



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

# Agenda

## City Council Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

April 11, 2023  
6:30 PM

## Welcome to Your City Council Meeting

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

### Participation

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




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

### Reasonable Accommodations

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

### How to Watch

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

| In Person                                                                           | Online                                                                                                                    | On TV                                                                                 |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|  |                                        |  |
| City Council meetings take place at City Hall, 50 Natoma Street                     | Watch the livestream and replay past meetings on the city website, <a href="http://www.folsom.ca.us">www.folsom.ca.us</a> | Watch live and replays of meetings on Sac Metro Cable TV, Channel 14                  |

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



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

**Tuesday, April 11, 2023 6:30 PM**

*Rosario Rodriguez, Mayor*

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

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

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**AGENDA**

**CALL TO ORDER**

**ROLL CALL:**

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

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

**PLEDGE OF ALLEGIANCE**

**AGENDA UPDATE**

**BUSINESS FROM THE FLOOR:**

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

**SCHEDULED PRESENTATIONS:**

1. Proclamation of the Mayor of the City of Folsom Proclaiming April 9-15, 2023 as National Public Safety Telecommunicators Week in the City of Folsom
2. Proclamation of the Mayor of the City of Folsom Encouraging the Community to Become Involved in Arbor Day
3. Results of Historic Architectural Analysis for the Southern Pacific Railroad Depot Building and the Southern Pacific Railroad Superintendent House and Direction to Staff
4. Presentation of the Folsom Tourism Bureau Annual Report

## **CONSENT CALENDAR:**

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

- [5.](#) Approval of March 28, 2023 Special and Regular Meeting Minutes
- [6.](#) Ordinance No. 1338 – An Uncodified Ordinance Levying a Special Tax for the Fiscal Year 2023-24 and Following Fiscal Years Solely within and Relating to Improvement Area No. 2 within the City of Folsom Community Facilities District No. 23 (Folsom Ranch) (Second Reading and Adoption)
- [7.](#) Resolution No. 11016 - A Resolution of the City Council of the City of Folsom Declaring its Intention to Renew the Historic Folsom Property and Business Improvement District
- [8.](#) Resolution No. 11018 – A Resolution Authorizing the Public Works Department to Install All-Way Stop Sign Control at the Intersection of Carpenter Hill Road and Owl Meadow Street
- [9.](#) Resolution No. 11019 - A Resolution Authorizing the City Manager to Execute an Agreement with Peterson Brustad, Inc. for Design and Engineering Services During Construction for the Water System Flow Control Facilities Rehabilitation Project
- [10.](#) Resolution No. 11020 - A Resolution Authorizing the City Manager to Execute an Agreement with Water Works, LLC for Design and Engineering Services During Construction for the Basin 4 Phase 2 Sewer Rehabilitation Project
- [11.](#) Resolution No. 11022 – A Resolution Authorizing the City Manager to Execute an Agreement with D.L. Falk Construction, Inc. for the Construction of Fire Station 34 Phase-2 Project No. FD2234

## **NEW BUSINESS:**

- [12.](#) Resolution No. 11012 – A Resolution to Dually Name the Existing Green Room within the Historic Depot Building at 200 Wool Street the “Peter T. Lewis Green Room” and Recognition of Donation of Funds for Interior Improvements by the Lewis Family

## **PUBLIC HEARING:**

- [13.](#) Appeal by Bob Delp of Decisions by the Historic District Commission Approving a Conditional Use Permit and Design Review for the Uncle Charlie's Firehouse and Brew Project (PN22-158) Located at 905 Leidesdorff Street and Determination that the Project is Exempt from CEQA

## **OLD BUSINESS:**

- [14.](#) Study Session: Public Works Department's Five-Year Capital Improvement Program

## **COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS:**

## **CITY MANAGER REPORTS:**

## **COUNCIL COMMENTS:**

## **ADJOURNMENT**

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***NOTICE:** Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address Council on an issue, which is on this agenda, please complete a blue speaker request card, and deliver it to a staff member at the table on the left side of the Council Chambers prior to discussion of the item. When your name is called, stand to be recognized by the Mayor and then proceed to the podium. If*

*you wish to address the City Council on any other item of interest to the public, when the Mayor asks if there is any "Business from the Floor," follow the same procedure described above. Please limit your comments to three minutes or less.*

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

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

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

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

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

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

# PROCLAMATION

OF THE MAYOR OF THE CITY OF FOLSOM  
PROCLAIMING April 09-15, 2023

as

## NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK IN THE CITY OF FOLSOM

**WHEREAS,** even in times of crisis, the communications dispatchers of the City of Folsom are responsible for answering incoming calls for emergency services and dispatching assistance to help save the lives and property of our citizens; and

**WHEREAS,** Folsom’s communications dispatchers are the first, first responders and a vital link to our police officers, monitoring radio activity, providing information, and enhancing their safety; and

**WHEREAS,** the safety of our emergency responders is dependent on the quality and accuracy of information obtained from citizens who call the City of Folsom Public Safety Answering Point; and

**WHEREAS,** in 2022, Folsom’s communications dispatchers handled 88,247 telephone calls and dispatched 53,017 events; and

**WHEREAS,** in 2022, Folsom’s communications dispatchers answered 99% of all 9-1-1 calls in 15 seconds or less; and


**WHEREAS,** Folsom’s communications dispatchers contribute substantially to the apprehension of criminals and the quality of life of our citizens; and

**WHEREAS,** Folsom’s communications dispatchers exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

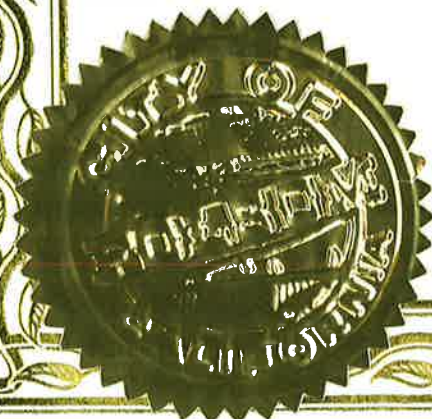
**NOW, THEREFORE, I, ROSARIO RODRIGUEZ** Mayor of the City of Folsom on behalf of the Folsom City Council, do hereby proclaim the week of April 09-15, 2023, as **NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK** in the City of Folsom and extend our gratitude to Folsom’s Communications Dispatchers for their dedicated service to our community, their diligence and commitment to keeping our City and citizens safe.

**PROCLAIMED** this 11<sup>th</sup> day of April 2023.

  
Rosario Rodriguez, MAYOR

  
CHRISTA FREEMANTLE, CITY CLERK

ATTEST:



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to facilitate double-sided printing.*



CITY OF  
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**PROCLAMATION  
OF THE MAYOR OF THE CITY OF FOLSOM  
ENCOURAGING THE COMMUNITY TO BECOME INVOLVED  
in  
ARBOR DAY**

**WHEREAS,** in 1872, J. Sterling Morton proposed that a special day be set aside for the planting of trees; and

**WHEREAS,** in 1907, President Theodore Roosevelt proclaimed this as a national time to plant trees; and

**WHEREAS,** Arbor Day is now observed throughout the nation and the world and will be celebrated in Folsom on Saturday, April 15, 2023; and

**WHEREAS,** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature city wide, catch rainwater, clean the air, produce life-giving oxygen, provide habitat for wildlife, and protect us from the harmful effects of the sun on our skin; and

**WHEREAS,** trees are a renewable resource, giving us paper, wood for our homes and furniture, and sequestering air and soil-borne carbon; and

**WHEREAS,** trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS,** trees, wherever they are planted, are a source of joy and spiritual renewal; and

**WHEREAS,** we will be engaging in tree care and maintenance activities of young trees along Folsom trails in celebration of Arbor Day.

**NOW, THEREFORE, I, Rosario Rodriguez,** Mayor of the City of Folsom, do hereby proclaim **April 15, 2023 as Arbor Day** in the City of Folsom, and urge all citizens to celebrate Arbor Day by supporting efforts to protect our trees and woodlands, planting a tree of their own or joining in our City Arbor Day event and;

**FURTHER,** I urge all citizens to enjoy the cool shade of trees and promote the well-being of this and future generations as Folsom becomes a Tree City USA for the seventeenth year in a row.

**PROCLAIMED** this 11<sup>th</sup> day of April 2023.



*Rosario Rodriguez*  
Rosario Rodriguez, MAYOR

ATTEST:

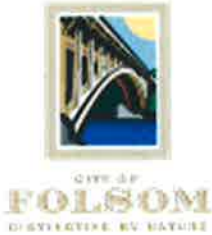
*Christa Freemantle*  
Christa Freemantle, CITY CLERK

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# Folsom City Council Staff Report



|                        |                                                                                                                                                                           |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                 |
| <b>AGENDA SECTION:</b> | Scheduled Presentations                                                                                                                                                   |
| <b>SUBJECT:</b>        | Results of Historic Architectural Analysis for the Southern Pacific Railroad Depot Building and the Southern Pacific Railroad Superintendent House and Direction to Staff |
| <b>FROM:</b>           | Parks and Recreation Department                                                                                                                                           |

### BACKGROUND / ISSUE

Staff will be making a brief presentation about the results of the Historic Architectural Analyses completed for the Pacific Railroad Depot Building and the Southern Pacific Railroad Superintendent House. The presentation will include a description of the recommended repairs to each building along with the associated costs. Staff will be asking for direction from the City Council on the scopes of work desired to be completed in the upcoming fiscal year as well as the funding source for these currently unfunded repair needs.

Submitted,

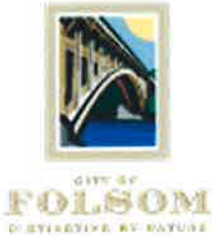
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Lorraine Poggione, Director of Parks and Recreation

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to facilitate double-sided printing.*



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# Folsom City Council Staff Report



|                        |                                                         |
|------------------------|---------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                               |
| <b>AGENDA SECTION:</b> | Scheduled Presentations                                 |
| <b>SUBJECT:</b>        | Presentation of the Folsom Tourism Bureau Annual Report |
| <b>FROM:</b>           | City Manager's Office                                   |

### CITY COUNCIL ACTION

Representatives from the Folsom Tourism Bureau (FTB) will provide an annual report. No action is requested of the City Council.

### AUTHORITY / RULE

The agreement between the City of Folsom and the FTB relative to the Folsom Business Improvement District requires the FTB to prepare a report for the City Council for each fiscal year for which assessments are to be levied.

Folsom Municipal Code section 3.100.100 specifies that the annual report shall include:

- A. A description of the activities conducted during the previous fiscal year;
- B. An accounting of the revenue and expenditures by program for the previous fiscal year in a form and manner required by the city finance department;
- C. A proposed scope of activities to be provided for the next fiscal year, along with the designated staff to administer the proposed programs;
- D. A budget outlining the revenue and expenses for the scope of activities proposed for the next fiscal year; and

E. The amount of any surplus or deficit revenues to be carried over from a previous fiscal year and a proposal to address the surplus or deficit in the next fiscal year(s).

In addition to the information required in Folsom Municipal Code section 3.100.100, section 2(B) of the agreement requires that the following information and detail shall be provided as part of the annual report:

- (a) A detailed description of the activities to be pursued by the FTB with FTBID funds for the coming fiscal year.
- (b) A detailed breakdown of expenses for the prior fiscal year by program type and administrative expenses and costs.
- (c) A copy of the bi-annual audited financial report for the FTBID.

### **ATTACHMENTS**

1. Memo from President/CEO of Folsom Tourism Bureau Joe Gagliardi
2. Statement of Activities
3. Audited Financial Statements

Respectfully submitted,

Elaine Andersen  
City Manager

# ATTACHMENT 1



TO: Elaine Andersen  
City Manager  
City of Folsom

FROM: Joseph P. Gagliardi  
President/CEO  
Folsom Tourism Bureau

RE: Folsom Tourism Bureau Improvement District  
Fiscal Year: 7-1-2021 through 6-30-2022

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In accordance with the Agreement between the City of Folsom and the Folsom Tourism Bureau dated November 27, 2012, the following Annual Report describes the activities undertaken during the fiscal year July 1, 2021, through June 30, 2022.

**Organizational Background:** The Folsom Tourism Bureau was formed in the year 2000 to focus on the growing local market for tourism development. In 2002 the Tourism Bureau pursued forming a business improvement district (BID) to strategically grow tourism in Folsom while providing a sustainable funding source to market Folsom as a destination. The Tourism Bureau immediately engaged all its hotel partners to seek their input and developed a strategy to accomplish that objective. The Tourism BID (TBID) was formed in 2003 at a rate of 2 percent for an initial 5-year timeframe and then renewed for an additional 5 years. In 2012, the Tourism BID was renewed at 4% for an additional 20-year term.

In 2016, the Greater Folsom Partnership, now known as Choose Folsom, was formed to leverage the efforts of the Folsom Tourism Bureau in conjunction with the Folsom Chamber of Commerce and Folsom Economic Development brands. This structure facilitates an integrated marketing and communication strategy for Folsom and promotes a strong connection between the business and hospitality communities.

The ultimate goal of the Folsom Tourism Bureau programs and services is to promote positive economic benefit for the City of Folsom through increasing occupancy and ADR (Average Daily Rate) in Folsom hotels. Increased activity increases TOT (Transit Occupancy Tax) and sales tax revenue as well as a residual economic benefit for related market segments in dining, retail, outdoor recreation and entertainment.

In addition, it has become increasingly apparent that destination promotion is a crucial tool that is used to assist in broader economic development issues — not just marketing to the end traveler. Promoting Folsom raises our community profile, opens the door for enhanced opportunities for traditional business relocation, expansion, and new startups to occur. Our destination promotion will also contribute substantially to highlighting the quality-of-life issues critical to the relocation decision as well as our residents' attitude about where they live.



**Description of the Activities conducted during the previous fiscal year: (7/1/2021 to 6/30/22)**

- Groups & Events Supported with Concierge Service: Visit Folsom actively supports community events that bring out-of-town guests. This support included a combination of marketing staff support and financial support in event underwriting and trades. We supported several events last year; a few are listed below. Events that are well run and compatible with the assets and venues in Folsom are essential to our brand development and increase tax revenue in the region.
  - July 2021 Paddle Splash Festival
  - August 2021 - Wildfire Support (supported Back Bistro dinner, gift baskets, gift cards, ice cream social at each hotel property)
  - September 2021 - Hangtown Motocross (usually in May)
  - October 2021 - Folsom Blues Breakout Half Marathon
  - November 2021 - Rio del Lago 100-Mile Run
  - November 2021 - Folsom Women's Conference
  - November 2021 - Foothill Wine Festival
  - December 2021 - California International Marathon
  - May 2022 - California Community College Baseball Championship

**Changes In Personal December & Navigating the New Normal**

- The first part of the 2021-2022 fiscal year was spent navigating back to a new normal after the pandemic. Events were slow to resume, and corporate travel has been even slower to return. Tourism in Folsom is an integral part of the economy. While the economic benefit started to rebound, it was clear the changing marketplace with various forces at play had presented our destination with new realities. At the end of December 2021, Mary Ann McAlea retired from the Folsom Tourism Bureau after eighteen years of service, and Sally Buchanan was hired in late March 2022. Sally spent the first couple of months on a listening tour with Folsom's eight hotel partners and worked with Choose Folsom to understand the market and needs of our stakeholders.

After gathering data and feedback, Visit Folsom determined the need for a review of existing programs and a new strategy to guide marketing and organizational efforts going forward. In July of 2022, the TEDCorp Board approved a strategic planning project. This project started in August 2022 and is designed to develop an organizational strategy that finds a balance between tourism, residents, and the experience for both, as well as to elevate the role of tourism in Folsom. This process also includes an analysis of tourism amenities and technology, and investment in these areas is expected to require an increase in funding. Visit Folsom held four stakeholder focus groups in August and September and is currently working on a visitor survey. The process will be wrapped up with a strategic plan report due in early December.



### New Initiatives Started in 2022-2023

- **Strategic Visioning:** Planning for Visit Folsom marketing and organizational efforts is under way and will be finished in early December of 2022.
- **New website and content:** The website is undergoing a major overhaul including a new back-end system, new content, navigation and technology that will allow a better user experience.
- **Online Booking Engine:** RootRez technology will allow Visit Folsom to seamlessly integrate a branded booking engine into our website and highlight destination-specific attributes through custom promotions, packages, maps, content, filters, and more.
- **Data:** The Zartico Destination Operating System® takes intelligence, analytics, and data visualizations and combines it with context and strategic input to support a Destination Management Organization's data-driven decisions in real time. Zartico's Destination Operating System® has the capability to track tourism effects on locally owned businesses to foster community and improve resident satisfaction.
- **50 Economic Alliance:** Choose Folsom has partnered with our partners along the eastern Highway 50 corridor, Rancho Cordova, El Dorado County, El Dorado Hills, and Placerville. We work together to showcase everything our region offers for existing and new businesses, their employees, and their customers. This alliance naturally extends to Tourism, and we will continue to foster alignment in these areas using data points received from Zartico.
- **Bandwango:** The Foothill Wine Passport features 37 wineries in one pass and the opportunity to taste all the amazing wine the region has to offer. The Foothill Wine Tasting Pass is the gateway to the Sierra Foothill wineries. The pass is a digital ticket to custom tours and discounted tastings throughout the foothills. Each pass is delivered instantly via text message or email. There is no need to download an app because the pass is accessible on the user's phone at any time. In just seconds, the purchaser will have their pass in hand and ready to taste wine!
- **Visitor Center Experience:** This generation of travelers do not see the value in traditional visitor centers as did previous generations. The traditional model of maps, brochures, and friendly staff does not drive traffic. Given this, we have decided to create an experiential space for our visitors and customers to enjoy. The space is presently being referred to as the Visit Folsom General Store & Foothill Makers Market. Guests will not only be able to find out about Folsom, but they will also be able to grab a to-go snack, purchase high-quality Folsom souvenirs and support local makers by buying homemade wares from Folsom or the surrounding foothill region.





- HootBoard Kiosk: The new Visitor Center & General Store will include an interactive digital kiosk meant to engage visitors and help visitors and residents find attractions, information, and more. The kiosks may eventually be placed in all Folsom hotels if the first proves successful.
- Economic Development Team: Choose Folsom brought on Laura Fickle to help support Economic Development and Tourism.

### Continued Initiatives

- Expanded Network of Event Promoters: Visit Folsom has devoted additional staff resources to extending the outreach for new events that complement our existing resources and hotel mix.

For events that meet our criteria of “fit” and potential for generating room nights, we enter a short-term underwriting sponsorship agreement to assist in the launch process for a new event. Building strong relationships with event promoters requires a willingness to support them as they work through the permitting and planning process with local partners.

- Leverage the Marketing Efforts of Choose Folsom: Folsom’s primary message in both economic development and tourism is the outstanding quality of life in Folsom and easy access to the best outdoor recreation in the region. This allows us to commit staff resources and dollars to add to our digital asset portfolio, public relations, and overall marketing for content that can be shared across both platforms. This gives us a tremendous advantage that would not be available if these organizations were siloed and limited by their respective areas of focus.
- Coordination of Tourism & Economic Development Activities: The Choose Folsom team conducts corporate calling, identifies all potential inventory in the commercial real estate market, and serves as the primary point of communication for all new business inquiries. The Choose Folsom teams actively participate with the Greater Sacramento Economic Council to elevate Folsom’s profile in the region.

Granite School & the Northern California Innovation District: Choose Folsom has established the Northern California Innovation District (NCID). This project empowers innovation, growth, and education with respect to all sectors of the Region and our communities, leveraging the reinvention of existing resources to support the sustainable future growth of the Region. NCID strives to connect, educate, develop, and promote the region and our community. With the spirit of growth alive in NCID’s headquarters at the historic Granite School, NCID ensures that education, innovation, and growth... past, present, and future... come together for a bright future for our Region.

- Acquire Additional Digital Assets to use Across all Platforms: Folsom is a highly visual destination, and high-quality photos and videos are more powerful than any narrative we can provide. As social media and websites are the primary vehicles for outreach, the caliber of the content defines the perception of Folsom and effectively answers the “why”



(why would I visit, why would I consider moving my business) through visual storytelling. We freely share these assets with our partners as well as businesses for their respective platforms. We continue to acquire digital assets and have recently cataloged all video in a software program called Muse, which allows us to more readily find what assets we have. This facilitates using the video more effectively.

- **Social Media:** Facebook, LinkedIn, and Instagram continue as valuable platforms for the Visit Folsom social media presence. We also share content on our Choose Folsom-sponsored event pages to maximize our investment in content development. We also use these sites and the audience we have built to support non-profit partners in their efforts to reach a larger local audience. The budget is allocated for social media advertising and boosted posts to ensure engagement.

### Visitor Services

- **Visitor Collateral:** The Choose Folsom team creates, writes, and produces a wide variety of print materials that are the cornerstone of our visitor outreach for all market segments including business, leisure, and residents. During this fiscal year much of what we had on hand had been depleted during COVID. Collateral will be a major focus in 2022-2023. Items to be redesigned include the Dining Guide and the Getting Around Folsom map. We will also continue to work with our partners to showcase other popular pieces of collateral, such as the Folsom Trail map. The 2023 edition of Folsom Magazine hit the shelves on October 31. The magazine is mailed to all homes in the region and showcased in our 1000 hotel rooms.
- **Visitor Services Highlights:** Visit Folsom is proud of the resources available in the Visitor Center. As mentioned, the Visitor Center is currently undergoing a remodel and will reopen in the new year to offer an even better experience for our guests.

Throughout the course of the year, Visit Folsom receives requests from stakeholders to provide customized welcome packets for incoming groups with maps, dining guides, Folsom swag, etc. Custom visitor packets are prepared for incoming groups at the request of hoteliers, groups, new residents and major employers.

- **Visit Folsom Concierge Services:** While Visit Folsom is a relatively small bureau, we do offer a high level of service for incoming groups who are seeking support to plan their conference or meeting. Our initial point of contact can come directly through a group considering Folsom as a host city or through a hotel partner looking for some additional support to win a piece of business that is desirable for Folsom

Services include:

- Itinerary development
- Recommendations for ancillary venues such as banquet dining, group meeting space, etc.
- Resources such as our transportation incentive, which will allow a group to recoup a portion of their shuttle expense



- Introductions to partners such as FHDA, zoo staff, or others for event development
- Underwriting food/drink options like Snooks, Happy Hours or other hospitality opportunities
- Visit Folsom Marketing Committee: The Visit Folsom team meets monthly with the Director of Sales/General Managers from our eight partner properties. The meeting is an opportunity to share trends in the market, review questions on Folsom developments and create strategic plans to continue to grow the tourism revenue. We move the meeting location monthly to restaurants or entertainment venues to showcase new products and share what is new in Folsom. This group discusses economic development news and businesses which are considering moving into our market, as this is a big area of interest for our hotels. These monthly meetings were finally resumed in person this past July.
- Regional Collaboration: Folsom's partnership with the Gold Country Visitor's Association/Visit CA continues to bring increased visibility for Folsom as a highlight on regional itineraries and provides access to marketing opportunities that would be beyond the reach of our local budget. Access to international visitor markets, collaboration on regional tours and representation in the CA State Visitor Guides are just a few of the benefits of this partnership.

Additionally, partnerships with Rancho Cordova Travel & Tourism, Visit El Dorado County, and now the 50 Economic Alliance are a great benefit as collaboration often allows us to host larger groups than any one market can handle alone.

- The Folsom Transportation Program: This campaign has started to heat up again as we come out of COVID and continues to perform well for our local hotels. Weddings, family reunions, and large business team building which meet the 10-room/10ight minimum are utilizing this shuttle incentive. The promotion is supported by social media and print ads in Real Weddings Magazine, as well as sales kits for each hotel partner. There is also a tremendous referral base from satisfied customers. We continue to allocate the budget

for this campaign with the objective of driving more leisure travel. We are now also experimenting with a shuttle program that helps small business groups get to and from the airport and around town.

**An accounting of the revenue and expenditures for the previous fiscal year: (7/1/21 to 6/30/22)**

- During this fiscal year funds were collected from the eight Folsom hotels (Lake Natoma Inn, Fairfield Inn & Suites, Hampton Inn, Hilton Garden, Larkspur Landing, Marriott Residence Inn and Marriott Courtyard, Staybridge Inn & Suites). The total amount of revenue for FY 21-22 was \$1,247,213. The total projected expenditures through June 30, 2022, for this fiscal year is \$788,594.



**An estimate of the cost of the activities for '22-'23 fiscal year: (7/1/22 to 6/30/23)**

- The Folsom Tourism Bureau expects proceeds from the BID to be \$1,309,500 for the timeframe of 7/1/22-6/30/23. The contributors include eight hotels (Lake Natoma Inn, Fairfield Inn & Suites, Hampton Inn, Hilton Garden, Larkspur Landing, Marriott Residence Inn, Marriott Courtyard, and Staybridge Inn & Suites). Expenditures are anticipated to be approximately \$1,088,000.

The amount of any surplus or deficit revenues to be carried over from a previous fiscal year: The Folsom Tourism Bureau is currently analyzing tourism amenities and technology through a strategic planning process, and investment in these areas is expected to rise.

## ATTACHMENT 2

**Folsom Tourism and  
Economic Development Corporation  
Statement of Activities  
June 30, 2022**

|                                                                    | <u>YTD Actual</u>        | <u>FY 21-22<br/>Approved<br/>Budget</u> |
|--------------------------------------------------------------------|--------------------------|-----------------------------------------|
| <b>Revenue</b>                                                     |                          |                                         |
| <u>2021-22 Funding</u>                                             |                          |                                         |
| BID - Q1 (Jan-Mar 22 from City)                                    | 265,045                  | 187,700                                 |
| BID - Q2 (Apr-Jun 22 from City)                                    | 315,885                  | 240,700                                 |
| BID - Q3 (Jul-Sept 21 from City)                                   | 348,352                  | 238,300                                 |
| BID - Q4 (Oct-Dec 21 from City)                                    | 310,431                  | 231,000                                 |
| Total BID Revenue                                                  | <u>1,239,713</u>         | <u>897,700</u>                          |
| Interest income                                                    | 4,263                    | 100                                     |
| <u>Other Income:</u>                                               |                          |                                         |
| Event Board Income                                                 | 1,330                    | 1,000                                   |
| Other Income                                                       | 1,907                    | -                                       |
| <b>Total Revenue</b>                                               | <u><b>1,247,213</b></u>  | <u><b>898,800</b></u>                   |
| <b>Expenses</b>                                                    |                          |                                         |
| Business & Event Attraction                                        | 50,000                   | 50,000                                  |
| Contract Labor/Payroll                                             | 249,956                  | 233,500                                 |
| Cost of Sales - Event Boards & Visitors Center                     | 6,653                    | 5,000                                   |
| Depreciation Expense                                               | 5,456                    | 8,000                                   |
| Facilities                                                         | 10,000                   | 10,000                                  |
| Marketing                                                          | 34,408                   | 106,500                                 |
| Office Expenses                                                    | 64,023                   | 75,000                                  |
| Professional Fees                                                  | 41,829                   | 40,000                                  |
| Events, Sponsorships, Studies                                      | 319,737                  | 350,000                                 |
| Transportation                                                     | 6,532                    | 12,500                                  |
| <b>Total Expenses</b>                                              | <u><b>788,594</b></u>    | <u><b>890,500</b></u>                   |
| <b>Increase/(Decrease) In Net Assets</b>                           | <u><b>\$ 458,619</b></u> | <u><b>\$ 8,300</b></u>                  |
| <b>Add back non-cash expense - depreciation</b>                    | <b>\$ 5,456</b>          | <b>\$ 8,000</b>                         |
| <b>Increase/(Decrease) In Net Assets (before non-cash expense)</b> | <u><b>\$ 464,075</b></u> | <u><b>\$ 16,300</b></u>                 |

# ATTACHMENT 3

DRAFT

04/11/2023 Item No.4.

# **Folsom Tourism and Economic Development Corporation**

**Audited Financial Statements**

**For the year ended June 30, 2022**



# DRAFT

**Folsom Tourism and Economic Development Corporation**  
**Financial Statements**  
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## **Independent Auditor's Report**

To the Board of Directors  
Folsom Tourism and Economic Development Corporation  
Folsom, California

### **Opinion**

We have audited the accompanying financial statements of Folsom Tourism and Economic Development Corporation (a nonprofit organization), which comprise the statement of financial position as of June 30, 2022, and the related statements of activities and changes in net assets and cash flows for the year then ended, and the related notes to the financial statements.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Folsom Tourism and Economic Development Corporation as of June 30, 2022, and the changes in its net assets and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### **Basis for Opinion**

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Folsom Tourism and Economic Development Corporation and to meet our other ethical responsibilities in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### **Responsibilities of Management for the Financial Statements**

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Folsom Tourism and Economic Development Corporation's ability to continue as a going concern within one year after the date that the financial statements are available to be issued.

## Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Folsom Tourism and Economic Development Corporation's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Folsom Tourism and Economic Development Corporation's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control related matters that we identified during the audit.

AP | Group| Inc  
Folsom, California  
<REPORT DATE>

**Folsom Tourism and Economic Development Corporation**

**Statement of Financial Position**

**June 30, 2022**

---

**Assets**

**Current assets**

|                                                    |    |              |
|----------------------------------------------------|----|--------------|
| Cash                                               | \$ | 930,515      |
| Contributions receivable                           |    | 347,129      |
| Related party receivables                          |    | 8,046        |
| Current portion of note receivable - related party |    | 17,595       |
| Prepaid expenses                                   |    | 1,315        |
| Prepaid rent - related party                       |    | <u>9,000</u> |

Total current assets 1,313,600

**Noncurrent assets**

|                                                         |  |               |
|---------------------------------------------------------|--|---------------|
| Equipment, net                                          |  | 16,557        |
| Note receivable - related party, net of current portion |  | 61,318        |
| Prepaid rent - related party                            |  | <u>70,186</u> |

Total noncurrent assets 148,061

Total assets \$ 1,461,661

See accompanying notes and accountant's report.

**Folsom Tourism and Economic Development Corporation**  
**Statement of Financial Position**  
**June 30, 2022**

---

**Liabilities and Net Assets**

**Current liabilities**

|                                   |              |
|-----------------------------------|--------------|
| Related party payable             | \$ 73,461    |
| Current portion of long-term debt | <u>3,375</u> |
| Total current liabilities         | 76,836       |

**Noncurrent liabilities**

|                                        |                |
|----------------------------------------|----------------|
| Long-term debt, net of current portion | <u>154,986</u> |
| Total liabilities                      | 231,822        |

**Net assets**

|                                  |                     |
|----------------------------------|---------------------|
| With donor restrictions          | <u>1,229,839</u>    |
| Total liabilities and net assets | <u>\$ 1,461,661</u> |

See accompanying notes and accountant's report.

**Folsom Tourism and Economic Development Corporation**  
**Statement of Activities and Changes in Net Assets**  
**For the year ended June 30, 2022**

|                                                 |    |         |
|-------------------------------------------------|----|---------|
| <b>Net assets released from restrictions</b>    | \$ | 788,594 |
| <b>Expenses</b>                                 |    |         |
| Program expenses                                |    |         |
| Business and event attraction                   |    | 50,000  |
| Contract labor                                  |    | 395,521 |
| Event underwriting                              |    | 161,948 |
| Marketing                                       |    | 85,810  |
| Office expenses                                 |    | 4,694   |
| Transportation                                  |    | 6,532   |
|                                                 |    | 704,505 |
| Total program expenses                          |    | 704,505 |
| General and administrative expenses             |    |         |
| Contract labor                                  |    | 17,413  |
| Depreciation                                    |    | 5,456   |
| Dues and subscriptions                          |    | 2,800   |
| Education and seminars                          |    | 550     |
| Interest expense                                |    | 4,056   |
| Licenses and permits                            |    | 44      |
| Office expenses                                 |    | 3,174   |
| Professional fees                               |    | 41,346  |
| Rent                                            |    | 9,250   |
|                                                 |    | 84,089  |
| Total general and administrative expenses       |    | 84,089  |
| Total expenses                                  |    | 788,594 |
| Change in net assets without donor restrictions |    |         |

See accompanying notes and accountant's report.

**Folsom Tourism and Economic Development Corporation**  
**Statement of Activities and Changes in Net Assets**  
**For the year ended June 30, 2022**

---

|                                              |                            |
|----------------------------------------------|----------------------------|
| <b>Net assets with donor restrictions</b>    |                            |
| Business improvement district revenue        | 1,243,976                  |
| Event board revenue                          | 1,330                      |
| Visitor center sales                         | 51                         |
| Other income                                 | 1,856                      |
| Less net assets released from restrictions   | <u>788,594</u>             |
| Change in net assets with donor restrictions | <u>458,619</u>             |
| <b>Increase in total net assets</b>          | 458,619                    |
| <b>Net assets, July 1, 2021</b>              | <u>771,220</u>             |
| <b>Net assets, June 30, 2022</b>             | <u><u>\$ 1,229,839</u></u> |

See accompanying notes and accountant's report.

**Folsom Tourism and Economic Development Corporation**  
**Statement of Cash Flows**  
**For the year ended June 30, 2022**

|                                                                                   |                          |
|-----------------------------------------------------------------------------------|--------------------------|
| <b>Cash flows from operating activities</b>                                       |                          |
| Change in net assets                                                              | \$ 458,619               |
| Adjustments to reconcile net assets to net cash provided by operating activities: |                          |
| Depreciation expense                                                              | 5,456                    |
| Accrued interest expense                                                          | 4,056                    |
| (Increase) decrease in assets:                                                    |                          |
| Contributions receivable                                                          | (10,320)                 |
| Related party receivables                                                         | (8,046)                  |
| Prepaid expenses                                                                  | (1,315)                  |
| Prepaid rent - related party                                                      | 9,000                    |
| Increase (decrease) in liabilities:                                               |                          |
| Related party payables                                                            | <u>(3,547)</u>           |
| <b>Cash provided by operating activities</b>                                      | <b>453,903</b>           |
| <b>Cash flows from investing activities</b>                                       |                          |
| Payments received on note receivable - related party                              | <u>19,598</u>            |
| <b>Net increase in cash</b>                                                       | <b>473,501</b>           |
| <b>Cash at beginning of year</b>                                                  | <u>457,014</u>           |
| <b>Cash at end of year</b>                                                        | <u><u>\$ 930,515</u></u> |

See accompanying notes and accountant's report.



**Folsom Tourism and Economic Development Corporation**

**Notes to the Financial Statements**

**June 30, 2022**

**1. Summary of Significant Accounting Policies**

Nature of Operations: The Organization's purpose is to encourage sound and beneficial tourism development in the City of Folsom by promoting the growth and development of tourism. The Organization will also encourage sound and beneficial economic development to improve business conditions and promote the common interests of Folsom businesses.

Basis of Accounting: The Organization records income using the accrual method of accounting for both financial reporting and income tax purposes. Under this method, income is recognized when earned and expenses are recorded when incurred.

Use of Estimates: Management uses estimates and assumptions in preparing financial statements. Those estimates and assumptions affect the reported amounts of assets and liabilities, the disclosure of contingent assets and liabilities, and the reported revenues and expenses. Actual results could differ from these estimates.

Cash: For purposes of the statement of cash flows, the Organization considers all short-term debt securities purchased with a maturity of three months or less to be cash equivalents.

Contribution Receivables: Contribution receivables are recognized when the donor makes a contribution to the Organization that is, in substance, unconditional. Contribution receivables that are restricted by the donor are reported as increases in temporarily restricted net assets or permanently restricted net assets depending on the existence or nature of any donor restrictions. When a restriction expires, temporarily restricted assets are reclassified to unrestricted net assets. Contribution receivables are due in less than one year.

Equipment: The Organization capitalizes equipment over \$1,000. Equipment is carried at cost and depreciated over the estimated useful life of the asset using the straight-line method. Costs of maintenance and repairs are charged to expense. Upon retirement or disposal of equipment and leasehold improvements, the costs and related depreciation are removed from the accounts, and gain or loss, if any, is reflected in the earnings. The estimated useful lives used for calculating depreciation are as follows:

|                        |             |
|------------------------|-------------|
| Computer equipment     | 5 years     |
| Furniture and fixtures | 3 - 7 years |

## Folsom Tourism and Economic Development Corporation

### Notes to the Financial Statements

June 30, 2022

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Impairment of Long-Lived Assets: Long-lived assets are reviewed for impairment whenever events or changes in circumstances indicate that the carry amount of such assets may not be recoverable. Recoverability of these assets is determined by comparing the forecasted undiscounted net cash flows of the operation to which the assets relate to the carrying amount. If the operation is determined to be unable to recover the carrying amount of its assets, then the assets are written down first, followed by other long-lived assets of the operation to fair value. Fair value is determined based on discounted cash flows or appraised values, depending on the nature of the assets. There were no impairment losses recognized for long-lived assets as of June 30, 2022.

Contributions: Contributions received are recorded as net assets with donor restrictions or net assets without donor restrictions depending on the absence or existence and nature of any donor restrictions.

Income Taxes: The Organization is exempt from federal income taxes under Section 501(c)(6) of the Internal Revenue Code, except on net income derived from unrelated business activities. The Organization may recognize the tax benefit from a tax position only if it is more likely than not that the tax position will be sustained on examination by taxing authorities based on the technical merits of the position. Examples of tax positions include the tax-exempt status of the Organization and various positions related to the potential sources of unrelated business taxable income. The Organization's open audit periods are 2018, 2019, 2020 and 2021. The Organization has analyzed its tax positions taken for filings with the Internal Revenue Service and the state of California. The Organization believes that its income tax filing positions will be sustained upon examination and does not anticipate any adjustments that would result in a material adverse effect on the Organization's financial condition, results of operations, or cash flows.

Concentrations of Credit Risk: Financial instruments that potentially subject the Organization to concentrations of credit risk consist principally of temporary cash investments and receivables. The Organization places its temporary cash investments with financial institutions, and those balances may exceed the federally insured limit on occasion.

Contributions receivable from one city represented approximately all of total contributions receivable as of June 30, 2022. Revenue from one city represented approximately all of total revenue for the year ended June 30, 2022.

Functional Expenses: Expenses are charged to programs and general and administrative expenses based on their natural classification. Accordingly, certain costs have been allocated among various programs and general and administrative expenses based on estimates made by the Organization. General administrative expenses include those expenses that are not directly identifiable with any other specific function but provide overall support and direction of the Organization. Allocation methods are based on contract labor time incurred and on resource usage.

**Folsom Tourism and Economic Development Corporation**

**Notes to the Financial Statements**

**June 30, 2022**

Recent Accounting Pronouncements: In February 2016, the FASB issued ASU 2016-02, Leases (Topic 842), which, among other things, requires the recognition of lease assets and lease liabilities on the statement of financial position of lessees, along with the disclosure of key information about leasing arrangements. The Organization is currently evaluating the effects of this ASU on its financial statements. ASU 2016-02 is effective for the Organization's year ending June 30, 2023, with early adoption permitted.

Subsequent Events: Management has evaluated subsequent events through xxxxxx, the date the financial statements were available to be issued.

**2. Liquidity and Availability of Financial Assets**

The following reflects the Organization's financial assets as of the financial position date, reduced by amounts not available for general use because of contractual or donor-imposed restrictions within one year of the statement of financial position date.

|                                                                                            |                      |
|--------------------------------------------------------------------------------------------|----------------------|
| Cash                                                                                       | \$ 930,515           |
| Contributions receivable                                                                   | 347,129              |
| Related party receivables                                                                  | 8,046                |
| Less net assets with donor restrictions                                                    | <u>1,229,839</u>     |
| <br>Financial assets available to meet cash needs for general expenditures within one year | <br><u>\$ 55,851</u> |

As part of the Organization's liquidity management, it invests cash in excess of daily requirements in checking accounts.

## Folsom Tourism and Economic Development Corporation

### Notes to the Financial Statements

June 30, 2022

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#### 3. Note Receivable - Related Party

Note receivable - related party represents amounts due from Folsom Community Development Corporation totaling \$78,913 as of June 30, 2022. Monthly payments receivable under the note are \$1,887. The note accrues interest at 5.00% per annum and is due May 31, 2026. The Organization received \$4,204 of interest on this note for the year ended June 30, 2022.

