VILLAGE MIXED-USE PROJECT AND THE
ADEQUACY OF THE REVISED INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
DATED MAY 2013

Because there is the potential for unique cultural resources on the above mentioned property, and that the mitigation measures to me appear inadequate, I believe that an environmental impact report (EIR) should be prepared rather than a mitigated negative declaration for the following reasons:

1. The lower terrace of this property has not been excavated due to vegetation and there is evidence that unique cultural resources from the ~~Young Wo Chinese Benevolent Association~~ may be located on site. An EIR should be prepared with a more extensive cultural resources investigation and analysis in order to avoid significant impacts.
2. ~~PAR Environmental Services~~ conducted a cultural resources investigation in 2004 and determined that remnants of Young Wo use may be obscured by heavy vegetation and that these remnants may be eligible for the listing on the California Register of Historic Resources (page 4). As such, a more thorough investigation and analysis through an EIR would be more appropriate and extensive than a mitigated negative declaration.
3. PAR also recommended (page 30) that if deposits are identified on the lower terrace after vegetation removal (but prior to construction) that limited test excavations should be conducted to determine legal significance. ~~This test excavation language was included in the mitigation measures of the Revised Initial Study and thus not included in the CEQA Monitoring Report.~~
4. ~~The conditions of approval included in the Staff Report, page 13 under mitigation #44 discusses mitigation for the Chinese Brick Remnant Preservation Plan. However, this mitigation for the Bricks was included in the mitigation measures of the Initial Study and thus of the CEQA Monitoring Report.~~
5. The cultural resources mitigation measures (CUL-1 and CUL-2) on page 36 are too ambiguous and need clarification. CUL-1 states that an archaeologist be present to

examine the ground surface in the lower terrace after vegetation removal and during construction. It ~~should add "but before construction"~~ to clarify that there should be time to evaluate any findings prior to any ground disturbances. Also, "during construction" needs to be clarified to include site clearing, grading, etc., and any other ground disturbances.

~~The City of Folsom should protect and preserve its unique history and can do so by determining a resource is an historical resource under CEQA Regulations, Section 15064.5 and by preparing an EIR.~~ Folsom's unique history should be preserved for future generations, and not just as a plaque on a wall or an inaccurate representation.

Sincerely,



Nancy Fallan Oldham
1348 Young Wo Circle
Folsom, CA 95630

- Cc: Daron Bracht, Chair, Historic District Commission
-
- Candace Miller, Vice Chair
 - Tom Scott
 - John Amaz
 - Mark Robert
 - Dorothy Cormack
 - Sue Mehring

July 12, 2013

City of Folsom
Historic District Commission
C/O Steve Banks
50 Natoma Street
Folsom, CA 95630

RE: LEIDESDORFF VILLAGE MIXED-USE PROJECT COMMENTS ON REZONE, ZONING CODE TEXT AMENDMENT, CONDITIONAL USE PERMIT, PLANNED DEVELOPMENT PERMIT, AND REVISED INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION DATED MAY 2013

I have reviewed the above mentioned land use and CEQA documents and have the following comments.

1. While this high density project might be a good fit in downtown Sacramento or in other urban areas, I do not believe it is a good fit in suburban Folsom, next to existing single family homes, next to a State Recreation Area, and in the Historic District. Further, as ~~it does not comply with certain zoning ordinances, the Historic District Guidelines, and other permitting requirements,~~ I do not believe that this project should be approved and along with the requested entitlements.
2. This project does not provide adequate parking and thus will spill over onto Sutter Street in the Lake Natoma Shores neighborhood. The small apartments with only 599 square feet are conveniently sized for just under the required two parking spaces. The "Club House" will be available for use by any persons outside the project, so where is the parking for these uses? Sutter Street? Further, the two single family homes to be located on Sutter Street only have one-car garages with parking in the garage and on the driveway. It is difficult to believe that cars would be parked in the small garage, and a car in the way in the driveway. So, these cars will more than likely be parked on Sutter Street. Homes with only one car garages would not fit in with the 100 or so single family homes located nearby with two car garages.
3. I do not believe that all potential impacts were adequately analyzed in the Initial Study and Mitigated Negative Declaration.
 - a. ~~Cultural Resources. On page 32 of the Revised Initial Study it states that the entire project site was not included in the archeological survey as some areas were not accessible. As it has already been determined that this site has cultural resources of significance it is imperative that all of the site be surveyed prior to determining whether a mitigated negative declaration is sufficient or whether an environmental impact report is needed instead.~~
 - b. Recreation. The existing Preserve Mini Park/Neighborhood Park is maintained by fees paid by the existing Lake Natoma Shores Landscaping and Lighting District for use by our neighborhood residents. ~~It appears that this new project plans to rely on our neighborhood park for recreation for its residents.~~ The new project needs to instead provide their own neighborhood park as the use from the new residents would greatly

impact the existing small park. ~~The new project needs to fund its own landscaping and lighting District to pay for maintenance of its own neighborhood park.~~

- c. Utilities and Service Systems. It's my understanding that the Lake Natoma Shores development is serviced by a "lift" to move wastes to the sewer line. It is not clear why this proposed project plans to hook up to the sewer lift located at the bottom of Young Wo Circle rather than directly on to the main line on Folsom Boulevard nearer where the project site is located. ~~No official evaluation by city engineers of the sewer capacity needs to be completed to determine if adequate capacity is available to add this new proposed project.~~

Sincerely,



Nancy Falian Oldham
1348 Young Wo Circle
Folsom, CA 95630

June 18, 2014

Kerri Howell, Folsom City Mayor
and City Council Members
50 Natoma Street
Folsom, CA 95630

RE: DENIAL OF THE LEIDESDORFF VILLAGE PROPOSED PROJECT
June 24, 2014 Agenda Item

Dear Mayor Howell and City Council Members:

I recommend that the City Council deny the Leidesdorff Village Project (Project) based on the recommendations for denial by the City of Folsom's Historic District Commission (HDC) at its August 21, 2013 meeting. As you know, the HDC denied the Project based on findings that the site is not physically suitable for the proposed type of development and density, that the Project does not comply with applicable city ordinances (including the FMC, Historic District, 17.52), and other findings.

The HDC as you know denied the Conditional Use Permit (CUP) and the PD Permit, but did recommend approval of the zone code text amendment from Resort Subarea to all River Way Subarea, and the rezone from R-4 to Planned Development (PD). I however question whether a rezone to PD is best for meeting the Historic District goals and purposes. It appears that the request for a rezone from R-4 to PD is to allow for a PD Permit so as to deviate from the requirements established for the River Way Subarea (see Page 15 of the Revised Initial Study May 2013). As it appears that a CUP would still be required for other deviations from the River Way Subarea, it is not clear what the goal is for a PD permit and rezone to PD. The existing R-4, Apartments would also require a CUP.

Lack of Compliance with the Historic District Design and Development Guidelines
Chapter 1, Introduction of the Guidelines, states that "In conjunction with the regulations imposed by Chapter 17.52 of the FMC, the Design and Development Guidelines limit future construction in Historic Folsom to the architectural styles extant in California between 1850 and 1950, a limitation intended to encourage the diversity which is the charm of old Folsom while preventing construction of modern buildings which would be discordant." It appears to me that this Project is better suited for a large urban city, lacks charm, and is discordant. The Guidelines further state that new buildings in the Historic District should evoke the feeling of life in small-town America. This proposed Project does not evoke that feeling and should be denied.

Lack of Consistency with the River Way Subarea of the Historic District
The River Way subarea within the Historic District under the FMC 17.52.520, includes special use and design standards, includes permitted uses such as live/work residences for artists and crafts persons and limited retail based on uses compatible with the artistic and pedestrian-oriented purposes of the subareas. Other dwelling units may be permitted.

Even with the 6 live/work units proposed with this Project, it deviates too far from the intent of the River Way Subarea with the high density and design. Further, the Project may produce visual, noise, parking and other effects that may be objectionable to surrounding uses (FMC).

Lack of Compliance with the California Environmental Quality Act (CEQA)

The CEQA documents submitted to the HDC at its August 21, 2013 meeting were revised on May 2013, and as far as I am aware have not been revised since the HDC meeting. The HDC at its meeting recommended changes to the Project Condition #44 as it relates to cultural resources. These changes also need to be incorporated into the Initial Study under Cultural Resources, the Mitigated Negative Declaration, and the Monitoring Program. Specifically, "an archaeologist shall be present to examine the ground surface in the lower terrace after vegetation removal prior to and during construction." Also recommended was a plaque to be placed somewhere on site regarding the preservation of the bricks and the Joss House.

In addition, the CEQA Initial Study (Section V, Cultural Resources) includes inaccurate information. On page 34, the first page and summary for Cultural Resources, the form is completed stating that the mitigation measures and potential impacts are for paleontological resources (c) rather than the mitigated archaeological resources (b). This error could lead the public and/or governmental entities in misinterpreting the potential impact and should be corrected.

Further, the Initial Study relies on supporting documents completed 10 years ago. For Cultural Resources, the PAR Environmental Services investigation was completed in 2003/2004. For Geology and Soils, the Geotechnical Evaluation was completed in 2003 and appears to have expired. For some Resources, the evaluation is based on information from the previous Project Application, not the recently revised. For example, Recreation discusses amenities not included in the revised Project (common house, etc.) and still relies on the existing Preserve Neighborhood Park (aka Mini Park) to fulfill recreational opportunities. This Project needs to provide its own Park, as the Project is not part of the Lake Natoma Shores Lighting and Landscaping District which oversees the Park.

Recommendations

I recommend that this Project be denied. A better fitting project could adhere more closely to the Historic District Ordinances, Guidelines, and compatibility with the surrounding area. While there are inconsistencies in the zoning for this site, there should be other alternatives that could better meet the Historic District goals and purposes. Such alternatives could include more Artisan Live/Work Units with owner occupied requirements and still include the preservation of open spaces due to the physical attributes of the site and being adjacent to the State Recreation Area.

In addition, as one of the purposes of the Historic District is to preserve and enhance the historic, small-town atmosphere of 1850-1950, an alternative project should include single family homes with unique features. The neighboring Preserve Subdivision (aka Lake Natoma Shores) includes quaint single family homes (where I live) located in the Historic District and were built to incorporate architectural styles of the 1850 to 1950's, and does emulate small town America with unique architecture, front porches, and alleyways.