#### 4. Equipment

Equipment consists of the following as of June 30, 2022:

|                               |                         |
|-------------------------------|-------------------------|
| Computer equipment            | \$ 7,260                |
| Furniture and fixtures        | <u>79,529</u>           |
| Total equipment               | 86,789                  |
| Less accumulated depreciation | <u>70,232</u>           |
| Equipment, net                | <u><u>\$ 16,557</u></u> |

Depreciation expense charged to general and administrative expenses amounted to \$5,456 for the year ended June 30, 2022.

**Folsom Tourism and Economic Development Corporation**  
**Notes to the Financial Statements**  
**June 30, 2022**

---

**5. Long-term Debt**

Long-term debt consists of the following:

|                                                                                                                                        | Interest<br>Rate | Payable            |                   |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|-------------------|
|                                                                                                                                        |                  | Within<br>One Year | After<br>One Year |
| SBA Economic Injury Disaster Loan, secured by all assets, monthly payments of \$641, including principal and interest, due in May 2050 | 2.75%            | \$ 3,375           | \$ 154,986        |

Aggregate maturities on long-term debt over the next five years are as follows:

| <u>Year ending June 30:</u> |            |
|-----------------------------|------------|
| 2023                        | \$ 3,375   |
| 2024                        | 3,474      |
| 2025                        | 3,570      |
| 2026                        | 3,670      |
| 2027                        | 3,772      |
| After 2027                  | 140,500    |
|                             | \$ 158,361 |

## **Folsom Tourism and Economic Development Corporation**

### **Notes to the Financial Statements**

**June 30, 2022**

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#### **6. Leasing**

The Organization leases warehouse space under a non-cancelable operating lease with Folsom Community Development Corporation expiring in June 2025. Rent expense included in general and administrative expenses amounted to \$9,250 for the year ended June 30, 2022. The Organization has prepaid future lease payments totaling \$79,186 as of June 30, 2022.

#### **7. Net Assets with Donor Restrictions**

Net assets with donor restrictions as of June 30, 2022 represent the unexpended portion of business improvement district income received from the City of Folsom.

#### **8. Related Party Transactions**

During the year ended June 30, 2022, the Organization paid \$343,956 to a related entity, Folsom Chamber of Commerce, for reimbursement of personnel and office expenses and \$85,000 for expenses related to supporting community events, including labor costs, consulting, marketing, and event support expenses. The Organization also paid \$213,797 to Folsom Community Development Corporation for expenses related to economic development.

Included in related party receivables and payables as of June 30, 2022 is \$8,046 due from Folsom Chamber of Commerce and \$73,461 due to Folsom Community Development Corporation.

The Organization has a note receivable due from Folsom Community Development Corporation totaling \$78,913 as of June 30, 2022 (see note 3).

The Organization has a non-cancelable operating lease with Folsom Community Development Corporation (see note 6).

#### **9. Contingency**

The Organization's agreement with the City of Folsom relative to the Folsom Tourism Business Improvement District expired on December 31, 2022. The five year extension has not been approved and management expects the agreement to be extended upon review of the annual report.

# City Council Special Meeting

## MINUTES

Tuesday, March 28, 2023 6:00 PM

---

### CALL TO ORDER

The special City Council meeting was called to order at 6:00 p.m. with Mayor Rosario Rodriguez presiding.

### ROLL CALL:

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

Councilmembers Absent: None

Participating Staff: City Manager Elaine Andersen  
City Attorney Steve Wang  
Deputy City Clerk Lydia Konopka

### ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

1. Conference with Labor Negotiator - Pursuant to Government Code Section 54957.6. Agency Negotiator: Human Resources Advisor John Spittler. Employee Organization: City of Folsom Police Department Middle Management Employees

**Motion by Councilmember Sarah Aquino, second by Vice Mayor YK Chalamcherla, to adjourn to closed session for the above referenced item. Motion carried with the following roll call vote:**

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

### RECONVENE

City Attorney Steven Wang announced that no final action was taken during closed session.

**ADJOURNMENT**

The special meeting was adjourned to the regular City Council meeting at 6:30 p.m.

SUBMITTED BY:

\_\_\_\_\_  
Lydia Konopka, Deputy City Clerk

ATTEST:

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



# City Council Regular Meeting

## MINUTES

Tuesday, March 28, 2023 6:30 PM

---

### CALL TO ORDER

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

### ROLL CALL:

- Councilmembers Present: Mike Kozlowski, Councilmember  
Anna Rohrbough, Councilmember  
Sarah Aquino, Councilmember  
YK Chalamcherla, Vice Mayor  
Rosario Rodriguez, Mayor
- Councilmembers Absent: None
- Participating Staff: City Manager Elaine Andersen  
City Attorney Steven Wang  
Deputy City Clerk Lydia Konopka  
CFO/Finance Director Stacey Tamagni  
Environmental and Water Resources Director Marcus Yasutake  
Communications Director Christine Brainerd  
Senior Planner Stephanie Henry  
Community Development Director Pam Johns  
Principal Planner Steve Banks  
Assistant City Attorney Sari Dierking  
Public Works Director Mark Rackovan

### PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

### AGENDA UPDATE

City Attorney Steven Wang announced that there was a revised staff report and additional information for item 13.

**BUSINESS FROM THE FLOOR:**

The following speakers addressed the City Council:

1. Beverly Siess regarding the winter shelter
2. Jennifer Lane regarding River District Ad Hoc Committee
3. Ethan Walker regarding SB54

**SCHEDULED PRESENTATIONS:**

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

TEDCorp CEO Joe Gagliardi introduced the item. Choose Folsom representatives Laura Fickle, Phil Scott, and Daniel Kaye of Bekonix made a presentation and responded to questions from the City Council.

**CONSENT CALENDAR:**

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

2. Approval of March 14, 2023 Special and Regular Meeting Minutes
3. Ordinance No. 1337 - An Uncodified Ordinance of the City of Folsom Approving Amendment No. 2 to the First Amended and Restated Tier 1 Development Agreement Between the City of Folsom and Eagle Commercial Properties, LLC Relative to the Folsom South Specific Plan (Second Reading and Adoption)
4. **pulled for comment**
5. Resolution No. 11008 - A Resolution Authorizing the City Manager to Execute a Memorandum of Understanding between the City of Folsom and the City of Folsom Fire Department Middle Management Employees (CFFDMME)
6. Resolution No. 11009 - A Resolution Authorizing the City Manager to Execute a Memorandum of Understanding between the City of Folsom and the Folsom Middle Management Group (FMMG)
7. Resolution No. 11013 - A Resolution Authorizing the City Manager to Execute an Agreement with NBS Government Financing Group for Assessment Engineering Services
8. Resolution No. 11014 - A Resolution Directing the Preparation of Engineer's Report for the Following Landscaping and Lighting Districts for Fiscal Year 2023-2024 American River Canyon North, American River Canyon North No. 2, American River Canyon North No. 3, Blue Ravine Oaks, Blue Ravine Oaks No. 2, Briggs Ranch, Broadstone, Broadstone No. 4, Broadstone Unit No. 3, Cobble Ridge, Cobble Hills Ridge II/Reflections II, Folsom Heights, Folsom Heights No. 2, Hannaford Cross, Lake Natoma Shores, Los Cerros, Natoma Station, Natoma Valley, Prairie Oaks Ranch, Prairie Oaks Ranch No. 2, Prospect Ridge, Sierra Estates, Silverbrook, Steeplechase, The Residences at American River Canyon, The Residences at American River Canyon II, Willow Creek Estates East, Willow Creek Estates East No. 2, Willow Creek Estates South, and Willow Springs

9. pulled for comment

**Motion by Councilmember Mike Kozlowski, second by Vice Mayor YK Chalamcherla, to approve items 2-3 and 5-8 of the Consent Calendar.**

**Motion carried with the following roll call vote:**

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

**CONSENT CALENDAR ITEMS PULLED FOR DISCUSSION:**

9. 2022 General Plan (and Housing Element) Annual Progress Report

Mayor Rosario Rodriguez pulled item 9 at the request of Loretta Hettinger who addressed the City Council regarding the history of Folsom.

**Motion by Mayor Rosario Rodriguez, second by Vice Mayor YK Chalamcherla, to approve the Annual Progress Report.**

**Motion carried with the following roll call vote:**

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

4. Resolution No. 11006 - A Resolution Authorizing the City Manager to Execute an Agreement with McGuire and Hester for the Construction of the Greenback Sewer and Lift Station No. 3 Project and Appropriation of Funds

Vice Mayor YK Chalamcherla pulled the item for clarification and to make a motion. Environmental and Water Resources Director Marcus Yasutake responded. City Attorney Steve Wang provided additional clarification.

**Motion by Vice Mayor YK Chalamcherla, second by Councilmember Mike Kozlowski, to reject all bids.**

**Motion failed with the following roll call vote:**

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

**Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski, to approve Resolution No. 11006.**

**Motion carried with the following roll call vote:**

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

**PUBLIC HEARING:**

10. Amendment to City of Folsom Community Facilities District No. 23 (Folsom Ranch) Improvement Area No. 2
  - i. Resolution No. 11010 - A Resolution of the City Council of the City of Folsom Calling a Special Mailed-Ballot Election Related to Change Proceedings for Improvement Area No. 2 within City of Folsom Community Facilities District No. 23 (Folsom Ranch)
  - ii. Resolution No. 11011 – A Resolution of Change of the City Council of the City of Folsom Relating to Improvement Area No. 2 within the City of Folsom Community Facilities District No. 23 (Folsom Ranch)
  - iii. Ordinance No. 1338 – An Uncodified Ordinance Levying a Special Tax for the Fiscal Year 2023-2024 and Following Fiscal Years Solely within and Relating to Improvement Area No. 2 within the City of Folsom Community Facilities District No. 23 (Folsom Ranch) (Introduction and First Reading)

CFO/Finance Director Stacey Tamagni made a presentation.

Mayor Rosario Rodriguez opened the public hearing and asked if there were any protests or public comments. There were none.

Mayor Rosario Rodriguez asked if there was a majority protest for CFD No. 23. Deputy City Clerk Lydia Konopka confirmed that there was no majority protest. Mayor Rodriguez stated that because there is no majority protest the City Council may consider the resolution.

**Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski, to approve Resolution No. 11010.**

**Motion carried with the following roll call vote:**

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

Mayor Rosario Rodriguez asked the City Clerk to conduct the election and proceed to canvas. Deputy

City Clerk Lydia Konopka stated she received the ballots, and declared the election closed. She read the canvas results and explained that the votes are one hundred percent in favor of the measure.

**Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski, to approve Resolution No. 11011.**

**Motion carried with the following roll call vote:**

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

**Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski, to introduce and conduct the first reading of Ordinance No. 1338.**

**Motion carried with the following roll call vote:**

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

Mayor Rosario Rodriguez closed the public hearing.

**NEW BUSINESS:**

- 11. Proposed Historic Folsom Property & Business Improvement District
  - i. Resolution 11007 – A Resolution Authorizing the City Manager to Sign the Petition and Ballot on Behalf of the City of Folsom in Support of the Renewal of the Historic Folsom Property and Business Improvement District

Communications Director Christine Brainerd introduced the item and Folsom Historic District Association President Jim Snook made a presentation and responded to questions from the City Council.

**Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski to approve Resolution No. 11007.**

**Motion carried with the following roll call vote:**

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

12. Housing Element Program H-2 - Additional Housing Capacity Buildout Assumptions Analysis and Recommendations

Senior Planner Stephanie Henry made a presentation and responded to questions from the City Council. Additional clarification was provided by City Attorney Steve Wang.

The following speaker addressed the City Council:

- Judi Alexander

Community Development Director Pam Johns confirmed that City Council direction to staff was to proceed with the assumptions which staff will study and bring back to the City Council.

13. Appeal by Katharine Gray of Decisions by the Planning Commission Adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving a Conditional Use Permit, Planned Development Permit, and Density Bonus for Development of the 136-unit Vintage Senior Apartments project (PN 21-259) Located at 103 East Natoma Street

Mayor Rosario Rodriguez opened the public hearing and summarized the proceedings of the appeal hearing.

Principal Planner Steve Banks made a presentation and responded to questions from the City Council. City Attorney Steven Wang provided additional clarification.

The appellant team consisting of Kat Gray, Erin Sergeant and Henry Sundermier made a presentation.

The applicant team consisting of attorney Robert Holderness, project manager Jennifer VanGerpen and civil engineer Chris Schulze made a presentation and responded to questions of the City Council.

The following speakers addressed the City Council:

1. Kandi Jones in opposition
2. Judi Alexander in opposition
3. Bob Maechler in opposition
4. Nancy Coe in opposition
5. Art Jones in opposition
6. Jean Sundermier in opposition
7. Henry Sundermier in opposition
8. Eli in opposition
9. Teresa Golden-Okson in opposition

Mayor Rosario Rodriguez called for a five-minute recess at 9:19 pm and reconvened the City Council meeting at 9:25 pm.

Appellant Erin Sergeant made rebuttal comments.

Applicant representative Bob Holderness made rebuttal comments.

At the request of Councilmember Sarah Aquino, Principal Planner Steve Banks responded to questions asked by the speakers during public comment. City Attorney Steven Wang provided legal clarification.

Applicant Jennifer VanGerpen responded to questions from the City Council.

The City Council commented and discussed the project. City staff and the applicant's team responded to questions from the City Council and provided clarification.

**Motion by Councilmember Sarah Aquino, second by Councilmember Mike Kozlowski to deny the appeal with changes to conditions No. 3 to change the approval length of the project entitlements from three years to two years, and Condition No. 54 to eliminate the requirement for specially designated guest parking spaces.**

**Motion carried with the following roll call vote:**

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

**OLD BUSINESS:**

14. Resolution No. 11015 - A Resolution Adopting the City of Folsom Strategic Plan, FY2023-24 through FY2027-28

City Manager Elaine Andersen made a presentation and responded to questions from the City Council.

Councilmember Sarah Aquino requested changes to the Goal C: Economic and Community Development Strategies section: change no. 9 to begin sooner and change no. 13 to begin later. City Manager Elaine Andersen received consensus from the City Council for those changes.

There was more discussion between the City Council and clarification with City Manager Elaine Andersen.

**Motion by Councilmember Mike Kozlowski, second by Councilmember Sarah Aquino to approve Resolution No. 11015.**

**Motion carried with the following roll call vote:**

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

**COUNCIL REQUEST FOR FUTURE AGENDA ITEMS**

Mayor Rosario Rodriguez requested a future agenda item to consider formation of an ad hoc committee for budget oversight and future financial needs.

**CITY MANAGER REPORTS:**

City Manager Elaine Andersen announced that the Landscape Festival was a successful event and thanked everyone involved.

**COUNCIL COMMENTS:**

Councilmember Sarah Aquino thanked everyone involved in the Landscape Festival. She thanked Police Lieutenant Chris Emery for joining her at the State Capitol regarding Assembly Bill 742. She asked that City Manager Elaine Andersen send a letter opposing the bill.

Councilmember Mike Kozlowski discussed meetings he attended of the Regional Transit and SACOG boards and encouraged everyone to attend the upcoming track meet at Folsom High School.

Councilmember Anna Rohrbough thanked Councilmember Kozlowski for sending her information regarding one of his committees.

Vice Mayor YK Chalamchela commented regarding meeting with Regional Transit members and that he is going on the Cap to Cap trip next month.

Mayor Rosario Rodriguez spoke of attending upcoming events of the kick-off for the American River 50 Mile Endurance Run and the Arts Academy Jazz Festival. She commended Deputy Fire Marshal Michelle Toledo for a great job with her recent business inspection and thanked the Deputy City Clerk for clerking the meeting.

**ADJOURNMENT**

There being no further business to come before the Folsom City Council, Mayor Rosario Rodriguez adjourned the meeting at 11:05 pm.

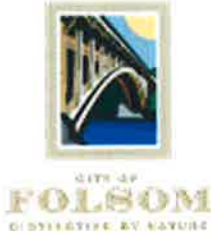
SUBMITTED BY:

\_\_\_\_\_  
Lydia Konopka, Deputy City Clerk

ATTEST:

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





# Folsom City Council Staff Report

|                        |                                                                                                                                                                                                                                                                                              |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                                                                                                                                    |
| <b>AGENDA SECTION:</b> | Consent Calendar                                                                                                                                                                                                                                                                             |
| <b>SUBJECT:</b>        | Ordinance No. 1338 – An Uncodified Ordinance Levying a Special Tax for the Fiscal Year 2023-2024 and Following Fiscal Years Solely within and Relating to Improvement Area No. 2 within the City of Folsom Community Facilities District No. 23 (Folsom Ranch) (Second Reading and Adoption) |
| <b>FROM:</b>           | Finance Department                                                                                                                                                                                                                                                                           |

### RECOMMENDATION / CITY COUNCIL ACTION

It is recommended that the City Council conduct the second reading and move to adopt the following ordinance:

Ordinance No. 1338 – An Uncodified Ordinance Levying a Special Tax for the Fiscal Year 2023-2024 and Following Fiscal Years Solely within and Relating to Improvement Area No. 2 within the City of Folsom Community Facilities District No. 23 (Folsom Ranch) (Second Reading and Adoption)

### BACKGROUND / ISSUE

The Folsom Plan Area Specific Plan Public Facilities Financing Plan (“PFFP”), approved by the City Council on January 28, 2014 via Resolution 9298, is an \$877 million plan that describes the backbone infrastructure and facility requirements, presents a comprehensive financing strategy, and sets forth the estimated time horizon for the development of the Folsom Plan Area (“FPA”).

The City Council previously approved the Resolution of Formation (Resolution No. 10435) and the Resolution Deeming it Necessary to Incur Bonded Indebtedness (Resolution No. 10437) on May 26, 2020 to form Community Facilities District No. 23 (Folsom Ranch) (“CFD No. 23”), designate Improvement Area No. 2, authorize a special tax to finance the acquisition and construction of certain public facilities and certain public services, authorize the issuance

of debt to finance the public facilities, and establish the appropriations limit and maximum bonded indebtedness for Improvement Area No. 2.

The landowners within Improvement Area No. 2 have requested to amend the Rate and Method of Apportionment to adjust the maximum special tax rates based on the planned development of property within Improvement Area No. 2. The proposed development plan for Improvement Area No. 2 includes 291 units zoned as multi-family low density and 5.1 acres of non-residential use.

On February 14, 2023 this City Council considered to amend the Rate and Method of Apportionment for Improvement Area No. 2 by passage of Resolution No. 10988.

A Public Hearing and landowner election was conducted March 28, 2023. At that time, the following resolutions were approved by the Council:

1. Resolution No. 11010 - A Resolution of the City Council of the City of Folsom Calling a Special Mailed-Ballot Election Related to Change Proceedings for Improvement Area No. 2 within City of Folsom Community Facilities District No. 23 (Folsom Ranch)
2. Resolution No. 11011 – A Resolution of Change of the City Council of the City of Folsom Relating to Improvement Area No. 2 within the City of Folsom Community Facilities District No. 23 (Folsom Ranch)

The results of the landowner election was 32 votes in favor of the ballot measure and zero opposed.

### **POLICY / RULE**

Chapter 5 of the Folsom Plan Area Public Facilities Financing Plan authorizes the formation of CFDs to finance the construction, acquisition, and servicing of FPA backbone infrastructure and public facilities

Section 2.5.3 of the First Amended and Restated Tier 1 Development Agreement authorizes the formation of infrastructure CFDs

Resolution No. 9282 – A Resolution of the City Council of the City of Folsom Approving Goals and Policies for Community Facilities Districts

Mello-Roos Community Facilities Act of 1982

### **ANALYSIS**

CFD No. 23 is structured as an extended-term CFD and will provide the necessary funding to help fund all or a portion of the project's share of PFFP backbone infrastructure and facilities, including related environmental mitigation obligations. The PFFP backbone infrastructure and

facilities will be financed using both bond proceeds and PAYGO special tax revenues. The extended-term CFD structure is proposed to help to meet the challenge of high-cost infrastructure and facilities while also aligning the timing of future funding availability with the need for such funding.

The proposed amendment to the Rate and Method of Apportionment for Improvement Area No. 2 increases the maximum facilities special tax rates for single-family detached property. The special tax revenue generated from taxable parcels within Improvement Area No. 2 will be comprised of a special tax to fund facilities and a special tax to fund services. The amended 2022/23 maximum facilities special tax rates and maximum services special tax rates, for each land use category, are provided in the table below:

| Land Use Category                                                              | 2022/23<br>Maximum<br>Facilities<br>Special Tax<br>Rate | 2022/23<br>Maximum<br>Services<br>Special Tax<br>Rate | Per  |
|--------------------------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------|------|
| Single-Family Detached Property - SF/SFHD Zoning (All Residential Floor Sizes) | \$2,559.87                                              | \$214.56                                              | Unit |
| Single-Family Detached Property - MLD Zoning (≥ 3,600 square feet)             | 2,559.87                                                | 110.49                                                | Unit |
| Single-Family Detached Property - MLD Zoning (3,200-3,599 square feet)         | 2,559.87                                                | 110.49                                                | Unit |
| Single-Family Detached Property - MLD Zoning (2,800-3,199 square feet)         | 2,559.87                                                | 110.49                                                | Unit |
| Single-Family Detached Property - MLD Zoning (2,400-2,799 square feet)         | 2,559.87                                                | 110.49                                                | Unit |
| Single-Family Detached Property - MLD Zoning (2,000-2,399 square feet)         | 2,359.41                                                | 110.49                                                | Unit |
| Single-Family Detached Property - MLD Zoning (< 2,000 square feet)             | 2,123.92                                                | 110.49                                                | Unit |
| MMD Multi-Family Attached Property                                             | 31,212.00                                               | 536.40                                                | Acre |
| MHD Multi-Family Attached Property                                             | 12,172.68                                               | 1,072.80                                              | Acre |
| Non-Residential Property                                                       | 12,172.68                                               | 1,072.80                                              | Acre |

The facilities special tax can be levied and collected through Fiscal Year 2079/80. Each fiscal year, commencing with Fiscal Year 2023/24, the maximum facilities special tax rate will be increased by 2% annually. The services special tax can be levied and collected in perpetuity for Improvement Area No. 2. Each fiscal year, commencing with Fiscal Year 2023/24, the maximum services special tax rate will be increased by the June annualized percentage change of the Consumer Price Index for all Urban Consumers, for the San Francisco-Oakland-San Jose area, not to exceed 4%.

Ordinance 1338 authorizes the special tax to be levied on CFD No. 23 Improvement Area 2 for Fiscal Year 2023/24 and all subsequent years, and was introduced on March 28, 2023. No changes have been made to the ordinance since the first reading.

**FINANCIAL IMPACT**

There is no direct General Fund impact on the City of Folsom. The Improvement Area No. 2 amendment and expenses are solely the responsibility of Improvement Area No. 2. The General Fund is not impacted by the Improvement Area No. 2 Amended Rate and Method of Apportionment.

**ENVIRONMENTAL REVIEW**

An Initial Study and Mitigated Negative Declaration prepared for the Folsom Plan Area Backbone Infrastructure Project were previously prepared for, and adopted by the City Council on February 24, 2015, in accordance with the requirements of the California Environmental Quality Act. Pursuant to CEQA Guidelines section 15378(c), the term “project” does not mean each separate governmental approval for an approved activity which may be subject to several discretionary approvals by governmental agencies. Additionally, the creation of government funding mechanisms which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment is not defined as a “project” under CEQA. CEQA Guidelines Section 15378(b)(4) and 15061(b)(3).

**ATTACHMENTS**

1. Ordinance No. 1338 – An Uncodified Ordinance Levying a Special Tax for the Fiscal Year 2023-2024 and Following Fiscal Years Solely within and Relating to Improvement Area No. 2 within the City of Folsom Community Facilities District No. 23 (Folsom Ranch) (Second Reading and Adoption)

Submitted,



Stacey Tamagni  
Finance Director

**ORDINANCE NO. 1338****AN UNCODIFIED ORDINANCE LEVYING A SPECIAL TAX FOR THE FISCAL YEAR 2023-2024 AND FOLLOWING FISCAL YEARS SOLELY WITHIN AND RELATING TO IMPROVEMENT AREA NO. 2 WITHIN THE CITY OF FOLSOM COMMUNITY FACILITIES DISTRICT NO. 23 (FOLSOM RANCH)**

The City Council of the City of Folsom, State of California ordains as follows:

**SECTION 1 PURPOSE**

The City Council of the City of Folsom hereby finds, determines and declares based on the record before it that:

1. The City is authorized to establish a community facilities district pursuant to the terms of the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Division 2 of Title 5 of the California Government Code, commencing with Section 53311 (the "Act"); and
2. Pursuant to Section 53350 of the Act, the City is authorized to designate improvement areas within the community facilities district; and
3. Pursuant to Government Code section 53340 and Resolution No. 10435, adopted by the City Council (the "City Council") of the City of Folsom (the "City") on May 26, 2020 (the "Resolution of Formation"), the City Council formed its Community Facilities District No. 23 (Folsom Ranch) (the "Community Facilities District") and a rate and method of apportionment of the special tax (as amended, the "Special Tax") for Improvement Area No. 2 ("Improvement Area No. 2") established therein was approved by an election of the qualified electors within Improvement Area No. 2 on such date; and
4. Pursuant to Resolution No. 10988, adopted by the City Council on February 14, 2023 (the "Resolution of Consideration") and Resolution No. 11011 adopted by the City Council on March 28, 2023 (the "Resolution of Change" and, collectively with the Resolution of Formation and the Resolution of Consideration, the "Resolutions"), the City Council approved an Amended Rate and Method of Apportionment for City of Folsom Community Facilities District No. 23 (Folsom Ranch) Improvement Area No. 2 (the "Amended Rate and Method"), which changes were approved by an election of the qualified electors within Improvement Area No. 2 on such date; and
5. The City Council desires to levy and impose the Special Tax and to take other related actions.

**SECTION 2**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FOLSOM RESOLVES:**

1. The recitals set forth in Section 1 are true and correct.

2. A special tax is hereby levied on all Taxable Property (as defined in the Amended Rate and Method) within Improvement Area No. 2 for the 2023-24 fiscal year and for all subsequent fiscal years in the amount of the maximum authorized tax, provided that this amount may be adjusted annually, subject to the maximum authorized special tax limit, by resolution of the City Council.
3. The Finance Director of the City of Folsom or designee thereof (the "CFD Administrator") is authorized and directed, to determine each year, without further action of the City Council, the Special Tax, to prepare the annual Special Tax roll in the amount of the Special Tax in accordance with the related exhibit and, without further action of the City Council, to provide all necessary and appropriate information to the Sacramento County Auditor-Controller's Office (the "County") in proper form, and in proper time, necessary to effect the correct and timely billing and collection of the Special Tax on the secured property tax roll of the County; provided, that as provided in the Resolutions and Section 53340 of the California Government Code, the City has reserved the right to utilize any method of collecting the Special Tax which it shall, from time to time, determine to be in the best interests of the City of Folsom (the "City"), including but not limited to, direct billing by the City to the property owners and supplemental billing.
4. The appropriate officers and agents of the City are authorized to make adjustments to the Special Tax roll prior to the final posting of the Special Tax to the County tax roll each fiscal year, as may be necessary to achieve a correct match of the Special Tax levy with the assessor's parcel numbers finally utilized by the County in sending out property tax bills.
5. The City agrees that, in the event the Special Tax for Improvement Area No. 2 is collected on the secured tax roll of the County, the County may deduct its reasonable and agreed charges for collecting the Special Tax from the amounts collected, prior to remitting the Special Tax collections to the City.
6. Taxpayers who have requested changes or corrections of the Special Tax pursuant to Section I of the Amended Rate and Method and who are not satisfied with the decision of the CFD Administrator (whether the CFD Administrator disagrees with the taxpayer or concludes that the City is not authorized to consider the change requested), may appeal to the City Council. The appeal must be in writing, fully explain the grounds of appeal and must be based solely on the correction of mistakes in the levy based upon the status of the property, and no other appeals will be allowed. The CFD Administrator shall schedule the appeal for consideration within a reasonable time at a City Council meeting.

### **SECTION 3 SEVERABILITY**

If for any cause any portion of this ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel by a court of competent jurisdiction, the balance of this ordinance, and the application of the Special Tax to the remaining parcels, shall not be affected.

**SECTION 4 EFFECTIVE DATE; EFFECT ON ORDINANCE NO. 1305**

This ordinance shall take effect and be in force as a tax measure thirty (30) days following its second reading and adoption at a meeting of the City Council; and before the expiration of twenty (20) days after its passage the same shall be published, with the names of the members voting for and against the same, at least once in a newspaper of general circulation published and circulated in the Community Facilities District.

Ordinance No. 1305 adopted by the City Council on June 9, 2020, shall be superseded, solely with respect to Improvement Area No. 2, to the extent it is inconsistent with this ordinance, upon the date that this ordinance takes effect, as described in the immediately preceding paragraph.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on March 28, 2023, and the second reading occurred at the regular meeting of the City Council on April 11, 2023.

\* \* \*

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 11th day of April, 2023 by the following vote, to wit:

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

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

ATTEST:

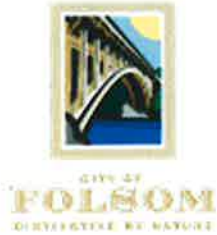
\_\_\_\_\_  
Christa Freemantle, CITY CLERK

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CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE





# Folsom City Council Staff Report



|                        |                                                                                                                                                                             |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                   |
| <b>AGENDA SECTION:</b> | Consent Calendar                                                                                                                                                            |
| <b>SUBJECT:</b>        | Resolution No. 11016 - Resolution of the City Council of the City of Folsom Declaring its Intention to Renew the Historic Folsom Property and Business Improvement District |
| <b>FROM:</b>           | City Manager's Office                                                                                                                                                       |

### RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends approving Resolution 11016—A Resolution of the City Council of the City of Folsom Declaring its Intention to Renew the Historic Folsom Property and Business Improvement District (HFPBID).

### BACKGROUND / ISSUE

The Historic Folsom Property and Business Improvement District (HFPBID) is a benefit assessment district whose main goal is to provide improvements and activities which constitute and convey a special benefit to assessed parcels. This approach has been used successfully in Historic Folsom and elsewhere throughout the country to provide special benefits to property owners, namely increased sales, attraction of new tenants, increased occupancies, and specifically increased property values.

The HFPBID was created in 2008 pursuant to provisions of the Streets and Highway Code and City Council Resolution No. 8317. By statute, the initial term was limited to five years, and the City Council renewed the District for the maximum allowable term of ten years in 2013 at the request of the Folsom Historic District Association (FHDA). With the current term ending on December 31, 2023, HFPBID property owners and FHDA now wish to renew the District for another ten-year term.

HFPBID property owners decided to pursue renewal of the HFPBID in order to continue a revenue source devoted to providing special benefits to assessed property owners. If renewed, the HFPBID would generate approximately \$170,757.12 in assessment revenue on an annual basis for improvements and activities that are above and beyond those provided by the City and other government agencies. The assessment funds will be supplemented by non-assessment funds, so that the total budget for the initial year is estimated at \$179,663.27.

Staff is seeking adoption of the Resolution of Intention to Renew the Historic Folsom Property and Business Improvement District (HFPBID), resulting in a public hearing on June 13, 2023, to renew the HFPBID and levy the assessments.

*MANAGEMENT DISTRICT PLAN*

The Management District Plan (Attachment 1) includes the proposed boundary of the HFPBID, a service plan, assessment methodology, budget, a proposed means of governance, and Engineer’s Report. The renewed HFPBID is generally bound by the Folsom Lake State Recreation area on the north and west, the Sutter Street / Figueroa Street Alley on the south, and Scott Street on the east, as shown in the map in the Management District Plan.

The HFPBID will have a ten (10)-year-life, beginning January 1, 2024, through December 31, 2033. Near the end of the term, the petition, ballot, and City Council hearing process must be repeated for the HFPBID to be renewed for another term of up to ten (10) years. Once per year, beginning on the anniversary of HFPBID renewal, there is a thirty (30) day period in which property owners paying fifty percent (50%) or more of the assessment may protest and begin proceedings to terminate the HFPBID.

As provided by State law, the HFPBID assessment will appear as a separate line item on annual property tax bills prepared by the County of Sacramento. Parcels which do not receive property tax bills will be invoiced by the City. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The County of Sacramento shall distribute funds collected to the City of Folsom, which shall forward them to the HFPBID. Existing laws for enforcement and appeal of property taxes, including penalties and interest, apply to the HFPBID assessments.

**HFPBID RENEWAL PROCESS**

April 11, 2023                    RESOLUTION OF INTENTION HEARING  
Upon the submission of a written petition, signed by the property owners in the proposed HFPBID who will pay more than 50 percent (50%) of the assessments proposed to be levied, the City Council may initiate proceedings to renew a district by the adoption of a resolution expressing its intention to renew a district.

By April 22, 2023            NOTICE & PROPOSITION 218 BALLOT  
The Property and Business Improvement District Law of 1994 and Proposition 218 require the City mail written notice and assessment ballots to the owners of all property proposed to be assessed within the renewed HFPBID. Mailing the notice and assessment ballot begins a mandatory forty-five (45) day period in which owners may cast ballots.

June 13, 2023                FINAL PUBLIC HEARING  
Council will open a public hearing and receive public testimony. At the end of the testimony, Council will close the public hearing and direct tabulation of assessment ballots submitted and not withdrawn to determine whether there is a majority protest against the assessment. A majority protest exists if the ballots in opposition to the proposed assessment exceed the ballots in support of the proposed assessment, weighted by the amount each owner will pay. If there is no majority protest, Council may adopt a resolution declaring the results of the majority protest proceedings and renewing the HFPBID.

**POLICY / RULE**

The Property and Business Improvement Law of 1994, California Streets and Highways Code section 36600 et seq., authorizes cities to renew property and business improvement districts for the purposes of promoting economic revitalization and financing activities and services to improve the overall economic climate in said districts.

**ANALYSIS**

Adoption of this resolution declares the City Council of the City of Folsom's intention to renew the HFPBID.

**FINANCIAL IMPACT**

If the HFPBID renewal is successful, then the City's annual contribution is estimated at \$82,644.22 beginning in Fiscal Year 2024-2025. The City's assessment is a General Fund (Fund 010) expense. Future assessment rates may be subject to an increase of no more than three percent (3%) annually.

**ENVIRONMENTAL REVIEW**

This action is exempt from environmental review pursuant to California Environmental Quality Act Guidelines §15061(b)(3).

**ATTACHMENTS**

1. Staff recommends approving Resolution 11016—A Resolution of the City Council of the City of Folsom Declaring its Intention to Renew the Historic Folsom Property and Business Improvement District (HFPBID)
2. Historic Folsom Property and Business Improvement District Management District Plan and Engineer's Report

Respectfully Submitted,

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Elaine Andersen, City Manager

ATTACHMENT 1

**RESOLUTION NO. 11016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM  
DECLARING ITS INTENTION TO RENEW THE HISTORIC FOLSOM  
PROPERTY AND BUSINESS IMPROVEMENT DISTRICT**

**WHEREAS**, the Property and Business Improvement District Law of 1994, Streets and Highways Code §36600 et seq., authorizes cities to establish and renew property and business improvement districts to provide improvements, maintenance, and activities which specially benefit assessed properties; and

**WHEREAS**, the Historic Folsom Property and Business Improvement District (HFPBID) was created in 2008, and was subsequently renewed in 2014 for a ten (10) year term; and

**WHEREAS**, property owners now wish to renew the HFPBID for another ten (10) year term; and

**WHEREAS**, incorporated herein by this reference is the HFPBID Management District Plan (Plan), which provides for advocacy & program coordination, enhanced maintenance services, and an enhanced maintenance program with the intent of increasing the commercial activity and overall image of Historic Folsom; and

**WHEREAS**, pursuant to the provisions of the Property and Business Improvement District Law of 1994, owners of properties within the renewed HFPBID have submitted petitions asking that City Council renew the HFPBID for a ten (10) year term. Included with each petition was a Plan summary, including a map showing the boundaries of the HFPBID. The petitions, the boundary map, and the Plan are on file with the City Clerk; and

**WHEREAS**, the Plan provides for the following improvements, maintenance, and services within the HFPBID, all of which are intended to provide and constitute special benefits to assessed properties: Advocacy & Program Coordination, Image Enhancement & Marketing, Enhanced Maintenance services, and related administration. The Plan proposes to fund these improvements, maintenance, and services through the levy of a benefit assessment on real property within the HFPBID.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom authorizes:

**Section 1.** The recitals set forth herein are true and correct.

**Section 2.** The City Council finds that property owners who will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed petitions. The City Council accepts the petitions and intends to renew the HFPBID and to levy an assessment on real property within the HFPBID boundaries in accordance with the Property and Business Improvement District Law of 1994. In the first year of the ten (10) year term, the

total proposed assessment budget is \$170,757.12. The assessment funds will be supplemented by non-assessment funds, so that the total budget for the initial year is estimated at \$179,663.27.

**Section 3.** The cost to the parcel owner is based on parcel size, benefit zone, and parcel use, as shown in the table below. Property tax-exempt parcels owned by non-profit entities and religious institutions will be assessed at fifty percent (50%) of the standard commercial assessment rate. Parcels with single-family residential uses shall not be assessed. Assessment rates are subject to a cost-of-living increase of no more than three percent (3%) per year. The annual increase will be based on the Consumer Price Index.

| Parcel Type          | Annual Assessment Rate (\$/sq ft) |         |         |          |          |
|----------------------|-----------------------------------|---------|---------|----------|----------|
|                      | Zone 1A                           | Zone 1B | Zone 2  | Zone 3   | Zone 4   |
| Commercial Uses      | \$0.15                            | \$0.17  | \$0.17  | \$0.085  | \$0.075  |
| Non-Profit/Religious | \$0.075                           | \$0.085 | \$0.085 | \$0.0425 | \$0.0375 |

**Section 4.** The City Council finds that the Plan satisfies all requirements of Streets and Highway Code section 36622.

**Section 5.** The City Council declares its intention to renew the HFPBID and to levy and collect assessments on certain properties within the HFPBID boundaries pursuant to the Property and Business Improvement District Law of 1994.

**Section 6.** The exterior boundaries and benefit zones of the HFPBID are shown on the map attached hereto as Exhibit A.

**Section 7.** Bonds shall not be issued for the HFPBID.

**Section 8.** The time and place for the public hearing on the renewal of the HFPBID and the levy of the proposed assessment are set for 6:30 PM on June 13, 2023, at 50 Natoma Street, Folsom, CA 95630. The City Council may continue the public hearing from time to time.

**Section 9.** The City Clerk is directed to give notice of the time and place of the public hearing in accordance with Streets and Highways Code section 36623. The City Clerk is to do this by mailing (or causing to be mailed) written notices and assessment ballots in the time, form, and manner provided by Government Code section 53753 to all persons who own real property within the renewed HFPBID and will be subject to the proposed assessment, no later than April 22, 2023. The City Clerk is further directed to file an affidavit with the City Council when all notices and ballots have been mailed, setting forth the time and manner of his or her compliance with the requirements of law for mailing the notices and ballots.

**Section 10.** At the public hearing, the City Council will consider all objections or protests to HFPBID the proposed assessment, and any interested person will be permitted

to present written or oral testimony. At the conclusion of the public hearing, all ballots submitted and not withdrawn will be tabulated in accordance with Government Code section 53753.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of April 2023, by the following roll-call vote:

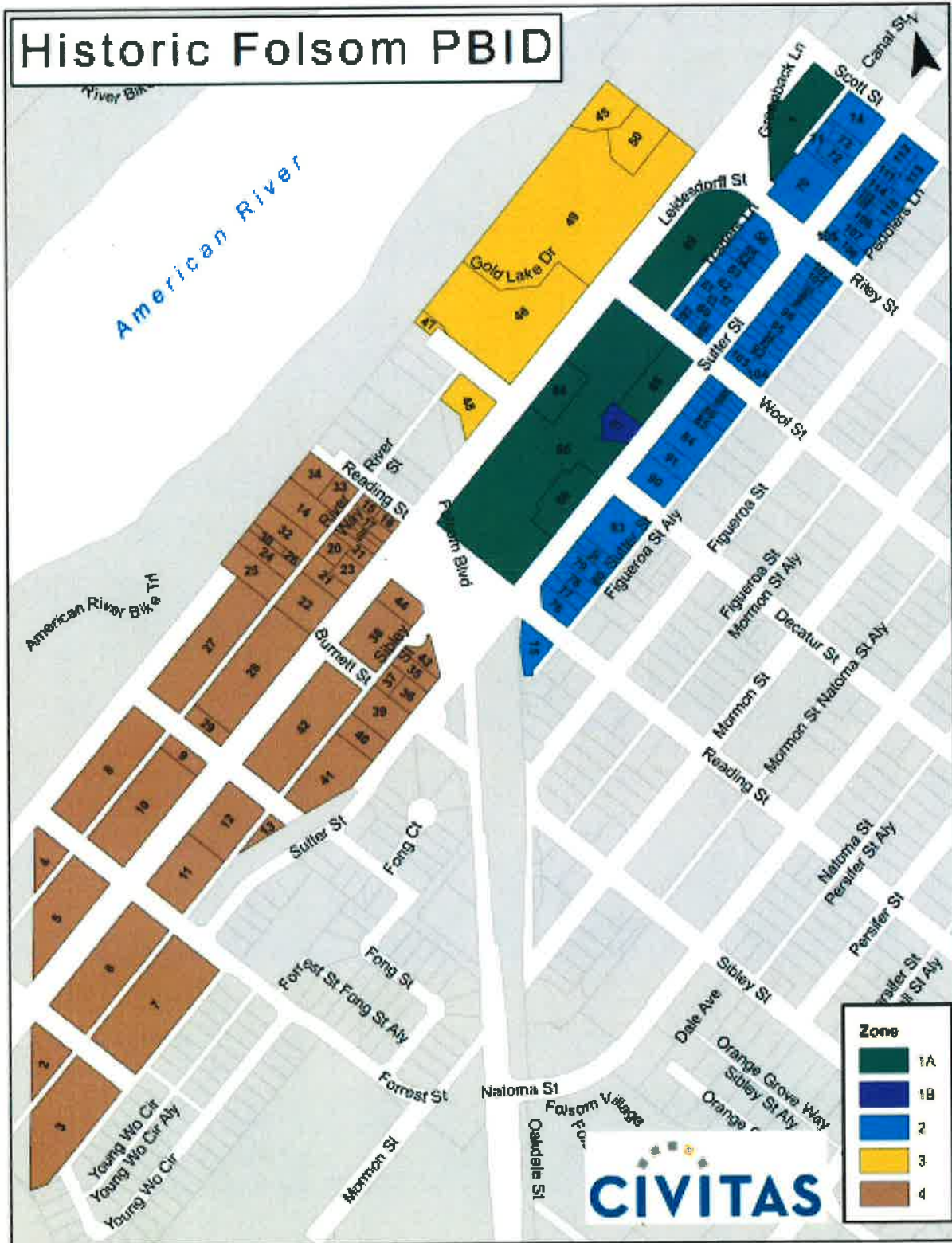
- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

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

ATTEST:

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

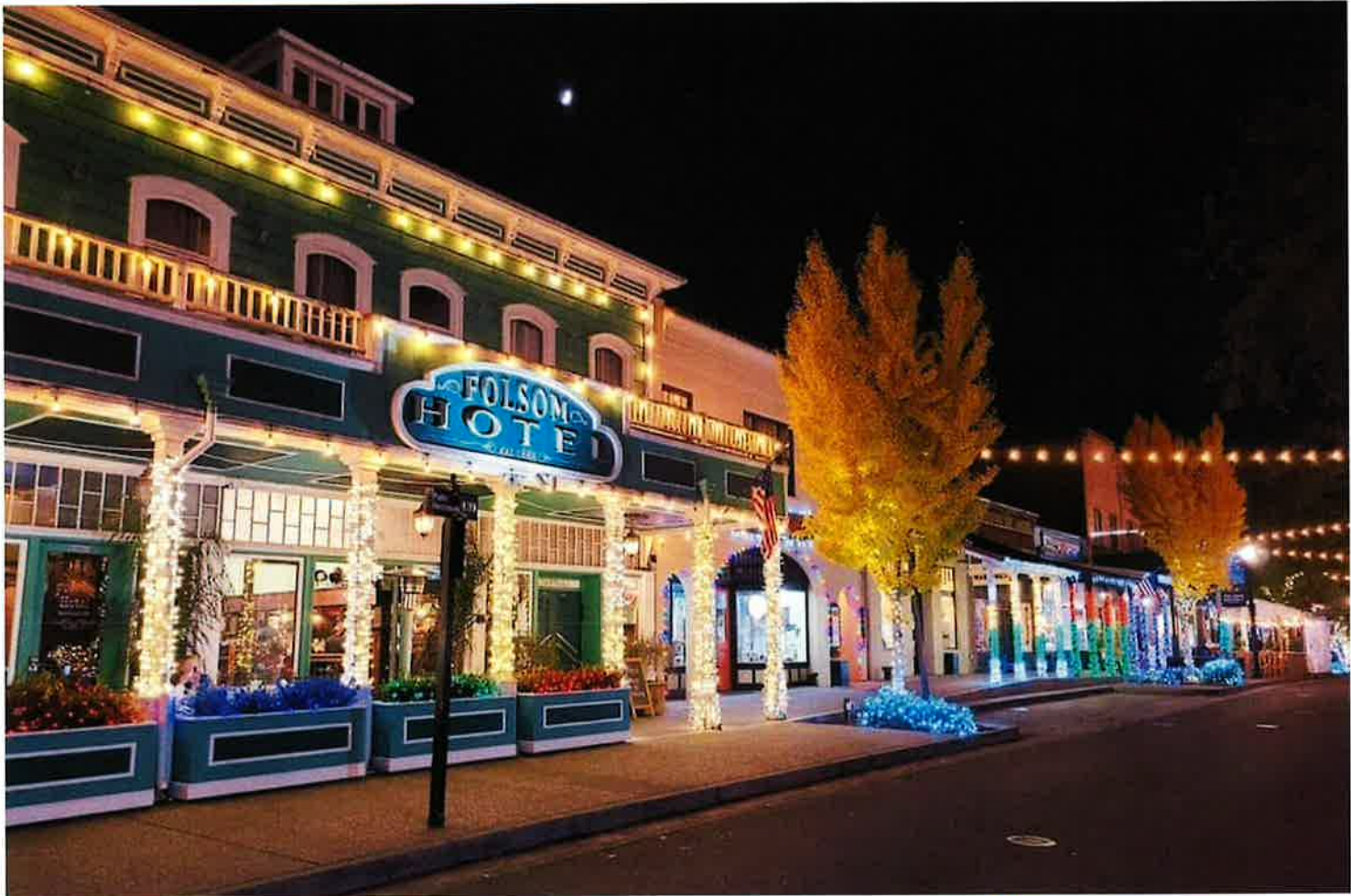
EXHIBIT A – MAP





ATTACHMENT 2

2024-2033



**HISTORIC FOLSOM  
PROPERTY AND BUSINESS IMPROVEMENT DISTRICT  
MANAGEMENT DISTRICT PLAN AND ENGINEER'S REPORT**

# Contents

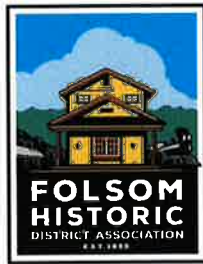
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Prepared by Civitas



[www.civitasadvisors.com](http://www.civitasadvisors.com)

(800)999-7781



## I. OVERVIEW

Developed by a growing coalition of property owners, the Historic Folsom Property and Business Improvement District (HFPBID) is a benefit assessment district whose main goal is to provide improvements, maintenance, and activities which constitute and convey a special benefit to assessed parcels. This approach has been used successfully in other cities throughout the country to provide special benefits to property owners, namely increased sales, attraction of new tenants, increased occupancies, and specifically increased property values. The HPBID was created in 2008 and was subsequently renewed in 2014 for a ten (10) year term. The HPBID has reached the end of this term, and property owners now wish to renew the HPBID for another ten (10) year term. The renewed HFPBID will continue to provide services above and beyond those furnished by the City of Folsom, for the direct benefit of assessed parcels. As required by state law, property owners have created this Management District Plan (Plan) to renew the HFPBID.

**Location:** The HFPBID is located in the historic commercial area of the City of Folsom. It is bound by the Folsom Lake State Recreation area on the north and west, the Sutter Street / Figueroa Street Alley on the south, and Scott Street on the east. A map is provided in Section V.

**Purpose:** The purpose of the HFPBID is to provide improvements, maintenance, and activities which constitute and convey a special benefit to assessed parcels. The HFPBID will provide Advocacy & Program Coordination, Image Enhancement & Marketing, Enhanced Maintenance services, and related administration directly and only to assessed parcels within its boundaries.

**Budget:** The HFPBID annual assessment budget for the initial year of its ten (10) year operation is anticipated to be \$170,757.12. The annual budget may be subject to an increase in assessment rates of no more than three percent (3%) per year. The assessment funds will be supplemented by non-assessment funds (such as grants and event income), so that the total budget for the initial year is estimated at \$179,663.27. The amount of non-assessment funds is the minimum amount necessary to pay for the general benefit provided by District programs. Further detail on the separation of special and general benefit is provided in Section IX.

**Cost:** The cost to the parcel owner is based on parcel size, benefit zone, and parcel use as shown in the table below. Property tax-exempt parcels owned by non-profit entities and religious institutions will be assessed at fifty percent (50%) of the standard commercial assessment rate. Parcels with single-family residential uses shall not be assessed. Assessment rates are subject to a cost-of-living increase of no more than three percent (3%) per year. The annual increase will be based on the Consumer Price Index.

| Parcel Type          | Annual Assessment Rate (\$/sq ft) |         |         |          |          |
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**Renewal:** HFPBID renewal requires submittal of petitions from property owners representing more than 50% of the total assessment. The “Right to Vote on Taxes Act” (also known as Proposition 218) requires a ballot vote in which more than 50% of the ballots received, weighted by assessment, be in support of the HFPBID.

**Duration:** The HFPBID will have a ten (10)-year-life, beginning January 1, 2024 through December 31, 2033. Near the end of the term, the petition, ballot, and City Council hearing process must be repeated for the HFPBID to be renewed for another term of up to ten (10) years.

**Management:** The Folsom Historic District Association (FHDA) will continue to serve as the Owners’ Association for the HFPBID, with oversight from the Folsom City Council.

## II. IMPETUS

There are several reasons why now is the time to renew the HFPBID. The most compelling reasons are as follows.

**1. The Need to be Proactive in Determining the Future of Historic Folsom.**

In order to protect their investment, parcel owners must be partners in the process that determines the level and frequency of services, and how new improvements and development projects are implemented. The HFPBID will allow these owners to lead and shape future services and improvements through the HFPBID.

**2. The Need to Attract New Business and Investment Throughout Historic Folsom.**

If Historic Folsom is to compete as a successful commercial district it must develop its own well-financed, proactive strategy to retain businesses and tenants as well as attract new business and investment. The HFPBID provides the financial resources to develop and implement a focused strategy that will work to prevent and fill vacancies and attract new tenants to all areas of Historic Folsom.

**3. An Opportunity to Create a Private/Public Partnership with a Unified Voice for Historic Folsom.**

Because parcel owners would be investing financial resources through the HFPBID, they will be looked upon as a strong partner in negotiations with the City. This partnership will have the ability to leverage the parcel owner's investment with additional public investment in Historic Folsom.

**4. An Opportunity to Establish Private Sector Management and Accountability.**

A non-profit, private organization formed for the sole purpose of improving Historic Folsom will manage the services provided and the HFPBID. Annual HFPBID work plans and budgets are developed by a board composed of stakeholders that own property in the Historic Folsom. Improvements and activities provided by the HFPBID are subject to private sector performance standards, controls, and accountability.

### III. BACKGROUND

The International Downtown Association estimates that more than 1,500 Property and Business Improvement Districts (PBIDs) currently operate throughout the United States and Canada. PBIDs are a time-tested tool for property owners who wish to come together and obtain collective services which benefit their properties.

PBIDs provide supplemental services in addition to those provided by local government. They may also finance physical and capital improvements. These improvements and activities are concentrated within a distinct geographic area and are funded by a special parcel assessment. Services and improvements are only provided to those who pay the assessment.

Although funds are collected by the local government, they are then directed to a private nonprofit. The nonprofit implements services and provides day-to-day oversight. The nonprofit is managed by a Board of Directors representing those who pay the assessment, to help ensure the services meet the needs of property owners and are responsive to changing conditions within the PBID.

PBIDs all over the globe have been proven to work by providing services that improve the overall viability of commercial districts, resulting in higher property values, lease rates, occupancy rates, and sales volumes.

The HFPBID will be renewed pursuant to a state law that took effect in January of 1995. The “Property and Business Improvement District Law of 1994,” which was signed into law by Governor Pete Wilson, ushered in a new generation of Property and Business Improvement Districts in California. Key provisions of the law include:

- Allows a wide variety of services which are tailored to meet specific needs of assessed properties in each individual PBID;
- Requires property owner input and support throughout the renewal process;
- Requires written support on both a petition and ballot from property owners paying 50% of proposed assessments;
- Allows for a designated, private nonprofit corporation to manage funds and implement programs, with oversight from property owners and the City;
- Requires limits for assessment rates to ensure that they do not exceed the amount owners are willing to pay; and
- Requires the PBID be renewed after a certain time period, making it accountable to property owners.

The “Property and Business Improvement Business District Law of 1994” is provided in Appendix 2 of this document.

## IV. HISTORY AND ACCOMPLISHMENTS

### A. History

Folsom’s Historic District is the City’s original central business district, with a vast amount of history and unique character that is beloved by the community. Folsom has experienced significant growth and the Folsom Historic District property owners embraced the need for the district to be clean, safe, attractive, and marketable. With the growth of new shopping centers, Historic Folsom property owners felt it vital to continue to attract visitors with enhanced beautification and professional management. The mission of the Folsom Historic District Association is to preserve, and independently shape the unique qualities that make it attractive, safer, cleaner, and more marketable.

In 1997 the City of Folsom designated a defined area known as the Sutter Street Historic Commercial Subarea in the Historic District Specific Plan, with a goal to maintain, restore, and reconstruct sites which represent the history of the Folsom area. These are the boundaries which encompass the PBID.

In 2006 the Folsom Historic District Association began the process of establishing a PBID. The goal was to provide for the maintenance, beautification, marketing, and management of a completed Streetscape Project funded by the Folsom Redevelopment Agency. The PBID was established for its initial five (5) year term beginning in 2008 and was subsequently renewed in 2014 for a ten (10) year term.

### B. Accomplishments

The Historic District of Folsom is a thriving, vibrant place to be proud of. It is without question that since its inception in 2008, the PBID has been pivotal in making a difference in the development of this special part of Folsom. Listed below are some key points in which this valuable program is working:

#### Advocacy and Program Coordination

- Routine programs that are encouraged and promoted:
  - Monthly Merchant Meetings/networking
    - Fosters a sense of community and good neighbors
    - Merchant Meetings have included meetings with Safety Officers, Free CPR Training, Community Leader discussions
    - Important reviews of upcoming, recently passed, or current events
  - Marketing and Instagram classes, etc .
  - Monthly marketing meeting with City, Chamber, Museums
  - Neighbor and Stakeholder quarterly meetings
  - Regular updates between meetings to all businesses within the District
  - Regular updates to the community via Constant Contact, e-blasts, Website updates
- Professional Management
  - 1 full-time executive director



- 2 seasonal part time employees
- 60 on-call seasonal event staff
- Services also include accounting, legal, telephone, postage, and insurance costs.

### **Image Enhancement and Marketing**

- Public Plaza Activation
  - Year-round Saturday Farmers Market drawing in 800-1000 visitors weekly
  - 65+ days Seasonal Ice rink drawing in 22,000 skaters and additional 45,000 observers
- Amphitheater Activation
  - Year-round activation
    - Concerts
    - Dance Performances
    - Graduations
    - Local High School Spirit Parades
    - Fashion Shows
    - Award Ceremonies for local sporting events
- Marketing and Promotion of the Historic District
  - Increased visibility and foot traffic through new events
    - New annual events added:
      - Sip and Stroll
      - Spirits, Brews, and Bites
      - Hometown Parade
      - Art Hop
      - Folsom Lake Symphony Performance
      - Peter Lewis Memorial Blood Drive
      - Soap Box Derby
      - Festifall
      - Spring and Fall Concert Series
      - Twilight Concert Series (August)
      - Holiday Light Promenade – 6 week Christmas Light Stroll in the District, Santa Visits, Horse and Carriage rides
      - Pedestrian Promenade – Road closures, live music, pop up events
- Partner Events – FHDA Handles the scheduling, permits, communications and assists with marketing for these annual events:
  - Shakespeare (Take Note Troupe)
  - Peach Festival (Living Smart)
  - Light up the Dark (Powerhouse Ministries)
  - Eggcellent Adventure Passport
- One-Off Events
  - Hero Recognition (Folsom Fire Department)
  - Rainbow Bridge 100 Year Centennial Event
  - VW and Exotic Car shows

- and too many more to list
- Branding
  - New Logos for FHDA - Regular
  - New Logo for FHDA – Holiday Season
  - New District banners (Spring and Winter)
- Video Production
  - Videos featuring Historic District merchants during Covid
  - Videos featuring dancing merchants for Reopening Celebration
  - Sponsor thank you videos for major events
  - Videos featuring highlights from the C'mas Tree Lighting, Holiday Promenade, and Hometown Parade

### **Enhanced Maintenance**

- Maintenance and beautification program that strives to keep the Historic District neat and tidy, as well as make aesthetic improvements
  - District Wide Improvements
    - Overhead Lighting installed on 3 blocks
    - Parklet installation
    - Shade Structure over amphitheater
    - Cameras at Parking Garage, Amphitheater and Sutter St
    - Security in Parking Garage (seasonal)
    - Cleaning Crew on mid-week and weekends
    - Ambassador Program
      - 15 ambassadors trained to provide support on weekends and during events
    - Lincoln Highway signage in district
      - Denotes Folsom's part in the early 1900 highway system

### **Contingency and Renewal**

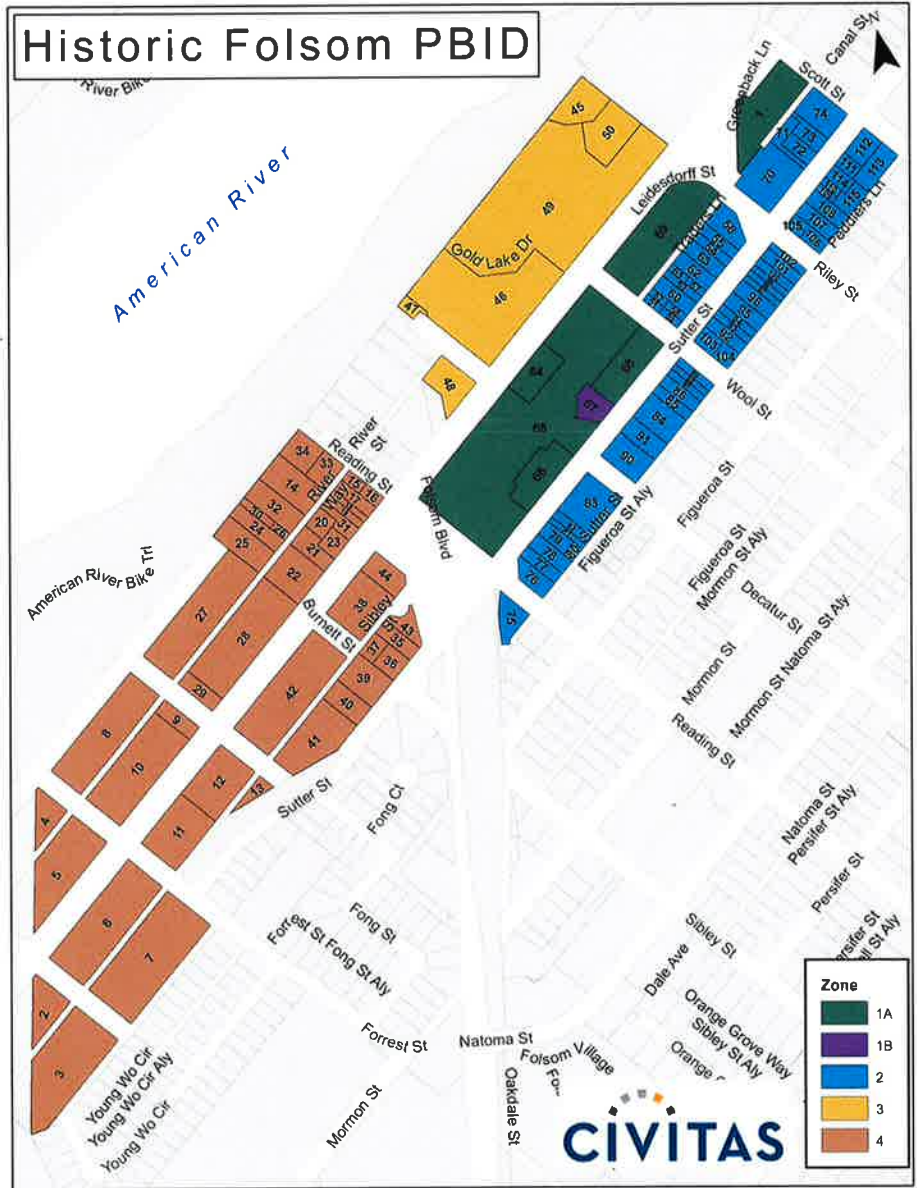
- Part of the PBID plan is a fiscal reserve to account for changes in anticipated revenue and/or expenses. This is a very small part of the overall budget (4%) but very prudent to plan for.
- At the end of the PBID term, if there are overages in this portion of the budget, the funds can be used toward renewal of the PBID.

### V. BOUNDARIES

#### A. HFPBID Boundaries

The HFPBID is located in the historic commercial area of the City of Folsom. It is bound by the Folsom Lake State Recreation area on the north and west, the Sutter Street / Figueroa Street Alley on the south, and Scott Street on the east.

The service area includes approximately 81 properties with 46 property owners. The HFPBID boundary is illustrated by the map below. A larger map is available on request by calling Civitas at (916) 437-4300.



## **B. Benefit Zones**

The Historic Folsom PBID will have four Zones of service. Zone 1 includes parcels within the HFPBID boundaries in the Historic Folsom Station, the Regional Transit Light Rail Station, and the Leidesdorff Plaza next to the Light Rail Station. Zone 2 includes all parcels within the HFPBID boundaries along Sutter Street that are bounded by Folsom Boulevard to the west, Scott Street to the east, the Sutter Street / Figueroa Street Alley to the south, and (with the exception of Zone 1 parcels) by Leidesdorff Street on the north. Zone 3 includes all parcels within the HFPBID boundaries north of Leidesdorff Street that are bounded by Folsom Boulevard to the west, the Folsom Lake State Recreation Area (FLSRA) to the north, and Riley Street to the east. Zone 4 includes all parcels within the HFPBID boundaries located in the Corporation Yard, west of Folsom Boulevard.

The HFPBID boundary is illustrated by the boundary map included in Appendix 3. Parcels in the map are identified by Map ID numbers corresponding to the Assessor's Parcel Numbers, included in the Assessment Calculation Table which can be found in Appendix 4.

It is the intent of the Engineer's Report that each parcel included in the HFPBID can be clearly identified. Every effort has been made to ensure that all parcels included in the HFPBID are consistent in the boundary description, the boundary map (included as Appendix 3), and the Assessment Calculation Table (included as Appendix 4). However, if inconsistencies arise, the order of precedence shall be: 1) the Assessment Calculation Table, 2) the District Boundary Map, and 3) this boundary description.

If the development, ownership, size, or zoning of a parcel changes during the term of this District, the assessment calculation may be modified accordingly.

## **VI. SERVICE PLAN & BUDGET**

### **A. Renewal**

Property and business owners in Historic Folsom had been concerned about the need for coordinated supplemental services in the area for several years. City services and efforts in the area have been welcomed, but limited resources have not allowed for a more comprehensive approach to managing the commercial area. As a result of the need for services the HFPBID was formed in 2008, and subsequently renewed in 2014, and property owners now wish to renew the HFPBID for another ten (10) year term.

A service plan to provide special benefits to assessed properties was developed using several methods. A series of property owner meetings, a survey of property owners, and an analysis of current property conditions and needs were conducted. The primary needs identified were: Advocacy & Program Coordination, Image Enhancement & Marketing, and Enhanced Maintenance. To meet those needs, the renewed HFPBID will continue to generate funds to provide these services, and related administration to assessed parcels within its boundaries.

### **B. Improvements, Maintenance and Activities**

The HFPBID will provide supplemental improvements, maintenance and activities that are above and beyond those provided by the City and other government agencies. None of the services to be provided by the HFPBID are provided by the City or other government agencies. The improvements and activities will be provided directly and only to assessed parcels; they will not be provided to parcels that are not assessed. Each and every service is unique to the HFPBID, thus the benefits provided are particular and distinct to each assessed parcel.

#### **1. Advocacy and Program Coordination**

To provide Historic Folsom property owners with an effective, clear voice in government decisions, the advocacy will include an administrator to speak for the owners within the HFPBID. The administrator will ensure the delivery of quality services of the HFPBID and act as the unified voice to represent the interests of assessed parcels within the HFPBID. The HFPBID will focus on ways to garner additional funding and services from public entities specifically for Historic Folsom improvements. These programs will work to specially benefit assessed parcels by increasing commerce and making them more desirable for shoppers and potential tenants and will be a service provided directly to assessed parcels that is not provided to the public-at-large or parcels surrounding the District. The program coordination budget also includes general administrative costs, such as accounting, legal, telephone, postage, and insurance costs.

#### **2. Image Enhancement and Marketing**

Image enhancement will include marketing and promotions to promote Historic Folsom as a destination with a rich set of unique opportunities. In order to draw customers to Historic Folsom, the District needs to market itself as a single locality for a wide variety of attractions, events, and services. The HFPBID will coordinate exciting and fun events for the historic area. Further, the marketing program will garner positive media coverage of Historic Folsom, and the good things happening in the area. Internally, it will be important to facilitate consistent and frequent communications with parcel owners and tenants. The Historic Folsom PBID will work closely with the Folsom Chamber of Commerce, the Folsom Tourism Bureau, and other stakeholders in the Historic District, as well as Folsom's City Government, to coordinate marketing efforts to make this program as efficient and possible. These programs will work to

specially benefit assessed parcels by increasing commerce and making them more desirable for shoppers and potential tenants, and will be a service provided directly to assessed parcels that is not provided to the public-at-large or parcels surrounding the District.

### **3. Enhanced Maintenance**

A maintenance and beautification program will keep Historic Folsom clean as well as work to make aesthetic improvements. A landscaping program will maintain trees and cut back any weeds along the sidewalks and in public areas. In order to establish and maintain a uniform standard of cleanliness throughout the HFPBID, a maintenance patrol will provide additional debris and garbage collection beyond existing City services. The HFPBID will continue to work with the City to enforce ordinances which encourage a clean and aesthetically pleasing environment. These programs will work to specially benefit assessed parcels by increasing commerce and making them more desirable for shoppers and potential tenants.

### **4. Contingency and Renewal**

The budget includes a prudent fiscal reserve. Changes in data and other issues may change the anticipated revenue and expenses. In order to buffer the organization for unexpected changes in revenue, and/or allow the HFPBID to fund other overhead or renewal costs, the reserve is included as a budget item. At the expiration of the HFPBID, if there are contingency funds remaining and owners wish to renew, the remaining funds could be used for the costs of renewal.

### **5. County and City Administration Fee**

The City of Folsom shall retain a fee equal to three percent (3%) of the amount of the assessment collected to cover the costs of collection and administration for the City of Folsom and the County of Sacramento.

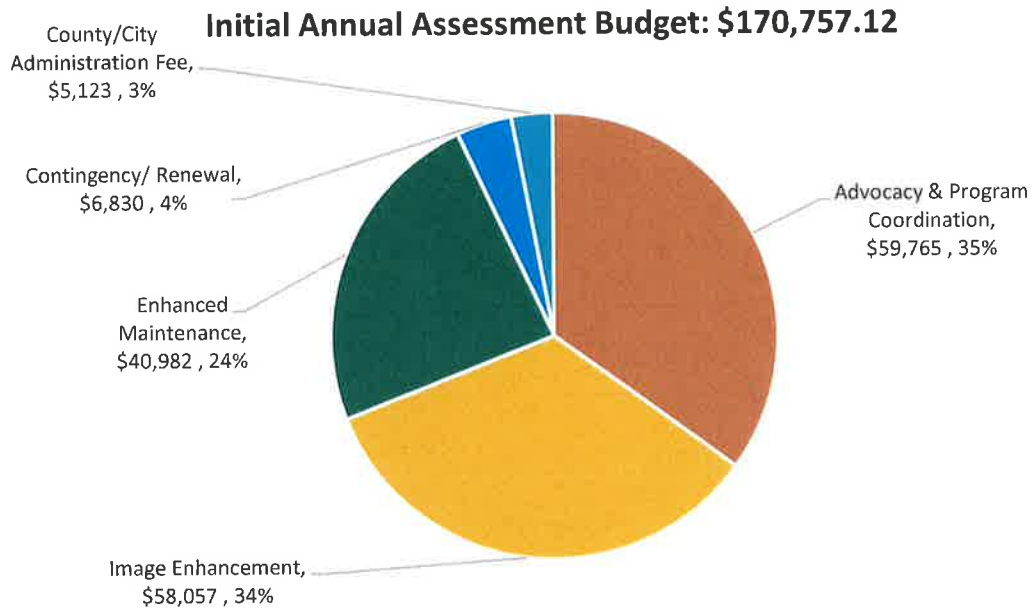
## **C. Annual Assessment Budget**

A projected ten (10)-year budget for the HFPBID is provided below in sub-section E. The overall assessment budget shall remain consistent with this Plan. In the event of a legal challenge, assessment funds may be used to defend the HFPBID. The annual assessment budget is based on the following assumptions and guidelines:

1. The cost of providing improvements, maintenance and activities may vary depending upon the market cost for those improvements, maintenance, and activities. Expenditures may require adjustment up or down to continue the intended level of improvements, maintenance, and activities. The FHDA and their board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. Any change will be approved by the FHDA and submitted with the Annual Report.
2. Funds not spent in any given year may be rolled over to the next year.
3. The assessment rate will be subject to annual increases that will not exceed three percent (3%) per year. The annual increase will be based on the Consumer Price Index for All Items for the San Francisco-Oakland-San José Area published by the United States Department of Labor Bureau of Labor Statistics or, if no longer published, the City may select as a reference another index published by either the State of California or a federal department or agency charged with the responsibility of measuring the cost of living in the local geographical area. The City Council may delay or reject the annual increase in its discretion. The projections below in sub-section E illustrate the maximum annual three percent (3%) increase for all budget items.

**D. Service Budget**

The total improvement, maintenance, and activity budget for 2024 that is funded by property assessments is \$170,757.12. In addition to the assessment revenue, the programs will be supplemented by non-assessment funds. The total of non-assessment funds, and the determination of special and general benefit, is included in the Engineer’s Report. The total of assessment and non-assessment funds is provided in Appendix 5. Below is an illustration of the estimated total assessment budget allocations for each budget category for the initial year of the of the District. Non-assessment funds may be shifted between budget categories as needed by the Board of the Owners’ Association.



**E. Annual Maximum Assessment Budget**

The budget below assumes the maximum annual increase of three percent (3%) is enacted and that there are no changes to the categorical budget allocations.

| <b>Year</b>  | <b>Advocacy &amp; Program Coordination</b> | <b>Image Enhancement</b> | <b>Enhanced Maintenance</b> | <b>Contingency/ Reserve</b> | <b>County/ City Fee</b> | <b>Total</b>   |
|--------------|--------------------------------------------|--------------------------|-----------------------------|-----------------------------|-------------------------|----------------|
| <b>2024</b>  | \$59,764.99                                | \$58,057.42              | \$40,981.71                 | \$6,830.29                  | \$5,122.71              | \$170,757.12   |
| <b>2025</b>  | \$61,557.94                                | \$59,799.14              | \$42,211.16                 | \$7,035.20                  | \$5,276.39              | \$175,879.83   |
| <b>2026</b>  | \$63,404.68                                | \$61,593.12              | \$43,477.49                 | \$7,246.25                  | \$5,434.68              | \$181,156.22   |
| <b>2027</b>  | \$65,306.82                                | \$63,440.91              | \$44,781.82                 | \$7,463.64                  | \$5,597.72              | \$186,590.91   |
| <b>2028</b>  | \$67,266.03                                | \$65,344.14              | \$46,125.27                 | \$7,687.55                  | \$5,765.66              | \$192,188.65   |
| <b>2029</b>  | \$69,284.01                                | \$67,304.46              | \$47,509.03                 | \$7,918.18                  | \$5,938.62              | \$197,954.30   |
| <b>2030</b>  | \$71,362.53                                | \$69,323.59              | \$48,934.30                 | \$8,155.72                  | \$6,116.78              | \$203,892.92   |
| <b>2031</b>  | \$73,503.40                                | \$71,403.30              | \$50,402.33                 | \$8,400.40                  | \$6,300.29              | \$210,009.72   |
| <b>2032</b>  | \$75,708.50                                | \$73,545.40              | \$51,914.40                 | \$8,652.41                  | \$6,489.30              | \$216,310.01   |
| <b>2033</b>  | \$77,979.76                                | \$75,751.76              | \$53,471.83                 | \$8,911.98                  | \$6,683.97              | \$222,799.30   |
| <b>Total</b> | \$685,138.66                               | \$665,563.24             | \$469,809.34                | \$78,301.62                 | \$58,726.12             | \$1,957,538.98 |



## VII. ASSESSMENT RATE

### A. Assessment Formula

Individual assessed parcels shall be assessed an assessment rate according to each assessed parcel's proportionate special benefit derived from the services provided to each assessed parcel, as shown in the table below.

| Parcel Type          | Annual Assessment Rate (\$/sq ft) |         |         |          |          |
|----------------------|-----------------------------------|---------|---------|----------|----------|
|                      | Zone 1A                           | Zone 1B | Zone 2  | Zone 3   | Zone 4   |
| Commercial Uses      | \$0.15                            | \$0.17  | \$0.17  | \$0.085  | \$0.075  |
| Non-Profit/Religious | \$0.075                           | \$0.085 | \$0.085 | \$0.0425 | \$0.0375 |

### B. Changes in Development, Ownership, Zoning, or Parcel Size

If the development, ownership, size, or zoning of a parcel within the HFPBID boundary changes during the term of the HFPBID the assessment amount may be modified according to the assessment methodology detailed in this Plan that is applicable to the parcel. These changes may be a result of land adjustments (including but not limited to lot splits, consolidations, right away setbacks, etc.), new construction, new ownership, or changes in zoning.

### C. Assessment Ballot and Public Notice

During the hearing process, an Assessment Notice will be sent to owners of each parcel in the HFPBID. The Assessment Notice provides an estimated assessment. The final individual assessment for any particular parcel may change, up or down, if the parcel square footage, parcel type, benefit zone, or development status differ from those used to calculate the amount shown on the Assessment Notice. A list of parcels to be included in the HFPBID is provided within Appendix 4.

### D. Time and Manner for Collecting Assessments

As provided by State Law, the HFPBID assessment will appear as a separate line item on annual property tax bills prepared by the County of Sacramento. Parcels which do not receive property tax bills will be invoiced by the City. Property tax bills are generally distributed in the fall, and payment is expected by lump sum or installment. The County of Sacramento shall distribute funds collected to the City of Folsom, which shall forward them to the HFPBID. Existing laws for enforcement and appeal of property taxes, including penalties and interest, apply to the HFPBID assessments.

### E. Bonds

Bonds shall not be issued.

## VIII. GOVERNANCE

### A. Owners' Association

The HFPBID shall continue to be governed by the Folsom Historic District Association (FHDA), with oversight from the Folsom City Council. The FHDA shall serve as the Owners' Association described in the Streets and Highways Code §36651. The Board of Directors of FHDA and its staff are charged with the day-to-day operations of the HFPBID.

A majority of the Board of Directors of Folsom Historic District Association must be parcel owners paying the assessment. The Board may also include representation from business owners, the City of Folsom, and the County of Sacramento. The Board of Directors must represent a variety of interests within the HFPBID and respond to the needs of property and business owners from various "commercial neighborhoods" within the HFPBID.

### B. Brown Act & Public Records Act Compliance

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association must act as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the FHDA Board of Directors and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act.

### C. Annual Report

The FHDA shall present an annual report at the end of each year of operation to the City Council pursuant to Streets and Highways Code §36650 (see Appendix 2). The annual report is a prospective report for the upcoming year and must include:

1. Any proposed changes in the boundaries of the HFPBID or in any benefit zones or classification of property within the district;
2. The improvements, maintenance, and activities to be provided for that fiscal year;
3. The estimated cost of providing the improvements, maintenance, and activities to be provided for that fiscal year;
4. The method and basis of levying the assessment in sufficient detail to allow each real property owner to estimate the amount of the assessment to be levied against his or her property for that fiscal year;
5. The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year; and
6. The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this Plan.

## IX. ENGINEER’S REPORT

The HFPBID’s parcel assessments will be imposed in accordance with the provisions of Article XIID of the California Constitution. Article XIID provides that “only special benefits are assessable,”<sup>1</sup> and requires the City to “separate the general benefits from the special benefits conferred on a parcel.”<sup>2</sup> Special benefits are a “particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public-at-large.”<sup>3</sup> Conversely, a general benefit is “conferred on real property located in the district or to the public-at-large.”<sup>4</sup> Assessment law also mandates that “no assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”<sup>5</sup>

The Engineer determined the total cost of the improvements and activities, quantified the general benefit accruing to the public-at-large and non-assessed parcels adjacent to and within the HFPBID, and separated that amount from the special benefit accruing to the assessed parcels. Then, the Engineer determined the proportional special benefit derived by each parcel and allocated the special benefit value of the improvements and activities accordingly. The Engineer’s determinations and detailed calculations are summarized in this report.

### A. Separation of General and Special Benefits

Each of the improvements and activities, and the associated costs and assessments within the HFPBID, were reviewed, identified, and allocated based on special and general benefits pursuant to Article XIID of the California Constitution. The assessment has been apportioned based on the proportional special benefits conferred to the assessed parcels located within the HFPBID boundaries as determined below.

#### 1. General Benefits

Unlike special benefits, which are conferred directly and only upon assessed parcels, a general benefit is conferred on the general public or non-assessed parcels. Existing City and other public services, which are provided to every person and parcel, everywhere within the City, are an example of a general benefit. Although the HFPBID’s boundaries have been narrowly drawn and programs have been carefully designed to provide special benefits, and activities and improvements will only be provided directly to assessed parcels, it is acknowledged that there will be general benefits as a result of the District’s activities and improvements.

The California Constitution mandates that “only special benefits are assessable, and an agency shall separate the general benefits from the special benefits.”<sup>6</sup> “Generally, this separation and quantification of general and special benefits must be accomplished by apportioning the cost of a service or improvement between the two and assessing property owners only for the portion of the cost representing special benefits.”<sup>7</sup> The first step that must be undertaken to separate general and special benefits provided by the District’s activities and improvements is to identify and quantify the general benefits. There are two bodies who can receive general benefits: the public-at-large within the HFPBID, and non-assessed parcels within and surrounding the HFPBID.