I hope you will consider these recommendations and the Historic District Commission's recommendations and deny this Project.

Sincerely,

Nancy Fallan Oldham
1348 Young Wo Circle
Folsom, CA 95630

Cc: Vice Mayor Ernie Sheldon
Cc: Councilmember Steve Miklos
Cc: Councilmember Andy Morin
Cc: Councilmember Jeff Starsky

BIBLIOGRAPHY

Books and Articles

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2. Lai, Mark Him. "Historical Development of the Chinese Benevolent Association/*Huiguan* System." Chinese America: History and Perspectives 1987. Chinese Historical Society of America. San Francisco: 1987.
3. Askin, Dorene, Robert Docken, Charles A. Litzinger. Folsom's Chinese Cemeteries The Young Wah Co. Site. The Great Valley History Company, Sacramento, CA. November: 1980.
4. Lai, Him Mark. "Chinese Organizations in America Based on Locality of Origin and/or Dialect-Group Affiliation, 1940s-1990s." Chinese Historical Society. San Francisco: 1996. Page 38
5. Naruta, Anna. "Activating Legal Protections for Archaeological Remains of Historic Chinatown Sites." The Journal of the Chinese Historical Society of America. San Francisco, CA. 2007: p 119
6. Lum McCunn, Ruthanne. Chinese in America, Design Enterprises of San Francisco. San Francisco, California: 1979
8. Crowder, Linda Sun. "Mortuary Practices in San Francisco Chinatown." AltaMira Press, Lanham, M.D. 2005.

Center for Sacramento History, City and Sacramento of County archives, California

7.
 - (a) 1878, June 18. **Deed.** Yong Wo & San Yup purchased acreage in Mormon Island from James Carr. Clerk Recorder, Original Book 91, pages 295-297
 - (b) 1881, December 22. **Deed.** Young Wo Co purchased Section 17, parcels 1-4 from C.H. Wilder. County Clerk Recorder, Original Book 104, page 228-229.
 - (c) 1883, May 3. **Deed.** Sacramento County Recorder, Deed Book 107, Yong Wo, purchased parcels 3-8 of Block 40 purchased from Jas. B. and Mary Harris, page 358
 - (d) 1916, **Map** Natoma Water and Mining Company's Subdivision No. 1 and Town of Folsom, Natomas Company of California, Book 2 of Maps at Page 21, Dec. 26, 1888
 - (e) 1906, **Map.** Amended Plat of Blocks 67 and 74, Folsom, Sacramento, County, California, Folsom Development Co., courtesy of Jerry Young.

Folsom Historical Society & History Museum Oral Histories and Personal Interview

8.
 - (a) Chan, George Jr. Oral history. 22 Nov. 1991. Interviewer June S.Hose, transcript. 106 pages
 - (b) Chan, Howard Sr. Oral History. 15 April. 1981. Interviewer Betsy Strand, audio tape
 - (c) Cruickshank, Les. Oral History, 11 March, 1987. Interviewers Will & Marge Egloff, transcript. pages 24-26
 - (d) June Chan, Phone and in-person Interviews in 2014, Interviewer Deborah Grassl

City of Folsom Documents

9. 1956. **Map.** Clair A. Hill & Associates, Redding, CA. "Survey of the City of Folsom." Leidesdorff/Burnett Streets and vicinity. Map 6 of 6: Courtesy of Jerry Young, Surveyor.
10. **Resolution No. 2525.** A RESOLUTION TO PROMOTE THE PROTECTION AND ENHANCEMENT OF AN HISTORICAL CHINESE CEMETERY. December 5, 1988. Folsom City Council, Folsom, California.
11. August 21, 2013. **Meeting Minutes,** "Denial of Leidesdorff Village Project", Historic District Commission Meeting, Folsom, California

Map and Chart of Huiguan Members and Member Origins

12. November, 2014. **Chart.** Grassl, Deborah, et al compilation of works by Him Mark Lai, Silvia Sun Minnick and others. "Historical Composition of Membership in Sze Yup, Sam Yup, Young Wo and Yan Wo Huiguans of San Francisco in Folsom, California 1851-2014. November, 2014."
13. November, 2014. **Map.** Grassl, Deborah. "Guangdong Province Map of Huiguan Member Origins 1850s to 1880s." Folsom, California.

Letters from Nancy Fallan Oldham

14.
 - (a) July 12, 2013 Oldham, Nancy Fallan. Land Use and CEQA Documents to the Historic District Commission, Folsom, California
 - (b) August 21, 2013 Oldham, Nancy Fallan. Leidesdorff Village Revised Initial Study and Mitigated Negative Declaration, Historic District Commission, Folsom, California
 - (c) June 18, 2014. Oldham, Nancy Fallan. Historic District Commission's Denial of Leidesdorff Village, City Council Members, Folsom, California.

DESCRIPTION: FOLSOM CITY COUNCIL MINUTES
FILE: 12-09-14 CC MEETING.WMV
TRANSCRIPTION DATE: SUNDAY SEPTEMBER 4, 2016.

START OF TRANSCRIPT [00:00:00]

Andy Morin: We'll go ahead and reconvene the special meeting with Folsom City Council on any final action to report at a close session, Mr. City Attorney. Okay. With that, we will adjourn the special meeting and convene the regular meeting of Folsom City Council for Tuesday, December 9, 2014. Will the clerk please call the role?

[Christa Saunders]: Council Member Sheldon?

Ernie Sheldon: Here.

[Christa Saunders]: Starksy is absent. Council members Miklos?

Steve Miklos: Here.

[Christa Saunders]: Morin?

Andy Morin: Here.

[Christa Saunders]: And Howell?

Kerri Howell: Here.

Andy Morin: Very good. And I would ask two members of Troop 121 to join us up front and lead us in the Pledge of Allegiance to begin our meeting this evening. So, would everybody please rise. You go right up. Right up over here is good. Right there. Stop. Stop. Stop. You're good right there. Right there. The cameras will have you right there. There you go. Alright. Lead it away.

Troop 21: I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Andy Morin: Alright. Thank you.

Kerri Howell: It's just the way you described it; it sounded optional.

Steve Banks: That's correct. They must do that.

Kerri Howell: I just wanted to clarify that.

Steve Banks: With that, I'll add my update on the project. I'd be happy to answer any questions you have. The applicant is also here this evening, as well as the architect and the environmental consultant.

Andy Morin: Okay, thanks, Steve.

Steve Banks: Thank you.

Andy Morin: That was very thorough and succinct. Any questions for Steve before I open up the public comment portion? Okay.

Steve Banks: Thank you.

Andy Morin: Okay, thanks, Steve. Okay, so with that, we have a number of probably eight or so requests to speak on this. So again, in the interest of time and fairness to everyone, we'll be limited to three minutes. So, try and be succinct. And if there are questions you need to ask to get answered, we will certainly accommodate that as well.

So, we'll start off. I'll list these off and if you can kind of be ready to come up after the person before you has spoken. Deborah Grassl, followed by Nancy Oldham. After Nancy would be Joyce Roderick. Good evening, Deborah.

Deborah Grassl: Good evening, Mayor and Council Members. Thank you for hearing me. My name is Deborah Grassl. I live at 1340 Young Wo Circle. I spent 17 years living in the city of San Francisco. I studied Sinology at San Francisco State University, and concurrently I was a member of Mayor Dianne Feinstein's San Francisco Shanghai Sister City Committee.

I served for approximately a year and a half on the committee, and then the city and county sent me to Shanghai, actually to China, for seven and a half months, to study business and the arts. So I have a considerable background in Chinese, particularly cultural things. And as you know, I've brought you before the Chinese brick item pertaining to the cultural resources of the Leidesdorff Residential Project.

I did considerable research on the Young Wo of this area, and I would just like to comment that the Cultural Resources Report prepared by PAR Environmental in 2003 was never completed. It was not allowed to be completed, and they also didn't do any chain of title documentation on property ownership. They were unable to uncover where the Young Wo huiguan properties actually were. They also didn't uncover the other building owned by Chan Oak, that actually lays in the property easement way of Burnett Street, pertaining to this property.

They also were not able to uncover the fact that the Chinese...the remnants of the Chinese road actually was much, much longer than what had been supposed before. So with that said, the primary source evidence that I came forward with today is in regard to Chan Oak and the Young Wo cultural resources that are on these properties. The evidence accompanying this packet, I told you shows the chain of property title and the oral histories of individuals who lived in Folsom at the time the Chinese were operating on those properties. A City of Folsom survey map done in 1956 by Clare A. Associates of Redding, California showing this area and actually showing where the properties lay in the areas that the Leidesdorff Village Residential Project is to be built on.

So if you'll take a look in your packet, take a look at this survey map. This is the first map, pullout 11x17. You can see the Burnett Street property and you can see the note of the

foundations in the easement there. You can also see the unincorporated brick road. So now we know where those things were, at least as late as 1956. We also know that this property was not dredged. I have a map from the Folsom.

Andy Morin: Deborah, I'm going to have to ask you to kind of summarize your most important, final points here.

Deborah Grassl: Okay, the final point is I'd like you to reconsider Resolution No.9388. It contains a negative declaration in it that is incomplete, and it does not actually protect these cultural resources. I want the City of Folsom to go after these cultural resources and save them. I would like you to consider enacting the CEQA legal requirements protecting significant cultural resources now that we know where they are. They are known and they are documented.

Andy Morin: Okay.

Deborah Grassl: Then I would like you also to consider asking for a full-blown EIR before any of the property is graded for construction.

Andy Morin: Okay. Thank you for coming out this evening, Deborah. Okay, next is Nancy. Nancy will be followed by Joyce Roderick and then Steve Wetzel.

Nancy Oldham: Yeah, hi. I'm Nancy Oldham and I appreciate the changes that have been made on this project from our comments. I appreciate that the residents' input is being considered. But I do have a few...a couple more issues that I would like to bring up again. One is that there's no dedicated neighborhood park for this project. The map and then the initial study states that there's an existing adjacent neighborhood park in the preserves, also known as Lake Natoma Shores, that this project can rely on.