<sup>1</sup> Cal. Const., art. XIII D, §4(a)  
<sup>2</sup> Cal. Const., art. XIII D, §4(a)  
<sup>3</sup> Id., §2(i)  
<sup>4</sup> Cal. Const., art. XIII D §2(i)  
<sup>5</sup> Cal. Const., art. XIII D, §4(a)  
<sup>6</sup> Cal. Const., art. XIII D §4(a)  
<sup>7</sup> Golden Hill Neighborhood Association v. City of San Diego (2011) 199 Cal.App.4th 416

a. General Benefit to the Public-at-Large

Although the activities and improvements are narrowly designed and carefully implemented to specially benefit the assessed parcels, and only provided directly to assessed parcels, they will generate a general benefit to the public-at-large within the HFPBID. State law indicates that “Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed.”<sup>8</sup> However, “the mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.”<sup>9</sup> Further, “the value of any incidental or collateral effects that arise from the improvements, maintenance or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.”<sup>10</sup> Thus, although there may be some incidental benefit to persons engaged in business on the assessed parcels, that incidental benefit is not considered general benefit because it is inherently produced by activities and improvements that provide special benefits to the assessed parcels. There is, however, a general benefit to persons not engaged in business on the assessed parcels.

Intercept surveys conducted in similar districts have found that approximately 98.6% of pedestrian traffic within the district boundaries is engaged in business on assessed parcels, while the remaining approximately 1.4% is simply passing through and not engaging in business on the assessed parcels<sup>11</sup>. To ensure that the assessment dollars do not fund general benefits to the public-at-large, that portion of the cost of services will be paid for with funds not obtained through assessments. Out of an abundance of caution, the 1.4% figure was rounded to 2% for the purposes of this Engineers Report. The 2% of traffic passing through does not have any connection to the assessed parcels, and therefore does not represent a special benefit to the assessed parcels. The 2% will, however, receive a derivative and indirect general benefit as a result of the activities and improvements being provided in the HFPBID. Therefore, it is estimated that 2% of the benefit created by the HFPBID’s services is general benefit provided to the public-at-large. To ensure that the assessment dollars do not fund general benefits to the public-at-large, that portion of the cost of activities and improvements will be paid for with funds not obtained through assessments. Using the 2% figure, based on the initial year activity and improvement budget, the value of this general benefit to the public-at-large is \$3,593.27 ( $\$179,662.27 \times 0.02$ ).

b. General Benefit to Non-Assessed Parcels

Although they are only provided directly to the assessed parcels, the HFPBID’s activities and improvements may also confer general benefits upon non-assessed parcels within and surrounding the HFPBID. One study examining property values in PBID areas found “no evidence of spill-over impacts (either good or bad) on commercial properties located just outside the BID’s boundaries;”<sup>12</sup> however, the California Court of Appeals has stated that “services specifically intended for assessed parcels concomitantly confer collateral general benefits to surrounding properties.”<sup>13</sup> It is reasonable to conclude that activities and improvements within the HFPBID will have an incidental impact on non-assessed parcels surrounding or within the HFPBID boundaries. Although the legislature has

<sup>8</sup> Streets and Highways Code section 36601(h)(2)

<sup>9</sup> Ibid

<sup>10</sup> Streets and Highways Code Section 36622(k)(2)

<sup>11</sup> Surveys conducted in: North Park, San Diego (January 2015); Downtown Burbank (October 2017); Downtown Pomona (April 2018); and Sunrise MarketPlace, Citrus Heights (December 2019)

<sup>12</sup> Furman Center for Real Estate & Urban Policy; The Impact of Business Improvement Districts on Property Values: Evidence from New York City (2007) p. 4

<sup>13</sup> Beutz v. Riverside (2010) 184 Cal.App.4th 1516

indicated that “the value of any incidental or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall *not* be deducted from the entirety of the cost of any special benefit,”<sup>14</sup> the California Court of Appeals has noted that “the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement...or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement.”<sup>15</sup> Those derivative and indirect impacts are considered general benefits and will be quantified and separated.

In this Engineer’s opinion, because activities and improvements are provided only within the HFPBID and on its perimeter, parcels separated from the HFPBID by either at least one intervening parcel or an impassable physical barrier such as a wall, railroad track, freeway, or ditch will not receive spill over benefits. Parcels separated from the HFPBID will not benefit because they are physically removed from the actual location of activities and improvements provided, and do not face serviced parcels. Therefore, this analysis considers non-assessed parcels within the HFPBID’s boundaries and surrounding parcels that are immediately adjacent to and accessible from the HFPBID’s boundaries.

The total HFPBID activity and improvement budget for the first year is \$179,663.27. After reducing the activity and improvement budget by the general benefit to the public-at-large (\$3,593.27), the remaining benefit to parcels is \$176,070.00. This benefit has been distributed to both assessed and non-assessed parcels using the following methodology. The general benefit to the public-at-large has been proportionally allocated to the HFPBID’s activity and improvement categories as shown in the following table.

| Category                        | Benefit to Parcels  | Benefit to Public-at-Large | Total               |
|---------------------------------|---------------------|----------------------------|---------------------|
| Advocacy & Program Coordination | \$61,890.36         | \$1,263.07                 | \$63,153.43         |
| Image Enhancement               | \$59,707.94         | \$1,218.53                 | \$60,926.47         |
| Enhanced Maintenance            | \$42,146.79         | \$860.14                   | \$43,006.93         |
| Contingency/Renewal             | \$7,042.81          | \$143.73                   | \$7,186.54          |
| County/City Administration Fee  | \$5,282.10          | \$107.80                   | \$5,389.90          |
| <b>TOTAL</b>                    | <b>\$176,070.00</b> | <b>\$3,593.27</b>          | <b>\$179,663.27</b> |

To determine the general benefit to parcels, the Engineer assigned each parcel group a benefit factor, determined the appropriate parcel characteristic to use in the calculation, multiplied the benefit factor by the benefit characteristic to determine the benefit units attributable to each parcel group, and apportioned the remaining service cost (service cost minus general benefit to the public) in accordance with the benefit units derived by each parcel group.

**i. Benefit Factors**

All parcels within and adjacent to the HFPBID have been assigned a benefit factor to mathematically represent the proportional special and general benefit and quantify the value of each. The determination of benefit factors for each type of activity follows.

<sup>14</sup> Streets and Highways Code section 36622(k)(2)  
<sup>15</sup> Tiburon v. Bonander (2009) 180 Cal.App.4th 1057, 1077

*Tangible Activities*

The tangible activities (those that are physically provided via a person or people working throughout the district) to be provided by the HFPBID generate three types of special benefits:

*Service* – The primary special benefit provided by the HFPBID’s physical activities is the actual service.

*Presence* – The HFPBID’s physical activities also provide the special benefit of an individual’s presence on the assessed parcel as the activities are provided, which can have a deterrent effect and creates a positive impression that the area is well-maintained and safe. The “Disneyland effect” is the benefit the parcels receive from the observation that parcels are being maintained. There are studies which link the perception of cleanliness to a perception of increased security.

*Proximity* – The HFPBID’s physical activities also provide the special benefit of being in proximity to a cleaner, safer parcel. Neighboring parcels enjoy the spillover benefits of being adjacent to increased safety and cleanliness.

The majority of the benefit received by the parcels is the results of the district’s services; onsite presence and proximity are lesser benefits. It is this Engineer’s estimation that seventy-five percent (75%) of the special benefit from the HFPBID’s physical activities is the service, while the presence and proximity benefits each account for twelve and one-half percent (12.5% presence, 12.5% proximity) of the special benefit. Assessed parcels will receive all three benefits; non-assessed parcels within and adjacent to the HFPBID will not be directly serviced and therefore only receive the general benefit of proximity.

*Intangible Activities*

Some of the HFPBID’s activities, such as marketing, are distinct in that they are not provided to a targeted area within the HFPBID, rather they are provided via Internet, radio, and other forms of media and targeted at an audience outside the HFPBID in an effort to bring the audience into the HFPBID. These activities provide two types of special benefits:

*Direct Exposure* – The primary special benefit provided by the HFPBID’s intangible activities is exposure. The intangible activities increase awareness of the HFPBID as a commercial and business destination and lead to increased patronage.

*Incidental Exposure* – The HFPBID’s intangible activities will also have a secondary special benefit of incidental exposure, such as word-of-mouth exposure, that results from the direct exposure and increases awareness of the HFPBID as a commercial and business destination.

The majority of the benefit from these activities is the direct exposure; the incidental exposure is a lesser benefit. It is this Engineer’s estimation that ninety percent (90%) of the special benefit from the intangible activities is direct exposure, while ten percent (10%) is incidental exposure. Assessed parcels will receive both as special benefits; non-assessed parcels within and adjacent to the HFPBID will not be directly marketed and therefore only receive the general benefit of incidental exposure.

*Factors Determined*

Based on the foregoing analysis, all assessed parcels within the HFPBID specially benefit from the HFPBID’s activities and improvements, and have been assigned a benefit factor of 1.0. Parcels that

are not assessed have been assigned benefit factors based on the portion of the benefit they will receive, as described above. The non-assessed parcels will benefit from 12.5% of the tangible activities and 10% of the intangible activities; therefore they have been assigned benefit factors of 0.125 and 0.10, respectively.

**ii. Non-Assessed Benefit Characteristics**

There are two types of parcels that are not assessed; those within the HFPBID and those immediately adjacent to and accessible from the HFPBID. Because they generally benefit in a differing manner, distinct parcel characteristics are used to quantify the general benefit to each type.

*Inside* – Non-assessed parcels inside of the HFPBID are surrounded by parcels that are assessed and receiving the full special benefits; they will, therefore, receive the general benefits of proximity and indirect exposure. These parcels are impacted on more than one side by the HFPBID’s activities, marketing has a direct impact all around them, and activities are provided all around them. Because these parcels are surrounded by specially benefitted parcels, it is appropriate that parcel square footage be used to measure the general benefit they receive.

*Adjacent* – Adjacent parcels are those that are immediately adjacent to or directly across the street from specially benefitted parcels, and accessible from specially benefitted parcels. These parcels generally benefit differently than those inside the district, because these parcels are adjacent to, rather than surrounded by, specially benefitted parcels. Square footage is not an appropriate measure of benefit to these parcels. Because the parcels are not surrounded by serviced parcels, a long, shallow parcel with the same square footage as a deep, narrow parcel will receive a different level of general benefit. Likewise, two parcels with the same depth but a different width adjacent to serviced parcels will benefit differently. To account for this difference, it is appropriate that parcel linear frontage be used to measure the general benefit the adjacent parcels receive.

**iii. Calculations**

To quantify and separate the general benefit to non-assessed parcels, the following calculations were undertaken for each budget category.

1. The total service budget for each category was determined and the amount of general benefit to the public-at-large was subtracted from the category budget.
2. The benefit factor applicable to each activity or improvement was multiplied by the parcel square footage or linear frontage of assessed and non-assessed parcels, to determine the number of benefit units received by each parcel group.
3. The benefit units for all parcel groups were summed, and the percentage of benefit units attributable to each parcel group was calculated.
4. The total remaining activity and improvement budget, less the amount already determined to be general benefit to the public-at-large, was allocated to general and special benefit categories for each parcel group using the calculated benefit percent and applicable benefit characteristic methodology.
5. The special and general benefit resulting from the administrative and contingency portions of the budget were determined based on the proportional allocation of benefits derived from activities and improvements.

*Advocacy & Program Coordination*

The advocacy & program coordination budget, minus the amount of general benefit to the public-at-large, is \$61,890.36. The calculations below determine the amount of general benefit to non-assessed parcels within the HFPBID. The advocacy & program coordination budget category contains tangible activities; the Engineer used the 0.125 benefit factor to quantify the general benefit.

| Parcel Type  | Square Footage | Benefit Factor | Benefit Units  | Benefit Percent | Remaining Budget |               |
|--------------|----------------|----------------|----------------|-----------------|------------------|---------------|
| Assessed     | 1,483,391      | X 1.000        | = 1,483,391.00 | 96.960%         | X \$61,890.36    | = \$60,009.03 |
| Non-Assessed | 372,044        | X 0.125        | = 46,505.50    | 3.040%          | X \$61,890.36    | = \$1,881.33  |

The advocacy & program coordination budget, minus the amount of general benefit to the public and non-assessed parcels within the HFPBID, is \$60,009.03. The calculations below determine the amount of general benefit to parcels adjacent to the HFPBID.

| Parcel Type | Linear Frontage | Benefit Factor | Benefit Units | Benefit Percent | Remaining Budget |              |
|-------------|-----------------|----------------|---------------|-----------------|------------------|--------------|
| Inside      | 20,786          | X 1.000        | = 20,786.00   | 99.593%         | = \$60,009.03    | = \$59764.99 |
| Adjacent    | 679             | X 0.125        | = 84.88       | 0.407%          | = \$60,009.03    | = \$244.04   |

Therefore, the allocation of the advocacy & program coordination budget is as follows:

|                                    |                    |
|------------------------------------|--------------------|
| General Benefit – Public-At-Large  | \$1,263.07         |
| General Benefit – Inside Parcels   | \$1,881.33         |
| General Benefit – Adjacent Parcels | \$244.04           |
| Special Benefit                    | \$59,764.99        |
| <b>Total</b>                       | <b>\$63,153.43</b> |

*Image Enhancement*

The image enhancement budget, minus the amount of general benefit to the public-at-large, is \$59,707.94. The calculations below determine the amount of general benefit to non-assessed parcels within the HFPBID. The image enhancement budget category contains intangible activities; the Engineer used the 0.10 benefit factor to quantify the general benefit.

| Parcel Type  | Square Footage | Benefit Factor | Benefit Units  | Benefit Percent | Remaining Budget |               |
|--------------|----------------|----------------|----------------|-----------------|------------------|---------------|
| Assessed     | 1,483,391      | X 1.000        | = 1,483,391.00 | 97.553%         | X \$59,707.94    | = \$58,247.07 |
| Non-Assessed | 372,044        | X 0.100        | = 37,204.40    | 2.447%          | X \$59,707.94    | = \$1,460.87  |



The image enhancement budget, minus the amount of general benefit to the public and non-assessed parcels within the HFPBID, is \$58,247.07. The calculations below determine the amount of general benefit to parcels adjacent to the HFPBID.

| Parcel Type | Linear Frontage | Benefit Factor | Benefit Units | Benefit Percent | Remaining Budget |               |
|-------------|-----------------|----------------|---------------|-----------------|------------------|---------------|
| Inside      | 20,786          | X 1.000        | = 20,786.00   | 99.674%         | X \$58,247.07    | = \$58,057.42 |
| Adjacent    | 679             | X 0.100        | = 67.90       | 0.326%          | X \$58,247.07    | = \$189.65    |

Therefore, the allocation of the image enhancement budget is as follows:

|                                    |                    |
|------------------------------------|--------------------|
| General Benefit – Public-At-Large  | \$1,218.53         |
| General Benefit – Inside Parcels   | \$1,460.87         |
| General Benefit – Adjacent Parcels | \$189.65           |
| Special Benefit                    | \$58,057.42        |
| <b>Total</b>                       | <b>\$60,926.47</b> |

*Enhanced Maintenance*

The enhanced maintenance budget, minus the amount of general benefit to the public-at-large, is \$42,146.79. The calculations below determine the amount of general benefit to non-assessed parcels within the HFPBID. The enhanced maintenance budget category contains intangible activities; the Engineer used the 0.10 benefit factor to quantify the general benefit.

| Parcel Type  | Square Footage | Benefit Factor | Benefit Units  | Benefit Percent | Remaining Budget |               |
|--------------|----------------|----------------|----------------|-----------------|------------------|---------------|
| Assessed     | 1,483,391      | X 1.000        | = 1,483,391.00 | 97.553%         | X \$42,146.79    | = \$41,115.58 |
| Non-Assessed | 372,044        | X 0.100        | = 37,204.40    | 2.447%          | X \$42,146.79    | = \$1,031.21  |

The enhanced maintenance budget, minus the amount of general benefit to the public and non-assessed parcels within the HFPBID, is \$41,115.58. The calculations below determine the amount of general benefit to parcels adjacent to the HFPBID.

| Parcel Type | Linear Frontage | Benefit Factor | Benefit Units | Benefit Percent | Remaining Budget |               |
|-------------|-----------------|----------------|---------------|-----------------|------------------|---------------|
| Inside      | 20,786          | X 1.000        | = 20,786.00   | 99.674%         | \$41,115.58      | = \$40,981.71 |
| Adjacent    | 679             | X 0.100        | = 67.90       | 0.326%          | \$41,115.58      | = \$133.87    |

Therefore, the allocation of the enhanced maintenance budget is as follows:

|                                    |                    |
|------------------------------------|--------------------|
| General Benefit – Public-At-Large  | \$860.14           |
| General Benefit – Inside Parcels   | \$1,031.21         |
| General Benefit – Adjacent Parcels | \$133.87           |
| Special Benefit                    | \$40,981.71        |
| <b>Total</b>                       | <b>\$43,006.93</b> |

*Contingency/Renewal*

The contingency/renewal budget lines items relate to the activities and improvements provided. These costs have been allocated proportionally based on the special and general benefit provided by each category.

*County/City Administration Fee*

The County/City administration fee budget lines items relate to the activities and improvements provided. These costs have been allocated proportionally based on the special and general benefit provided by each category.

|                                 | Special Benefit to<br>Parcels | General Benefit<br>to Parcels |
|---------------------------------|-------------------------------|-------------------------------|
| Advocacy & Program Coordination | \$59,764.99                   | \$2,125.37                    |
| Image Enhancement               | \$58,057.42                   | \$1,650.52                    |
| Enhanced Maintenance            | \$40,981.71                   | \$1,165.08                    |
| Activity Totals                 | \$158,804.12                  | \$4,940.97                    |
| Percent                         | 96.9825%                      | 3.0175%                       |
| Contingency/Renewal             | \$6,830.29                    | \$212.51                      |
| County/City Administration Fee  | \$5,122.71                    | \$159.39                      |
| <b>Total Parcel Benefits</b>    | <b>\$170,757.12</b>           | <b>\$5,312.87</b>             |

**iv. Total Benefits**

Based on the foregoing calculations, the total benefits to assessed parcels, non-assessed parcels, and the general public are:

|                                 | Special             | Parcel General    | Public            | Total               |
|---------------------------------|---------------------|-------------------|-------------------|---------------------|
| Advocacy & Program Coordination | \$59,764.99         | \$2,125.37        | \$1,263.07        | \$63,153.43         |
| Image Enhancement               | \$58,057.42         | \$1,650.52        | \$1,218.53        | \$60,926.47         |
| Enhanced Maintenance            | \$40,981.71         | \$1,165.08        | \$860.14          | \$43,006.93         |
| Contingency/Renewal             | \$6,830.29          | \$212.52          | \$143.73          | \$7,186.54          |
| County/City Administration Fee  | \$5,122.71          | \$159.39          | \$107.80          | \$5,389.90          |
| <b>Total</b>                    | <b>\$170,757.12</b> | <b>\$5,312.88</b> | <b>\$3,593.27</b> | <b>\$179,663.27</b> |

c. Non-Assessment Funding

The programs funded by the HFPBID receive additional non-assessment funding in the form of grants, corporate sponsorships, event income, city general fund contributions, and other miscellaneous funds. These funding sources are anticipated to equal or exceed the amount of general benefit conferred annually by the HFPBID’s activities and improvements, \$8,906.15. These non-assessment funds will be used to pay for the general benefit provided by the HFPBID’s activities and improvements, ensuring that parcel assessments will only be used to provide special benefits and “any additional costs of providing general benefits [are] not included in the amounts assessed.”<sup>16</sup>

**2. Special Benefit**

The activities and improvements to be provided by the HFPBID constitute and convey special benefits directly to the assessed parcels. Assessment law requires that “the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided.”<sup>17</sup> Further, “no assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.”<sup>18</sup> Special benefit “includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed.”<sup>19</sup>

To determine the total special benefit value to be conveyed to the assessed parcels, we deduct the general benefit value (\$8,906.15) from the total value of the activities and improvements (\$179,663.27). The remaining \$170,757.12 is considered the special benefit to assessed parcels (the “Total Assessment”). The Total Assessment represents the total value of the special benefit to be provided by the activities and improvements. The Total Assessment has been proportionally divided among the assessed parcels so that no assessment exceeds the reasonable cost of the proportional special benefit conferred on a parcel. The assessment rate has been designed to ensure that “properties that receive the same proportionate special benefit pay the same assessment.”<sup>20</sup>

| <b>Service Provided</b>         | <b>Total Benefit Value</b> | <b>General Benefit Value to Public</b> | <b>Benefit Value to Parcels (Special &amp; General)</b> | <b>Special Benefit to Assessed Parcels</b> |
|---------------------------------|----------------------------|----------------------------------------|---------------------------------------------------------|--------------------------------------------|
| Advocacy & Program Coordination | \$63,153.43                | \$1,263.07                             | \$61,890.36                                             | \$59,764.99                                |
| Image Enhancement               | \$60,926.47                | \$1,218.53                             | \$59,707.94                                             | \$58,057.42                                |
| Enhanced Maintenance            | \$43,006.93                | \$860.14                               | \$42,146.78                                             | \$40,981.71                                |
| Contingency/Renewal             | \$7,186.54                 | \$143.73                               | \$7,042.81                                              | \$6,830.29                                 |
| County/City Administration Fee  | \$5,389.90                 | \$107.80                               | \$5,282.10                                              | \$5,122.71                                 |
| <b>TOTAL</b>                    | <b>\$179,663.27</b>        | <b>\$3,593.27</b>                      | <b>\$176,069.99</b>                                     | <b>\$170,757.12</b>                        |

<sup>16</sup> Streets and Highways Code section 36632(a)  
<sup>17</sup> Cal. Const, art XIII D §4(a)  
<sup>18</sup> Ibid  
<sup>19</sup> Streets and Highways Code section 36615.5  
<sup>20</sup> *Tiburon v. Bonander* (2009) 180 Cal.App.4<sup>th</sup> 1057

**B. Assessment Methodology**

**1. Base Formula**

Each parcel will be assessed based on proportional special benefits received. The variables used for the annual assessment formula are parcel type, parcel size, benefit zone, and level of development. These variables are all appropriate measures of the proportional special benefit because the need for services, level of services, and quantity of services are all relative to these variables; thus the special benefit provided to each parcel by the services can be proportionally measured using these variables.

Determination of Assessment Rates

“Because not all parcels in the district are identical in size...some will receive more special benefit than others.”<sup>21</sup> Each of the variables used relates directly to the service level and special benefit provided to each parcel. Parcel square footage is the size of the parcel, measured in square feet. Size is an appropriate measure of proportional special benefit because it relates directly to the quantity of services provided to the parcel, the highest and best use of a parcel, and reflects the long-term value implications of the HFPBID. The larger a parcel, the more services and benefit the parcel will receive.

Because not all parcels in the HFPBID are identical in use, some will receive more special benefit than others. For example, a non-profit owned parcel will benefit to a lesser degree than a commercial parcel, because it will not enjoy the benefits of increased commerce resulting from the services. Further detail on the benefit to each parcel type is in the following pages. To determine the assessment rates, the assessed parcels were classified by the estimated benefit each type of parcel receives, the estimated special benefit value of the activities and improvements provided to each type was determined based on approximate cost of service provision, and an assessment rate that is proportional to the estimated proportional benefit received by each parcel type was determined.

To determine the assessment rates, the estimated special benefit value for each parcel type was divided by the total assessable parcel square footage, parcel type, and benefit zone as shown in the tables below.

*Parcel Type*

Parcel types were categorized based on the typical amount of foot and vehicle traffic on the various commercial and apartment complex parcels. Parcels with heavy traffic, such as commercial parcels, will receive the highest level of services. Parcels with lower traffic, such as apartment complex parcels will receive the lowest level of services. The approximate cost of services by parcel type was determined. Then, the cost of services by type was divided by the parcel square footage of those parcels to determine the assessment rates.

*Parcel Size*

The HFPBID’s services will benefit each assessed parcel as a whole. The service budget which, in this Engineer’s estimation, represents special benefits to the parcels, has been allocated based on parcel size.

<sup>21</sup> *Dahms v. Downtown Pomona* (2009) 174 Cal.App.4th 708

| Parcel Type        | Initial Parcel Size Budget | Parcel Square Footage | Initial Parcel Assessment Rate (\$/sqft/yr) |
|--------------------|----------------------------|-----------------------|---------------------------------------------|
| Zone 1A Commercial | \$52,002.45 ÷              | 346,683 =             | \$0.15                                      |
| Zone 1B Commercial | \$1,351.84 ÷               | 7,952 =               | \$0.17                                      |
| Zone 2 Commercial  | \$53,798.80 ÷              | 338,777 =             | \$0.17                                      |
| Zone 3 Commercial  | \$24,138.81 ÷              | 283,986 =             | \$0.085                                     |
| Zone 4 Commercial  | \$39,465.23 ÷              | 526,203 =             | \$0.075                                     |

Property tax-exempt parcels owned by non-profit entities and religious institutions will be assessed at fifty percent (50%) of the standard commercial assessment rate.

Summary of Assessment Rates

Therefore, for the initial year, the maximum annual assessment rates to parcels are as shown below and in Appendix 1. Maximum annual assessment rates may be subject to an increase of no more than three (3%) percent per year as shown in Appendix 1.

| Parcel Type          | Annual Assessment Rate (\$/sq ft) |         |         |          |          |
|----------------------|-----------------------------------|---------|---------|----------|----------|
|                      | Zone 1A                           | Zone 1B | Zone 2  | Zone 3   | Zone 4   |
| Commercial Uses      | \$0.15                            | \$0.17  | \$0.17  | \$0.085  | \$0.075  |
| Non-Profit/Religious | \$0.075                           | \$0.085 | \$0.085 | \$0.0425 | \$0.0375 |

Sample assessment calculations are shown in Appendix 4.

**2. Zone 1**

Parcels in Zone 1 receive and benefit from all HFPBID services.

Zone 1 parcels include the Historic Folsom Station, Light Rail Station, Leidesdorff Plaza, amphitheater, parking garage, and a small number of retail-oriented or undeveloped parcels. These parcels receive a significant level of pedestrian traffic mainly due to their function and proximity to Zone 2.

**i. Zone 1A**

Parcels in Zone 1 which are not fully developed and have not been issued a Certificate of Occupancy are designated Zone 1A. Because these parcels are not developed, they have a low ratio of building square footage to lot square footage and receive approximately 80% of pedestrian traffic compared to Zone 2. For these reasons, the assessment rate for Zone 1A parcels is equal to approximately 80% of the assessment rate in Zone 2. When the annual review of assessments is conducted, if development has been completed on a parcel in Zone 1A and a Certificate of Occupancy has been issued for the parcel, then the Zone 1A parcel will be considered as Zone 1B for all future assessments.

**ii. Zone 1B**

Parcels in Zone 1 which are fully developed and have been issued a Certificate of Occupancy are designated Zone 1B. Because these parcels are fully developed and occupied, they have a high ratio of building square footage to lot square footage and receive approximately the same level of pedestrian traffic compared to Zone 2. For these reasons, the assessment rate for Zone 1B parcels is equal to the assessment rate in Zone 2.

**3. Zone 2**

Parcels in Zone 2 receive and benefit from all HFPBID services.

These parcels are mostly commercial-oriented and sit along the Sutter Street corridor which serves as the main location for events and other activities. Zone 2 parcels are different in character than the parcels in the other zones; the build out of the zone was based on historic standards and is more intense than other zones. The ratio of building square footage to parcel size is significantly higher than in other zones.

As a result of the high ratio of building square footage and economic activity of the zone, Zone 2 parcels have the highest levels of day and night pedestrian traffic. For these reasons, the assessment rate for Zone 2 is the highest.

**4. Zone 3**

Parcels in Zone 3 receive and benefit from all HFPBID services.

Parcels in Zone 3 have approximately half of the ratio of building square footage to lot square footage compared to Zones 1 and 2 and receive a lower pedestrian traffic level compared to Zone 2, therefore the assessment rate for parcels in Zone 3 is equal to half of the rate in Zone 2.

**5. Zone 4**

Parcels in Zone 4 receive limited HFPBID benefits compared to Zones 2, 1, and 3.

These parcels are primarily non-commercial, consisting mostly of office and government buildings. The parcels in Zone 4 receive the lowest level of pedestrian traffic compared to Zones 2, 1, and 3 parcels (approximately half of the pedestrian traffic level compared to Zone 1), and a low ratio of building square footage to lot square footage. For these reasons, Zone 4 is assessed at the lowest assessment rate.

**6. Commercial Parcels**

Commercial parcels will receive and benefit from all HFPBID services (Advocacy & Program Coordination, Image Enhancement, and Enhanced Maintenance), services, which are aimed to attract and increase customers and visitors to assessed parcels. Commercial parcels include retail-use, office-use, industrial, school, park, mixed-use, residential hotel, motel, and resort parcels, road parcels, and vacant parcels & parking lots zoned or used for any the of the aforementioned uses. These parcels have a commercial component because their owners aim to benefit from tenant rents, now or in the future, increased customers, or increased use by visitors. The primary purpose of the HFPBID is to provide property owner services which generate special benefits to parcels with commercial uses, and will therefore be assessed the full rate.

Vacant parcels assessed at the commercial rate include parcels either zoned or used for the uses specified in the previous paragraph. These vacant parcels will receive and benefit from all HFPBID services. These parcels are prone to experience nuisance issues because they are open spaces and are not frequently visited by property owners. The ease of access and infrequent visitation by property owners contributes to nuisance issues and have a high remediation cost for the owner. HFPBID Image Enhancement, and Enhanced Maintenance services will reduce nuisance behaviors and the occurrence of detrimental activities such as graffiti, littering, loitering, and criminal activity, which negatively impact the parcels. The Advocacy & Program Coordination provided by the HFPBID will assist property owners with vacant parcels when they attempt to develop or sell the parcel by promoting the HFPBID as a desirable, clean and safe area for doing business.

**7. Property Tax-Exempt Non-Profit and Religious Parcels**

As stated above, the primary purpose of the HFPBID is to benefit parcels with commercial uses. Property tax-exempt parcels owned by non-profit entities and religious institutions despite their non-commercial nature, will nonetheless benefit from the cleaner, safer environment the HFPBID will create. Therefore, property tax-exempt parcels owned by non-profit entities and religious institutions within the boundaries of the HFPBID will pay an assessment rate that is fifty percent (50%) of the standard commercial assessment rate, which is commensurate to the benefit they receive. Vacant lots that are located on the premises of a property tax-exempt parcel will be assessed at the non-profit rate.

**8. Government- Owned Parcels**

Under “The Right to Vote on Taxes Act” (also known as Proposition 218) all public parcels are required to pay assessments unless they can demonstrate by clear and convincing evidence that their parcels do not receive benefit. Parcels owned by the City of Folsom and other public entities will receive and benefit from all of the HFPBID’s services, therefore they will pay the commercial rate which is commensurate with their “fair share” of all assessments.

**9. Non-Assessed Parcels**

There are thirty-four (34) parcels within the HFPBID that will not be assessed. These parcels are neither commercial nor non-profit/religious parcels and will not specially benefit from or directly receive the HFPBID’s activities and improvements. These parcels are accounted for in the analysis of general benefit provided to non-assessed parcels within the HFPBID. These parcels have the following uses:

*Residential Parcels:* California Streets and Highways Code Section 36632(c) states, “Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and services funded through these assessments and shall not be subject to any assessment pursuant to this part.” The primary purpose of the HFPBID is to benefit parcels with commercial and non-profit uses; services have not been designed to benefit and will not be provided to single family residential parcels. Therefore, parcels within the boundaries of the HFPBID to the extent that they are zoned for single-family, multi-family, or vacant lots zoned as having residential uses shall not be assessed.

**10. Changes in Data**

It is the intent of this Plan and Engineer’s Report that each parcel included in the HFPBID can be clearly identified. Every effort has been made to ensure that all parcels included in the HFPBID are consistent in the boundary map and the assessment calculation table. However, if inconsistencies arise, the order of precedence shall be: 1) the assessment calculation table and 2) the boundary map.

If the parcel size or type of a parcel changes during the term of this HFPBID, the assessment calculation may be modified accordingly.

*Categorization Appeals*

The category determined for each parcel is shown in Appendix 4. The use for each parcel is established at formation and may be updated upon each renewal. If a parcel owner believes their parcel has been mis-classified or has changed, they may appeal in writing to the City of Folsom for re-consideration. Appeals must be received by the City no later than June 1 of each year. Appeals must include the parcel number, current classification, requested classification, and the evidence upon which the appeal is based. Appeals will not provide retroactive reductions.

Appeals should be made to:

Finance Director  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630  
916-461-6080

**C. Engineer’s Certification**

I hereby certify, to the best of my knowledge and experience, that each of the identified assessed parcels located within the Historic Folsom Property and Business Improvement District will receive a special benefit over and above the general benefits conferred and that the amount of the assessment is no greater than the proportional special benefits conferred on each parcel, as described in this Engineer’s Report.

Review of this Historic Folsom Property and Business Improvement District Management District Plan and preparation of the Engineer’s Report was completed by:



Ross Peabody  
State of California



February 27, 2023

Date

*This Engineer’s Report is intended to be distributed as part of the Management District Plan in its entirety, including the Assessment Calculation Table (Appendix 4) and the Boundary Map. Reproduction and distribution of only Section IX of this Management District Plan violates the intent of this stamp and signature.*



## APPENDIX 1 – MAXIMUM ANNUAL ASSESSMENT RATES

The table below illustrate the maximum annual assessment rates with the assumption that the rates will be increased annually by three percent (3%). The maximum rates listed are a required disclosure and not the anticipated course of action.

| <b>Year</b> | <b>Commercial Zone 1A</b> | <b>Commercial Zone 1B</b> | <b>Commercial Zone 2</b> | <b>Commercial Zone 3</b> | <b>Commercial Zone 4</b> |
|-------------|---------------------------|---------------------------|--------------------------|--------------------------|--------------------------|
| <b>2024</b> | \$0.1500                  | \$0.1700                  | \$0.1700                 | \$0.0850                 | \$0.0750                 |
| <b>2025</b> | \$0.1545                  | \$0.1751                  | \$0.1751                 | \$0.0876                 | \$0.0773                 |
| <b>2026</b> | \$0.1591                  | \$0.1804                  | \$0.1804                 | \$0.0902                 | \$0.0796                 |
| <b>2027</b> | \$0.1639                  | \$0.1858                  | \$0.1858                 | \$0.0929                 | \$0.0820                 |
| <b>2028</b> | \$0.1688                  | \$0.1913                  | \$0.1913                 | \$0.0957                 | \$0.0844                 |
| <b>2029</b> | \$0.1739                  | \$0.1971                  | \$0.1971                 | \$0.0985                 | \$0.0869                 |
| <b>2030</b> | \$0.1791                  | \$0.2030                  | \$0.2030                 | \$0.1015                 | \$0.0896                 |
| <b>2031</b> | \$0.1845                  | \$0.2091                  | \$0.2091                 | \$0.1045                 | \$0.0922                 |
| <b>2032</b> | \$0.1900                  | \$0.2154                  | \$0.2154                 | \$0.1077                 | \$0.0950                 |
| <b>2033</b> | \$0.1957                  | \$0.2218                  | \$0.2218                 | \$0.1109                 | \$0.0979                 |

| <b>Fiscal Year</b> | <b>Non-Profit/Religious Zone 1A</b> | <b>Non-Profit/Religious Zone 1B</b> | <b>Non-Profit/Religious Zone 2</b> | <b>Non-Profit/Religious Zone 3</b> | <b>Non-Profit/Religious Zone 4</b> |
|--------------------|-------------------------------------|-------------------------------------|------------------------------------|------------------------------------|------------------------------------|
| <b>2024</b>        | \$0.0750                            | \$0.0850                            | \$0.0850                           | \$0.0425                           | \$0.0375                           |
| <b>2025</b>        | \$0.0773                            | \$0.0876                            | \$0.0876                           | \$0.0438                           | \$0.0386                           |
| <b>2026</b>        | \$0.0796                            | \$0.0902                            | \$0.0902                           | \$0.0451                           | \$0.0398                           |
| <b>2027</b>        | \$0.0820                            | \$0.0929                            | \$0.0929                           | \$0.0464                           | \$0.0410                           |
| <b>2028</b>        | \$0.0844                            | \$0.0957                            | \$0.0957                           | \$0.0478                           | \$0.0422                           |
| <b>2029</b>        | \$0.0869                            | \$0.0985                            | \$0.0985                           | \$0.0493                           | \$0.0435                           |
| <b>2030</b>        | \$0.0896                            | \$0.1015                            | \$0.1015                           | \$0.0507                           | \$0.0448                           |
| <b>2031</b>        | \$0.0922                            | \$0.1045                            | \$0.1045                           | \$0.0523                           | \$0.0461                           |
| <b>2032</b>        | \$0.0950                            | \$0.1077                            | \$0.1077                           | \$0.0538                           | \$0.0475                           |
| <b>2033</b>        | \$0.0979                            | \$0.1109                            | \$0.1109                           | \$0.0555                           | \$0.0489                           |

**APPENDIX 2 – PBID LAW**

\*\*\* THIS DOCUMENT IS CURRENT THROUGH THE 2023 SUPPLEMENT \*\*\*  
(ALL 2022 LEGISLATION)

**STREETS AND HIGHWAYS CODE  
DIVISION 18. PARKING  
PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994**

**CHAPTER 1. General Provisions**

**ARTICLE 1. Declarations**

**36600. Citation of part**

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

**36601. Legislative findings and declarations; Legislative guidance**

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
  - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
  - (2) Job creation.
  - (3) Business attraction.
  - (4) Business retention.
  - (5) Economic growth.
  - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
  - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.
  - (2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore,

for special benefits to exist as a separate and distinct category from general benefits, the incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits. (3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

**36602. Purpose of part**

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

**36603. Preemption of authority or charter city to adopt ordinances levying assessments**

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

**36603.5. Part prevails over conflicting provisions**

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

**36604. Severability**

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

**ARTICLE 2. Definitions**

**36606. "Activities"**

"Activities" means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

**36606.5. "Assessment"**

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

**36607. "Business"**

"Business" means all types of businesses and includes financial institutions and professions.

**36608. “City”**

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

**36609. “City council”**

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

**36609.4. “Clerk”**

“Clerk” means the clerk of the legislative body.

**36609.5. “General benefit”**

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

**36610. “Improvement”**

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

**36611. “Management district plan”; “Plan”**

“Management district plan” or “plan” means a proposal as defined in Section 36622.

**36612. “Owners’ association”**

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), for all records relating to activities of the district.

**36614. “Property”**

“Property” means real property situated within a district.

**36614.5. “Property and business improvement district”; “District”**

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

**36614.6. “Property-based assessment”**

“Property-based assessment” means any assessment made pursuant to this part upon real property.

**36614.7. “Property-based district”**

“Property-based district” means any district in which a city levies a property-based assessment.

**36615. “Property owner”; “Business owner”; “Owner”**

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

**36615.5. “Special benefit”**

(a) “Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

(b) “Special benefit” also includes, for purposes of a property-based district, a particular and distinct benefit provided directly to each assessed parcel within the district. Merely because parcels throughout an assessment district share the same special benefits does not make the benefits general.

**36616. “Tenant”**

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

**ARTICLE 3. Prior Law**

**36617. Alternate method of financing certain improvements and activities; Effect on other provisions**

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

**CHAPTER 2. Establishment**

**36620. Establishment of property and business improvement district**

A property and business improvement district may be established as provided in this chapter.

**36620.5. Requirement of consent of city council**

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

**36621. Initiation of proceedings; Petition of property or business owners in proposed district**

- (a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
- (b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
  - (1) A map showing the boundaries of the district.
  - (2) Information specifying where the complete management district plan can be obtained.
  - (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
  - (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
  - (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

**36622. Contents of management district plan**

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
- (d) The improvements, maintenance, and activities proposed for each year of operation of the district and the estimated cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.
- (e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based

upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against their property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k)

(1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(3) In a property-based district, properties throughout the district may share the same special benefits. In a district with boundaries that define which parcels are to receive improvements, maintenance, or activities over and above those services provided by the city, the improvements, maintenance, or activities themselves may constitute a special benefit. The city may impose assessments that are less than the proportional special benefit conferred, but shall not impose assessments that exceed the reasonable costs of the proportional special benefit conferred. Because one or more parcels pay less than the special benefit conferred does not necessarily mean that other parcels are assessed more than the reasonable cost of their special benefit.

(l) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(m) Any other item or matter required to be incorporated therein by the city council.

**36623. Procedure to levy assessment**

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed

district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

**36624. Changes to proposed assessments**

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

**36625. Resolution of formation**

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.
- (2) The number, date of adoption, and title of the resolution of intention.
- (3) The time and place where the public hearing was held concerning the establishment of the district.
- (4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.
- (5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.
- (6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.
- (7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.
- (8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

**36627. Notice and assessment diagram**



Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

**36628. Establishment of separate benefit zones within district; Categories of businesses**

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

**36628.5. Assessments on businesses or property owners**

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

**36629. Provisions and procedures applicable to benefit zones and business categories**

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

**36630. Expiration of district; Creation of new district**

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

**CHAPTER 3. Assessments**

**36631. Time and manner of collection of assessments; Delinquent payments**

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

**36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property**

- (a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.
- (b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.
- (c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

**36633. Time for contesting validity of assessment**

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36625. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

**36634. Service contracts authorized to establish levels of city services**

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

**36635. Request to modify management district plan**

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

**36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention**

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:

- (1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
- (2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

**36637. Reflection of modification in notices recorded and maps**

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

**CHAPTER 3.5. Financing****36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments**

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

**CHAPTER 4. Governance**

**36650. Report by owners’ association; Approval or modification by city council**

(a) The owners’ association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners’ association’s first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

- (1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.
- (2) The improvements, maintenance, and activities to be provided for that fiscal year.
- (3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.
- (4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.
- (5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- (6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners’ association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636. The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

**36651. Designation of owners’ association to provide improvements, maintenance, and activities**

The management district plan may, but is not required to, state that an owners’ association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners’ association, the city shall contract with the designated nonprofit corporation to provide services.

**CHAPTER 5. Renewal**

**36660. Renewal of district; Transfer or refund of remaining revenues; District term limit**

(a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

**CHAPTER 6. Disestablishment**

**36670. Circumstances permitting disestablishment of district; Procedure**

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

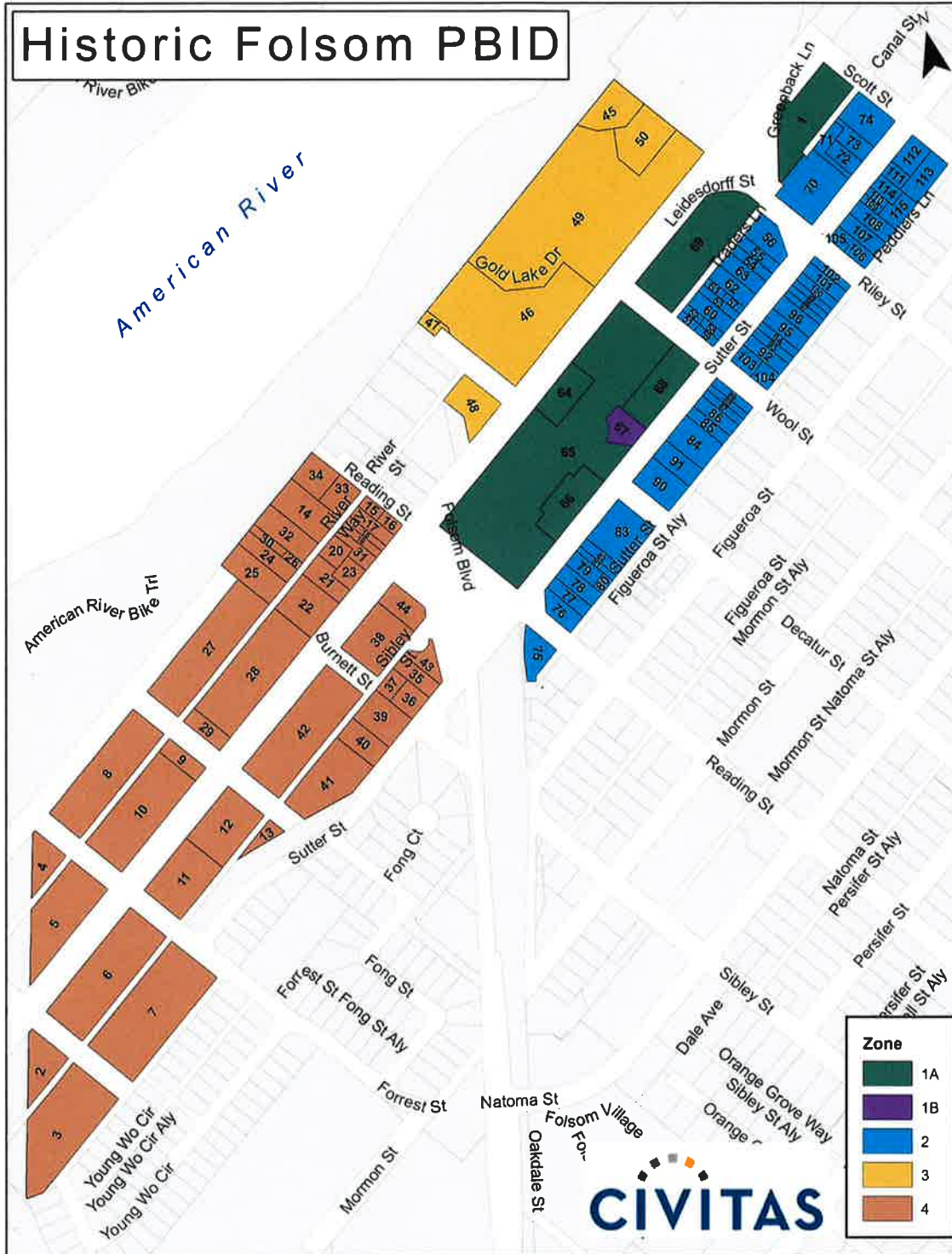
(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

**36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district**

(a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

### APPENDIX 3 – MAP



## APPENDIX 4 – PARCEL ASSESSMENT CALCULATIONS

| MapKey | APN            | Lot SqFt | Rate  | Assessment | Zone | COEF     |
|--------|----------------|----------|-------|------------|------|----------|
| 1      | 07000100170000 | 38,180   | 0.15  | \$5,727.00 | 1A   | COM      |
| 2      | 07000320020000 | 12,632   | 0.075 | \$947.40   | 4    | COM      |
| 3      | 07000320050000 | 62,726   | 0.075 | \$4,704.45 | 4    | COM      |
| 4      | 07000330020000 | 10,454   | 0.075 | \$784.05   | 4    | COM      |
| 5      | 07000330030000 | 50,094   | 0.075 | \$3,757.05 | 4    | COM      |
| 6      | 07000340010000 | 56,192   | 0.075 | \$4,214.40 | 4    | COM      |
| 7      | 07000340020000 | 69,260   | 0.075 | \$5,194.50 | 4    | COM      |
| 8      | 07000410010000 | 47,916   | 0.075 | \$3,593.70 | 4    | COM      |
| 9      | 07000410020000 | 7,405    | 0.075 | \$555.38   | 4    | COM      |
| 10     | 07000410030000 | 49,223   | 0.075 | \$3,691.73 | 4    | COM      |
| 11     | 07000420010000 | 27,007   | 0.075 | \$2,025.53 | 4    | COM      |
| 12     | 07000420020000 | 27,443   | 0     | \$0.00     | 4    | SFR / NA |
| 13     | 07000420030000 | 6,534    | 0     | \$0.00     | 4    | SFR / NA |
| 14     | 07000450030000 | 18,600   | 0     | \$0.00     | 4    | SFR / NA |
| 15     | 07000450060000 | 2,800    | 0     | \$0.00     | 4    | SFR / NA |
| 16     | 07000450070000 | 2,800    | 0     | \$0.00     | 4    | SFR / NA |
| 17     | 07000450080000 | 5,600    | 0     | \$0.00     | 4    | SFR / NA |
| 18     | 07000450090000 | 2,800    | 0     | \$0.00     | 4    | SFR / NA |
| 19     | 07000450100000 | 3,500    | 0     | \$0.00     | 4    | SFR / NA |
| 20     | 07000450130000 | 5,250    | 0     | \$0.00     | 4    | SFR / NA |
| 21     | 07000450140000 | 8,750    | 0     | \$0.00     | 4    | SFR / NA |
| 22     | 07000450150000 | 19,602   | 0.075 | \$1,470.15 | 4    | COM      |
| 23     | 07000450170000 | 5,250    | 0     | \$0.00     | 4    | SFR / NA |
| 24     | 07000450190000 | 9,148    | 0     | \$0.00     | 4    | SFR / NA |
| 25     | 07000450200000 | 15,246   | 0     | \$0.00     | 4    | SFR / NA |
| 26     | 07000450230000 | 1,750    | 0     | \$0.00     | 4    | SFR / NA |
| 27     | 07000450260000 | 52,708   | 0.075 | \$3,953.10 | 4    | COM      |
| 28     | 07000450270000 | 54,014   | 0.075 | \$4,051.05 | 4    | COM      |
| 29     | 07000450280000 | 6,970    | 0.075 | \$522.75   | 4    | COM      |
| 30     | 07000450290000 | 2,325    | 0     | \$0.00     | 4    | SFR / NA |
| 31     | 07000450310000 | 5,250    | 0     | \$0.00     | 4    | SFR / NA |
| 32     | 07000450320000 | 13,950   | 0     | \$0.00     | 4    | SFR / NA |
| 33     | 07000450370000 | 7,500    | 0     | \$0.00     | 4    | SFR / NA |
| 34     | 07000450380000 | 11,100   | 0     | \$0.00     | 4    | SFR / NA |

|    |                |         |       |             |    |          |
|----|----------------|---------|-------|-------------|----|----------|
| 35 | 07000460140000 | 7,000   | 0     | \$0.00      | 4  | SFR / NA |
| 36 | 07000460150000 | 7,055   | 0     | \$0.00      | 4  | SFR / NA |
| 37 | 07000460160000 | 4,565   | 0     | \$0.00      | 4  | SFR / NA |
| 38 | 07000460210000 | 24,500  | 0     | \$0.00      | 4  | SFR / NA |
| 39 | 07000460220000 | 15,120  | 0     | \$0.00      | 4  | SFR / NA |
| 40 | 07000460230000 | 10,500  | 0     | \$0.00      | 4  | SFR / NA |
| 41 | 07000460240000 | 28,125  | 0     | \$0.00      | 4  | SFR / NA |
| 42 | 07000460260000 | 56,192  | 0     | \$0.00      | 4  | SFR / NA |
| 43 | 07000460330000 | 6,052   | 0     | \$0.00      | 4  | SFR / NA |
| 44 | 07000460340000 | 10,376  | 0     | \$0.00      | 4  | SFR / NA |
| 45 | 07000510320000 | 16,840  | 0     | \$0.00      | 3  | SFR / NA |
| 46 | 07000510420000 | 96,703  | 0.085 | \$8,219.76  | 3  | COM      |
| 47 | 07000510430000 | 3,217   | 0.085 | \$273.45    | 3  | COM      |
| 48 | 07000510500000 | 15,489  | 0.085 | \$1,316.57  | 3  | COM      |
| 49 | 07000510570000 | 168,577 | 0.085 | \$14,329.05 | 3  | COM      |
| 50 | 07000510580000 | 9,913   | 0     | \$0.00      | 3  | SFR / NA |
| 51 | 07000520010000 | 1,742   | 0.085 | \$148.07    | 2  | TE/NP/R  |
| 52 | 07000520020000 | 1,625   | 0.085 | \$138.13    | 2  | TE/NP/R  |
| 53 | 07000520050000 | 3,500   | 0.17  | \$595.00    | 2  | COM      |
| 54 | 07000520090000 | 4,200   | 0.17  | \$714.00    | 2  | COM      |
| 55 | 07000520100000 | 4,900   | 0.17  | \$833.00    | 2  | COM      |
| 56 | 07000520110000 | 9,921   | 0.17  | \$1,686.57  | 2  | COM      |
| 57 | 07000520120000 | 1,750   | 0.17  | \$297.50    | 2  | COM      |
| 58 | 07000520130000 | 1,875   | 0.17  | \$318.75    | 2  | COM      |
| 59 | 07000520140000 | 1,875   | 0.17  | \$318.75    | 2  | COM      |
| 60 | 07000520150000 | 7,000   | 0.17  | \$1,190.00  | 2  | COM      |
| 61 | 07000520170000 | 1,750   | 0.17  | \$297.50    | 2  | COM      |
| 62 | 07000520180000 | 7,000   | 0.17  | \$1,190.00  | 2  | COM      |
| 63 | 07000520190000 | 7,000   | 0.17  | \$1,190.00  | 2  | COM      |
| 64 | 07000520220000 | 15,611  | 0.15  | \$2,341.65  | 1A | COM      |
| 65 | 07000520230000 | 192,100 | 0.15  | \$28,815.00 | 1A | COM      |
| 66 | 07000520240000 | 21,092  | 0.15  | \$3,163.80  | 1A | COM      |
| 67 | 07000520250000 | 7,952   | 0.17  | \$1,351.84  | 1B | COM      |
| 68 | 07000520260000 | 23,943  | 0.15  | \$3,591.45  | 1A | COM      |
| 69 | 07000520270000 | 55,757  | 0.15  | \$8,363.55  | 1A | COM      |
| 70 | 07000610100000 | 26,060  | 0.17  | \$4,430.20  | 2  | COM      |
| 71 | 07000610110000 | 5,394   | 0.17  | \$916.98    | 2  | COM      |
| 72 | 07000610130000 | 4,812   | 0.17  | \$818.04    | 2  | COM      |
| 73 | 07000610140000 | 5,527   | 0.17  | \$939.59    | 2  | COM      |

|     |                |        |       |            |   |         |
|-----|----------------|--------|-------|------------|---|---------|
| 74  | 07000610150000 | 14,000 | 0.17  | \$2,380.00 | 2 | COM     |
| 75  | 07000940120000 | 5,473  | 0.17  | \$930.41   | 2 | COM     |
| 76  | 07001010010000 | 7,260  | 0.17  | \$1,234.20 | 2 | COM     |
| 77  | 07001010020000 | 5,600  | 0.17  | \$952.00   | 2 | COM     |
| 78  | 07001010030000 | 7,000  | 0.17  | \$1,190.00 | 2 | COM     |
| 79  | 07001010040000 | 5,250  | 0.17  | \$892.50   | 2 | COM     |
| 80  | 07001010050000 | 1,750  | 0.17  | \$297.50   | 2 | COM     |
| 81  | 07001010060000 | 2,660  | 0.17  | \$452.20   | 2 | COM     |
| 82  | 07001010070000 | 4,060  | 0.17  | \$690.20   | 2 | COM     |
| 83  | 07001010290000 | 21,649 | 0.17  | \$3,680.33 | 2 | COM     |
| 84  | 07001030050000 | 13,510 | 0.17  | \$2,296.70 | 2 | COM     |
| 85  | 07001030060000 | 4,830  | 0.17  | \$821.10   | 2 | COM     |
| 86  | 07001030070000 | 5,663  | 0.17  | \$962.71   | 2 | COM     |
| 87  | 07001030080000 | 3,220  | 0.17  | \$547.40   | 2 | COM     |
| 88  | 07001030090000 | 2,800  | 0.17  | \$476.00   | 2 | COM     |
| 89  | 07001030100000 | 3,640  | 0.17  | \$618.80   | 2 | COM     |
| 90  | 07001030170000 | 13,440 | 0.17  | \$2,284.80 | 2 | COM     |
| 91  | 07001030190000 | 8,960  | 0.085 | \$761.60   | 2 | TE/NP/R |
| 92  | 07001050020000 | 5,600  | 0.17  | \$952.00   | 2 | COM     |
| 93  | 07001050030000 | 3,500  | 0.17  | \$595.00   | 2 | COM     |
| 94  | 07001050040000 | 3,500  | 0.17  | \$595.00   | 2 | COM     |
| 95  | 07001050050000 | 7,000  | 0.17  | \$1,190.00 | 2 | COM     |
| 96  | 07001050060000 | 7,000  | 0.17  | \$1,190.00 | 2 | COM     |
| 97  | 07001050070000 | 2,800  | 0.17  | \$476.00   | 2 | COM     |
| 98  | 07001050080000 | 2,800  | 0.17  | \$476.00   | 2 | COM     |
| 99  | 07001050090000 | 2,800  | 0.17  | \$476.00   | 2 | COM     |
| 100 | 07001050100000 | 3,906  | 0.17  | \$664.02   | 2 | COM     |
| 101 | 07001050110000 | 5,628  | 0.17  | \$956.76   | 2 | COM     |
| 102 | 07001050120000 | 3,066  | 0.17  | \$521.22   | 2 | COM     |
| 103 | 07001050180000 | 4,610  | 0.17  | \$783.70   | 2 | COM     |
| 104 | 07001050190000 | 3,808  | 0.17  | \$647.36   | 2 | COM     |
| 105 | 07001110010000 | 1,549  | 0.17  | \$263.33   | 2 | COM     |
| 106 | 07001110020000 | 5,451  | 0.17  | \$926.67   | 2 | COM     |
| 107 | 07001110030000 | 7,000  | 0.17  | \$1,190.00 | 2 | COM     |
| 108 | 07001110040000 | 7,000  | 0.17  | \$1,190.00 | 2 | COM     |
| 109 | 07001110050000 | 1,750  | 0.17  | \$297.50   | 2 | COM     |
| 110 | 07001110060000 | 1,750  | 0.17  | \$297.50   | 2 | COM     |
| 111 | 07001110090000 | 3,700  | 0.17  | \$629.00   | 2 | COM     |
| 112 | 07001110100000 | 7,400  | 0.17  | \$1,258.00 | 2 | COM     |



|     |                |       |      |          |   |          |
|-----|----------------|-------|------|----------|---|----------|
| 113 | 07001110110000 | 9,900 | 0    | \$0.00   | 2 | SFR / NA |
| 114 | 07001110170000 | 4,313 | 0.17 | \$733.21 | 2 | COM      |
| 115 | 07001110190000 | 6,250 | 0    | \$0.00   | 2 | SFR / NA |

## APPENDIX 5 – TOTAL ESTIMATED MAXIMUM COST OF IMPROVEMENTS, MAINTENANCE, AND ACTIVITIES

The estimated maximum cost of the line items below was developed based on the estimated costs of providing services in the proposed HFPBID. The costs below are estimated; the actual line item costs will fluctuate. The table below shows expenditures from assessment and non-assessed funds. Assessment funds are governed by Section VI. There is no limit on reallocation of non-assessment funds by the Owners’ Association. The total maximum budget may exceed the maximum listed in this table if parcel ownership changes result in parcels being assessed at a higher rate due to a higher estimated benefit.

| Year         | Advocacy & Program Coordination | Image Enhancement   | Enhanced Maintenance | Contingency / Reserve | County/City Fee    | Total                 |
|--------------|---------------------------------|---------------------|----------------------|-----------------------|--------------------|-----------------------|
| 2024         | \$63,153.43                     | \$60,926.47         | \$43,006.93          | \$7,186.54            | \$5,389.90         | \$179,663.27          |
| 2025         | \$65,048.03                     | \$62,754.26         | \$44,297.14          | \$7,402.14            | \$5,551.60         | \$185,053.17          |
| 2026         | \$66,999.47                     | \$64,636.89         | \$45,626.05          | \$7,624.20            | \$5,718.15         | \$190,604.76          |
| 2027         | \$69,009.45                     | \$66,576.00         | \$46,994.83          | \$7,852.93            | \$5,889.69         | \$196,322.90          |
| 2028         | \$71,079.73                     | \$68,573.28         | \$48,404.67          | \$8,088.52            | \$6,066.38         | \$202,212.58          |
| 2029         | \$73,212.12                     | \$70,630.48         | \$49,856.81          | \$8,331.18            | \$6,248.37         | \$208,278.96          |
| 2030         | \$75,408.48                     | \$72,749.39         | \$51,352.51          | \$8,581.12            | \$6,435.82         | \$214,527.32          |
| 2031         | \$77,670.73                     | \$74,931.87         | \$52,893.09          | \$8,838.55            | \$6,628.89         | \$220,963.13          |
| 2032         | \$80,000.85                     | \$77,179.83         | \$54,479.88          | \$9,103.71            | \$6,827.76         | \$227,592.03          |
| 2033         | \$82,400.88                     | \$79,495.22         | \$56,114.28          | \$9,376.82            | \$7,032.59         | \$234,419.79          |
| <b>Total</b> | <b>\$723,983.17</b>             | <b>\$698,453.69</b> | <b>\$493,026.19</b>  | <b>\$82,385.71</b>    | <b>\$61,789.15</b> | <b>\$2,059,637.91</b> |

## APPENDIX 6 – BASELINE SERVICES PROVIDED

The City of Folsom will continue to provide a baseline level of services throughout the District, consistent with services provided to parcels outside the District. The tables below show the baseline level of services as of August 2022; these services may only be reduced in the event of a city-wide service reduction.

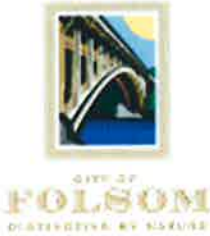
| <b>SAFETY, POLICING &amp; SECURITY</b> |                                                         |                                                                                                                                                                                                  |                                                                                                                                                                                                                    |
|----------------------------------------|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Activity</b>                        | <b>Responsible Party</b>                                | <b>Level of Service</b>                                                                                                                                                                          | <b>Comments</b>                                                                                                                                                                                                    |
| Police: Patrol                         | City of Folsom<br>Police Department                     | Patrol services will be provided as directed by an established patrol staffing plan.                                                                                                             |                                                                                                                                                                                                                    |
| Police: Special Problems Units         | City of Folsom<br>Police Department                     | Special enforcement units handle issues involving gangs and the selling of drugs in the City of Folsom, as needed                                                                                |                                                                                                                                                                                                                    |
| Police: Graffiti Abatement             | City of Folsom<br>Police Department                     | When observed, officers advise City crews of abatement needed.                                                                                                                                   | Private property clean-up is the responsibility of the property owner.                                                                                                                                             |
| Police: Parking Enforcement            | City of Folsom<br>Police Department                     | Officers patrol the Historic District as part of their standard tour of duty. This includes enforcement of parking regulations for vehicles utilizing public parking lots and on-street parking. | Historic District has restricted parking (time limits and residential permits) and receives regular patrols from parking enforcement. Provisions exist to allow employee parking in some time-limited parking lots |
| Police/Fire: Special Events            | City of Folsom<br>Police Department and Fire Department | Police and Fire Department staff review request for special events, and provide personnel as outlined/required in the Special Event Permits.                                                     | Unless waived by the City Council, special events require the promoter/sponsor to pay Police and/or Fire Department expenses.                                                                                      |
| Security Guards                        | None Provided                                           |                                                                                                                                                                                                  |                                                                                                                                                                                                                    |
| Private Security                       | Individual Property Owners                              | Hiring own security for localized security services in parking lots, garages, building interiors and perimeters.                                                                                 |                                                                                                                                                                                                                    |

| Activity                                                  | Responsible Party                              | Level of Service                                                                                                                | Comments                                                                               |
|-----------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Historic Folsom Station Plaza                             | City of Folsom                                 | Ongoing clean-up, landscaping maintenance                                                                                       | Event impacts paid by sponsor and as also specified in Special Event permit conditions |
| Parking Garage                                            | City of Folsom                                 | Ongoing maintenance                                                                                                             |                                                                                        |
| Public Restrooms Security Issues                          | City of Folsom                                 | Ongoing maintenance                                                                                                             | Event impacts paid by sponsor and as also specified in Special Event permit conditions |
| Signage – street signs and interpretive amenities         | City of Folsom                                 | Ongoing maintenance                                                                                                             | Changeable content of signage managed by FHDA                                          |
| Street Lighting                                           | City of Folsom                                 | Lights changed on an as-needed basis. The Public Works Department is responsible for upkeep and maintenance of street lighting. |                                                                                        |
| Graffiti Removal                                          | City of Folsom Code Enforcement                | As identified and response based.                                                                                               | On public property                                                                     |
| Sidewalks General                                         | City of Folsom Public Works Department         | Make necessary repairs when needed for safety and aesthetics                                                                    |                                                                                        |
| Sidewalk Receptacles and Benches                          | City of Folsom Parks and Recreation Department | Install, replace & maintain benches, receptacles and recycling receptacles in the historic area, as needed.                     |                                                                                        |
| Drinking Fountains, Public Art and other Street furniture | City of Folsom Parks and Recreation Department | Ongoing Maintenance                                                                                                             |                                                                                        |
| Alley                                                     | City of Folsom Public Works Department         | Respond to service requests on an as-needed basis.                                                                              |                                                                                        |
| Maintenance: Vacant lots                                  | City of Folsom Code Enforcement                | Property owners can report owners who do not upkeep their lots. (e.g. junk and debris, weeds)                                   | If delinquent, City may pursue lawful means to correction violation                    |

| Activity                                           | Responsible Party                                 | Level of Service                                                                                                                                                  | Comments                                                                                                                                                                                        |
|----------------------------------------------------|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parking: Off-street<br>Public Lots                 | City of Folsom<br>Public Works Department         | Street crews clean trash and debris monthly or by location with Service Request. Potholes and bumper repairs are performed on an as-needed basis.                 |                                                                                                                                                                                                 |
| Parking: On-street                                 | City of Folsom<br>Public Works Department         | Maintain parking spaces, on as needed basis.                                                                                                                      | Cleaning scheduled to avoid disrupting parking demand.                                                                                                                                          |
| Street: General Maintenance                        | City of Folsom<br>Public Works Department         | Respond to Service Requests as needed for trash, debris, accidents and potholes. Skin patching, base repairs and as-scheduled or coordinated with other projects. | Routine pothole patching with cold patch during raining weather. Skin patch and base repair when clear and in warmer weather. City shall continue to be responsible for all street maintenance. |
| Street: Sweeping                                   | City of Folsom<br>Public Works Department         | Arterials and Collectors<br>Downtown: 2 times per year<br><br>Parking lots and alleys: 2-3 times per year                                                         |                                                                                                                                                                                                 |
| Trash Collection: Business                         | Property Owners                                   | Each owner shall be responsible for trash collection to ensure a clean and tidied trash area.                                                                     |                                                                                                                                                                                                 |
| Trash Collection: Sidewalk receptacles             | City of Folsom<br>Public Works Department         | Provide trash collection for sidewalk containers 3 days per week                                                                                                  | Service is provided only in Sutter Street commercial core area                                                                                                                                  |
| Trash Collection: Removal of Signs on Public Poles | City of Folsom<br>Code Enforcement                | On an as-needed basis on City owned Facilities                                                                                                                    | Code enforcement is the responsible party as most signs are for yard and garage sales, which is covered by ordinance.                                                                           |
| Landscaping: Planters                              | City of Folsom<br>Parks and Recreation Department | Maintain landscaping in public ROW                                                                                                                                | Other landscaping is the responsibility of the property owner.                                                                                                                                  |

| Activity                                                                  | Responsible Party                                    | Level of Service                                                                                                                                                                | Comments                                                                                                                                         |
|---------------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscaping: Tree Trimming                                                | City of Folsom<br>Parks and Recreation<br>Department | Provide tree trimming annually for trees in the public ROW. Respond to hazard tree calls as needed. Perform Right-of-Way clearance, as needed. Perform tree removals as needed. | Trees on private property that encroach in ROW, are owner's responsibility to maintain as needed or requested by City Staff.                     |
| Street decorations                                                        | FHDA                                                 | Banners and other seasonal elements (corn stalks, ribbons on poles, etc)                                                                                                        | Covered thru BID and other FHDA fund raising. Decorations and banners to comply with City codes, guidelines, or Special Event permit conditions. |
| Trash collection for special events (Craft fairs, TNM, Cattle Drive, etc) | City of Folsom<br>Public Works Department            | Event sponsor responsible for placing loose trash in receptacles. City responsible for emptying receptacles within 24 hours of event                                            |                                                                                                                                                  |

| <b>OTHER SERVICES</b>        |                                           |                                                                                                                                                           |                                                                                                                         |
|------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Activity                     | Responsible Party                         | Level of Service                                                                                                                                          | Comments                                                                                                                |
| Decorations: Special Events  | Event sponsors in collaboration with FHDA | Seasonal decorations provided by FHDA can be supplemented for special events                                                                              | Decorations: Special Events                                                                                             |
| Public Works: Special Events | City of Folsom<br>Public Works Department | Public Works Department staff review request for special events, and provide traffic control personnel as outlined/required in the Special Event Permits. | Unless waived by the City Council, special events require the promoter/sponsor to pay Public Works Department expenses. |



# Folsom City Council Staff Report



|                        |                                                                                                                                                                                   |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                         |
| <b>AGENDA SECTION:</b> | Consent Calendar                                                                                                                                                                  |
| <b>SUBJECT:</b>        | Resolution No. 11018 - A Resolution Authorizing the Public Works Department to Install All-Way Stop Sign Control at the Intersection of Carpenter Hill Road and Owl Meadow Street |
| <b>FROM:</b>           | Public Works Department                                                                                                                                                           |

### RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 11018 - A Resolution Authorizing the Public Works Department to Install All-Way Stop Sign Control at the Intersection of Carpenter Hill Road and Owl Meadow Street.

### BACKGROUND / ISSUE

In June 2022, during the Parks and Recreation Department’s public outreach of Benevento Park, several complaints from community members about existing speeding issues were reported. The community members expressed concern regarding the proposed driveway access on Carpenter Hill Road and how they believed it would increase traffic and speeding along the roadway, specifically near the 90 degree turn near the northern end of Carpenter Hill Road between Owl Meadow Street and Fenceline Drive.

The project was taken to Parks and Recreation Commission on August 2, 2022, and meeting minutes show that the Commission approve the Benevento Family Park Master Plan with an amendment with the following verbiage, “to continue to review potential traffic impacts and possible solutions to identify problems.”

Staff brought the item to the December 2022 Traffic Safety Committee meeting. The Committee recommended that the City Council approve an all-way stop at the corner of Owl Meadow Street and Carpenter Hill Road and relocation of the speed feedback sign contingent on the residents returning a petition that included at least ten signatures. Additionally, the

signatures were to include the support of the property owners with homes located closest to the proposed all-way stop. On February 23, 2023 the item returned to the Traffic Safety Committee with the completed petition showing neighborhood support for the proposed stop sign, satisfying the Traffic Safety Committee's recommended action from the December 2022 meeting. The motion to recommend an all-way stop at the intersection of Carpenter Hill Road and Owl Meadow Street to City Council was carried with unanimous support.

As with most residential intersections, the stop signs are not warranted based on traffic volume, safety, or right-of-way, and the petitioners were advised that the stop signs may not be an effective speed deterrent.

### **POLICY / RULE**

Chapter 10.12 of the Folsom Municipal Code grants the City Council final authority with respect to the placement of new stop signs.

### **ANALYSIS**

This item was considered by the Traffic Safety Committee at its December 8, 2022 and February 23, 2023 meetings, and the Committee voted unanimously to recommend an all-way stop control. A copy of the Action Summaries from those meetings is attached to this report.

### **FINANCIAL IMPACT**

Installation of new signs and markings should not exceed \$6,000 and will be paid out of the Traffic Safety Projects, Project No. 8023, which was included in the Fiscal Year 2022-23 Capital Improvement Plan and is funded through Measure A (Fund 276).

### **ENVIRONMENTAL REVIEW**

This project has been deemed categorically exempt from environmental review.

### **ATTACHMENTS**

1. Resolution No. 11018 - A Resolution Authorizing the Public Works Department to Install All-Way Stop Sign Control at the Intersection of Carpenter Hill Road and Owl Meadow Street.
2. Action Summary – Traffic Safety Committee, December 8, 2022
3. Action Summary – Traffic Safety Committee, February 23, 2023
4. Map of Intersection



Submitted,

---

Mark Rackovan, PUBLIC WORKS DIRECTOR

**Attachment 1**  
**Resolution No. 11018**

**RESOLUTION NO. 11018**

**A RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO  
INSTALL ALL-WAY STOP SIGN CONTROL AT THE INTERSECTION OF  
CARPENTER HILL ROAD AND OWL MEADOW STREET**

**WHEREAS**, the Public Works Department received a request to evaluate traffic safety at the intersection of Carpenter Hill Road and Owl Meadow Street; and

**WHEREAS**, the intersection is currently side street stop controlled on Owl Meadow Street; and

**WHEREAS**, the Public Works Department assessed the intersection and determined that all-way stop control is not warranted on a traffic volume, safety, or right-of-way basis; and

**WHEREAS**, the Traffic Safety Committee reviewed the request at its December 8, 2022 meeting and voted unanimously to recommend all-way stop control once a neighborhood petition had been completed; and

**WHEREAS**, the Traffic Safety Committee reviewed the completed petition in support of the stop sign at its February 23, 2023 meeting and voted unanimously to recommend all-way stop control; and

**WHEREAS**, sufficient funds are budgeted and available in the Traffic Safety Projects, Project No. 8023, which was included in the Fiscal Year 2022-23 Capital Improvement Plan, utilizing the Measure A Fund (Fund 276); and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom authorizes the Public Works Department to install all-way stop sign control at the intersection of Carpenter Hill Road and Owl Meadow Street.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of April 2023, by the following roll-call vote:

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

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

ATTEST:

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

## Attachment 2

### Action Summary – Traffic Safety Committee, December 8, 2022

City of Folsom  
**TRAFFIC SAFETY COMMITTEE**  
**MEETING MINUTES**  
 4:00 p.m., Thursday, December 8th, 2022

*Effective July 7, 2022, the City of Folsom is returning to all in-person City Council, Commission, and Committee meetings. Remote participation for the public will no longer be offered. Everyone is invited and encouraged to attend and participate in City meetings in person.*

**1. MEETING CALLED TO ORDER**

Meeting called to order 4:05 pm

**2. ROLL CALL:**

Bailey, Bosch, Delp, Galovich, McGee, Soulsby, Washburn

Present: Bailey, Bosch, Delp, McGee, Soulsby, Washburn Absent: Galovich

**3. APPROVE ACTION SUMMARY**

Action Summary of the regular October 27th, 2022, meeting will stand approved unless any Committee member requests a revision.

Committee decided not to approve October Action Summary and asked that discussion item 6a be amended to add the following: "Bosch agreed to asking TJKM to give a presentation at a future Traffic Safety Committee Meeting".

It was asked that the retention schedule of meeting recordings be on a future agenda.

**4. BUSINESS FROM FLOOR/GOOD OF THE ORDER**

Discuss any items not on the agenda that a member of the public wishes to bring to the Committee's attention. The Committee cannot take formal action on the item but can request that it be placed on a future agenda for further discussion if necessary.

**5. ACTION ITEMS**

**1. NEIGHBORHOOD ISSUES**

**a. TOBRURRY WAY – SPEEDING ISSUE**

Delp moved and Bailey seconded, committee unanimous. Committee recommended that neighborhood start a petition for no stopping signs. Recommended that Public Works Staff implement the staff recommendations identified in the staff report.

**b. NATOMA STATION DRIVE/ASHCAT – SCHOOL SAFETY & NEIGHBORHOOD ISSUES**

Bosch moved and Delp seconded, committee unanimous. Committee recommends tabling the discussion pending further analysis by the Public Works Department and the School District to devise the feasibility of a double "Hug and Go Lane" and the feasibility of bulb outs at Natoma Station Drive and Turnpike.

**c. PARKSHORE DRIVE AND PLAZA DRIVE – STOP SIGN REQUEST**

Bosch Moved and Delp seconded, committee unanimous. Committee recommends an all-way stop at the intersection of Parkshore Drive and Plaza Drive.

d. **CARPENTER HILL ROAD – SPEEDING ISSUE**

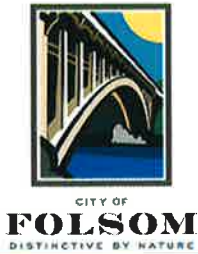
Bosch moved and Delp seconded, committee unanimous. Committee recommended that City Council approve an all-way stop at the corner of Owl Meadow and Carpenter Hill and relocation of the speed feedback sign contingent on the residents returning a petition that includes at least ten signatures. Included in the signatures must be the support of homes located closest to the proposed all-way stop.

**6. ADJOURNMENT**

Meeting adjourned at 6:16 pm

**Attachment 3**

**Action Summary –**  
**Traffic Safety Committee, February 23, 2023**



# Traffic Safety Committee Meeting

## Minutes

Public Works Conference Room | 50 Natoma Street, Folsom CA 95630  
February 23, 2023  
4:00 PM

### 1. CALL TO ORDER

Chair Bailey called the meeting to order at 4:00 p.m.

### 2. ROLL CALL

PRESENT: S. Bailey, Z. Bosch, J. Brausch, T. Galovich, K. Goddard, M. McGee

ABSENT: M. Washburn

### 3. MINUTES

Approval of the Minutes of the January 23, 2023, Regular Meeting.

Bosch motioned to accept the minutes.

McGee seconded the motion.

Motion carried with the following vote:

AYES: Bailey, Brausch, Galovich, Goddard

ABSTAIN: None

ABSENT: Washburn

### 4. BUSINESS FROM THE FLOOR/GOOD OF THE ORDER

Pat Soulsby, resident, requested that Traffic Safety Committee meetings be held at a time that is more convenient for the public to attend.

Chair Bailey committed to putting the meeting time on a future agenda for discussion.

### 5. ACTION/DISCUSSION ITEMS

#### Discussion Items

#### d. Roles and Relevancy of Traffic Safety Committee

To accommodate meeting attendees, this item was moved to the top of the agenda.

Chair Bailey acknowledged the following attendees: Mayor Rodriguez, Vice-Mayor Chalamcherla, Public Works Director Mark Rackovan, and Public Works Engineer Ryan Chance. He introduced the item. He explained the concerns that have been raised regarding the roles and responsibilities of the TSC and how it advises City Council and city staff.



Public Works Director Rackovan spoke on the historical context of the committee. He referenced City of Folsom Municipal Code Chapter 10.02. He emphasized the importance of the TSC serving as a sounding board on traffic related matters for the community members of Folsom.

Mayor Rodriguez provided additional comments and gave her perspective regarding the TSC.

Additional discussion continued by TSC members and meeting attendees.

Chairperson Bailey concluded the discussion by requesting Mayor Rodriguez consider a City Council/TSC joint session or workshop in the future.

Project Updates

- a. East Natoma/Folsom Lake Crossing Median Barrier Project

Chair Bailey asked before this update began that city staff provide a document to track all projects from when they are presented to the TSC to project completion.

Public Works Engineer Chance presented an update and explained the process behind the project. The barrier placement was explained. Final design of the project will be presented to council in the future. He presented the Traffic Signal Warrant Analysis and Sight Distance Analysis at E. Natoma Street and Gionata Way and agreed to send it to TSC members after the meeting.

Neighborhood Issues

- b. Carpenter Hill Road and Owl Meadow Street

The Traffic Safety Committee recommends that City Council install an all-way stop at the intersection of Carpenter Hill Road and Owl Meadow Street and that they relocate the speed feedback sign to a more appropriate location.

Brausch proposed the motion.

Goddard seconded the motion.

Motion carried with the following vote:

AYES: Bailey, Bosch, Galovich, McGee

ABSTAIN: None

ABSENT: Washburn

Discussion Items

- c. Creekside Apartments Crosswalk

Discussion Item 5c and Informational Item 6e were considered jointly and the action taken is shown under Informational Items.

**6. INFORMATIONAL ITEMS**

- e. Folsom Boulevard Overcrossing Focus Group Traffic Safety Committee

The Traffic Safety Committee tabled Action/Discussion Item 5c, Creekside Apartments Crosswalk, and Informational Item 6e, Folsom Boulevard Overcrossing Focus Group Traffic Safety Committee Participation, for a future meeting.

Bosch proposed the motion.