Now, Lake Natoma Shores has a lighting and landscaping district. We pay monthly maintenance fees like others do in Folsom to maintain the park. I believe when we bought our

HISTORIC DISTRICT COMMISSION STAFF REPORT

PROJECT TITLE	Coloma-Figueroa Tentative Parcel Map and Garage and Patio Roof Demolition
PROPOSAL	To consider a request for approval of a Tentative Parcel Map to subdivide an existing .483-acre residential property into three individual parcels, to demolish a 619-square-foot detached garage and 140-square-foot patio roof, and that the project is exempt from environmental review under CEQA.
RECOMMENDED ACTION	Approve, based upon findings and subject to conditions of approval
OWNER/APPLICANT	Daniel W. and Michelle M. Nitz Revocable Family Trust/Dan Nitz
LOCATION	307 Coloma Street
ASSESSOR'S PARCEL NO	070-0120-042
GENERAL PLAN DESIGNATION	SF (Single Family)
ZONING	R-2 (Two-Family Residence District) with an Historic District Overlay Designation of FIG (Figueroa Subarea of the Residential Primary Area)
ADJACENT LAND USES/ZONING:	North: Sutter St. Figueroa St. alley with Single-Family Residential (R-1-M, FIG) beyond South: Figueroa St. with Single-Family Residential (R-2, FIG) beyond East: Single-Family Residential (R-2, FIG) West: Coloma St. with Single-Family Residential (R-1-M FIG) beyond

SITE CHARACTERISTICS

The .483-acre project site is developed with a one-story, 1,328-square-foot single-family residence, detached garage, detached shed and associated site improvements. The project site is generally flat and includes a number of mature walnut and oak trees

PREVIOUS ACTION

None

FUTURE ACTION

Approval of the Parcel Map
Approval of a Building Permit

APPLICABLE CODES

FMC Chapter 16.24, Parcel Maps
FMC Chapter 17.52, Historic District
FMC Section 17.52.660 Demolition
Subdivision Map Act

ENVIRONMENTAL REVIEW

The project is exempt from environmental review under Section 15315 (Minor Land Divisions) and Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines

ATTACHMENTS

1. Vicinity Map
2. Tentative Parcel Map, dated March 3, 2017
3. Site Photographs
4. Photographs of Detached Garage and Patio Roof
5. Public Comment Letter

PROJECT PLANNER

Josh Kinkade, Assistant Planner

BACKGROUND

In 1923, the subject .483-acre property located at 307 Coloma Street was developed with a one-story, 1,328-square-foot single family residence. Approximately 50 years later, a 619-square-foot detached garage and 200-square-foot shed were built behind the residence. Access to the existing single-family residence is provided directly from the Figueroa/Sutter Street alley and Coloma Street. The project site, which is generally flat, includes a number of mature walnut and oak trees that are scattered throughout the property.

APPLICANT’S PROPOSAL

The owner, Dan Nitz, is requesting approval of a Tentative Parcel Map to subdivide an existing .483-acre residential property into three individual parcels. Proposed Lot A, which includes an existing single-family residence and a portion of a detached garage, is

7,006 square feet in size. Proposed Lot B, located directly south of Proposed Lot A, is also 7,006 square feet in size, and is undeveloped. Proposed Lot C, located directly east of Proposed Lots A and B, is 7,018 square feet in size, and contains a shed and a portion of an existing detached garage. Access to Lot A is provided off of Coloma Street and the Figueroa Street/Sutter Street alley. Access to Lot B is provided via Coloma Street and Figueroa Street. Access to Lot C is provided on Figueroa Street and the Figueroa Street/Sutter Street alley. A 10-foot-wide private sewer easement is proposed on the west side of Lot A to provide sewer service to Lot B, and a 10-foot-wide private water easement is proposed on Lot B to provide water service to Lot A.

To ensure that no structures cross over the proposed property lines, the applicant is also proposing to demolish an existing 619-square-foot detached garage that would otherwise cross lots A and C (as shown in Attachment 2). The applicant is also proposing to demolish a 140-square-foot patio roof attached to the existing residence that would otherwise cross lots A and B.

The applicant has indicated that they plan to develop Proposed Lots B and C with single-family residences and associated site improvements in the future. It is important to note that future development of the residential lots is subject to review and approval by the Historic District Commission as part of the Design Review application process.

GARAGE AND PATIO ROOF DEMOLITION

In order to approve a request for the demolition of a structure considered historically significant, per FMC Section 17.52.660, the Commission must consider the following:

1. Whether the public health, safety and/or welfare warrant the demolition;
2. What accommodations can be provided to the owner of the property to make it feasible for the owner to preserve the property;
3. Whether the owner of the property is willing to sell the property to a buyer who wishes to preserve the property; and
4. Whether a public entity wishes to acquire the property through exercise of the power of eminent domain in order to preserve the property.

Section 4.13 of the Historic District Design and Development Guidelines (DDGs) explains that demolition of structures with historic value should be approved only when all other options have been exhausted by the property owner and the City. On the other hand, Section 4.13 also makes clear that demolition may be more readily approved for structures which do not comply with the goals, policies, and regulations of FMC Chapter 17.52 and the DDGs themselves.

The 619-square-foot detached garage on the property was built in the early 1970's, and is a simple rectangular, single-story structure with horizontal and vertical wood siding, reflecting no particular architectural theme. The garage is not historically significant and

contains no historically significant building materials. In addition, the property is not listed on the City of Folsom’s Historical Properties Inventory list. The garage is proposed to be demolished because it would otherwise encroach over one of the proposed property lines. Demolition of this garage is required for approval of the parcel map, as structures built over property lines are not permitted. Staff supports the demolition of the garage.

The 140-square-foot patio roof attached to the residence on the property is made of wood. The patio roof contains no historically significant building materials. In addition, the residence is not listed on the City of Folsom’s Historical Properties Inventory list. Removal of the patio roof would not detract from the architecture of the residence. The patio roof is proposed to be demolished because it would otherwise encroach over one of the proposed property lines. Demolition of this patio roof is required for approval of the parcel map, as structures built over property lines are not permitted. Therefore, staff supports the demolition of the patio roof.

GENERAL PLAN AND ZONING COMPLIANCE

The project site is located within the Figueroa subarea (FIG) of the Residential Primary Area of the Historic District with an underlying zoning designation of R-2 (Two-Family Residence District). The General Plan (GP) land use designation for the project site is SF (Single-Family). The proposed three lots would result in the existing detached garage and attached patio roof to be over the lot lines, putting the lots out of compliance with the Folsom Municipal Code (FMC) and the California Building Code (CBC). As such, Condition No. 18 has been applied to the project requiring that the garage and patio roof be demolished prior to approval and recordation of the Parcel Map.

Upon demolition of the patio roof and garage, the project will be consistent with both the GP land use designation and the zoning designation for the site, as single-family residential development is identified as a permitted land use in within the FMC. The following table reflects the required and proposed development standards associated with the proposed project (upon demolition of the patio roof and garage):

Development Standards Table Coloma/Figueroa Tentative Parcel Map							
	Minimum Lot Area	Minimum Lot Width	Minimum Pervious Surface	Front Yard Setback	Rear Yard Setback	Side Yard Setbacks	Maximum Building Height
Historic Residential Primary Area Zoning	7,000 s.f.	50 ft.	45% pervious surface	20 ft.	20 ft.	5 ft. interior, 10 feet street-side yard	35 ft.
Proposed Lot A	7,006 s.f.	70.02 ft.	68%	22 ft.	36.5 ft.	7.71 ft. interior, 24 feet street-side yard	23 ft.
Proposed Lot B	7,006 s.f.	70.02 ft.	n/a	n/a	n/a	n/a	n/a
Proposed Lot C	7,018 s.f.	50 ft.	97%	n/a	n/a	n/a	n/a

As shown in the development standards table above, upon demolition of the garage and patio roof, the three proposed lots meet all of the development requirements set forth in Section 17.52.540 (Historic Residential Primary Area Special Use and Design Standards) of the FMC. Future development of Proposed Lots B and C with single-family residences requires approval of a Design Review Application by the Historic District Commission. Through the Design Review process, City staff and the HDC will verify that the future single-family residences comply with all other applicable development standards relative to building setbacks, lot coverage, building height and design. It is important to note that the Design Review Permit process provides residents and neighbors with the opportunity to provide comments and feedback on development of each of the subject parcels.

TENTATIVE PARCEL MAP

As referenced earlier within this report, the applicant is requesting approval of a Tentative Parcel Map (TPM) to subdivide the .483-acre project site into three separate parcels with the intent of allowing the newly created parcels to be sold and developed independently from the existing developed parcel. In reviewing the submitted TPM, staff determined that Proposed Lot A (7,006-square-foot lot with an existing home and a portion of an existing garage/70-foot lot width), Proposed Lot B (7,006-square-foot undeveloped lot/70-foot lot width) and Proposed Lot C (7,018-square-foot lot with a shed and a portion of an existing garage/50-foot lot width) exceed the minimum standards for the Historic Residential Primary Area in terms of lot size and lot width. Resulting building envelopes on the vacant lots would allow for the construction of residences of comparable sizes to those in the general vicinity. Lot sizes in the immediate project area range from 6,500 square feet to 21,000 square feet.

In addition, staff has determined that the proposed parcels, which are located in an urbanized area within the City, have adequate provision in terms in access and parking. Access to the three proposed residential lots is facilitated by existing public streets (Figueroa Street, Coloma Street, Figueroa Street-Sutter Street alley). Each of the residential lots will have a private driveway that connects to one of the aforementioned public streets.

FMC Section 17.52.540 requires two parking spaces for each single-family property, to be provided outside required front and street side yards. While the existing garage is being removed, the proposed TPM shows Lot A containing two uncovered 24-foot x 10-foot spaces accessible via the Figueroa/Sutter Street gravel alley thereby meeting the parking requirement.