Brausch seconded the motion.

Motion carried with the following vote:

AYES: Bailey, Galovich, Goddard, McGee

ABSTAIN: None

ABSENT: Washburn

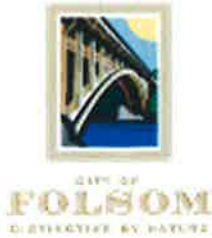
## 7. ADJOURNMENT

Meeting adjourned at 6:45 p.m.

# Attachment 4

## Map of Intersection





# Folsom City Council Staff Report



|                        |                                                                                                                                                                                                                                                  |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                                                                                        |
| <b>AGENDA SECTION:</b> | Consent Calendar                                                                                                                                                                                                                                 |
| <b>SUBJECT:</b>        | Resolution No. 11019 - A Resolution Authorizing the City Manager to Execute an Agreement with Peterson Brustad, Inc. for Design and Engineering Services During Construction for the Water System Flow Control Facilities Rehabilitation Project |
| <b>FROM:</b>           | Environmental and Water Resources Department                                                                                                                                                                                                     |

### RECOMMENDATION / CITY COUNCIL ACTION

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 11019 - A Resolution Authorizing the City Manager to Execute an Agreement with Peterson Brustad, Inc. for Design and Engineering Services During Construction for the Water System Flow Control Facilities Rehabilitation Project.

### BACKGROUND / ISSUE

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

The Water System Flow Control Facilities Rehabilitation Project involves improvements and repairs to seven of the City’s water distribution system existing pressure reducing valve (PRV) stations due to aging infrastructure, relocating below grade pressure reducing stations to above grade to reduce the potential of groundwater intrusion, and the installation of one new PRV station. This resolution will authorize the City Manager to execute an agreement with Peterson Brustad, Inc. for design and engineering services during construction for the Water System Flow Control Facilities Rehabilitation Project for a not-to-exceed amount of \$211,118.

**POLICY / RULE**

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of \$70,952 or greater shall be awarded by City Council.

**ANALYSIS**

In October 2018, the EWR Department completed a pre-qualification process for consultants for design and construction administration services for water and wastewater projects. The consulting firms Peterson Brustad, Inc., HydroScience Engineers, Inc., and Water Works, LLC were among a group of firms selected to provide these services for this type of project through this previously completed pre-qualification process.

On January 11, 2023, the City requested proposals from consultants to provide contract documents including plans, front end specifications, technical specifications, and other miscellaneous items to complete the project manual for public bid of the construction project, as well as engineering services during construction for the Water System Flow Control Facilities Rehabilitation Project. On February 15, 2023, EWR received proposals from Peterson Brustad, Inc., HydroScience Engineers, Inc., and Water Works, LLC.

The proposals were evaluated by three EWR staff members for technical evaluation prior to reviewing project costs. The proposals were reviewed and scored for project understanding, project team staffing, and recent relevant experience. The technical evaluations were scored as shown in Table 1 based on a maximum technical score of 75.

| <b>Consultant</b>            | <b>EWR 1</b> | <b>EWR 2</b> | <b>EWR 3</b> | <b>Total</b> | <b>Average</b> |
|------------------------------|--------------|--------------|--------------|--------------|----------------|
| Peterson Brustad, Inc.       | 68           | 70           | 62           | 200          | 66.7           |
| HydroScience Engineers, Inc. | 72           | 69           | 66           | 207          | 69.0           |
| Water Works, LLC             | 65           | 64.5         | 55           | 184.5        | 61.5           |

*Table 1: Consultant Technical Scores without Costs*

After reviewing each proposal for project understanding, project team staffing, and recent relevant project experience, the proposals were reviewed for project costs. The fee schedules for the scope of work outlined in the request for proposal from each consultant are shown in Table 2.

| <b>Consultant</b>            | <b>Fee Amount</b> |
|------------------------------|-------------------|
| Peterson Brustad, Inc.       | \$211,118.00      |
| HydroScience Engineers, Inc. | \$245,943.00      |
| Water Works, LLC             | \$279,888.00      |

*Table 2: Consultant Project Costs*

Peterson Brustad, Inc. was determined to provide the best value to the City based on the fee amount, past municipal project experience involving work of similar scope and complexity including staff coordination and technical knowledge and expertise for these types of projects. Peterson Brustad, Inc. included additional design detail and project understanding compared to the other two consultants for this project including previous PRV station design and water system

modeling experience, specifically within the City of Folsom. Table 3 shows the overall total scores including project costs based on a maximum score of 100.

| <b>Consultant</b>            | <b>Technical Score (Avg.)</b> | <b>Cost Score</b> | <b>Total Score</b> |
|------------------------------|-------------------------------|-------------------|--------------------|
| Peterson Brustad, Inc.       | 66.7                          | 25.0              | 91.7               |
| HydroScience Engineers, Inc. | 69.0                          | 21.5              | 90.5               |
| Water Works, LLC             | 61.5                          | 18.9              | 80.4               |

Table 3: Consultant Overall Scoring Including Project Costs

This resolution will authorize the City Manager to execute an agreement with Peterson Brustad, Inc. for design and engineering services during construction for the Water System Flow Control Facilities Rehabilitation Project for a not-to-exceed amount of \$211,118.

**FISCAL IMPACT**

The Water System Flow Control Facilities Rehabilitation Project is included in the Fiscal Year 2022-23 Capital Improvement Plan with a total project budget of \$2,005,000. Sufficient funds are available in the Water Operating Fund (Fund 520) and the EWR Department recommends that the contract be awarded to Peterson Brustad, Inc. for \$211,118.

**ENVIRONMENTAL REVIEW**

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

**ATTACHMENT**

Resolution No. 11019 - A Resolution Authorizing the City Manager to Execute an Agreement with Peterson Brustad, Inc. for Design and Engineering Services During Construction for the Water System Flow Control Facilities Rehabilitation Project

Submitted,

\_\_\_\_\_  
Marcus Yasutake, Director  
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

**RESOLUTION NO. 11019**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PETERSON BRUSTAD, INC. FOR DESIGN AND ENGINEERING SERVICES DURING CONSTRUCTION FOR THE WATER SYSTEM FLOW CONTROL FACILITIES REHABILITATION PROJECT**

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

**WHEREAS**, the rehabilitation work identified to enhance the City’s water distribution system includes rehabilitating existing water distribution pressure reducing valve stations, relocating below grade pressure reducing stations to above grade, and to continue to provide reliable water service to the City; and

**WHEREAS**, Peterson Brustad, Inc., by reason of their experience and abilities for performing these types of services, are qualified to perform the required consulting services for the project; and

**WHEREAS**, the Water System Flow Control Facilities Rehabilitation Project is included in the Fiscal Year 2022-23 Capital Improvement Plan with a total project budget of \$2,005,000; and

**WHEREAS**, sufficient funds are budgeted and available in the Water Operating Fund (Fund 520) in the amount of \$211,118; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom authorizes the City Manager to execute an agreement with Peterson Brustad, Inc. for design and engineering services during construction for the Water System Flow Control Facilities Rehabilitation Project for a not-to-exceed amount of \$211,118; and

**PASSED AND ADOPTED** this 11<sup>th</sup> day of April 2023, by the following roll-call vote:

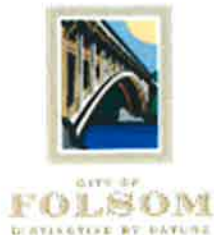
- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

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

ATTEST:

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





## Folsom City Council Staff Report

|                        |                                                                                                                                                                                                                             |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                                                                   |
| <b>AGENDA SECTION:</b> | Consent Calendar                                                                                                                                                                                                            |
| <b>SUBJECT:</b>        | Resolution No. 11020 - A Resolution Authorizing the City Manager to Execute an Agreement with Water Works, LLC for Design and Engineering Services During Construction for the Basin 4 Phase 2 Sewer Rehabilitation Project |
| <b>FROM:</b>           | Environmental and Water Resources Department                                                                                                                                                                                |

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

The Environmental and Water Resources Department recommends the City Council pass and adopt Resolution No. 11020 - A Resolution Authorizing the City Manager to Execute an Agreement with Water Works, LLC for Design and Engineering Services During Construction for the Basin 4 Phase 2 Sewer Rehabilitation Project.

### **BACKGROUND / ISSUE**

The Environmental and Water Resources (EWR) Department identifies sewer infrastructure rehabilitation and replacement projects through sewer master plans and ongoing sewer condition assessment programs. As a condition of the City's State permit for its wastewater collection system, the EWR Department is required to perform ongoing condition assessments on the wastewater system and correct any defects/deficiencies identified through this process. Through these efforts, EWR staff identified the Basin 4 Sewer Phase 2 Project as a priority project.

The Basin 4 Sewer Phase 2 Project consists of rehabilitating and replacing approximately 8,145 lineal feet of sanitary sewer pipeline, the rehabilitation and repair of 37 manholes, and the reconnection of approximately 132 sanitary sewer laterals. The project includes rehabilitation along Leidesdorff Street, Canal Street, Figueroa Street and Mormon Street Alley, Natoma Street and Bidwell Street Alley, Sutter Street and Figueroa Street Alley, Figueroa Street, Figueroa Street and Mormon Street Alley, and Mormon Street and Natoma Street Alley.

This project will reduce inflow and infiltration, minimize annual maintenance costs, and minimize the risk of sewer overflows.

This resolution will authorize the City Manager to execute an agreement with Water Works, LLC for Design and Engineering Services During Construction for the Basin 4 Phase 2 Sewer Rehabilitation Project in the amount of \$280,438.

**POLICY / RULE**

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of \$70,952 or greater shall be awarded by City Council.

**ANALYSIS**

In October 2018, the EWR Department completed a pre-qualification process for consultants for design and construction administration services for water and wastewater projects. The consulting firms Water Works, LLC, Peterson Brustad, Inc., and Domenichelli & Associates, Inc., were among a group of firms selected to provide these services for this type of project through this previously completed pre-qualification process.

On January 9, 2023, the City requested proposals from consultants to provide contract documents including plans, front end specifications, technical specifications, and other miscellaneous items to complete the project manual for public bid of the construction project, as well as engineering services during construction for the Basin 4 Phase 2 Sewer Rehabilitation Project. On February 7, 2023, EWR received proposals from Water Works, LLC, Peterson Brustad, Inc., and Domenichelli & Associates, Inc.

The proposals were evaluated by three EWR staff members for technical evaluation prior to reviewing project costs. The proposals were reviewed and scored for project understanding, project team staffing, and recent relevant experience. The technical evaluations were scored as shown in Table 1 based on a maximum technical score of 75.

| <b>Consultant</b>               | <b>EWR 1</b> | <b>EWR 2</b> | <b>EWR 3</b> | <b>Total</b> | <b>Average</b> |
|---------------------------------|--------------|--------------|--------------|--------------|----------------|
| Water Works, LLC                | 63           | 66.5         | 65           | 194.5        | 64.8           |
| Peterson Brustad, Inc.          | 63           | 65.5         | 61           | 189.5        | 63.2           |
| Domenichelli & Associates, Inc. | 67           | 70           | 57           | 194          | 64.7           |

*Table 1: Consultant Technical Scores without Costs*

After reviewing each proposal for project understanding, project team staffing, and recent relevant project experience, the proposals were reviewed for project costs. The fee schedules for the scope of work outlined in the request for proposal from each consultant are shown in Table 2.

| Consultant                      | Fee Amount   |
|---------------------------------|--------------|
| Water Works, LLC                | \$280,438.00 |
| Peterson Brustad, Inc.          | \$389,377.00 |
| Domenichelli & Associates, Inc. | \$374,619.00 |

Table 2: Consultant Project Costs

Water Works, LLC was determined to provide the best value to the City based on the fee amount, past municipal project experience involving work of similar scope and complexity including staff coordination and technical knowledge and expertise for these types of projects. Water Works, LLC included additional design detail and project understanding compared to the other two consultants for this project. Table 3 shows the overall total scores including project costs based on a maximum score of 100.

| Consultant                      | Technical Score (Avg.) | Cost Score | Total Score |
|---------------------------------|------------------------|------------|-------------|
| Water Works, LLC                | 64.8                   | 25.0       | 89.8        |
| Peterson Brustad, Inc.          | 63.2                   | 18.0       | 81.2        |
| Domenichelli & Associates, Inc. | 64.7                   | 18.7       | 83.4        |

Table 3: Consultant Overall Scoring Including Project Costs

This resolution will authorize the City Manager to execute an agreement with Water Works, LLC for design and engineering services during construction for the Basin 4 Phase 2 Sewer Rehabilitation Project for a not-to-exceed amount of \$280,438.

**FISCAL IMPACT**

The Basin 4 Phase 2 Sewer Rehabilitation Project is included in the Fiscal Year 2022-23 Capital Improvement Plan with a total project budget of \$2,273,000. Sufficient funds are available in the Sewer Operating Fund (Fund 530) and the EWR Department recommends that the contract be awarded to Water Works, LLC for \$280,438.

**ENVIRONMENTAL REVIEW**

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

**ATTACHMENT**

Resolution No. 11020 - A Resolution Authorizing the City Manager to Execute an Agreement with Water Works, LLC for Design and Engineering Services During Construction for the Basin 4 Phase 2 Sewer Rehabilitation Project

Submitted,

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Marcus Yasutake, Director  
ENVIRONMENTAL AND WATER RESOURCES DEPARTMENT

**RESOLUTION NO. 11020**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH WATER WORKS, LLC FOR DESIGN AND ENGINEERING SERVICES DURING CONSTRUCTION FOR THE BASIN 4 PHASE 2 SEWER REHABILITATION PROJECT**

**WHEREAS**, the City is currently implementing its Sanitary Sewer System Management Plan (SSMP) which consists of condition assessment, as well as operation and system improvements; and

**WHEREAS**, the City has identified this project as a priority to maintain integrity and operation of the sanitary sewer collection system; and

**WHEREAS**, Water Works, LLC by reason of their knowledge and familiarity with the project, understanding of the background and requirements of the project, and qualifications and experience of the project team, are qualified to perform the design and construction administration services; and

**WHEREAS**, the Basin 4 Phase 2 Sewer Rehabilitation Project was included in the FY 2022-23 Capital Improvement Plan; and

**WHEREAS**, sufficient funds are budgeted and available in the Wastewater Operating Fund (Fund 530) in the amount of \$280,438; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom authorizes the City Manager to execute an Agreement with Water Works, LLC for Design and Engineering Services During Construction for the Basin 4 Phase 2 Sewer Rehabilitation Project in the amount of \$280,438.

**PASSED AND ADOPTED** this 11<sup>th</sup> day of April 2023, by the following roll-call vote:

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

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

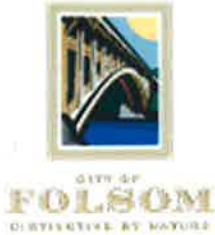
ATTEST:

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

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CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE



# Folsom City Council Staff Report



|                        |                                                                                                                                                                                               |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                                     |
| <b>AGENDA SECTION:</b> | Consent Calendar                                                                                                                                                                              |
| <b>SUBJECT:</b>        | Resolution No. 11022 – A Resolution Authorizing the City Manager to Execute an Agreement with D.L. Falk Construction, Inc. for the Construction of Fire Station 34 Phase-2 Project No. FD2234 |
| <b>FROM:</b>           | Fire Department                                                                                                                                                                               |

### RECOMMENDATION / CITY COUNCIL ACTION

The Fire Department and Public Works Department recommends that the City Council pass and approve Resolution No. 11022 – A Resolution authorizing the City Manager to execute an agreement with D.L. Falk Construction, Inc. for the construction Fire Station 34 Phase-2 Project FD2234.

### BACKGROUND / ISSUE

The City of Folsom Fire Department is an “All-Risk/All-Hazard” prevention and emergency response organization. An effective and efficient emergency response deployment capability is primarily based on resources being spatially dispersed across a community. The Folsom Fire Department currently operates from five strategically placed fire stations within the City.

As part of the City of Folsom Fire Department strategic plan, the Fire Department Fiscal Year 2022-23 budget included the Fire Station 34 project with a total project budget of \$11,860,200. Architectural services to develop a concept design for Fire Station 34 are complete and the station will be located in the Folsom Plan Area at Westwood Drive between Old Ranch Way and Savannah Parkway. The Fire Department has carefully examined the service delivery needs of Folsom and determined that the location is optimal for a Fire Station.

Fire Station 34 project is divided into two distinct phases which will extend into Fiscal Year 2023-24. Phase-1 of the Fire Station 34 project consisted of civil engineering site

improvements including grading, drainage, utilities, and building pad construction. This phase of construction was approved through Resolution No. 10899 on August 23, 2022, and then an additional appropriation due to a change order through Resolution No. 10984 on February 14, 2023.

Station 34 Phase-2 construction plans were submitted to the City of Folsom Building Department in October 2022 and have since been approved. Formal bid requests were advertised for a construction contractor with a closing date of March 29, 2023, when a public bid reading was completed. D.L. Falk Construction, Inc. submitted the lowest responsive responsible bid for the Folsom Fire Station 34 Phase-2 construction project.

Construction work for the project is anticipated to commence in May 2023 with a projected completion date of March 2024.

### **POLICY / RULE**

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

### **ANALYSIS**

Public Works staff prepared the bid package, and the project was publicly advertised on February 28, 2023. Bids were opened on March 29, 2023, with the following submissions received:

|                                                                                            |              |
|--------------------------------------------------------------------------------------------|--------------|
| 1. D.L. Falk Construction, Inc. (Lowest Responsive Responsible Bidder)                     | \$8,894,632  |
| 2. Diede Construction, Inc. (2 <sup>nd</sup> Lowest Responsive Responsible Bidder)         | \$9,616,000  |
| 3. D G Granade, Inc. (3 <sup>rd</sup> Lowest Responsive Responsible Bidder)                | \$9,739,632  |
| 4. Bobo Construction, Inc. (4 <sup>th</sup> Lowest Responsive Responsible Bidder)          | \$9,788,288  |
| 5. CWS Construction Group, Inc. (5 <sup>th</sup> Lowest Responsive Responsible Bidder)     | \$10,875,000 |
| 6. One Workplace Construction, Inc. (6 <sup>th</sup> Lowest Responsive Responsible Bidder) | \$10,900,000 |

The Estimate of Probable Cost for this project was \$10,400,000. The Fire Department and the Public Works Department have found the bids to be in order and recommends that the contract be awarded to the low-bidder, D.L. Falk Construction, Inc. Staff will use the City's standard agreement in a form acceptable to the City Attorney.

### **FINANCIAL IMPACT**

This Council action will approve the construction contract with D.L. Falk Construction, Inc. and utilize the Folsom Plan Area Capital Improvement Fund for the construction of Fire Station #34 Phase-2.



The contract with D.L. Falk Construction, Inc. would be authorized for \$8,894,632. Staff is also requesting a 7.25% contingency be added to the construction project in the amount of \$644,861. Any construction change orders will be reviewed and negotiated by the Construction Management Team and approved by the Fire Chief. Total project costs and sources are outlined below.

|                                             |              |
|---------------------------------------------|--------------|
| Architectural Services and Design           | \$ 390,000   |
| Environmental Analysis (Helix)              | \$ 18,982    |
| Design Consulting Services (Youngdahl)      | \$ 44,680    |
| Construction Management Services            | \$ 130,200   |
| Phase-1 Civil Improvements (Doug Veerkamp)  | \$ 882,916   |
| Construction (D.L. Falk Construction, Inc.) | \$ 8,894,632 |
| Construction contingency                    | \$ 644,861   |
| WestNet Station Alerting System             | \$ 119,122   |
| Total cost to construct                     | \$11,125,393 |

The project is included in the Fiscal Year 2022-23 Capital Improvement Plan utilizing impact fees with a total project budget of \$11,860,200. The Folsom Plan Area Capital Improvement Fund (Fund 472) has sufficient funds budgeted and available.

The costs included in the contract with D.L. Falk Construction, Inc. include construction of the building, landscaping, and interior furnishings (e.g., appliances, lockers, beds platforms). Items that are not included in the above costs include: an ambulance, fire engine, mattresses, kitchen equipment (e.g., plates, pots, pans and utensils), station alerting system, base radio, and safety gear.

**ENVIRONMENTAL REVIEW**

This project has completed a Notice of Determination and a Mitigated Negative Declaration for Environmental Review.

**ATTACHMENTS**

1. Resolution No. 11022 – A Resolution authorizing the City Manager to execute an agreement with D.L. Falk Construction, Inc. for the construction of Fire Station 34 Phase-2 Project FD2234

Submitted,

\_\_\_\_\_  
Ken Cusano, Fire Chief

**RESOLUTION NO. 11022**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH D.L. FALK CONSTRUCTION, INC. FOR THE CONSTRUCTION OF FIRE STATION 34 PHASE-2 PROJECT NO. FD2234**

**WHEREAS**, the City of Folsom desires to construct Fire Station 34 in the Folsom Plan Area; and

**WHEREAS**, this project was publicly advertised on February 28, 2023, and the bids were received on March 29, 2023, with D.L. Falk Construction, Inc. being the lowest responsive responsible bidder, with an amount of \$8,894,632; and

**WHEREAS**, the project budget would include the low bid amount of \$8,894,632 and a 7.25% contingency in the amount of \$644,861 for a total project budget for Phase-2 Construction of \$9,539,493; and

**WHEREAS**, funds in the amount of \$9,539,493 are budgeted and available in the Folsom Plan Area Improvement Fund (Fund 472); and

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

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom authorizes the City Manager to execute an agreement with D.L. Falk Construction, Inc. for the construction of Fire Station 34 Phase-2 Project No. FD2234 for the total not-to-exceed amount of \$8,894,632 with the budgeted amount to include a 7.25% contingency of \$644,861 for a total of \$9,539,493.

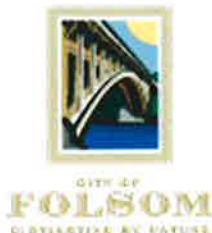
**PASSED AND ADOPTED** this 11<sup>th</sup> day of April 2023, by the following roll-call vote:

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

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

ATTEST:

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



## Folsom City Council Staff Report

|                        |                                                                                                                                                                                                                                                     |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                                                                                           |
| <b>AGENDA SECTION:</b> | New Business                                                                                                                                                                                                                                        |
| <b>SUBJECT:</b>        | Resolution No. 11012 – A Resolution to Dually Name the Existing Green Room within the Historic Depot Building at 200 Wool Street the “Peter T. Lewis Green Room” and Recognition of Donation of Funds for Interior Improvements by the Lewis Family |
| <b>FROM:</b>           | Parks and Recreation Department                                                                                                                                                                                                                     |

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

The Parks and Recreation Department recommends approval of Resolution No. 11012 – A Resolution to Dually Name the Existing Green Room within the Historic Depot Building at 200 Wool Street the “Peter T. Lewis Green Room” and Recognition of Donation of Funds for Interior Improvements by the Lewis Family.

### **BACKGROUND / ISSUE**

Within the historic Southern Pacific Railroad Depot Building, there is a “Green Room” that is available to rent or use upon request. Typically, the room is used in conjunction with events held at the Zittel Amphitheater. Many years ago (approximately 40 years), the room was informally named The Bud Davies Ambassador Room. There is a sign on the outside of the entrance to the room and a sign and picture on the inside of the room. See Attachment 2. As background, later in the early 1990’s, a park in American River Canyon North was formally named after Bud and Artie Davies.

In mid-February of this year, the Folsom Historic District Association (FHDA), who is the City’s most frequent user of Zittel Amphitheater, received a request from the Lewis Family to name the existing green room, the “Peter T. Lewis Green Room”, in honor of their deceased son. See Attachment 3 for the request letter. The FHDA, is also a sublessee to Folsom Chamber

of Commerce, for this space which will be used for office and green room uses. In addition, FHDA will be making several tenant improvements to the space of which the letter attached from the Lewis Family intends to fund \$25,000 of the renovation expenses in exchange for the naming recognition to the green room.

### **POLICY / RULE**

City Council Resolution No. 10696-“A Resolution to Resend and Replace Resolution No. 5177 and Resolution No. 3951 to Create a New Park and Facility Naming Policy”, was adopted on September 14, 2021 and allows for sponsorships to take place in exchange for naming recognition.

### **ANALYSIS**

While there is no formal record of the naming of “The Bud Davies Ambassador Room” in the city archives, such naming provides historical context and speaks to the contributions made by a notable city leader, Bud Davies. It is the desire of both the FHDA and the Lewis Family to retain the existing name and signage and merely add another sign and picture to the interior of the room to recognize the contributions of Peter T. Lewis in recent times towards the many events he participated in at the Zittel Amphitheater.

The new park and facility naming policy (Resolution No. 10696) states the following under the heading, **“Sponsorships for Existing and New Parks/Facilities”**:

“This policy allows for sponsorship opportunities to fund amenities within a park or facility as well as fund a portion of a park or facility. Recognition would be commensurate with said donations or funding. Such recognition could be plaques, signage, and/or other name recognition opportunities within the park or facility.”

In reviewing the request, staff feels the donation and the additional naming of the room as the Peter T. Lewis Green Room is commensurate with the intent of the policy. In addition, the applicant has confirmed that the dual naming of the room will be tastefully done so as to maintain the history of the existing name and the recognition of the new additional name.

### **FINANCIAL IMPACT**

There is no financial impact to the City.

### **ENVIRONMENTAL REVIEW**

This project is exempt from California Environmental Quality Act (CEQA).

### **ATTACHMENT**

- 1.** Resolution No. 11012 - A Resolution to Dually Name the Existing Green Room within the Historic Depot Building at 200 Wool Street the “Peter T. Lewis Green Room” and Recognition of Donation of Funds for Interior Improvements by the Lewis Family
- 2.** Photographs of Existing Signage and Name to Remain
- 3.** Letter to Judy Collingsworth, Executive Director of Folsom Historic District Association from Tom and Suzanne Lewis and Families, dated February 7, 2023

Submitted,

---

Lorraine Poggione, Parks and Recreation Director

**ATTACHMENT 1**

**RESOLUTION NO. 11012**

**A RESOLUTION TO DUALY NAME THE EXISTING GREEN ROOM WITHIN THE HISTORIC DISTRICT BUILDING AT 200 WOOL STREET THE "PETER T. LEWIS GREEN ROOM" AND RECOGNITION OF DONATION OF FUNDS FOR INTERIOR IMPROVEMENTS BY THE LEWIS FAMILY**

**WHEREAS**, the existing Southern Pacific Railroad Depot Building is owned by the City of Folsom and leased to the Folsom Chamber of Commerce ("Lessee"); and

**WHEREAS**, an existing room within the building is currently referred to as the "Green Room" as well as "The Bud Davies Ambassador Room"; and

**WHEREAS**, the Folsom Historic District Association (FHDA) is a sublessee of the existing Green Room and intends to complete tenant improvements for the Green Room and office space; and

**WHEREAS**, Resolution No. 10696, adopted on September 14, 2021, created a new policy for the naming of parks and facilities; and

**WHEREAS**, the Lewis Family is requesting that the existing Green Room be named the "Peter T. Lewis Green Room" in honor of their deceased son and will donate \$25,000 toward the planned interior improvements of the Green Room and office space; and

**WHEREAS**, the existing name and signage for "The Bud Davies Ambassador Room" will remain and additional signage will be added inside the room to dually name the room the "Peter T. Lewis Green Room"; and

**WHEREAS**, this naming request is consistent with the intent of the new policy that allows a sponsor to contribute to a facility in exchange for naming recognition, and

**WHEREAS**, the City of Folsom, the lessee, and the sublessee, are appreciative of the donation and in-agreement to add the name, "Peter T. Lewis Green Room."

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Folsom dually names the existing Green Room, "The Bud Davies Ambassador Room" and the "Peter T. Lewis Green Room."

**PASSED AND ADOPTED** this 11<sup>th</sup> day of April 2023, by the following roll-call vote:

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

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

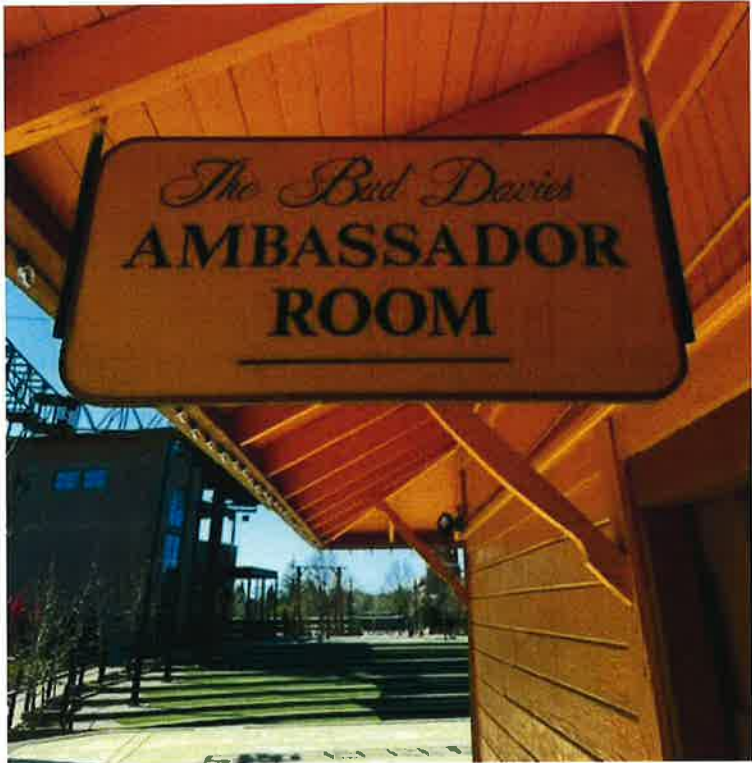
ATTEST:

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Christa Freemantle, CITY CLERK



**ATTACHMENT 2**



**ATTACHMENT 3**



P.O. Box 1694, Cameron Park, CA 95682

*www.powerandstaging.com*  
Cell/Text (916) 221-2224

February 7, 2023

Judy Collingsworth  
Executive Director  
Folsom Historic District Association  
Historic Folsom, CA 95762

Hello,

Over the past 20 plus years my business, Power & Staging, has enjoyed the privilege of supporting Folsom events. Events large and small from the Folsom Pro Rodeo, concerts and street festivals to simple meetings and recitals. Collaborating with City leadership, the business community, Chamber of Commerce, FHDA and countless great citizens has been an honor beyond measure.

Back in the mid -1990's while working at the Folsom Pro Rodeo, I experienced the joy of bringing my son Peter (about 10 years old at the time) to help with the production tasks which I was employed to provide. Early memories include him helping install speakers, running wires and setting off fireworks in the arena after spectators were gone with the Rosser family and other kids... Later years saw Peter working in Folsom building events, decorating city Christmas trees, supporting music festivals, rigging lights into the Zittle Amphitheater and so many other tasks.

Unfortunately, in September 2018 we lost Peter due to a tragic accident. Peter will always live in our hearts as a wonderful son, family member, and outstanding citizen of the world. To help honor Peter's memory the Lewis Family; parents Tom and Suzanne, sisters Sandie and Kim and their families would like to contribute to the events community in Folsom.

Peter always appreciated working with entertainers and other professionals in the industry. Special for Peter was time in green rooms backstage visiting, collaborating, and supporting that day's event. Recognizing this connection, we are considering the contribution of Twenty-Five Thousand dollars to the pending renovation to the Green Room behind the Zittle Amphitheater in Historic Downtown Folsom. Renaming this space to the "Peter T Lewis Green Room" would honor Peter's memory as a stagehand and special person in the events community. Hopefully this naming honor would remain as long as the space remains a green room for the attached performing areas.

Our hope would be that with help from this contribution the room could be substantially renovated as currently envisioned in time for this year's concert series starting in June. This contribution could be publicly announced at the FHDA fundraising event scheduled in March. At the first concert in June there could be a simple recognition ceremony and installation of a plaque in the room.

Please do consider our offer of this contribution, we could fund this immediately if accepted. Until this is finalized and publicly announced it is appreciated that this is held confidential to the FHDA management and Board of Directors.

Again, thanks for all the support.

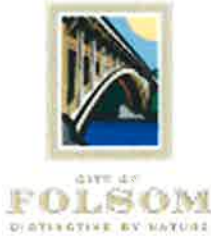
Regards,

Tom & Suzanne Lewis and Families

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to facilitate double-sided printing.*



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE



# Folsom City Council Staff Report



|                        |                                                                                                                                                                                                                                                                                  |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                                                                                                                                                                                                                        |
| <b>AGENDA SECTION:</b> | Public Hearing                                                                                                                                                                                                                                                                   |
| <b>SUBJECT:</b>        | Appeal by Bob Delp of Decisions by the Historic District Commission Approving a Conditional Use Permit and Design Review for the Uncle Charlie’s Firehouse and Brew project (PN 22-158) located at 905 Leidesdorff Street and Determination that the Project is Exempt from CEQA |
| <b>FROM:</b>           | Community Development Department                                                                                                                                                                                                                                                 |

### RECOMMENDATION / CITY COUNCIL ACTION

For the reasons described in this report, staff recommend that the Council deny the appeal by Bob Delp of a Decision by the Historic District Commission Approving a Conditional Use Permit and Design Review for the Uncle Charlie’s Firehouse and Brew project (PN 22-158) located at 905 Leidesdorff Street and Determination that the Project is Exempt from CEQA.

### BACKGROUND

The existing 3,322-square-foot commercial retail tenant space in which Uncle Charlie’s Firehouse and Brew is proposed to be located was constructed along with the Historic District parking structure in 2008. The existing tenant space is constructed of smooth cement plaster, brick veneer, canvas awnings, and an aluminum storefront system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. In addition, the existing building is not listed on the City’s Cultural Resource Inventory List.

On March 23, 2021, the City Council provided direction to City staff to move forward with requesting proposals for lease of the 3,322-square-foot retail tenant space located within the Historic District parking structure, with preferential status given to food service and retail uses. The proposal submitted by Uncle Charlie’s Firehouse and Brew was superior to other proposals but required a Conditional Use Permit and Design Review from the Historic

District Commission before the lease for the retail tenant space in the parking structure can be negotiated.

On June 1, 2022, the applicant (Taryn Grows) submitted a development application for approval of a Conditional Use Permit and Design Review for development and operation of a craft brewery (Uncle Charlie's Firehouse and Brew) within an existing 3,322-square-foot vacant commercial tenant space situated within the Historic District parking structure located at 905 Leidesdorff Street. The proposed craft brewery, which will include a ten-barrel brewing system housed within a raised brewing area, will produce craft beers and seltzers for on-site consumption. Limited food and snacks will be sold within the craft brewery, however, foods from local restaurants will be able to be delivered to customers. In terms of capacity, the craft brewery will have 13 interior tables, an interior bar area with 20 seats, and 13 exterior bar-style seats. Hours of operation are proposed to be Wednesday through Sunday from 12:00 p.m. to 10:00 p.m. Minor exterior modifications are also proposed to the existing commercial building including replacement of an existing exterior door and windows on the south building elevation with two bi-fold steel-framed glass doors and replacement of the existing canvas window awnings with new black-colored canvas awnings.

The Historic District Commission reviewed the Uncle Charlie's Firehouse and Brew project at its March 1, 2023 meeting. At this meeting, twelve individuals (including residents and business owners) spoke in favor of the proposed project and expressed their full support. Two residents voiced concern regarding various aspects of the proposed project. One resident, who represented the Heritage Preservation League, was concerned that the design of the proposed glass bi-fold doors was not historic and did not meet the intent of the Historic District Design and Development Guidelines. Another resident, who expressed concern regarding potential odor impacts that proposed project may have on future residential units within the railroad block area, suggested a modification to the conditions of approval to minimize potential vapor and odor impacts.

In addition to the public comments made at the Historic District Commission meeting, the City received numerous comment letters of support (contained within Attachment 2) for the proposed project from residents, business owners, and the Historic Folsom Residents Association (HFRA). The City also received two letters (Attachment 3) from a resident of the Historic District (Appellant) who expressed concern regarding a variety of issues including the tenant selection process, city liability, public notification, application processing, parking, hours of operation, odors, and environmental review. All of the comment letters were provided to the Commissioners for their consideration at the March 1, 2023 Historic District Commission meeting.

Following extensive public comment, the Historic District Commission engaged in a healthy debate regarding the proposed project. The primary issues discussed by the Commission were related to potential odor-related impacts, the design of the exterior vents, and the days of operation. In relation to odor, the Commission was interested in learning more about what type of odors would be released during the brewing process, and whether those odors would potentially impact nearby commercial and residential uses. City staff indicated that the



Sacramento Metropolitan Air Quality Management District (SMAQMD) provided input on the proposed project and suggested a number of measures be implemented to minimize potential odor-related impacts including installation of a ventilation system, limited brewing hours, disposing of grains on a daily basis, implementing a cleaning/sanitation process, and replacing air filters on a regular basis. All of these measures are included as a condition of approval for the project.

The applicant also addressed the Commission and indicated that their brewing process was fairly limited with brewing most likely occurring one to two days per week with the actual brewing cycle only lasting approximately 90 minutes at a time. The Commission indicated that they were satisfied that the proposed project would not result in odor-related impacts with incorporation of the aforementioned SMAQMD measures. However, the Commission, with agreement from the applicant, did add a new condition of approval (Condition No. 28) to address odor-related impacts as suggested by the resident who was concerned about potential odor impacts on future residential development in the railroad block area as follows:

- The boil kettle shall be equipped with a water spray condenser and the condenser shall be operated in accordance with the manufacturer's specifications at all times that the wort boiling process is conducted to control the releases of brewing odors and vapors to a level that will not adversely impact adjacent properties. The ventilation system shall be operated at all times when the brewing operation generates odors that may be offensive to adjacent properties. The system shall vent brewing vapors/odors to the stack operated at a minimum stack flow gas rate of 42 ft./sec., with an unobstructed discharge.

The Commission also discussed the location and design of the exterior vents associated with the brewing process. The applicant indicated to the Commission that the final location and design of the exterior vents had not been determined but likely the vents would be positioned on the north side of the building or on the roof of the building. City staff indicated that the vents should be located on the roof of the building and that there was a standard condition of approval on the project that roof-mounted equipment (including vents) are not permitted to extend above the height of the parapet walls. The Commission expressed a desire to provide the applicant with more flexibility regarding the location and design of the exterior vents in order to allow for better dispersion of vapors odors. As a result, the Commission modified an existing condition of approval (Condition No. 26-3) as described on the following page:

- Roof-mounted mechanical equipment, including satellite dish antennas, shall not extend above the height of the parapet walls. Ground-mounted mechanical equipment shall be shielded by landscaping or trellis type features. **Exterior vents may be allowed to extend above the height of the rooftop parapet walls if the vents are not visible from the adjacent public right-of-way (streets, sidewalks, etc.) to the satisfaction of the Community Development Department**

The Commission also expressed a desire to provide the applicant with more flexibility with respect to business days of operation and brewing days of operation. In relation to business days of operation, the Commission, with consent from the applicant, expanded the business days of operation from Wednesday to Sunday from 12:00 p.m. to 10:00 p.m. to Monday to Sunday from 12:00 p.m. to 10 p.m. With respect to brewing days of operation, the Commission, with the consent of the applicant, modified the brewing days of operation from Monday to Tuesday from 8:00 a.m. to 6:00 p.m. to Monday through Sunday from 8:00 a.m. to 6:00 p.m. To formalize these changes, the Commission modified two existing conditions (Condition No. 20 and 25) of approval as described below:

Condition No. 20

- Hours of operation (including private parties) shall be limited as follows:
  - ~~Monday~~ ~~Wednesday~~-Sunday: 12:00 p.m. to 10:00 p.m.

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 discretionary Conditional Use Permit Modification

Condition No. 25

- Based on recommendations provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD), the applicant shall implement the following measures to minimize the potential for any odor-related impacts:
  - A ventilation system shall be installed in the designated brewing area.
  - ~~Scheduling brewing times shall be limited to Mondays and Tuesdays only.~~
  - Brewing activity shall be limited to the daytime hours of 8:00 a.m. to 6:00 p.m.
  - Spent grains shall be disposed of on a daily basis.
  - Eco-friendly cleaning agents/caustics shall be used in the brewing/sanitation process.
  - The owner/applicant shall monitor and replace the air filters on a regular basis.