Dry utilities (electrical, gas, telephone, etc.) are accessible to all three proposed parcels on Coloma Street, Figueroa Street and the Figueroa/Sutter Street alley. Staff has conditioned that future dry utility connection services for new buildings be placed underground at the project site (Condition #15). Proposed 10-foot-wide private sewer and water easements are shown on Proposed Lots A and B respectively to ensure that all three proposed parcels have access to sewer and water service. As a result, staff has

determined that the submitted TPM meets all requirements as set forth in Chapter 16.24 (Parcel Maps) of the FMC, as well as the requirements of the State Subdivision Map Act.

Tree Preservation

The proposed TPM notes the presence of five oak trees with canopies that extend into the parcels. The City of Folsom Tree Preservation Ordinance (FMC Chapter 12.16) regulates both the removal of protected trees and the encroachment of construction activities within their drip lines. Protected trees include native oak trees with a trunk diameter of 6 inches or greater, and multiple-trunked oak trees with an aggregate trunk diameter of 20 inches. Development on the resulting parcels will require an arborist report to identify the protected trees on the project site. Mitigation fees are required for removal or encroachment into the Tree Protection Zone of a protected oak of more than 20 percent. Condition No. 14 is included to reflect these requirements.

ENVIRONMENTAL REVIEW

The project is exempt from environmental review under Section 15315 (Minor Land Divisions) and Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION/HISTORIC DISTRICT COMMISSION ACTION

MOVE TO APPROVE THE COLOMA/FIGUEROA TENTATIVE PARCEL MAP PROJECT TO SUBDIVIDE AN EXISTING .483-ACRE RESIDENTIAL PROPERTY INTO THREE INDIVIDUAL PARCELS, AS ILLUSTRATED IN ATTACHMENT 2, AND TO DEMOLISH A 619-SQUARE-FOOT DETACHED GARAGE AND 140-SQUARE-FOOT PATIO ROOF, WITH THE FOLLOWING FINDINGS AND CONDITIONS (NO. 1-20);

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN AND ZONING CODE OF THE CITY.

CEQA FINDING

- C. THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15315 (MINOR LAND DIVISIONS) AND SECTION 15301 (EXISTING FACILITIES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

DEMOLITION FINDING

- D. THE STRUCTURES PROPOSED TO BE DEMOLISHED ARE NOT CONSIDERED HISTORICALLY SIGNIFICANT.

TENTATIVE PARCEL MAP FINDINGS

- E. THE PROPOSED TENTATIVE PARCEL MAP, TOGETHER WITH THE PROVISIONS FOR ITS DESIGN AND IMPROVEMENT, IS CONSISTENT WITH THE GENERAL PLAN, ANY APPLICABLE SPECIFIC PLAN AND ALL APPLICABLE PROVISIONS OF THE FOLSOM MUNICIPAL CODE.
- F. THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED TYPE OF DEVELOPMENT.
- G. THE SITE IS PHYSICALLY SUITABLE FOR THE PROPOSED DENSITY OF DEVELOPMENT.
- H. THE DESIGN OF THE TENTATIVE PARCEL MAP IS NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.
- I. THE DESIGN OF THE TENTATIVE PARCEL MAP IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS.
- J. THE DESIGN OF THE TENTATIVE PARCEL MAP WILL NOT CONFLICT WITH EASEMENTS FOR ACCESS THROUGH OR USE OF, PROPERTY WITHIN THE PROPOSED TENTATIVE PARCEL MAP PROPERTY.
- K. SUBJECT TO SECTION 66474.4 OF THE SUBDIVISION MAP ACT, THE LAND IS NOT SUBJECT TO A CONTRACT ENTERED INTO PURSUANT TO THE CALIFORNIA LAND CONSERVATION ACT OF 1965 (COMMENCING WITH SECTION 51200 OF THE GOVERNMENT CODE).

Submitted,

DAVID E. MILLER, AICP
Community Development Director

CONDITIONS

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

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

**CONDITIONS OF APPROVAL FOR THE COLOMA/FIGUEROA
TENTATIVE PARCEL MAP (PN 16-307)**

	Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
1.		<p>The applicant shall submit final site development plans to the Community Development Department that shall substantially conform to the exhibits referenced below:</p> <ul style="list-style-type: none"> • Tentative Parcel Map, dated March 3, 2017 <p>The project is approved for the Coloma/Figueroa Tentative Parcel Map and Garage and Patio Roof Demolition, which includes subdividing an existing .483-acre parcel into three individual parcels and to demolish a 619-square-foot detached garage and 140-square-foot patio roof. Implementation of the project shall be consistent with the above-referenced items as modified by these conditions of approval.</p>	M	CD (P)(E)
2.		<p>The project approval granted under this staff report shall remain in effect for two years from final date of approval (March 15, 2019). Failure to file a parcel map within this time period, without the subsequent extension of this approval, shall result in the termination of this approval.</p>	M	CD (P)
3.		<p>The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> • The City bears its own attorney's fees and costs; and • The City defends the claim, action or proceeding in good faith <p>The owner/applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the owner/applicant.</p>	OG	CD (P)(E)(B) PW, PR, FD, PD, NS

**CONDITIONS OF APPROVAL FOR THE COLOMA/FIGUEROA
TENTATIVE PARCEL MAP (PN 16-307)**

	Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
4.		This project shall be subject to all applicable City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all applicable City-wide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project will begin on the date of final approval (March 15, 2017). The fees shall be calculated at the fee rate in effect at the time of building permit issuance.	B	CD (P)(E), PW, PK
5.		The owner/applicant agrees to pay to the Folsom-Cordova Unified School District the maximum fee authorized by law for the construction and/or reconstruction of school facilities. The applicable fee shall be the fee established by the School District that is in effect at the time of the issuance of a building permit. Specifically, the owner/applicant agrees to pay any and all fees and charges and comply with any and all dedications or other requirements authorized under Section 17620 of the Education Code; Chapter 4.7 (commencing with Section 65970) of the Government Code; and Sections 65995, 65995.5 and 65995.7 of the Government Code.	B	CD (P)
6.		At such time that the individual parcels are developed, building plans, and all civil engineering plans, shall be submitted to the Community Development Department for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Folsom.	B, I	CD (P)(E)
DEVELOPMENT COSTS AND FEE REQUIREMENTS				
7.		The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.	M	CD (P)(E)
8.		If applicable, the owner/applicant shall pay off any existing assessments against the property, or file necessary segregation request and pay applicable fees.	M	CD (E)

**CONDITIONS OF APPROVAL FOR THE COLOMA/FIGUEROA
TENTATIVE PARCEL MAP (PN 16-307)**

	Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
9.		<p>The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.</p>	M	CD (P)(E)
10.		<p>If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the applicant shall reimburse the City for actual costs it incurs in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the Final Map, improvement plans, or beginning inspection, whichever is applicable.</p>	M	CD (P)(E)
SITE DEVELOPMENT REQUIREMENTS				
11.		<p>Public and private improvements, including roadways, curbs, gutters, sidewalks, bicycle lanes and trails, streetlights, underground infrastructure and all other improvements shall be provided in accordance with the current edition of the City of Folsom <i>Standard Construction Specifications</i> and the <i>Design and Procedures Manual and Improvement Standards</i>.</p>	I, B	CD (P)(E)
12.		<p>The owner/applicant shall coordinate the planning, development and completion of this project with the various utility agencies (i.e., SMUD, PG&E, etc.).</p>	I	CD (P)(E)
13.		<p>For any improvements constructed on private property that are not under ownership or control of the owner/applicant, a right-of-entry, and if necessary, a permanent easement shall be obtained and provided to the City prior to issuance of a grading permit and/or approval of improvement plans.</p>	G, I	CD (E)

**CONDITIONS OF APPROVAL FOR THE COLOMA/FIGUEROA
TENTATIVE PARCEL MAP (PN 16-307)**

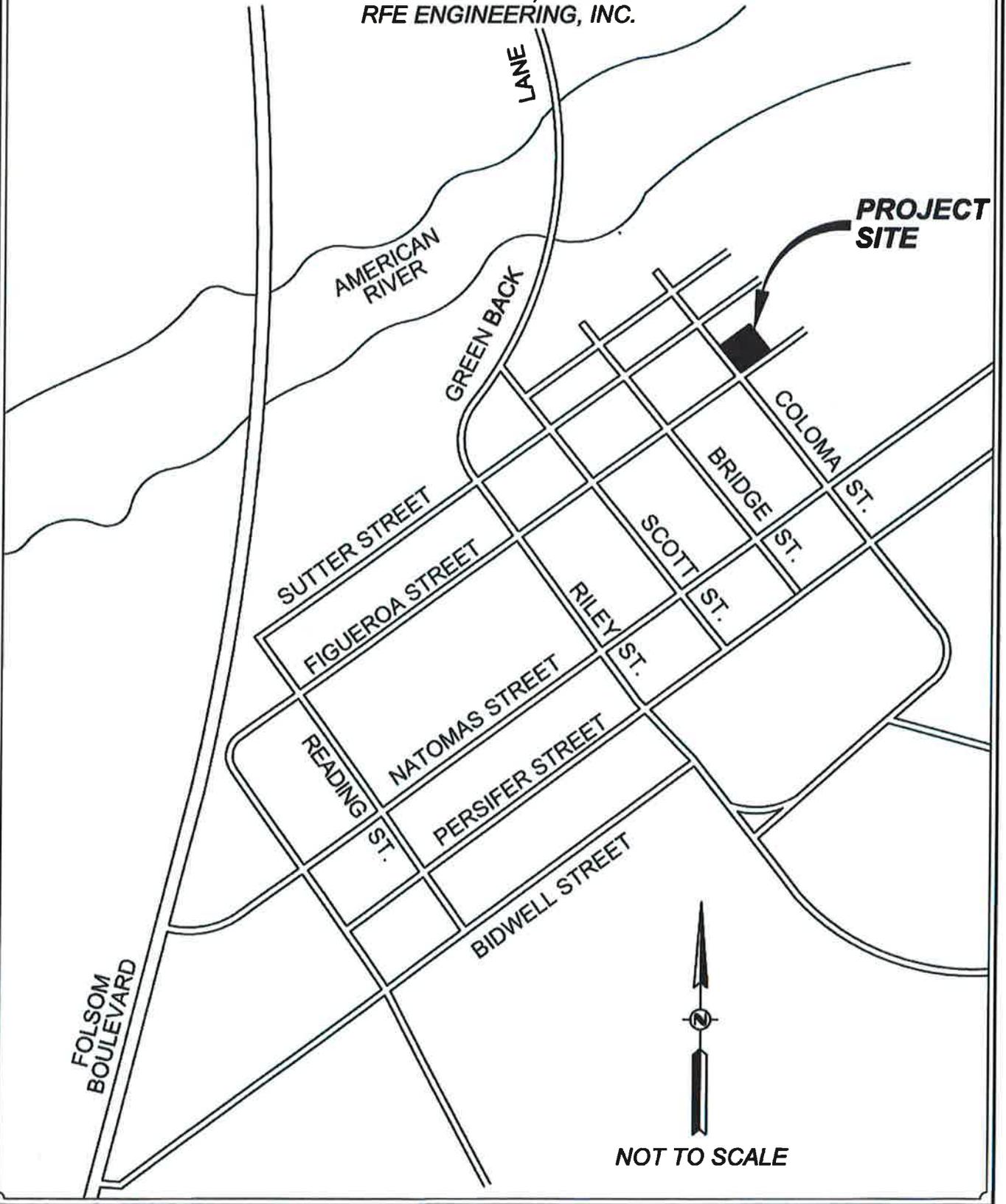
	Mitigation Measure	Condition/Mitigation Measure	When Required	Responsible Department
14.		The owner/applicant shall submit a tree permit application for review and approval by the City prior to commencement of any grading or site improvement related activities. Development on the resulting parcels will require an arborist report to identify the protected trees on the project site. Mitigation fees are required for removal or encroachment into the Tree Protection Zone of a protected oak of more than 20 percent.	I, B	CD (P)(E)
15.		Future dry utility connection services (electrical, gas, telephone, etc.) for new buildings shall be placed underground at the project site.	B	CD (E)
MAP REQUIREMENTS				
16.		Prior to the issuance of building permits, the owner/applicant shall provide a digital copy of the recorded Parcel Map (in AutoCAD format) to the Community Development Department.	B	CD (E)
17.		The owner/applicant shall provide the Folsom-Cordova Unified School District with a copy of the recorded Parcel Map.	B	CD (E)
18.		Prior to the recording of the Parcel Map, the owner/applicant shall enter into a deferred improvement agreement with the City, identifying public improvements, if any, to be constructed. The owner/applicant shall provide security acceptable to the City, guaranteeing construction of the improvements.	M	CD (P)(E)
19.		The existing detached garage and patio roof shall be demolished prior to recording the Parcel Map.	M	CD (P)(E)
NOISE REQUIREMENTS				
20.		Compliance with Noise Control Ordinance and General Plan Noise Element shall be required. Hours of construction operation shall be limited from 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. Construction equipment shall be muffled and shrouded to minimize noise levels.	G, I, B	CD (P)(E)

ATTACHMENT 1

Vicinity Map

VICINITY MAP

307 COLOMA STREET
CITY OF FOLSOM, COUNTY OF SACRAMENTO
SEPTEMBER, 2016
RFE ENGINEERING, INC.

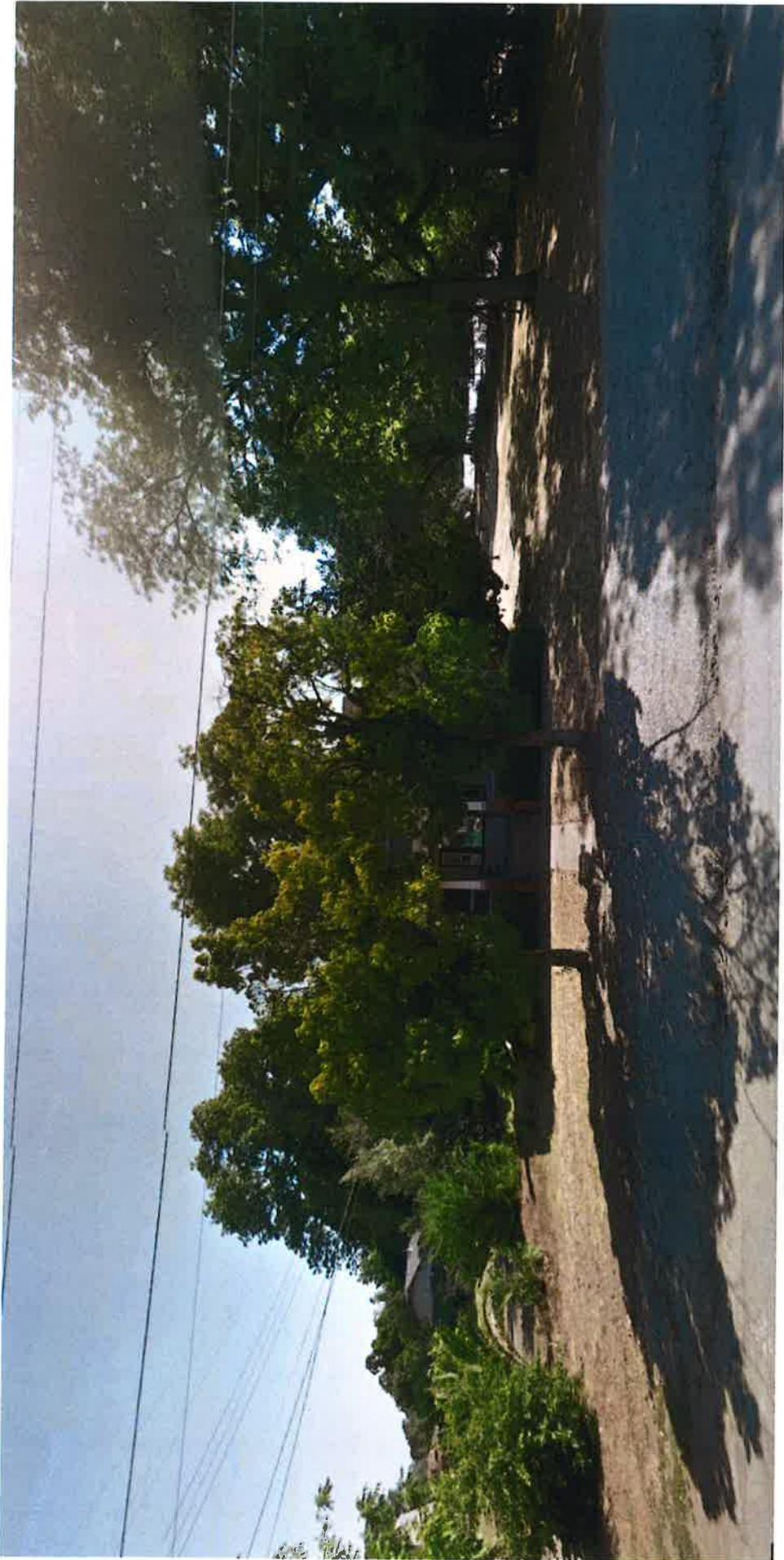


ATTACHMENT 2

Tentative Parcel Map, dated March 3, 2017

ATTACHMENT 3

Site Photographs







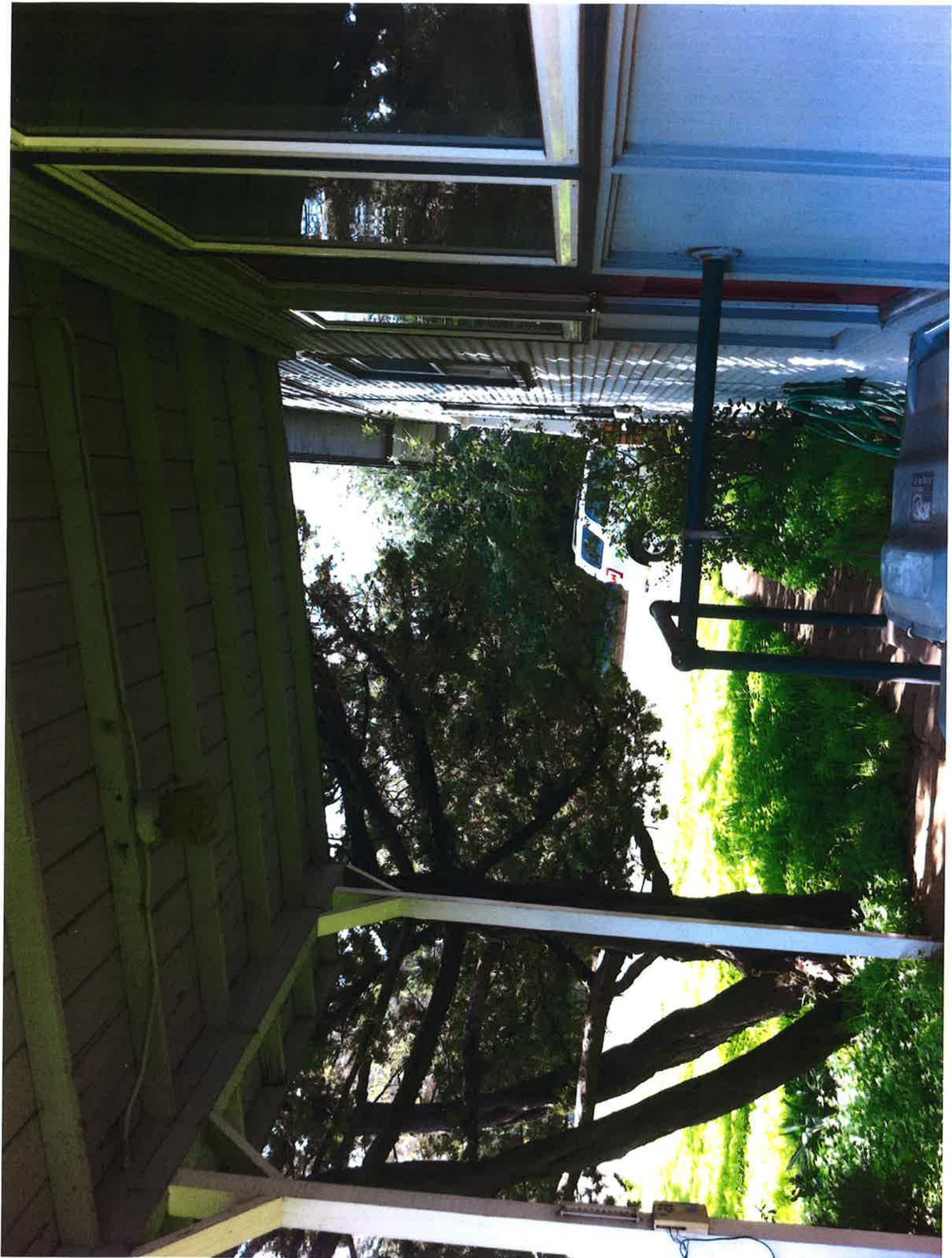


307

ATTACHMENT 4

Photographs of Detached Garage and Patio Roof





ATTACHMENT 5

Public Comment Letter

Josh Kinkade

From: LJ Laurent <ljlarent@att.net>
Sent: Wednesday, March 01, 2017 11:30 AM
To: Christa Freemantle
Cc: Steven Banks; Josh Kinkade; Evert W. Palmer; Dan Haverty; Rhonda Crawford
Subject: PN 16-307, unknown address near Coloma Figueroa Tent. Map Sub.