At the conclusion of the March 1, 2023 Historic District Commission meeting, the Commission expressed their unanimous support for the proposed project with the previously described modifications to the conditions of approval and adopted a motion (6-0-1-0) to approve a Conditional Use Permit and Design Review (PN 22-158) for Uncle Charlie's Firehouse and Brew project.

**POLICY / RULE**

As set forth in Section 17.52.700 of the Folsom Municipal Code, actions of the Historic District Commission may be appealed to the City Council. The appeal shall be in writing,

shall state the specific reason for the appeal and grounds asserted for relief, and shall be filed no later than 10 calendar days after the date of the action being appealed.

### APPEALS/ANALYSIS

On March 10, 2023, Bob Delp submitted a timely appeal of the decision of the Historic District Commission approving the proposed project. Many of the points raised in the appeal letter do not relate directly to the Uncle Charlie's Firehouse and Brew project or to the determinations made by the Historic District Commission at their March 1, 2023 meeting. For these specific points, City staff has provided a generic response indicating that the appeal is limited to Commission action on the use permit and the project. For points that are specific to the use permit and the project, City staff has provided detailed responses. Listed below are the reasons that Mr. Delp identified in his appeal letter for contesting the Historic District Commission's decision, and City staff's response to each item.

1. Assess Community Development Department (CDD) accountability for delaying the UCFB Project and for delaying progress on the lease of City property by intentionally and unnecessarily awaiting the outcome of litigation on a separate project and, while doing so, failing to move forward with the preparation of studies and the environmental document that could have already been prepared and will be necessary before the UCFB Project can be approved.

#### City Staff Response:

The appeal is limited to "any determination made by the historic district commission." (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

2. Rescind the HDC's approval of UCFB for reasons including:
  - a. The approval is outside the authority of the HDC,
  - b. The Project is thus far insufficiently described in terms of its operations and exterior modifications and the understanding of exterior modifications was further convoluted, not clarified, by the HDC's decision,
  - c. The whole of the Project has not been sufficiently described, as the Project will include a discretionary lease with terms that have not yet been disclosed to the public (e.g., duration of the lease, dedicated parking, dedicated accessible parking, required conditions on termination of the lease, financial security ensure lease termination conditions are achieved);
  - d. The Project is thus far insufficiently evaluated for potential impacts associated with aesthetics, air quality/odors, transportation/circulation/parking and related public safety issues, historic resources, and noise; and
  - e. The project does not qualify for a CEQA exemption.

City Staff Response:

- a. The Folsom Municipal Code (FMC, Section 17.52.360(A)) provides that the Historic District Commission shall have final authority relating to the issuance of Conditional Use Permits. In addition, the Folsom Municipal Code (FMC Section 17.52.120 G) establishes the authority of the Historic District Commission to make decisions regarding the design and architecture of any structure, or alteration to any existing structure within the Historic District.
- b. With respect to the comment that the Project has not been sufficiently described, the Uncle Charlie's Firehouse and Brew project is described in full detail (including operational details and design modifications) within the March 1, 2023 Historic District Commission Staff Report (Attachment 2).
- c. In relation to the question regarding the lease agreement, Uncle Charlie's Firehouse and Brew is required to enter into a lease agreement subject to review and approval by the City Council. The timing of that process or how it proceeds is not a proper subject for appeal pursuant to FMC section 17.52.700(A).
- d. With regard to the comment that the Project has not been sufficiently evaluated for potential impacts, the Historic District Commission Staff Report includes a full evaluation of the proposed project including a review of General Plan and zoning consistency, land use compatibility, parking, pedestrian circulation, lighting, trash/recycling, signage, noise, odor, and architecture/design. City staff determined that no additional analysis is required for the Project.
- e. The appeal letter states that the Project does not qualify for a CEQA Exemption. In fact, City staff determined that the Project qualifies for two CEQA exemptions including Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. In addition, staff determined that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

The exceptions listed within Section 15300.2 include; (a) Location, (b) Cumulative Impact, (c) Significant Effect (d) Scenic Highway (e) Hazardous Waste Sites, and (f) Historical Resources. A description of the most applicable of these exceptions is listed below with a brief response as to why each of these exceptions do not apply to the Project.

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

In analyzing whether this exception applies, both the "same type" and the "same place" limitations should be considered. When analyzing this exception with respect to the

proposed project, the City considered projects of the “same type” to be other projects with similar uses, such as those projects listed on the hours of operation chart that appears in the noise impacts section of this report. The City considered projects in the “same place” to be projects within the Sutter Street Subarea.

City staff determined that the cumulative impact of the proposed project is not significant in that the Project will not result in any adverse impacts with respect building design, site design, lighting, odor, and noise. With respect to building architecture and site design, the Project involves minor modifications to the exterior of an existing commercial building and the use of an existing outdoor patio area, both of which have been designed to comply with the Historic District Design and Development Guidelines. (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

CEQA Guidelines section 15300.2(c) states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. This is commonly referred to as the “unusual circumstances exception.”

The unusual circumstances exception to the use of a categorical exemption applies only when both unusual circumstances exist and there is a reasonable possibility that the project will have a significant effect on the environment due to those unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4<sup>th</sup> 1086, 1104.)

Whether unusual circumstances exist to distinguish this project from others in the exempt class is a factual question. The answer to that factual question must be supported by substantial evidence. In making this decision, the Historic District Commission was required to consider whether the Project’s circumstances differ significantly from the circumstances typical of the type of projects covered by the exemption, namely, other existing structures in the Historic District that are converted from one use to another. The exception applies only if the claimed unusual circumstance relates to the proposed action under consideration; it does not apply if the unusual circumstances are part of the existing conditions baseline. (*Bottini v. City of San Diego* 27 Cal.App.5<sup>th</sup> 281; *World Business Academy v. State Lands Commission* (2018) 24 Cal.App.5<sup>th</sup> 476, 498; *North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4<sup>th</sup> 832, 872.)

Another consideration is whether there is a reasonable possibility of a significant effect on the environment due to the unusual circumstances. (*Berkeley Hillside Preservation*, 60 Cal.4<sup>th</sup> at p. 1115.) The Commission answers this question by determining if there is any substantial evidence before it that would support a fair argument that a significant impact on the environment may occur as a result of the proposed project. (*Id.*) A reasonable possibility of a significant impact may be found only if the proposed project will have an impact on the physical environment. If there is no change from existing

baseline physical conditions, the exception does not apply. (*North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4<sup>th</sup> 832, 872.) The exception also does not apply if the project will have only a social impact and will not result in a potentially significant change to the physical environment. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4<sup>th</sup> 786, 801; *City of Pasadena v. State* (1993) 14 Cal.App.4<sup>th</sup> 810, 826.) The question is not whether the project will have an adverse impact on some persons, but whether it will adversely affect the environment of persons in general due to unusual circumstances. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District* (2006) 139 Cal.App.4<sup>th</sup> 1356, 1392.

After analyzing the unusual circumstances exception in association with this project, the City determined that no unusual circumstances exist to distinguish this project from others in the exempt class. The presence of bars and restaurants in the Sutter Street Subarea is not uncommon, so any impacts associated with the proposed use itself are not unusual. Additionally, in this case, the location of the Project site adjacent to the parking structure and very close to light rail, serves to lessen the potential environmental impacts and makes the unusual circumstances exception particularly inapplicable to this project. In relation to noise, odor, and light, standard and project-specific conditions of approval have been placed on the Project to minimize any potential noise, odor, and light impacts. With respect to any other potential impacts caused by the proposed use, the conditions imposed on the project in the Conditional Use Permit are designed to minimize or eliminate any negative effects on the environment created by the proposed use.

With respect to odor in particular, staff looked at other similar uses in Folsom in assessing whether there is a reasonable possibility of a significant effect on the environment due to odor from brewing associated with the proposed project. Red Bus brewery, a similar business in relatively close proximity to the subject location and also approximately as close to residences as the proposed project will be, has been in operation since 2018 and the City has not received any complaints regarding odor. In addition, two large industrial scale brewing operations exist in the City – Kikkoman Foods and Gekkeikan Sake. Although those operations are significantly larger than the proposed project and they are both located in a different part of town, staff found it relevant that the City has not received any odor-related complaints associated with those businesses either.

Based on all of this, staff determined that there is not a reasonable possibility of a significant effect on the environment due to any claimed unusual circumstances for this project. As mentioned above, the proposed use is not unusual, so any possible significant effects associated with that use are not sufficient to support the exception in this case. To the extent that the brewing component of the project could be considered unusual, staff determined based on project details, conditions of approval on the project, and its experience with similar uses in the City, that there is no reasonable possibility of a

significant effect on the environment due to potential odor associated with the brewing component of the project.

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

The subject property, which is located at 905 Leidesdorff Street (APN: 070-0052-023), is developed with an existing 3,322-square-foot commercial building which was built in 2008. The existing building is constructed of brick veneer, smooth cement plaster, and an aluminum door and window system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. In addition, the existing building is not listed on the City's Cultural Resource Inventory List nor in any other State or Federal historic or cultural resource inventory or list. The proposed changes to the exterior of the building are minor (replacing the awnings and changing a door) rather than substantial. As a result, staff has determined that the Historical Resources exception does not apply in this case.

3. In acknowledging that the UCFB Project does not qualify for a CEQA exemption, direct CDD to prepare an Initial Study to determine the appropriate CEQA document for the Project, and to facilitate the Initial Study, direct CDD to require the applicant to submit:
  - a. Design illustrations and accurate renderings for all exterior building modifications, including design and illustrations of proposed doors, awnings, signage, and exhaust vents and other utility components of the project;
  - b. an assessment of public services and utility requirements, including police and fire protection and water, sewer, electricity, and natural gas demand and required infrastructure to clarify the application's indication that the project would have a substantial effect on public services;
  - c. an assessment by a qualified architectural historian of the proposed building modifications for consistency with Historic District Guidelines and for potential adverse effects on historic resources, including the historic property and historic buildings/resources that are located on the same parcel as the Project;
  - d. an odor generation and impact analysis prepared by a qualified air quality or other expert and identifying specific ventilation design for all potential odor emitting components of the Project and which identifies and evaluates potential impacts on adjacent existing and approved land uses with occupants that could be impacted by Project-generated odors; and
  - e. a vehicle circulation, parking demand/availability, and pedestrian safety study(ies) that consider both the immediate Project area as well as all residential neighborhood streets within three blocks of the 500-900 blocks of Sutter Street.

City Staff Response:

As stated above, City staff determined that the Project qualifies for two CEQA exemptions including Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. In addition, staff determined that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case. As a result, staff has determined that an Initial Study and any other associated environmental document or technical study is not required for the Project.

4. Direct CDD to provide Project information and the transportation study(ies) to the Traffic Safety Committee for review.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

In addition, the Project is not required to be presented to the Traffic Safety Committee for review as participation at a Traffic Safety Committee meeting is voluntarily at the option of the Project applicant.

5. Direct the CDD to obtain complete applications and to verify the accuracy of information on applications prior to initiating further processing the application.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

6. Direct the CDD to take immediate steps to improve the availability and consistency of information for all projects in the Historic District (e.g., design review, sign permit, and use permits) and status posted on the CDD’s webpage to facilitate meaningful public notice and opportunity to understand and comment on Historic District projects.

City Staff Response:

The Folsom Municipal has established requirements for notifying the public regarding proposed development projects. Specifically, FMC, Section 17.52.320 states that for a Design Review Application, a public notice shall be posted on the project site at least five days prior to the Historic District Commission hearing. In addition, California Government Code (Section 650090-65096) states that for a Conditional Use Permit, a public notice shall be placed in a local newspaper at least ten days prior to the public hearing and that public notice shall be sent to all property owners located within 300 feet



of the subject property at least ten days prior to the public hearing. Public notices for the Uncle Charlie's Firehouse and Brew project public hearing before the Historic District Commission meeting on March 1, 2023 were published and mailed in a timely manner as required by the Folsom Municipal Code and the California Government Code.

With respect to comments about the webpage, the Folsom Municipal Code limits the focus of project-related appeals to "any determination made by the historic district commission." (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

7. Acknowledge the HDC's important, but limited, role as an *advisory* committee to the City Council, and cease the practice which is disallowed by the City Charter of treating HDC decisions as final approvals, this appeal became necessary only because the HDC's decision is being improperly treated as a final approval otherwise I would have simply been able to provide my comments to the City Council at a hearing on the Project after receiving a *recommendation* from the HDC.

City Staff Response:

As stated previously, the Folsom Municipal Code (FMC, Section 17.52.360(A)) provides final approval authority to the Historic District Commission to make land use decisions regarding Conditional Use Permits. In addition, the Folsom Municipal Code (FMC Section 17.52.120 G) establishes the authority of the Historic District Commission to make decisions regarding the design and architecture of any structure, or alteration to any existing structure within the Historic District.

8. Affirm that FMC section 2.08.060 allows a third-party nuisance complainant to appeal Code Enforcement Officer determinations to the City Manager and ultimately to the City Council, as such rights will be important in the event of odor nuisance associated with UCFB.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to "any determination made by the historic district commission." (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

Staff notes that SMAQMD also has enforcement authority for odor complaints.

9. Affirm the City's commitment to enforce and apply conditions of approvals and applicable provisions of the Folsom Municipal Code on Historic District business, and demonstrate this commitment through City Council or City Manager acknowledgment that the Barley Barn project is null and void.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

10. Direct CDD to either solicit public input on projects before producing a staff report recommending project approval or, at a minimum, to eliminate the template staff report section entitled "Public Comments" which portends to summarize public comments when public comments have not been solicited, and direct staff to accurately portray to the HDC if and how public comments were solicited for a given project.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

11. Direct CDD to include as attachments to staff reports for development projects any and all comment letters, emails, or other correspondence received from public agencies. Sacramento Metropolitan Air Quality Management District provided a comment letter with specific recommended measures to mitigated odor impacts,

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

12. Direct the CDD to prepare a written staff report, signed by the Director, for each Historic District Commission meeting providing updates on all pending projects/applications and, to protect against inaccurate or policy-prohibited statements, to not allow staff to present that information as ad hoc oral comments.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

13. The HDC can serve a very important role in reviewing projects and providing input to the City Council, however, the HDC does not have the authority to make final project approval decisions. That authority is disallowed by the City Charter. As outlined in a January 26, 2022, letter to the City Manager (Attachment C), the Folsom City Charter limits the HDC’s authority to that of an *advisory* body to the City Council. Therefore, even in the absence of

this appeal, the City Council must consider and make a final decision on whether to issue a CUP for the UCFB Project.

City Staff Response:

As stated previously, the Folsom Municipal Code (FMC, Section 17.52.360(A)) provides final approval authority to the Historic District Commission to make land use decisions regarding Conditional Use Permits. In addition, the Folsom Municipal Code (FMC Section 17.52.120 G) establishes the authority of the Historic District Commission to make decisions regarding the design and architecture of any structure, or alteration to any existing structure within the Historic District.

14. The HDC's CUP decision was absent reference to a lease and on its face would appear to provide an entitlement to a third-party for use of City-owned property. Even if the HDC had CUP approval authority, in this instance it could not be exercised as a final decision as the HDC does not have the authority to authorize a third-party's use of, or modification to, City-owned property. Both the CUP entitlement and modifications to the parking structure must be predicated on a lease that, at least in the public's eye, has not yet been fully defined and executed. In considering the CUP on appeal (or in a subsequent hearing once a proper CEQA document has been completed), I suggest the City Council include a condition of approval to the CUP to clearly state that the CUP is non-transferable and is contingent on, and subordinate to, any lease that the City Council may choose to execute after conducting a public hearing for deliberation of the lease.

City Staff Response:

The approval of a Conditional Use Permit and Design Review by the Historic District Commission for the Project and the potential future City Council approval of a lease-agreement with Uncle Charlie's Firehouse and Brew for use the City-owned 3,322-square-foot retail tenant space at 905 Leidesdorff Street are separate and independent processes. The owners of Uncle Charlie's Firehouse and Brew need to obtain a Conditional Use Permit and Design Review from the Historic District Commission before the lease for the 3,322-square-foot retail tenant space can be negotiated.

15. The March 1, 2023, staff report to HDC advised the HDC that the City Council's November 9, 2021, closed session was when, "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." The meeting minutes for that item identify no details of the business model for Uncle Charlie's Firehouse and Brew, but from the staff report it is clear that the City Council had a full understanding of the business model. The minutes also reflect that all five councilmembers participated in the November 9, 2021, decision, with no recusals and it is unclear whether councilmembers properly self-assessed potential conflicts of interest when participating in that closed session item.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to "any determination made by the historic district commission." (Folsom Municipal Code §

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

16. Staff advised the HDC that "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaces in a nearby Railroad Block public parking lot." Yet, these 368 public parking spaces are available for use by existing business employees and customers, light-rail users, Historic District visitors, and others under existing conditions and are not allocated to "serve the project". In considering the CUP on appeal, I ask that the Council identify the actual predicted parking demand of UCFB (regardless of what actions the Council might or might not take with regard to that demand) and identify if and how much parking, including parking designated for persons with disabilities, is specifically reserved for and/or allocated to the 905 Leidesdorff retail space.

City Staff Response:

Assembly Bill 2097 was signed into law by the Governor on September 22, 2022 and became effective on January 2, 2023. AB 2097 prohibits public agencies, City of Folsom in this case, from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. As the Project is located within a half-mile of public transit (approximately 300 feet from Historic Folsom Light Rail Station), staff has determined that it cannot enforce the minimum parking requirements established by the Folsom Municipal Code for projects located within the Sutter Street Subarea on this particular project and, since it is a commercial project, the exception to the new rules does not apply. Therefore, staff determined that the Project is not required to provide any on-site parking spaces.

17. Staff advised the HDC that, due to state law (Assembly Bill [AB] 2097 which added section 65863.2 to the Government Code), the City cannot impose parking requirements on the Project. Yet, staff's advice on this matter fails to recognize: 1) the new Government Code section is applicable to "development projects" and staff provided no analysis of whether a change in use at an existing building is considered a "development project" under the new law; and 2) that the space to be occupied by the UCFB is City-owned and the terms of any freely negotiated lease between the City and applicant are at the discretion of the Council. I suggest that the City Council determine the actual anticipated parking demand of UCFB and then make a reasoned decision of whether or not the City Council desires to impose parking requirements or any other related terms in a freely negotiated lease of City-owned property.

City Staff Response:

As stated previously, AB 2097 prohibits public agencies from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. For the purposes of AB 2097, a development project includes any project requiring a discretionary entitlement or building permit to allow the construction, reconstruction, alteration, addition, or change of use of a structure or land.

Staff has determined that Uncle Charlie's Firehouse and Brew qualifies as a development project and is eligible for exemption from the minimum parking requirements established by the Folsom Municipal Code for projects located within the Sutter Street Subarea.

18. The intensity and degree to which odors generated by beer brewing might be considered pleasant or offensive was subject to much discussion at the HDC hearing. The brewery might result in a pleasant, mild aroma of fresh-baked bread as some suggested. But even the smell of fresh-baked bread can be overwhelming and unwelcome in certain contexts. The record clearly indicates the brewing operation will create odors and hence the need for odor control provisions. If odors associated with UCFB brewing do create a nuisance, one administrative remedy would be to request investigation and action by the City Code Enforcement Officer in a nuisance complaint. However, Code Enforcement Officer decisions are not always sufficient to address ongoing nuisance, and it is important that the City have an available process to appeal Code Enforcement Officer decisions to the City Manager and ultimately the City Council to seek administrative remedy. Although FMC section 2.08.060 contains such an administrative appeal process, the City Manager has taken the position in a recent FMC-violating camping situation that Code Enforcement Officer determinations are final and unappealable and that an aggrieved party's only option if dissatisfied by the Code Enforcement Officer's determination is to seek a remedy in court (Attachment D). I suggest this is a misinterpretation of the FMC and that the FMC appeals process should be interpreted as applicable to code enforcement matters. Therefore, my appeal seeks to gain City Council assurance that FMC section 2.08.060 must be interpreted to allow for third-party complaints expressing legitimate code violation and/or nuisance complaints and to allow for appeal to the City Manager and City Council, if necessary, for administrative remedy.

City Staff Response:

The approved craft brewery includes installation of a ten-barrel brewing system which will be housed within a raised brewing area. A ventilation system will be installed to allow for the release of steam and other byproducts created during the brewing process into the air, with the outside vent most likely being located on the northern portion of the building roof. Based on recommendations provided by the Sacramento Metropolitan Air Quality Management District (SMSQMD), the applicant proposed to implement a number of measures to minimize the potential for any odor-related impacts including the following:

- Installing a ventilation system in the designated brewing area.
- ~~Scheduling brewing times on Mondays and Tuesdays only.~~
- Limiting brewing activity to daytime hours for greater odor dispersion.
- Proper disposal of spent grains.
- Use of eco-friendly cleaning agents/caustics in brewing/sanitation process.
- Regular monitoring and replacement of air filters.

The Historic District Commission desired to provide the applicant with more flexibility with regard to brewing days to provide for better dispersion of vapors and odors and

increased the number of potential brewing days per week from two to seven. At the suggestion of a member of the public, the Commission also added a new condition of approval (Condition No. 28) to further address odor-related impacts follows.

- The boil kettle shall be equipped with a water spray condenser and the condenser shall be operated in accordance with the manufacturer's specifications at all times that the wort boiling process is conducted to control the releases of brewing odors and vapors to a level that will not adversely impact adjacent properties. The ventilation system shall be operated at all times when the brewing operation generates odors that may be offensive to adjacent properties. The system shall vent brewing vapors/odors to the stack operated at a minimum stack flow gas rate of 42 ft./sec., with an unobstructed discharge.

With respect to potential nuisance odors associated with the Project, the Sacramento Metropolitan Air Quality Management District (SMAQMD) is the public agency that is tasked with responding to complaints regarding odors.

With respect to the remainder of this comment, the Folsom Municipal Code limits the focus of project-related appeals to "any determination made by the historic district commission." (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

19. The UCFB project does not qualify for a CEQA exemption. The HDC's decision claimed the CEQA Class 1 and Class 3 exemptions. Notably, the staff report to the HDC contains some three pages of argument focused entirely on whether any of the *exceptions* to the exemptions apply, yet with no discussion of how the Project fits within either a Class 1 or Class 3 exemption.
  - a. The CEQA Class 1 exemption (CEQA Guidelines Section 15301, Existing Facilities) is limited to projects involving, "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use" and further defines, "{the key consideration is whether the project involves negligible or no expansion of use." The project fails on its face to qualify for this exemption. The Project would introduce both a beer-brewing operation and a retail beer-serving establishment inside and on a patio outside of a currently vacant space and which in the past has had no use anywhere close to the intensity of use that the UCFB Project would bring to the building. To be clear, that is not a negative observation about the Project; the increased use is exactly what the applicant and the City are looking to achieve. However, it does mean that the Project is not eligible for the Class 1 exemption. Staff's assessment provided no explanation or rationale for how the Project might conceivably fit within the Class 1 category; and it simply does not qualify.

- b. The CEQA Class 3 exemption (CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures) is limited to "small structures." Section 15303 specifically discusses that the building and size limitations are to be interpreted as the maximum allowable on any legal parcel and specifies commercial buildings "not exceeding 10,000 square feet in floor area." The structure at 905 Leidesdorff within which UCFB is proposed to be located has a footprint and first floor area of some 30,000 square feet and, when the additional floors (parking levels) are accounted for, a total floor area of what must be nearly 100,000 square feet. 6 Notably, the staff report to the HDC did not identify the total floor area of 905 Leidesdorff, nor did the staff report address the number or size of other buildings that are also located on the same legal parcel. Staff's assessment provided no explanation or rationale for how the building within which the UCFB would be located might conceivably be considered a "small structure" under the Class 3 exemption. Furthermore, even if the City were to successfully argue that the structure qualifies as small, the Project still would not meet the Class 3 criteria of "conversion of existing small structures from one use to another." First, the Project would not change the use of the parking garage to another use. Second, there is no existing use in the vacant space that would be changed to another use; the space is currently unused. Thus, the Project would convert that space from no use to a use which is not covered by the Class 3 small structure conversion exemption.

City Staff Response:

As discussed previously, City staff determined that the Project qualifies for two CEQA exemptions including Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. In addition, staff determined that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

20. Even if the Project were to qualify for one of the claimed CEQA exemptions, which it does not as discussed above, exceptions to the exemptions would disqualify the Project from a CEQA exemption as indicated by the Project's potential to result in significant environmental effects, cumulative impacts, and impacts to historic resources. Examples are below:
- a. The Project's contribution to daily and peak-hour vehicle trip volumes on streets within the Project area have not been assessed or disclosed in the City's evaluation. Although traffic congestion is not a CEQA impact, an understanding of existing and Project-related vehicle trips is essential for meaningful consideration of the Project's vehicle trip-related public safety, air quality, noise, and other impacts to Historic District businesses, visitors, and residents and to understand if there are any locations and/or time periods during which Project trips would exacerbate traffic conditions in a manner that would affect motorist, bicyclist, and/or pedestrian circulation or safety. The City's Local Road Safety Plan (adopted by City Council June 2021) identifies that key contributing factors to severe and fatal automobile collisions in the City are

associated with irresponsible driver behavior including speeding and driving under the influence of alcohol. It is also evident that irresponsible driver behavior in the City is a substantial and increasing public safety concern. According to "Pedestrian Traffic Fatalities by State" (2021), "[i]t is well established that alcohol consumption can lead to impairment for both drivers and pedestrians. Drunk driving remains a pervasive highway safety threat to all road users." Increased enforcement of driver infractions is identified in the City's Local Road Safety Plan as an important element in reducing severe and fatal collisions; yet, the City appears to have limited ability (or chooses otherwise) to increase Police Department traffic enforcement division staffing. The ample and increasing opportunities for alcohol consumption in the Historic District, the interaction of motorists and pedestrians in the Sutter Street and Leidesdorff Street business areas as well as in adjacent Historic District residential neighborhoods, and the increasing egregious behavior of some drivers must be considered by the Council in terms of a public safety impacts and to assess ways in which the City can both benefit from leasing its retail space to a brewery while identifying measures to ensure that public safety risks are not exacerbated by the proposed use.

- b. The Project proposes to modify the exterior of the 905 Leidesdorff structure with changes to doors and ventilation, but without the specificity and degree of certainty needed to understand the effects of those modifications on the aesthetics/visual appearance of the structure and its context within the larger parcel and adjacent historic resources. The HDC's decision failed to fully define or disclose the actual modifications that would be made to the exterior of the City-owned parking structure. Apparently, some sort of ventilation exhaust structure is needed and the HDC's decision lacked detail on its design deciding something along the lines of the taller the better, as long as it's not visible to the public. This approach is insufficient in terms of understanding the visual changes and visual impacts of the Project and the idea that the exhaust ventilation can avoid public visibility is likely infeasible since the rooftop of the parking structure is a public space and anything on it is visible to the public. The City has not sufficiently defined the Project's proposed exterior modifications or appearance providing neither the City nor anyone else the ability to meaningfully assess the degree of visual impact of the Project.
- c. The City did not analyze the odor potential of the Project and merely discussed it. The City's discussion of potential odors and whether the Project would result in significant odor impacts would be significant appears to be predicated on the premise that: 1) design measures that are ostensibly intended to minimize odors, but without any evaluation of the magnitude or dispersion of odors generated by the brewing and waste disposal process; 2) the expectation that the odors generated by the project will smell like fresh-baked bread (and perhaps Snook's chocolates) with no consideration of the fact that even odors that might typically be thought of as pleasant by most people can still cause a nuisance to many<sup>8</sup>; and 3) since there are other industries in Folsom that generate odors, more can be added without adverse impacts. The analysis doesn't hold water.<sup>9</sup> A meaningful analysis of the potential intensity and dispersion of



odors from the brewing process and wastewater, and the proximity of existing and anticipated future odor-sensitive receptors in the Project area is needed. It is likely that feasible odor mitigation could be designed and implemented, but to ensure significant odor impacts are avoided, such mitigation would need to include a performance standard against which odors can be measured and managed. Otherwise, the City has insufficient basis for determining that significant odor impacts would not occur.

- d. In attempting to defend the claimed CEQA exemptions, the staff report to the HDC stated that, "the existing building is not listed on the City's Cultural Resource Inventory List nor any other State or Federal historic or cultural resource inventory or list." The staff report failed to advise the HDC that the Project is located on a parcel containing at least two resources listed on the City's Cultural Resource's Inventory List (Attachment E), both of which are identified as National Register properties on the City's inventory.
- SVRRICPRR turntable site on Railroad Block, National Register Property, factual dates 1856, 1867, 1900. Archaeological deposits on Railroad Block, circa 1856-1870.
  - Folsom Depot, National Register Property, factual 1906.

It is unclear that the HDC considered, or was even aware, of these resources and the Project's potential to adversely affect historic properties through potentially inconsistent architectural modifications to the 905 Leidesdorff structure. Public testimony by Loretta Hettinger (Heritage Preservation League of Folsom Board Member) during the HOC hearing advised the HDC that the glass doors proposed for UCFB would be incompatible with the historic design. It is understood that the building itself is not historic; it is a modern building with carefully designed architecture to fit within the historic context of the property and the Historic District. Yet, it appears that no meaningful consideration of how the Project's incompletely described exterior modifications (e.g., roll-up or foldable glass doors, exterior ventilation of some shape or form, etc.) might affect the historic architectural intent of the parking structure and might create incompatibilities and detract from the historic qualities of the two listed historic resources that are located near, and on the same parcel as, the Project. Uncertainties regarding the appearance of exterior modifications render City decisionmakers unable to determine that the Project would not result in adverse effects on adjacent historic properties within the Project parcel and prevent the public's ability to understand and provided input on those potential effects.

City Staff Response:

As discussed previously, City staff determined that the Project qualifies for two CEQA exemptions including Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality

Act (CEQA) Guidelines. In addition, staff determined that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

Transportation and circulation impacts associated with development of the railroad block area and the Historic Folsom Station project were previously analyzed in the Addendum to the January-2004 Folsom Historic District Railroad Block Implementation Plan Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program. Subsequently, the Historic District Parking Structure (including the subject 3,322-square-foot retail tenant space) was constructed in 2008. City staff determined that a formal traffic study was not required for the Project due to the fact that the Project is located within an existing building and no changes or modifications are proposed relative to vehicle, bicycle, and pedestrian facilities in the project area. In addition, City staff determined that a formal traffic study was not required due to the fact that the Project does not meet the City's threshold (50 PM Peak Hour Trips) for preparing a formal traffic study with only 36 PM Peak Hour Trips anticipated to be generated by the Project.

The Project includes minor exterior modifications to an existing 3,322-square-foot commercial building located at 905 Leidesdorff Street. The minor exterior modifications include replacement of an existing exterior door and windows on the south building elevation with two glass bi-fold doors and replacement of the existing canvas window awnings with new black-colored canvas awnings. The proposed glass bi-fold doors, which are modeled after doors utilized on historic fire station buildings, feature rectangular windowpanes and aluminum frames. In addition, the proposed project includes the replacement of the existing brown canvas window awnings with black canvas window awnings of the same proportions.

In reviewing the design of the proposed project, staff took into consideration the recommendations of the Historic District Design and Development Guidelines (Design Guidelines) relative to architectural design and features, building materials, and building colors. With respect to architectural design and features, the proposed project is maintaining all of the existing building shapes and forms with exception of replacing an existing rectangular door and rectangular windows on the south elevation with two aluminum-framed bi-fold glass entry doors and replacing the existing canvas window awnings with new black-colored canvas windows awnings. The Design Guidelines indicate that glass entry doors are encouraged to increase transparency and that rectangular glass panes are an appropriate shape. The aluminum frames proposed for the bi-fold doors are intended to match and material and color of the existing doors and windows on the building. The Design Guidelines also encourage the use of window awnings in order to create a pleasing pedestrian environment in the Sutter Street Subarea. The applicant is proposing to replace the existing brown canvas window awnings, which are fairly weathered and worn out, with new black-colored canvas window awning of the same proportions.

With respect to color changes, the proposed project includes the replacement of an existing, black-framed glass entry door and black-framed windows on the south building elevation with two black-framed glass bi-fold doors. The proposed project also includes the replacement of all existing, brown-colored canvas window awnings with black-colored window awnings. Staff determined that the proposed color modifications for window awnings are compatible with the overall color scheme (red brick, tan cement black, and black-framed windows and doors) of the existing building and also consistent with the general color recommendations of the Design Guidelines which simply encourage avoiding bland color schemes where the color values are all the same or similar.

The Historic District Commission discussed the location and design of the exterior vents associated with the brewing process. The applicant indicated to the Commission that the final location and design of the exterior vents had not been determined but likely the vents would be positioned on the north side of the building or on the roof of the building. City staff indicated that the vents should be located on the roof of the building and that there was a standard condition of approval on the project that roof-mounted equipment (including vents) are not permitted to extend above the height of the parapet walls. The Commission expressed a desire to provide the applicant with more flexibility regarding the location and design of the exterior vents in order allow for better dispersion of vapors odors. As a result, the Commission modified an existing condition of approval (Condition No. 26-3) as described below.

- Roof-mounted mechanical equipment, including satellite dish antennas, shall not extend above the height of the parapet walls. Ground-mounted mechanical equipment shall be shielded by landscaping or trellis type features. **Exterior vents may be allowed to extend above the height of the rooftop parapet walls if the vents are not visible from the adjacent public right-of-way (streets, sidewalks, etc.) to the satisfaction of the Community Development Department**

In summary, staff determined that the proposed project has successfully met the architectural and design recommendations for remodeling of existing structures in the Historic District as suggested by the Historic District Design and Development Guidelines. In addition, staff determined that the proposed building design, building materials, and building colors are also consistent with the recommendations of the Design and Development Guidelines.

As described previously, the Historic District Commission desired to provide the applicant with more flexibility with regard to brewing days to provide for better dispersion of vapors and odors and increased the number of potential brewing days per week from two to seven. At the suggestion of a member of the public, the Commission also added a new condition of approval (Condition No. 28) to further address odor-related impacts as described above.

As mentioned previously, the subject property, which is located at 905 Leidesdorff Street is developed with an existing 3,322-square-foot commercial building which was built in 2008. The existing building is constructed of brick veneer, smooth cement plaster, and an aluminum door and window system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. The existing building is not listed on the City's Cultural Resource Inventory List nor in any other State or Federal historic or cultural resource inventory or list. In addition, the Historic District Commission determined that the Project successfully met the architectural and design recommendations for remodeling of existing structures in the Historic District as suggested by the Historic District Design and Development Guidelines. The Commission also determined that the proposed building design, building materials, and building colors are consistent with the recommendations of the Design and Development Guidelines. As a result, staff has determined that the Historical Resources exception does not apply in this case.

21. Project-related vehicle trips would increase traffic noise in the Historic District through the increased vehicle travel associated with workers and customers to and from the Project. Additionally, the City is experiencing proliferation of vehicles that have been intentionally modified to increase exhaust noise and travel of these vehicles to/from and through the Historic District is creating an increasing impact on the health, safety, and welfare of Historic District residents. The General Plan Program Environmental Impact Report ("PEIR")<sup>10</sup> identified Impact NSE-1, "Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project" as an impact associated with development under the City of Folsom General Plan.<sup>11</sup> The PEIR concluded that the impact was significant and unavoidable even with implementation of mitigation. Mitigation Measure N-1, adopted by the City on certifying the PEIR and adopting the General Plan required Implementation Program SN-1 to be added to the General Plan implementation program. Implementation Program SN-1, "Adopt a Noise Reduction Program," specifies the following with implementation to begin by 2021: The City shall adopt a citywide noise reduction program to reduce traffic noise levels along roadways where significant increases in traffic noise levels are expected to occur. The program shall include, but shall not be limited to, the following specific elements for noise abatement consideration where reasonable and feasible:

- Noise barrier retrofits
- Truck usage restrictions
- Reduction of speed limits
- Use of quieter paving materials
- Building facade sound insulation
- Traffic calming
- Additional enforcement of speed limits and exhaust noise laws
- Signal timing.

It has been clear from recent annual General Plan status updates to the City Council, that the City has not undertaken additional enforcement of exhaust noise laws. While that may be because the City is unwilling or unable to pursue increased enforcement, the City nevertheless must acknowledge that in not implementing vehicle exhaust noise abatement as required by General Plan mitigation measures, the significant and unavoidable noise impact identified in the General Plan PEIR will significantly increase as compared to the degree of impact that would be expected if the City were to fully implement Measure SN-1's requirements for additional enforcement of vehicle exhaust noise laws.

City Staff Response:

City staff determined that a formal traffic study was not required for the Project due to the fact that the Project is located within an existing building and no changes or modifications are proposed relative to vehicle, bicycle, and pedestrian facilities in the project area. In addition, City staff determined that a formal traffic study was not required due to the fact that the Project does not meet the City's threshold (50 PM Peak Hour Trips) for preparing a formal traffic study with only 36 PM Peak Hour Trips anticipated to be generated by the Project. In relation to an increase in project-related exhaust noise, the City of Folsom Police Department actively enforces these types of violations within and outside of the Historic District.

Applicant Response:

The applicant submitted a response letter (Attachment 5) to the appeal on the Uncle Charlie's Firehouse and Brew project on March 24, 2023. In the response letter, the applicant indicates that they are somewhat confused by Mr. Delp's appeal letter, as much of the appeal letter is spent discussing the City's Conditional Use Permit process and other issues rather than discussing specific concerns regarding the Uncle Charlie's Firehouse and Brew project. In addition, the applicant states there is much contradictory information in the appeal letter in which Mr. Delp discusses the potential adverse impacts the Project would have on his health, safety, welfare, and property rights, while at the same time indicating Uncle Charlie's Firehouse and Brew would yield economic benefit in conjunction with being a nice place to enjoy a locally brewed beer. As a result, the applicant only provided written responses to the portion of the appeal letter that are directly related to the Project.

In Mr. Delp's appeal letter, he states that the Project is insufficiently described in terms of its operations and exterior modifications, and that the understanding of the exterior modifications was further convoluted, not clarified by the Historic District Commission's decision to approve the Project. The applicant indicates that a detailed set of architectural plans (site plan, building elevations, floor plan, signage) were provided for City staff and the Historic District Commission to review. In addition, a project narrative for the Project was provided to the Historic District Commission for their review. The applicant further states that detailed information regarding the exterior vents was not requested by the Historic District Commission and that there are specific conditions of approval that address the required location of the exterior vents.

In Mr. Delp's appeal letter, he states that the Project has not been sufficiently evaluated for potential impacts associated with aesthetics, air quality, odors, transportation, circulation, parking, cultural resources, and related public safety issues. The applicant states the Sacramento Air Quality Management District reviewed the Project and provided recommendations (included as Conditions of Approval) to the applicant and City staff to minimize any potential odor-related impacts. In addition, the applicant states that due to the limited scale of the brewing production system (ten barrel brewing system) associated with Uncle Charlie's Firehouse and Brew, the Project will not exceed the Air District's output threshold that requires boilers with a rated heat input capacity of 1 million British Thermal Units per hour or greater to obtain a permit from the Air District.

In the appeal letter, Mr. Delp indicates that an odor generation and impact analysis be prepared by a qualified air quality or other expert to identify specific ventilation design for all potential odor emitting components of the Project. The applicant states that the Air Quality district was consulted with during review of the Project and measures recommended by the Air District were included as Conditions of Approval. Specific measures recommended by the Air District included installing a ventilation system, venting emissions away from sensitive receptors, limiting brewing activity to daytime hours, using eco-friendly cleaning agents, and monitoring and replacing air filters. The applicant has stated that they are agreeable to all of the Air District recommendations which have been included as Conditions of Approval for the Project. The applicant also reiterates that due to the limited brewing capacity of Uncle Charlie's Firehouse and Brew, the Project does not require a permit to operate from the Air District.