To: City Clerk (**for:** file 16-307, city council members)
cc: J Kinkade, S. Banks, Planner; Dev. Director
From: LJ Laurent
Mar 1, 2017
Re: Tent. Map of Subdivision for unknown addresses, unknown Legal Descriptions.

Despite the city's sole citation: legal challenges, relevant code is CA Government Code section 66410 et seq. Subdivision Map Act.

What kind of "legal Notice" excludes the address(es), legal descriptions, empowering state code, and location of Posted Notices on sites, and illustration of proposed actions in a very dense area. There is **no mention** of necessary dedications, intended usages, zoning, HD Zoning Overlay, NOR impact on schools, sewers, etc. in an area with very old infrastructure. There is a sewage basin built with this very same area last year to "prevent" raw sewage overflows. Is HD and Plan Commission prepared to deal with added raw sewage from unknown types of new construction?

Why is this NOT signed/approved by the city engineer seeking compliance with an Engineer Law, namely CA Sub. Map Act?

Moreover, how can I exercise a right to comment when there are absolutely **none of the critical details of engineering, land use, undersized utility lines (esp. sewage pipes)???**

Please add this to City Clerk Application and/or file, Public Notices. (Doesn't the city law require the City Clerk to process, issue Public Notices?)

This is very sloppy incomplete work, which is -- under law -- province of City Engineer who needs to ensure legal compliance. Mr. City Manager, if you please, let's get some information/compliance from City Engineer whom we pay to regulate/protect our safety, schools, etc.

HISTORIC DISTRICT COMMISSION STAFF REPORT

PROJECT TITLE: Escape Folsom Conditional Use Permit

PROPOSAL: Request for approval of a Conditional Use Permit for an escape room with bar and food service and for determination that the project is exempt from CEQA

RECOMMENDED ACTION: Approval with findings and subject to conditions

APPLICANT: Off the Hook Haunted Attractions, LLC

OWNER: 724 Sutter LLC

LOCATION: 727 Traders Lane

ZONING: HD, Sutter Street Subarea of the Commercial Primary Area

GENERAL PLAN DESIGNATION: CA, Specialty Commercial

ADJACENT LAND USES AND ZONING: North: Parking lot and Leidesdorff Street (HD)
South: Sutter Street retail area (HD)
East: Sutter Street retail area (HD)
West: Sutter Street retail area and church (HD)

SITE CHARACTERISTICS: The existing vacant building is comprised of a former bar and grill. The tenant space utilized for the proposed use is 5,500 square feet in area.

FUTURE ACTION: Issuance of a business license and a building permit

APPLICABLE CODES:

FMC Chapter 15.52; HD, Historic District
FMC Chapter 17.60; Use Permits
The Historic District Design and Development Guidelines

ENVIRONMENTAL DOCUMENTATION:

The Project is categorically exempt from environmental review based on Section 15301 (Existing Facilities) of the guidelines for the California Environmental Quality Act (CEQA)

ATTACHED REFERENCE MATERIAL:

1. Project Vicinity
2. Proposed Floor Plan
3. Proposed Business Description

PROJECT PLANNER

Josh Kinkade, Assistant Planner

BACKGROUND

The building located at 727 Traders Lane has entrances fronting both Sutter Street and Traders Lane. Yagers Brew Pub previously occupied the space; and although the original tenant did not have a Conditional Use Permit to allow amplified music and dancing, the establishment did provide these uses at this venue and was grandfathered in as acquiring the use prior to the business requiring a use permit. In 2009, the Historic District Commission approved a Conditional Use Permit for the Yagers 727 bar to operate a bar/restaurant establishment that featured live music and dancing 3 to 5 evenings per week. This Conditional Use Permit expired in 2013 due to the use being discontinued for over a year.

APPLICANT'S PROPOSAL

The applicant, Off the Hook Haunted Attractions, LLC, is proposing to operate an escape room with a beer and wine bar and food service in the 5,500-square-foot internal tenant space located at 727 Traders Lane. The layout will feature five escape rooms with a total of 3,100 square feet, a 1,400-square-foot bar and lounge area, and a 1,000-square-foot kitchen. Escape rooms are themed game rooms in which groups of 8 to 10 people must use elements of the room to solve puzzles within a given time period (between 30 and 60 minutes) and "escape" the room before the clock runs out. Escape rooms have been a popular entertainment and team-building activity around the world in the past several years.

The applicant plans on operating a total of five themed game rooms that would change puzzles every six to nine months. Two of these rooms will be located on the first floor and three will be on the second floor. The applicant will run three games with up to ten people per room per hour, for a total of approximately thirty customers per hour. A monitor will be on hand to watch each room for safety and to assist with clues if necessary. Customers will book escape room reservations online for the one-hour rooms.

One additional room will be available for drop-in customers for a half-hour experience. Drop-in customers may also use the hour-long rooms if available. The escape rooms are intended for people of all ages, though children under the age of nine will probably not be able to solve the puzzles.

As part of the proposal, the applicant plans to drop the existing bar (as used by the previous business) down to the ground level and open the area up for additional table seating. The raised area behind the bar would be set up as a lounge area. This area would primarily be utilized by customers of the escape rooms to have a drink (beer or wine only) and food before or after their escape room experience. Parents or others not participating in the escape room experience may also utilize the bar and lounge area. For safety purposes, no food or drinks from the bar/lounge will be allowed inside the escape rooms. However, the applicant has requested that an outdoor patio along Traders Lane (approximately 100 square feet) be authorized for alcohol consumption.

Furthermore, the applicant has requested that events, including karaoke nights, trivia nights, and music performances (solo artists only) be allowed in the lounge area once per week to draw in people for exposure to the escape room business. These events would occur for two hours, between the hours of 7:00 p.m. and 10:00 p.m., and are anticipated to draw approximately 25 people per event.

The proposed regular hours of operation are as follows:

	Escape Room	Bar and Lounge
Monday- Friday	4:00 p.m. to 11:00 p.m.	11:30 a.m.-1:00 a.m.
Saturday-Sunday	10:00 a.m. to 11:00 p.m.	11:30 a.m.-1:00 a.m.

The applicant is also proposing to eventually be open for corporate team-building events and private parties Monday-Friday from 10:00 a.m. to 4:00 p.m.

PROJECT ANALYSIS

General Plan and Zoning Code Consistency

The General Plan land use designation for the site is CA (Specialty Commercial). The Zoning designation for the project site is HD/SUTR (the Historic District/Sutter Street Subarea). The proposed escape room with food service is consistent with the General Plan and the zoning designation, with the bar element of the business requiring approval of a Conditional Use Permit by the Historic District Commission.

Conditional Use Permit

In order to approve this request for a Conditional Use Permit, the Commission must find that the “establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City”.

In evaluating the Conditional Use Permit, staff considered the proposed use and its compatibility with existing land uses in the area relative to traffic/access/circulation impacts, parking impacts, noise impacts, visual impacts, and fire/life safety issues, among others. With respect to traffic/access/circulation and parking-related impacts, staff does not anticipate any significant impacts as the proposed use is very limited in nature. The property is adjacent to a public parking lot intended to accommodate parking needs for businesses along Sutter Street. As is typical for commercial properties in the Sutter Street Subarea, this existing public parking will be utilized for this establishment.

In relation to noise-related impacts, staff does not expect any significant impacts due to the fact that the escape rooms themselves are entirely contained, and no outdoor entertainment is proposed. Proposed entertainment (karaoke nights, trivia nights, and music performances) will be limited to one night per week, and shall not occur on Wednesday nights between 7:00 and 8:00 p.m., during services of the First Church of Christ, Scientist (as required in Condition #14). Furthermore, no residential uses are in the vicinity of the project site. While the applicant is proposing a 100-square-foot patio where alcohol may be consumed, the outdoor noise associated with this element could be detrimental to the nearby church during their services (Wednesday night between 7:00 p.m. and 8:00 p.m. and Sunday morning between 10:00 a.m. and 11:00 a.m.). As such, staff has included a condition that the patio be closed between these hours, and that no entertainment or amplified sound is permitted outdoors (Condition #13). With these conditions in place, staff concludes that the potential noise generated by the escape room with bar and lounge will be acceptable.

With regard to fire/life safety issues, the applicant will be required to obtain a building permit for the proposed tenant improvements to the space. The building department and fire department will review the proposed plans to ensure that the fire and life safety requirements are met.

The proposed use will require the issuance of an alcohol beverage license from the ABC. All required noticing is subject to ABC approval. The applicant is requesting the bar be open for alcohol sales Monday-Sunday between 11:30 a.m. and 1:00 a.m. the following morning. Staff has conditioned that these hours be maintained, with the exception of the hour of 7:00 p.m. to 8:00 p.m. on Wednesdays, during the neighboring church's service. These hours, including the prohibition of alcohol service during church services, have been included under Condition #12.

Public Comments

The First Church of Christ, Scientist at 731 Traders Lane sent a letter to City staff stating that prior businesses at the project site led to incidents of alcohol-related vandalism to the church. They state that they have a church service on Wednesday nights from 7:00-8:00 p.m. and are concerned about alcohol being served and noise during that time. Finally, they state that a notice related to the sale of alcohol was not posted on Traders Lane as required by the California Department of Alcoholic Beverage Control (ABC).

ENVIRONMENTAL REVIEW:

The project is categorically exempt from environmental review based on Section 15301 (Existing Facilities) of the guidelines for the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION/ HISTORIC DISTRICT COMMISSION ACTION:

MOVE TO APPROVE A CONDITIONAL USE PERMIT (PN 16-368) FOR ESCAPE FOLSOM WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL:

GENERAL PROJECT FINDINGS

- A. NOTICE HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROJECT IS CONSISTENT WITH GENERAL PLAN AND THE ZONING CODE.

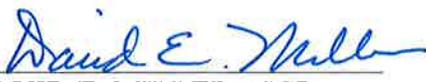
CEQA FINDING

- C. THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), UNDER SECTION 15301, EXISTING FACILITIES, OF THE CEQA GUIDELINES.

CONDITIONAL USE PERMIT FINDING

- D. AS CONDITIONED, THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE USE APPLIED FOR WILL NOT, UNDER THE CIRCUMSTANCES OF THIS PARTICULAR CASE, BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, MORALS, COMFORT, AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD, OR BE DETRIMENTAL OR INJURIOUS TO PROPERTY AND IMPROVEMENTS IN THE NEIGHBORHOOD OR TO THE GENERAL WELFARE OF THE CITY, SINCE THE PROPOSED USE IS COMPATIBLE WITH SIMILAR COMMERCIAL USES IN THE SURROUNDING NEIGHBORHOOD.

Submitted,


DAVID E. MILLER AICP
Community Development Director

CONDITIONS

See the attached table of conditions for which the following legend applies:

RESPONSIBLE DEPARTMENT		WHEN REQUIRED	
CDD	Community Development Department	M	Prior to Approval of Final Map
(P)	Planning Division	G	Prior to Issuance of Grading Permit
(E)	Engineering Division	I	Prior to Approval of Improvement Plans
(B)	Building Division	B	Prior to Issuance of Building Permit
(L&L)	Landscape and Lighting Division	DC	During Construction
RHD	Redevelopment and Housing Department	O	Prior to Issuance of Occupancy Permit
PWD	Public Works Department	OG	On-going Requirement
PRD	Park and Recreation Department		
FD	Fire Department		
PD	Police Department		
CAO	City Attorney's Office		

**CONDITIONS OF APPROVAL FOR
ESCAPE FOLSOM CONDITIONAL USE PERMIT
727 TRADERS LANE (PN16-368)**

Cond. No.	Mitigation Measure	GENERAL REQUIREMENTS	When Required	Responsible Department
1.		<p>The project is approved for a Conditional Use Permit to allow for the operation of an escape room with a beer and wine bar and food service in an existing retail tenant space located at 727 Traders Lane. Implementation of the project shall be consistent with the project description, as modified by these conditions of approval.</p>	OG	CD (P)
2.		<p>If the Community Development Director finds evidence that conditions of approval for Escape Folsom have not been fulfilled or that the use has resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or has a substantial adverse impact on public facilities or services, the Director will refer the use permit to the Historic District Commission for review. If, upon such review, the Historic District Commission finds that any of the above-stated results have occurred, the Commission may modify or revoke the Conditional Use Permit.</p>	OG	CD (P)
3.		<p>This Conditional Use Permit shall be deemed revoked without further action by the Historic District Commission if the operation of the facility in the manner described in the Conditional Use Permit ceases for any consecutive period of six (6) months, unless the applicant or current owner is actively engaging in work on the premises pursuant to a valid building permit and the Community Development Department Director has approved a written request from the applicant for an additional period not to exceed twelve (12) months when it is not in operation. Such an extension request shall be submitted to the Community Development Department no less than 30 days prior to the six-month deadline.</p>	OG	CD
4.		<p>The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> • The City bears its own attorney's fees and costs; and • The City defends the claim, action or proceeding in good faith <p>The owner/applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the owner/applicant.</p>	OG	CD (P)(E)(B) PW, PR, FD, PD

DEVELOPMENT COSTS AND FEE REQUIREMENTS			
5.	The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.	B	CD (P)(E)
6.	The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.	B	CD (P)(E)
7.	This project shall be subject to all applicable City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all applicable Citywide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Quimby, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project has begun. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.	B	CD (P)(E), PW, PK
8.	This project approval shall remain in effect for one year until March 15, 2018. If a use permit is not vested within the identified time frame prior to the expiration date and the applicant has not demonstrated substantial progress towards the development of the project, this approval shall be considered null and void. The owner/applicant may file an application with the Community Development Department for a permit extension not less than 30 days prior to the expiration date of the permit, along with appropriate fees and necessary submittal materials pursuant to Chapter 17.60 of the Folsom Municipal Code.	B	CD (P, B)
CONDITIONAL USE PERMIT REQUIREMENTS			
9.	Any intensification or expansion of the use approved and conditioned herein (for an escape room with beer and wine bar and food service) will require a use permit modification approval by the Historic District Commission.	B, OG	FD NS (B)
10.	The applicant shall maintain full compliance with all applicable laws, ABC laws, ordinances, and state conditions. In the event that a conflict arises between the requirements of this CUP and the ABC license, the more stringent regulation shall apply.	OG	CDD, PD

11.		The applicant shall obtain an entertainment permit for all proposed entertainment and be in compliance with the City of Folsom's Entertainment Permit Ordinance and Sutter Street Entertainment District Permit Conditions.	OG	CDD, PD									
NOISE ABATEMENT REQUIREMENTS													
12.		<p>Hours of operation will be limited as follows:</p> <table border="1" data-bbox="397 541 589 1717"> <thead> <tr> <th data-bbox="397 1323 435 1717"></th> <th data-bbox="397 934 435 1323">Escape Room</th> <th data-bbox="397 541 435 934">Bar and Lounge</th> </tr> </thead> <tbody> <tr> <td data-bbox="435 1323 548 1717">Monday- Friday</td> <td data-bbox="435 934 548 1323">4:00 p.m. to 11:00 p.m.</td> <td data-bbox="435 541 548 934">11:30 a.m.-1:00 a.m. (no alcohol service Wednesday 7:00 p.m.-8:00 p.m.)</td> </tr> <tr> <td data-bbox="548 1323 589 1717">Saturday-Sunday</td> <td data-bbox="548 934 589 1323">10:00 a.m. to 11:00 p.m.</td> <td data-bbox="548 541 589 934">11:30 a.m.-1:00 a.m.</td> </tr> </tbody> </table> <p>The business will also be open for corporate team-building events and private parties Monday-Friday from 10:00 a.m. to 4:00 p.m.</p> <p>No expansion of business hours beyond what is stated above shall be permitted without prior approval being obtained from the Historic District Commission through a Conditional Use Permit Modification.</p>		Escape Room	Bar and Lounge	Monday- Friday	4:00 p.m. to 11:00 p.m.	11:30 a.m.-1:00 a.m. (no alcohol service Wednesday 7:00 p.m.-8:00 p.m.)	Saturday-Sunday	10:00 a.m. to 11:00 p.m.	11:30 a.m.-1:00 a.m.	OG	CD (P)
	Escape Room	Bar and Lounge											
Monday- Friday	4:00 p.m. to 11:00 p.m.	11:30 a.m.-1:00 a.m. (no alcohol service Wednesday 7:00 p.m.-8:00 p.m.)											
Saturday-Sunday	10:00 a.m. to 11:00 p.m.	11:30 a.m.-1:00 a.m.											
13.		Outdoor entertainment and amplified sound shall be prohibited. Outdoor uses are limited to the 100-square-foot patio on Traders Lane. This patio shall not be used Wednesdays between 7:00 p.m. and 8:00 p.m. and Sundays between 10:00 a.m. and 11:00 a.m., while the First Church of Christ, Scientist is conducting services.	OG	CD (P)									
OPERATIONAL REQUIREMENTS													
14.		Entertainment shall be limited to karaoke nights, trivia nights, music performances (solo artists only), and similar uses, with similarity determined by the City of Folsom Community Development Department. Entertainment shall be limited to one night per week, and shall not occur on Wednesdays between 7:00 p.m. and 8:00 p.m., while the First Church of Christ, Scientist is conducting services. No adult entertainment, as defined by <u>Section 5.21.010</u> of the Folsom Municipal Code (FMC) shall be allowed at Escape Folsom.	OG	CD (P)									
15.		No food or drinks from the bar/lounge shall be allowed inside the escape rooms.	OG	CD (P)									
16.		Current occupancy loads shall be posted at all times, and the owner/applicant shall have an effective system to keep count of the number of occupants present at any given time. This information shall be provided to public safety personnel upon request.	OG	CD (P)									

SIGN DESIGN REQUIREMENTS

17.	Future signage for the site will require Historic District Commission approval and shall comply with the <u>Folsom Municipal Code Chapter 17.52</u> and the Historic District Design and Development Guidelines.	B	CD (P, B)
BUILDING DEPARTMENT REQUIREMENTS			
18.	A building permit is required for the proposed tenant improvements to the tenant space.	B	CD (B) FD
FIRE DEPARTMENT REQUIREMENTS			
19.	Fire Department regulations regarding exiting, occupancy, and overcrowding shall be complied with.	B	FD

LEGEND FOR “WHEN REQUIRED” AND “RESPONSIBLE DEPARTMENT”

<u>When Required</u>	<u>Responsible Department/Division</u>
I = Prior to Approval of Improvement Plans	CD (E) = Community Development Engineering Division
M = Prior to Approval of Final Map/Parcel Map	CD (P) = Community Development Planning Division
B = Prior to Issuance of Building Permit	NS (B) = Neighborhood Services Building Inspection Division
G = Prior to Grading Permit	FD = Fire Department
D = During grading	CD (L) = Landscaping and Lighting Division
OG = On Going/Life of the project	PD = Police Department
P = Prior to construction	CM = City Manager
C = During construction	PK = Parks Department
O = Prior to Occupancy	PW = Public Works Department
PD = Planned Development Permit	

ATTACHMENT 1

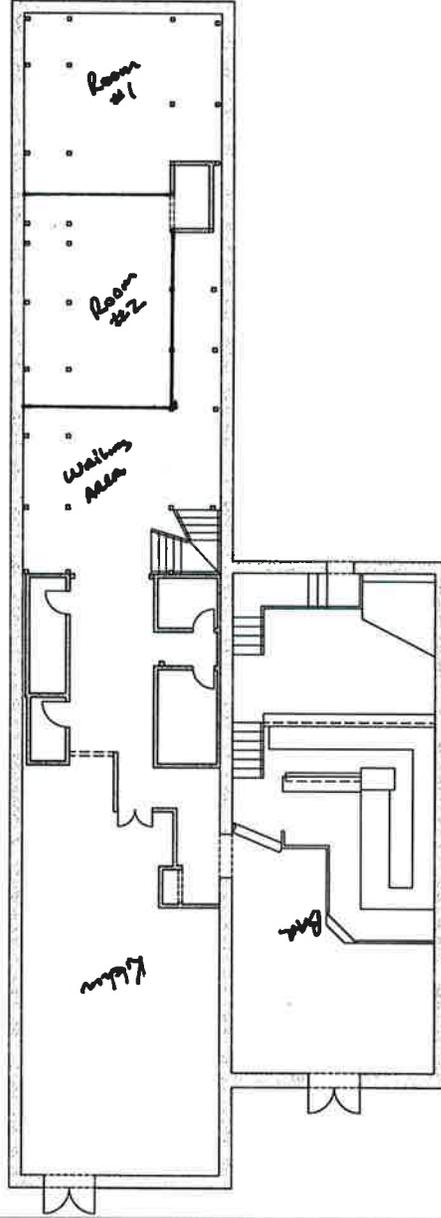
Project Vicinity



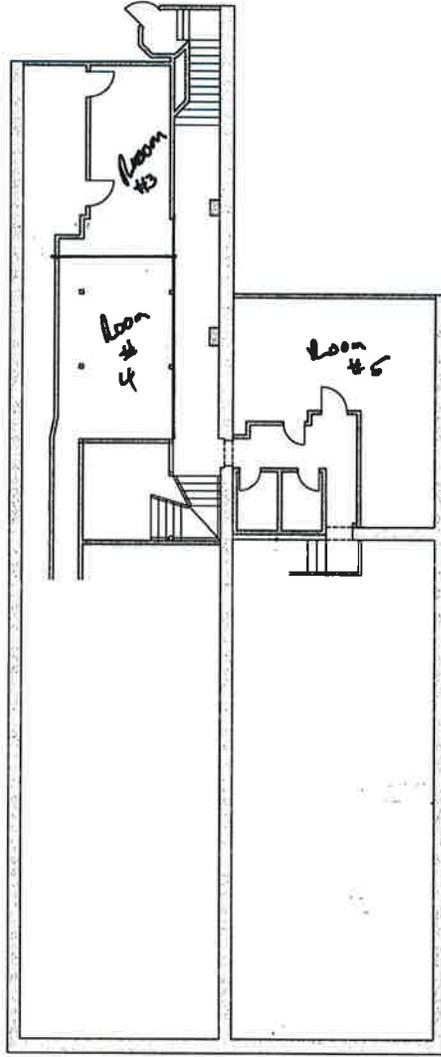
ATTACHMENT 2

Proposed Floor Plan

YAGERS (727 TRADERS LANE)
EXISTING FIRST FLOOR PLAN
5/16/11
SCALE: N.T.S.



YAGERS (727 TRADERS LANE)
EXISTING SECOND FLOOR PLAN
5/16/11
SCALE: N.T.S.



ATTACHMENT 3

Proposed Business Description

Escape Folsom

The primary focus of the Escape Folsom business is our five themed escape rooms. An escape room contains fun & challenging puzzles that a group of 8 people must work together to solve within a certain time period in order to get out of the room. Customers will book their escape room reservation on line and show up at the designated day and time.

We will have four rooms available for on line booking. This will be for a 1 hour experience. We will have 1 room available at all times for customers that want to “Drop In “Verses signing up ahead of time. This will be for a 30 minute experience. The Drop In customers may be able to book space in one of the “1 hour” rooms based on availability.

Escape Folsom will also have a bar and lounge for our adult customers who would like to enjoy food or drink (beer & wine) before or after participating in their escape game.

No food or drink will be allowed in the escape rooms!

The square footage of the building is approximately 5500 SQ FT.

The bar and lounge area is approximately 1400 SQ FT.

The kitchen area is approximately 1000 SQ FT.

The escape rooms and common area is approximately 3100 SQ FT.

Hours of operation :

	Escape Room	Bar
M/T	4-11PM	11:30AM-1AM
W/TH	4-11PM	11:30AM-1AM
FR	4-11P	11:30AM-1AM
Sat	10-11PM	11:30AM-1AM
Sun	10-11PM	11:30AM-1AM

** We will also offer corporate team building events and private parties M-F from 10 AM to 4PM once we are established.

We would also like to do a few different entertainment events at the Bar/Lounge Area throughout the month. These would be a once a week or once a month type event to draw in people for exposure to our new business. We plan to apply for the Entertainment Permit once we open.

We would like to do events such as Karaoke, Trivia Contest, Stand- Up Comedian, and Acoustical Guitar Performer. We would expect to draw about 25 people per event. We anticipate these to be events one night per week from 7PM-9PM or 8Pm-10PM.

Escape Folsom is a unique and different business concept aimed at wide range of age groups. We will have a wide range of customers from individuals to church groups to corporations or business looking for a new type of team building experience. We believe we will draw people into the Downtown Historic district and help promote additional business. We will have a few escape rooms that have a theme that will focus on the historic aspect of Folsom. Some of these themes include: Folsom Prison, Yeager's Bar, The Powerhouse, Rumsey's Hardware Store, The Folsom Dam, The Folsom Railroad. They will all have an educational component to them. We plan to change or modify some rooms every 6-8 months.

ATTACHMENT 4

Public Comment Letter

**FIRST CHURCH OF CHRIST, SCIENTIST
731 Trader Lane
Folsom, CA 95630
916-985-4006**

January 22, 2017

**Mr. Josh Kinkade
Assistant Planner, City of Folsom
Community Development Dept.
50 Natoma Street
Folsom, CA 95630**

Re: Historic Folsom Area Concerns

Dear Mr. Kinkade,

Our church is proud to be part of the Historic Folsom district for over 50 years. Recently we received a copy of the Project Narrative for Escape Folsom, a business that is proposed to be our next door neighbor at 727 Trader Lane. We have some concerns about the proposal that we wanted to convey to you.

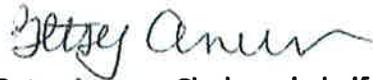
- 1. There are already a number of establishments serving alcohol in the Sutter Street area. When the prior business at that site was there and served alcohol, we had a number of incidents of alcohol-related vandalism to our church. We have filed a protest letter with ABC regarding the request of Escape Folsom to serve alcohol (see attached letter).**
- 2. There is a colony of bees living in the brick wall of the building at 727 Trader Lane, on the wall adjacent to our church.**
- 3. We have a church service on Wednesday nights from 7-8 pm and are concerned about alcohol being served and noise during that time.**
- 4. They have not followed section 23985 of the state Business and Professions code which says that they have to post a notice to commence the sale of alcohol on the entrance to the building after the application has been filed. No such notice is posted on the Trader Lane entrance.**

We have another concern about a business called Mama Boot Camp. They recently had an event in the public parking lot in front of our church on a Sunday morning during the time of our church service from 10-11, that involved runners. Members complained that they were denied access to the parking lot by persons in charge of the event. As far as we know, Mama Boot Camp did not have a permit to restrict access to the parking

lot. Since we have church attendees with mobility issues, this is of particular concern to us. We would request that, in the future, they conduct their events on Sunday morning away from the entrance to our church so that our attendees can be dropped off at the entrance and can park in the lot. We do want to say, that whenever there has been a city event such as the Antique Fair on a Sunday, the city has been most helpful to our church in reserving parking spots for our members. We appreciate it and are happy the 2017 city events are mostly on Saturdays.

Please feel free to contact Diane Yates, who is our City of Folsom liaison, if you need additional information. She can be reached via email at: slvrgram@aol.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betsy Anumu".

Betsy Anumu, Clerk; on behalf of the Board of Directors
First Church of Christ, Scientist, Folsom

Enclosure: Copy of Letter of Protest to ABC

January 17, 2017

**Dept. of Alcohol Beverage Control
Sacramento District Office
2400 Del Paso Road, Suite 155
Sacramento CA 95834**

RE: Protest against alcoholic beverage license for Escape Folsom, 727 Trader Lane, Folsom

Our church received a copy of the "Notice of Intention to Engage in the Sale of Alcoholic Beverages" for Escape Folsom, a new business at 727 Trader Lane, next door to our church and Sunday School. Please note that Escape Folsom has not posted a notice at the entrance to the premises on 727 Trader Lane. We have checked the door several times and there is no notice posted. Per section 23985 of Business and Professions Code "Posting of Notice" they should have posted the notice in a conspicuous place at the entrance.

Our church membership welcomes and sends best wishes to new businesses in Old Town Folsom. We are proud to have been a part of the historic Folsom community for over 50 years. However, after reviewing your letter, we do wish to record a protest regarding the sale of alcoholic beverages at this location. When prior businesses with an alcoholic beverage licenses were at 727 Trader Lane, we had a number of difficulties with alcohol-related vandallism to our property including trash, glass bottles, cigarette butts, broken windows, broken porch railings, and inebriated patrons using our courtyard as an emergency toilet. This was particularly problematic for our Sunday morning church services and Sunday School at 10am, despite some efforts by the previous business to clean up the area after closing on Saturday nights. We also had problems with excessive noise during our Wednesday evening services which are held from 7-8 pm . Since there are already an abundance of businesses in the Sutter Street area with an alcoholic beverage license, we are concerned that an additional business that serves alcohol will not be conducive to a family friendly atmosphere.

Please feel free to contact Cindy Malone, who is chairman of the Board at First Church of Christ, Scientist, Folsom, at 916/591-9113 if you need further information.

Sincerely,



Board of Directors by Betsy Anumu, Clerk