Lastly, the applicant has provided more detailed technical information (Attachment 5) regarding the brewing process including more details regarding the ventilation system. The applicant states that the venting system constantly draws fresh air into the brewery and helps maintain the proper pressure in the brewing equipment. All the steam generated by the brew kettles needs somewhere to go, which is where a brewery-specific venting system comes into play. A flue, vents the steam from the brew kettle. Exhaust flues are also necessary, with the specific location and type of flue depending on the type of system used. The applicant indicates that a 10-inch vent, which will be located in a screened area on the rooftop, will most likely be used for exterior ventilation.

## **CONCLUSION**

Based on the forgoing, staff respectfully requests that the City Council **DENY** the appeal by Bob Delp of the Decision by the Historic District Commission Approving a Conditional Use Permit and Design Review and determining that the proposed Uncle Charlie's Firehouse and Brew project (PN 22-158) located at 905 Leidesdorff Street is exempt from CEQA.

**ATTACHMENTS**

1. Letter of Appeal from Bob Delp, dated March 10, 2023
2. Historic District Commission Staff Report, dated March 1, 2023
3. Historic District Commission Additional Information, dated February 27, 2023 and March 1, 2023
4. Minutes from March 1, 2023 Historic District Commission Meeting
5. Applicant Response Letter, dated March 24, 2023

Submitted,

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

PAM JOHNS  
Community Development Director

## ATTACHMENT 1



FOLSOM CITY CLERK'S DEPT  
20 MAR 10 10:22

# CITY OF FOLSOM

## APPEAL FORM

**NAME OF APPELLANT:** Bob Delp

**MAILING ADDRESS:** 612 Mormon Street

Folsom, CA 95630


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

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

**Action Being Appealed:** HDC Design Review/CUP Approval and claimed CEQA exemption for Uncle Charlie's Firehouse and Brew (PN 22-158)

**Date of Decision or Date Project was Heard:** March 1, 2023

**Reason for Appeal:** Project does not qualify for a CEQA exemption and is insufficiently described and evaluated by staff. The HDC lacks final approval authority and the Project warrants consideration by the City Council (even in the absence of this appeal). See attached letter for additional detail and additional reasons.

  
Appellant's Signature

March 10, 2023  
Date

**STAFF USE ONLY:**

Date Received: 3/10/2023

Fee Paid: \$495.00

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

**Admin. (staff decision) Appeal**

**Type of Project/fee:**

- Owner Occupied/Single Family Dwelling \$246
- All Others \$495

**Type of Project/fee:**

- Owner Occupied \$239
- All Other \$479

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

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

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

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

Received by: Jennifer Jimenez

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

**R. DELP**  
**I. FISHER**  
 FOLSOM, CA 95630-2620

**2698**  
 11-4288/1210 4239  
 5508347280

DATE 3/10/2023

PAY TO THE ORDER OF City of Folsom \$ 495.00  
Four hundred ninety five and 00/100 DOLLARS

WELLS FARGO Wells Fargo Bank, N.A. California wellsfargo.com

FOR UCFB Appeal

CITY OF FOLSOM  
 OFFICE OF THE CITY CLERK  
 50 NATOMA STREET  
 FOLSOM, CA 95630

**RECEIPT** DATE 3/10/2023 No. 43

RECEIVED FROM Randy Delp \$ 495.00  
City of Folsom DOLLARS

FOR RENT  
 FOR UCFB Appeal - EN72-155-11C Appeal

|          |  |                                        |
|----------|--|----------------------------------------|
| ACCOUNT  |  | <input type="radio"/> CASH             |
| PAYMENT  |  | <input checked="" type="radio"/> CHECK |
| BAL. DUE |  | <input type="radio"/> MONEY ORDER      |
|          |  | <input type="radio"/> CREDIT CARD      |

FROM City of Folsom TO City of Folsom  
 BY Juanita J. Stewart

3-11

March 10, 2023

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

**SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) – Appeal of Historic District Commission Approval of PN 22-158 to City Council**

*Note to Readers: I apologize for the length and possible repetition in this letter. Given more time to review and understand this project, I might have been able to be more concise. However, although the City Council made decisions setting the wheels in motion to approve this project at least as far back as November 9, 2021, I became aware of the details only by way of the March 1, 2023, staff report to the Historic District Commission. Ten days later, I've done the best I can with limited time to explain my concerns.*

**Dear Ms. Freemantle and City Councilmembers:**

I am appealing to the City Council the decision by the Historic District Commission (“HDC”) approving Uncle Charlie’s Firehouse and Brew (PN 22-158) design review and conditional use permit (“CUP”) (collectively referred to here as “Project” or “UCFB”), and the HDC’s determination that the Project is exempt from the California Environmental Quality Act (“CEQA”). Comments I submitted to the HDC are included in Attachment A. My arguments on appeal are provided in this letter, but I reserve the right to amend these arguments and to bring additional evidence and argument to the Council on appeal and in response to any staff report or additional information that may become available prior to the appeal hearing. Notwithstanding this appeal, I am committed to doing what I can to help minimize further delays in a final decision on UCFB and urge the Council to do the same while addressing the concerns in my appeal.

In this appeal, I am requesting that the City Council take, or direct the City Manager to take, the following actions the rationale for which is provided in the Explanation and Additional Argument sections of this letter:

1. Assess Community Development Department (“CDD”) accountability for delaying the UCFB Project and for delaying progress on the lease of City property by intentionally and unnecessarily awaiting the outcome of litigation on a separate project and, while doing so, failing to move forward with the preparation of studies and the environmental document that could have already been prepared and will be necessary before the UCFB Project can be approved.
2. Rescind the HDC’s approval of UCFB for reasons including:
  - a. the approval is outside the authority of the HDC,
  - b. the Project is thus far insufficiently described in terms of its operations and exterior modifications and the understanding of exterior modifications was further convoluted, not clarified, by the HDC’s decision,
  - c. the whole of the Project has not been sufficiently described, as the Project will include a discretionary lease with terms that have not yet been disclosed to the

March 10, 2023

- public (e.g., duration of the lease, dedicated parking, dedicated accessible parking, required conditions on termination of the lease, financial security ensure lease termination conditions are achieved);
- d. the Project is thus far insufficiently evaluated for potential impacts associated with aesthetics, air quality/odors, transportation/circulation/parking and related public safety issues, historic resources, and noise; and
  - e. the Project does not qualify for a CEQA exemption.
3. In acknowledging that the UCFB Project does not qualify for a CEQA exemption, direct CDD to prepare an Initial Study to determine the appropriate CEQA document for the Project, and to facilitate the Initial Study, direct CDD to require the applicant to submit:
    - a. design illustrations and accurate renderings for all exterior building modifications, including design and illustrations of proposed doors, awnings, signage, and exhaust vents and other utility components of the project;
    - b. an assessment of public services and utility requirements, including police and fire protection and water, sewer, electricity, and natural gas demand and required infrastructure to clarify the application's indication that the project would have a substantial effect on public services;
    - c. an assessment by a qualified architectural historian of the proposed building modifications for consistency with Historic District Guidelines and for potential adverse effects on historic resources, including the historic property and historic buildings/resources that are located on the same parcel as the Project;
    - d. an odor generation and impact analysis prepared by a qualified air quality or other expert and identifying specific ventilation design for all potential odor emitting components of the Project and which identifies and evaluates potential impacts on adjacent existing and approved land uses with occupants that could be impacted by Project-generated odors; and
    - e. a vehicle circulation, parking demand/availability, and pedestrian safety study(ies) that consider both the immediate Project area as well as all residential neighborhood streets within three blocks of the 500 – 900 blocks of Sutter Street.
  4. Direct CDD to provide Project information and the transportation study(ies) to the Traffic Safety Committee for review.
  5. Direct the CDD to obtain complete applications and to verify the accuracy of information on applications prior to initiating further processing the application.
  6. Direct the CDD to take immediate steps to improve the availability and consistency of information for all projects in the Historic District (e.g., design review, sign permit, and use permits) and status posted on the CDD's webpage to facilitate meaningful public notice and opportunity to understand and comment on Historic District projects.
  7. Acknowledge the HDC's important, but limited, role as an *advisory* committee to the City Council, and cease the practice which is disallowed by the City Charter of treating HDC decisions as final approvals, this appeal became necessary only because the HDC's decision is being improperly treated as a final approval otherwise I would have simply been able to provide my comments to the City Council at a hearing on the Project after receiving a *recommendation* from the HDC.

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8. Affirm that FMC section 2.08.060 allows a third-party nuisance complainant to appeal Code Enforcement Officer determinations to the City Manager and ultimately to the City Council, as such rights will be important in the event of odor nuisance associated with UCFB.
9. Affirm the City's commitment to enforce and apply conditions of approvals and applicable provisions of the Folsom Municipal Code on Historic District business, and demonstrate this commitment through City Council or City Manager acknowledgment that the Barley Barn project is null and void.
10. Direct CDD to either solicit public input on projects before producing a staff report recommending project approval or, at a minimum, to eliminate the template staff report section entitled "Public Comments" which portends to summarize public comments when public comments have not been solicited, and direct staff to accurately portray to the HDC if and how public comments were solicited for a given project.
11. Direct CDD to include as attachments to staff reports for development projects any and all comment letters, emails, or other correspondence received from public agencies. Sacramento Metropolitan Air Quality Management District provided a comment letter with specific recommended measures to mitigated odor impacts,
12. Direct the CDD to prepare a written staff report, signed by the Director, for each Historic District Commission meeting providing updates on all pending projects/applications and, to protect against inaccurate or policy-prohibited statements, to not allow staff to present that information as ad hoc oral comments.

## EXPLANATION

In large part, this appeal reflects my concerns regarding the City's patterns and practices of insufficient review of proposed projects, failing to consistently hold approved projects accountable to their conditions of approval, selective interpretation or disregard of the City Charter and other parts of the FMC, and denial of administrative appeal opportunities associated with enforcement of the FMC.

This appeal comes with regret for potentially causing further delay to what generally appears to be a promising business with responsible and enthusiastic business owners, and in a location that would provide direct economic benefit to the City and a nice place for me to walk and enjoy a locally brewed beer. Apparently, the applicant and/or City staff have already delayed this project intentionally. Based on CDD staff comments to the HDC at its March 1<sup>st</sup> meeting (*after* the HDC voted to approve UCFB), it is my understanding that CDD and/or the applicant "held off on moving forward because they are using the same CEQA exemptions that Barley Barn used and they wanted that process to play out in the courts before they came forward to [the HDC]" (see Attachment B).

If staff was correct and the UCFB Project has been sitting idly for perhaps several months or longer, I suggest that approach was flawed. Regardless of the eventual outcome of the Barley Barn litigation, and for reasons outlined in this appeal, the UCFB Project does not qualify for the City-claimed CEQA exemptions. Rather than *waiting* for the Barley Barn project play out in court, the City could have prepared a CEQA document with meaningful impact analysis, identified mitigation measures to avoid significant effects, and brought the UCFB Project forward for approval hearings several months ago.

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Further complicating matters for the UCFB Project is the City's recent and ongoing refusal to confirm that the Barley Barn project is null and void due to specific expiration terms in that project's conditions of approval and time periods specified in the FMC (discussed in Attachment B). This is a disappointing demonstration that the citizens of Folsom cannot depend on the City to enforce conditions imposed on businesses in the Historic District. Without instilling confidence through consistent demonstration that businesses will be held subject to their conditions of approval and the FMC, the City should expect resistance to projects that have the potential for adverse effects on the community if not properly regulated.

Moreover, the UCFB Project simply does not qualify for either of the two CEQA exemptions recommended by staff and claimed by the HDC in approving the UCFB Project. The Project would obviously substantially expand the use of the existing unoccupied retail space in the 905 Leidesdorff building and the Project involves modifications to a multi-level structure with a footprint of some 30,000 square feet and a total floor area of what must be nearly 100,000 square feet.<sup>1</sup> The claimed CEQA exemptions require that a project result in *no or negligible expansion in use* and that the project involves *a small structure* (specifically limited in the CEQA Guidelines to no more than 10,000 square feet). The City has presented no evidence or even qualified argument for how the claimed exemptions could conceivably apply to the Project. The Project does not meet the basic criteria of the claimed exemptions and in accordance with state law the City must prepare and adopt a CEQA document before it can approve the Project.

Preparing a CEQA document does not need to cause substantial additional delay and cost, and could very likely have been completed in the time that the Project has apparently been purposefully idle. With sufficient analysis and mitigation, an Initial Study/Mitigated Negative Declaration (IS/MND) may suffice for this Project's CEQA review. In fact, with demonstrated assurance that the City is committed to strict enforcement of conditions of approval and the FMC as applicable to all Historic District businesses and other activities in the City, I would be inclined to volunteer to assist the City in preparing the necessary CEQA document for UCFB. I expect we could knock that out in short order and all it would take is a commitment from the City to do what the City should already be doing.

#### **ADDITIONAL ARGUMENT**

1. The HDC can serve a very important role in reviewing projects and providing input to the City Council, however, the HDC does not have the authority to make final project approval decisions. That authority is disallowed by the City Charter. As outlined in a January 26, 2022, letter to the City Manager (Attachment C), the Folsom City Charter limits the HDC's authority to that of an *advisory* body to the City Council. Therefore, even in the absence of this appeal, the City Council must consider and make a final decision on whether to issue a CUP for the UCFB Project.<sup>2</sup>
2. The HDC's CUP decision was absent reference to a lease and on its face would appear to provide an entitlement to a third-party for use of City-owned property. Even if the HDC had CUP approval authority, in this instance it could not be exercised as a final decision as the HDC does not have the authority to authorize a third-party's use of, or modification to, City-owned property. Both the CUP entitlement and modifications to the parking structure must

<sup>1</sup> I do not find the actual square footage of the parking structure anywhere in the record.

<sup>2</sup> For that reason, I respectfully request that my appeal fee be returned as this appeal would be unnecessary if the Project approval decision was properly brought to the City Council based on an advisory recommendation by the HDC.

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be predicated on a lease that, at least in the public's eye, has not yet been fully defined and executed. In considering the CUP on appeal (or in a subsequent hearing once a proper CEQA document has been completed), I suggest the City Council include a condition of approval to the CUP to clearly state that the CUP is non-transferable and is contingent on, and subordinate to, any lease that the City Council may choose to execute after conducting a public hearing for deliberation of the lease.

3. The March 1, 2023, staff report to HDC advised the HDC that the City Council's November 9, 2021, closed session was when, "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." The meeting minutes for that item identify no details of the business model for Uncle Charlie's Firehouse and Brew, but from the staff report it is clear that the City Council had a full understanding of the business model.<sup>3</sup> The minutes also reflect that all five councilmembers participated in the November 9, 2021, decision, with no recusals and it is unclear whether councilmembers properly self-assessed potential conflicts of interest when participating in that closed session item.
4. Staff advised the HDC that "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaces in a nearby Railroad Block public parking lot." Yet, these 368 public parking spaces are available for use by existing business employees and customers, light-rail users, Historic District visitors, and others under existing conditions and are not allocated to "serve the project". In considering the CUP on appeal, I ask that the Council identify the actual predicted parking demand of UCFB (regardless of what actions the Council might or might not take with regard to that demand) and identify if and how much parking, including parking designated for persons with disabilities, is specifically reserved for and/or allocated to the 905 Leidesdorff retail space.
5. Staff advised the HDC that, due to state law (Assembly Bill [AB] 2097 which added section 65863.2 to the Government Code), the City cannot impose parking requirements on the Project. Yet, staff's advice on this matter fails to recognize: 1) the new Government Code section is applicable to "development projects" and staff provided no analysis of whether a change in use at an existing building is considered a "development project" under the new law; and 2) that the space to be occupied by the UCFB is City-owned and the terms of any freely negotiated lease between the City and applicant are at the discretion of the Council. I suggest that the City Council determine the actual anticipated parking demand of UCFB and then make a reasoned decision of whether or not the City Council desires to impose parking requirements or any other related terms in a freely negotiated lease of City-owned property.
6. The intensity and degree to which odors generated by beer brewing might be considered pleasant or offensive was subject to much discussion at the HDC hearing. The brewery might result in a pleasant, mild aroma of fresh-baked bread as some suggested. But even the smell of fresh-baked bread can be overwhelming and unwelcome in certain contexts. The record

<sup>3</sup> By the name alone, one might well have thought "Firehouse and Brew" was a proposed candle and coffee shop. While each of the five City Councilmembers, the City Manager, and presumably at least some City staff were well aware during the Barley Barn appeal hearing on January 11, 2022, that the Council had decided to pursue a brewery and beer-serving retail business just three blocks away from the Barley Barn site, the Barley Barn appellants were unaware of the UCFB business model and were, therefore, unable to know about or consider the cumulative impact implications of UCFB as a reasonably foreseeable project. At no time during staff's presentation during the Barley Barn appeal hearing – even during staff's presentation of predicted future cumulative parking demand and parking availability in the Historic District – was there any mention by staff or the City Council of the USFB Project.

March 10, 2023

clearly indicates the brewing operation will create odors and hence the need for odor control provisions. If odors associated with UCFB brewing do create a nuisance, one administrative remedy would be to request investigation and action by the City Code Enforcement Officer in a nuisance complaint. However, Code Enforcement Officer decisions are not always sufficient to address ongoing nuisance, and it is important that the City have an available process to appeal Code Enforcement Officer decisions to the City Manager and ultimately the City Council to seek administrative remedy. Although FMC section 2.08.060 contains such an administrative appeal process, the City Manager has taken the position in a recent FMC-violating camping situation that Code Enforcement Officer determinations are final and unappealable and that an aggrieved party's only option if dissatisfied by the Code Enforcement Officer's determination is to seek a remedy in court (Attachment D). I suggest this is a misinterpretation of the FMC and that the FMC appeals process should be interpreted as applicable to code enforcement matters. Therefore, my appeal seeks to gain City Council assurance that FMC section 2.08.060 must be interpreted to allow for third-party complaints expressing legitimate code violation and/or nuisance complaints and to allow for appeal to the City Manager and City Council, if necessary, for administrative remedy.<sup>4</sup>

7. The UCFB project does not qualify for a CEQA exemption. The HDC's decision claimed the CEQA Class 1 and Class 3 exemptions. Notably, the staff report to the HDC contains some three pages of argument focused entirely on whether any of the *exceptions* to the exemptions apply, yet with no discussion of how the Project fits within either a Class 1 or Class 3 exemption.<sup>5</sup>
  - a. The CEQA Class 1 exemption (CEQA Guidelines Section 15301, Existing Facilities) is limited to projects involving, "*the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use*" and further defines, "*[t]he key consideration is whether the project involves negligible or no expansion of use.*" The project fails on its face to qualify for this exemption. The Project would introduce both a beer-brewing operation and a retail beer-serving establishment inside and on a patio outside of a currently vacant space and which in the past has had no use anywhere close to the intensity of use that the UCFB Project would bring to the building. To be clear, that is not a negative observation about the Project; the increased use is exactly what the applicant and the City are looking to achieve. However, it does mean that the Project is not eligible for the Class 1 exemption. Staff's assessment provided no explanation or rationale for how the Project might conceivably fit within the Class 1 category; and it simply does not qualify.
  - b. The CEQA Class 3 exemption (CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures) is limited to "*small structures.*" Section 15303 specifically discusses that the building and size limitations are to be interpreted as the *maximum allowable on any legal parcel* and specifies commercial buildings "*not exceeding 10,000 square feet in floor area.*" The structure at 905 Leidesdorff within which UCFB is proposed to be located has a footprint and first floor area of some 30,000

<sup>4</sup> And I still would like the opportunity to appeal the Code Enforcement Officer's determination in the FMC-violating camping situation noted in Attachment D.

<sup>5</sup> Staff's sole focus on the *exceptions to the exemptions* without addressing the applicability of the exemptions is akin to attempting a belt-and-suspenders approach but forgetting to put pants on.



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square feet and, when the additional floors (parking levels) are accounted for, a total floor area of what must be nearly 100,000 square feet.<sup>6</sup> Notably, the staff report to the HDC did not identify the total floor area of 905 Leidesdorff, nor did the staff report address the number or size of other buildings that are also located on the same legal parcel. Staff's assessment provided no explanation or rationale for how the building within which the UCFB would be located might conceivably be considered a "small structure" under the Class 3 exemption. Furthermore, even if the City were to successfully argue that the structure qualifies as small, the Project still would not meet the Class 3 criteria of "*conversion of existing small structures from one use to another.*" First, the Project would not change the use of the parking garage to another use. Second, there is no existing use in the vacant space that would be changed to another use; the space is currently unused. Thus, the Project would convert that space from *no* use to *a* use which is not covered by the Class 3 small structure conversion exemption.

8. Even if the Project were to qualify for one of the claimed CEQA exemptions, which it does not as discussed above, exceptions to the exemptions would disqualify the Project from a CEQA exemption as indicated by the Project's potential to result in significant environmental effects, cumulative impacts, and impacts to historic resources. Examples are below:
  - a. The Project's contribution to daily and peak-hour vehicle trip volumes on streets within the Project area have not been assessed or disclosed in the City's evaluation. Although traffic congestion is not a CEQA impact, an understanding of existing and Project-related vehicle trips is essential for meaningful consideration of the Project's vehicle trip-related public safety, air quality, noise, and other impacts to Historic District businesses, visitors, and residents and to understand if there are any locations and/or time periods during which Project trips would exacerbate traffic conditions in a manner that would affect motorist, bicyclist, and/or pedestrian circulation or safety. The City's Local Road Safety Plan (adopted by City Council June 2021) identifies that key contributing factors to severe and fatal automobile collisions in the City are associated with irresponsible driver behavior including speeding and driving under the influence of alcohol. It is also evident that irresponsible driver behavior in the City is a substantial and increasing public safety concern. According to "Pedestrian Traffic Fatalities by State" (2021), "*[i]t is well established that alcohol consumption can lead to impairment for both drivers and pedestrians. Drunk driving remains a pervasive highway safety threat to all road users.*" Increased enforcement of driver infractions is identified in the City's Local Road Safety Plan as an important element in reducing severe and fatal collisions; yet, the City appears to have limited ability (or chooses otherwise) to increase Police Department traffic enforcement division staffing. The ample and increasing opportunities for alcohol consumption in the Historic District, the interaction of motorists and pedestrians in the Sutter Street and Leidesdorff Street business areas as well as in adjacent Historic District residential neighborhoods, and the increasing egregious behavior of some drivers must be considered by the Council in terms of a public safety impacts and to assess ways in which the City can both benefit from leasing its retail space to a brewery while identifying measures to ensure that public safety risks are not exacerbated by the proposed use.<sup>7</sup>

<sup>6</sup> I have requested, but do not find the actual square footage of the structure anywhere in the record.

<sup>7</sup> It is disappointing to know that while this Project has apparently been sitting idle awaiting the outcome of Barley Barn litigation, staff did not take that opportunity to bring this Project to the Traffic Safety Committee for

March 10, 2023

- b. The Project proposes to modify the exterior of the 905 Leidesdorff structure with changes to doors and ventilation, but without the specificity and degree of certainty needed to understand the effects of those modifications on the aesthetics/visual appearance of the structure and its context within the larger parcel and adjacent historic resources. The HDC's decision failed to fully define or disclose the actual modifications that would be made to the exterior of the City-owned parking structure. Apparently, some sort of ventilation exhaust structure is needed and the HDC's decision lacked detail on its design deciding something along the lines of *the taller the better, as long as it's not visible to the public*. This approach is insufficient in terms of understanding the visual changes and visual impacts of the Project and the idea that the exhaust ventilation can avoid public visibility is likely infeasible since the rooftop of the parking structure is a public space and anything on it is visible to the public. The City has not sufficiently defined the Project's proposed exterior modifications or appearance providing neither the City nor anyone else the ability to meaningfully assess the degree of visual impact of the Project.
- c. The City did not analyze the odor potential of the Project and merely discussed it. The City's *discussion* of potential odors and whether the Project would result in significant odor impacts would be significant appears to be predicated on the premise that: 1) design measures that are ostensibly intended to minimize odors, but without any evaluation of the magnitude or dispersion of odors generated by the brewing and waste disposal process; 2) the expectation that the odors generated by the project will smell like fresh-baked bread (and perhaps Snook's chocolates) with no consideration of the fact that even odors that might typically be thought of as pleasant by most people can still cause a nuisance to many<sup>8</sup>; and 3) since there are other industries in Folsom that generate odors, more can be added without adverse impacts. The *analysis* doesn't hold water.<sup>9</sup> A meaningful analysis of the potential intensity and dispersion of odors from the brewing process and wastewater, and the proximity of existing and anticipated future odor-sensitive receptors in the Project area is needed. It is likely that feasible odor mitigation could be designed and implemented, but to ensure significant odor impacts are avoided, such mitigation would need to include a performance standard against which odors can be measured and managed. Otherwise, the City has insufficient basis for determining that significant odor impacts would not occur.
- d. In attempting to defend the claimed CEQA exemptions, the staff report to the HDC stated that, "the existing building is not listed on the City's Cultural Resource Inventory List nor any other State or Federal historic or cultural resource inventory or list." The staff report failed to advise the HDC that the Project is located on a parcel containing at least two resources listed on the City's Cultural Resource's Inventory List (Attachment E), both of which are identified as National Register properties on the City's inventory (see locations on figure below):

*5. SVRR/CPRR turntable site on Railroad Block, National Register Property, factual dates 1856, 1867, 1900. Archaeological deposits on Railroad Block, circa 1856-1870.*

consideration and possible recommendations of potential measures to aid in driver, bicyclist, and pedestrian safety in light of expected increased travel and visitation associated with the Project.

<sup>8</sup> Not unlike music. I'm a huge Dave Matthews fan, but there are certainly times when, if played to loudly or in an unwanted circumstance, even DMB would be adverse.

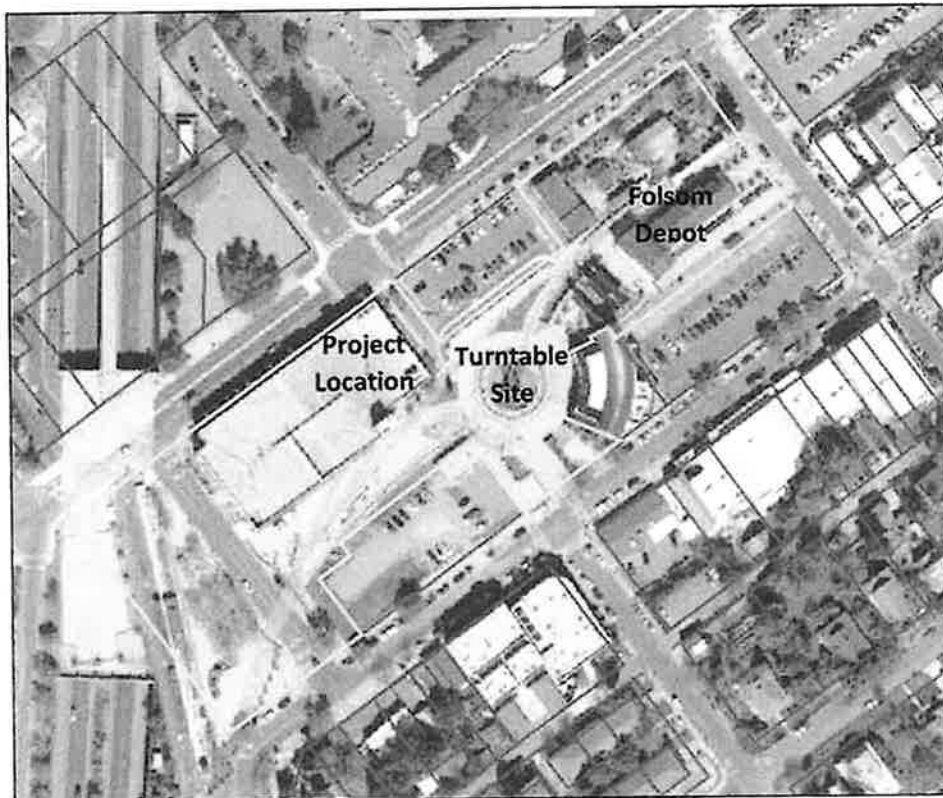
<sup>9</sup> Or, to stay on theme, beer.

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*9. Folsom Depot, National Register Property, factual 1906.*

It is unclear that the HDC considered, or was even aware, of these resources and the Project's potential to adversely affect historic properties through potentially inconsistent architectural modifications to the 905 Leidesdorff structure. Public testimony by Loretta Hettinger (Heritage Preservation League of Folsom Board Member) during the HDC hearing advised the HDC that the glass doors proposed for UCFB would be incompatible with the historic design. It is understood that the building itself is not historic; it is a modern building with carefully designed architecture to fit within the historic context of the property and the Historic District. Yet, it appears that no meaningful consideration of how the Project's incompletely described exterior modifications (e.g., roll-up or foldable glass doors, exterior ventilation of some shape or form, etc.) might affect the historic architectural intent of the parking structure and might create incompatibilities and detract from the historic qualities of the two listed historic resources that are located near, and on the same parcel as, the Project. Uncertainties regarding the appearance of exterior modifications render City decisionmakers unable to determine that the Project would not result in adverse effects on adjacent historic properties within the Project parcel and prevent the public's ability to understand and provided input on those potential effects.

**Project Parcel, Project Location, and Historic Resources per  
City of Folsom Cultural Resource's Inventory List**



Base Image and Parcel Delineation (yellow/blue) Source: Sacramento County Assessor's Office Parcel Viewer, March 2023.

9. Project-related vehicle trips would increase traffic noise in the Historic District through the increased vehicle travel associated with workers and customers to and from the Project. Additionally, the City is experiencing proliferation of vehicles that have been intentionally

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modified to increase exhaust noise and travel of these vehicles to/from and through the Historic District is creating an increasing impact on the health, safety, and welfare of Historic District residents. The General Plan Program Environmental Impact Report (“PEIR”)<sup>10</sup> identified Impact NSE-1, “Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project” as an impact associated with development under the City of Folsom General Plan.<sup>11</sup> The PEIR concluded that the impact was significant and unavoidable even with implementation of mitigation. Mitigation Measure N-1, adopted by the City on certifying the PEIR and adopting the General Plan required Implementation Program SN-1 to be added to the General Plan implementation program. Implementation Program SN-1, “Adopt a Noise Reduction Program,” specifies the following with implementation to begin by 2021:

*The City shall adopt a citywide noise reduction program to reduce traffic noise levels along roadways where significant increases in traffic noise levels are expected to occur. The program shall include, but shall not be limited to, the following specific elements for noise abatement consideration where reasonable and feasible:*

- *Noise barrier retrofits*
- *Truck usage restrictions*
- *Reduction of speed limits*
- *Use of quieter paving materials*
- *Building façade sound insulation*
- *Traffic calming*
- *Additional enforcement of speed limits and exhaust noise laws*
- *Signal timing.*

It has been clear from recent annual General Plan status updates to the City Council, that the City has not undertaken additional enforcement of exhaust noise laws. While that may be because the City is unwilling or unable to pursue increased enforcement, the City nevertheless must acknowledge that in not implementing vehicle exhaust noise abatement as required by General Plan mitigation measures, the significant and unavoidable noise impact identified in the General Plan PEIR will significantly increase as compared to the degree of impact that would be expected if the City were to fully implement Measure SN-1’s requirements for additional enforcement of vehicle exhaust noise laws.

## CONCLUSION

As a resident of the Historic District, I frequently walk and ride my bicycle near 905 Leidesdorff to access trails along Lake Natoma. In the summer, I enjoy the opportunity to paddle my kayak and paddleboard on Lake Natoma (less than 650 feet from 905 Leidesdorff) at all times of the day and especially enjoy the calm water and fresh air of early mornings. I visit the farmers

<sup>10</sup> *Folsom General Plan 2035 Final Program Environmental Impact Report* dated May 2018, incorporated in its entirety, including the Draft EIR, to this letter by reference.

<sup>11</sup> *Folsom General Plan 2035* adopted August 28, 2018, incorporated in its entirety to this letter by reference.

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market held on the same parcel and immediately adjacent to 905 Leidesdorff. I visit restaurants and enjoy dining on outdoor patios near 905 Leidesdorff. Odors, vehicle noise, diminished quality of historic resources, and other potential impacts of the Project would have direct and adverse effects on my health, safety, and welfare, and on my private property rights.

For the reasons explained in this letter, I request that the City Council take a closer look at this Project, the City's land use enforcement practices, and CDD's patterns and practices in processing applications. Again, notwithstanding this appeal, I am committed to doing what I can to help minimize potential delays in a final decision on UCFB and urge the City Manager and City Council to do the same while addressing the concerns in my appeal.

Sincerely,



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

#### **LIST OF ATTACHMENTS**

Attachment A. March 1, 2023, Bob Delp letter to Historic District Commission "Subject: Uncle Charlie's Firehouse and Brew (PN 22-158) Comments to HDC for March 1, 2023 Hearing" including:

Attachment 1. Questions to Community Development Department Feb 27, 2023, Bob Delp Letter to Pam Johns "Subject: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information", and

Attachment 2. Additional Questions to Community Development Department Feb 28, 2023, Bob Delp Email to Pam Johns "Re Uncle Charlies".

Attachment B. Bob Delp emails to Pam Johns between January 10, 2023, and March 1, 2023, requesting information on the status of Barley Barn building permit application and requesting verification that the Barley Barn entitlements are null and void.

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

Attachment D. Bob Delp emails and letter to City Manager Elaine Andersen "Subject: Request for Enforcement of FMC Camping Prohibitions at \_\_\_ Mountain View Drive."

Attachment E. "City of Folsom Preliminary Cultural Resources Inventory" (Appendix D of "City of Folsom Historic Preservation Master Plan" November 5, 1998.)

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### **Attachment A**

March 1, 2023, Bob Delp letter to Historic District Commission "Subject: Uncle Charlie's Firehouse and Brew (PN 22-158) Comments to HDC for March 1, 2023 Hearing" including:

Attachment 1. Questions to Community Development Department Feb 27, 2023, Bob Delp Letter to Pam Johns "Subject: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information", and

Attachment 2. Additional Questions to Community Development Department Feb 28, 2023, Bob Delp Email to Pam Johns "Re Uncle Charlies".

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

**SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Comments to HDC for March 1, 2023 Hearing**

Dear Historic District Commissioners:

One February 26, 2023, I became aware of a staff report issued for the subject project. On February 27<sup>th</sup>, I submitted a list of questions and concerns to the Community Development Department (Attachment 1) and on February 28<sup>th</sup>, after CDD made certain application materials available that had not been previously available, I provided additional questions about the application to CDD. As of 11 a.m. today, the day you are scheduled to conduct a hearing on the project, I have received no feedback from CDD on my questions (with the exception of Ms. John's advisory that the application materials were now available on CDD webpage and advising that her staff would respond to my questions).

Please understand that although the staff report has a section "Public Comments," to my knowledge the project as currently proposed was never circulated for public review and comment prior to publication of the staff report. While my comments may seem late in coming, I have previously been given no opportunity to comment until publication of the staff report dated March 1, 2023, which I saw for the first time on February 26<sup>th</sup>.

To allow for fully informed public review and input on the project, I am requesting that the HDC Chair postpone a hearing on this item to allow time for staff to address important issues associated with this project that are currently not addressed in the staff report. In the event that the hearing proceeds tonight, my attached questions and comments to Ms. Johns are now provided for the HDC's consideration to the extent the HDC feels they may be relevant to your deliberations. Furthermore, I reserve the right to submit additional comments on any future hearing conducted by the HDC or any future appeal or other hearing conducted by the City Council on this project.

In addition to the attached, I have the following comments for your consideration:

1. As presented by staff, the CUP approval in the absence of any reference to a lease would appear to provide an entitlement and commit the City to allowing the use and essentially requiring the City to lease the site to Uncle Charlie's with little or no negotiation. I suggest that a condition of approval be added to avoid that and ensure that the CUP is contingent on, and subordinate to, any lease that the City Council may choose to execute. Something like: *"The entitlements granted by this approval shall be contingent on, and subordinate to all terms and conditions of, a lease for use of the space between the City Council and the permittee. The duration of the CUP granted by this approval shall be limited to the duration of any lease, or extension thereof, approved by the City Council and may be revoked for any reason at the discretion of the City Council."*
2. Staff's discussion of parking issues fails to identify an actual predicted parking demand for the project. Regardless of whether the City has the ability to impose minimum parking standards (a limitation asserted in staff's analysis), an understanding of the project's actual parking demand is essential to understanding the project's effect on vehicle and pedestrian circulation and safety within the Historic District and is, therefore,

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essential to the decisionmakers ability to make the findings required for issuance of a CUP. Please do not make an approval decision for this project without a clear understanding of the project's parking demand.

3. Staff's assertion that the City is limited in its ability to impose minimum parking standards fails to acknowledge that the space to be occupied by the project is City-owned and the City has full exercise of discretion of how that space is used and the terms of any lease that may be executed for the space. Surely, the City has the authority to decline to enter into a lease if the applicant is unwilling or unable to meet any requirement that the City seeks to impose, including providing parking. I do not assert that the project needs to provide parking or that the City Council should require the project to provide parking; and only assert that staff appears to be improperly limiting the City's authority over the use of City-owned property. Councilmember Kozlowski recently engaged in discussion with the City Attorney during a City Council meeting asking the City Attorney to think about creative ways that parking could be addressed in the Historic District in light of the restrictions imposed by state law. Staff's approach to imposing state law parking restrictions on a freely negotiated lease of City property appears to be about as uncreative as one could imagine.
4. Condition of Approval 20 states: "*Hours of operation (including private parties) shall be limited as follows: Wednesday-Sunday: 12:00 p.m. to 10:00 p.m. 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 discretionary Conditional Use Permit Modification.*" Yet the staff report discusses that brewing would occur on Mondays and Tuesdays. Brewing is a component of the operation, therefore, there needs to be a condition of approval specifying allowing brewing days. Furthermore, the staff report provides no basis for limiting the days of customer visitation to Wednesday-Sunday. If the owner wants to avoid subjecting customers to brewing odors, the owner should be left to decide whether or not to be open on Mondays and Tuesdays.
5. The staff report acknowledges that the project has the potential to result in significant odors and, without any analysis, provides mitigation ostensibly intended to address odor impacts. The surrounding land uses both on the remainder of the City-owned property and nearby involve a substantial number of people (e.g., amphitheater, seasonal skating rink and City Christmas tree, farmers market, outdoor dining, residences with balconies) that would be affected by any objectionable odors emitted by the project brewing operations and waste systems. The staff report provides no analysis of the degree of anticipated impact nor the effectiveness of mitigation measures recommended by staff. An evaluation of potential odor impacts is needed. Given staff's (and perhaps also the Sac Metro Air District in comments that have not been shared with the public) acknowledgement of potential odor impacts and imposition of mitigation, the project does not qualify for a CEQA exemption.
6. By the applicant's acknowledgement on the application form, the project would result in "substantial change in demand for municipal services (police, fire, water, sewage, etc.)" but without any additional explanation by the applicant or evaluation by staff. For compliance with CEQA, and evaluation of the project's demand for municipal services must be provided.
7. According to the application, "[t]he subject property is listed on the Hazardous Waste and Substances Sites List" per Gov Code 65962.5. CEQA statute 21084(d) expressly



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prohibits using a categorical exemption on "d) *A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a).*" CEQA Guidelines 15300.2, Exceptions, subdivision "e" reiterates that a "*categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*" Given the application's statement that the project is on a Gov Code 65962.5 site and no information presented to the contrary, the project is ineligible for a CEQA exemption.

Sincerely,



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

March 1, 2023

**Attachment 1**  
**Questions to Community Development Department Feb 27, 2023**

February 27, 2023

City of Folsom Community Development Department  
 Ms. Pam Johns, Director  
 50 Natoma Street  
 Folsom, CA 95630  
 via email to: [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)

**SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information**

Dear Ms. Johns:

Item 3 of the Historic District Commission's March 1, 2023, meeting is "Uncle Charlie's Firehouse and Brew" (PN 22-158). To my knowledge, the Community Development Department's "Pending Development Applications" has never included and, as of 11am this morning (screenshot at end of letter), still does not include Uncle Charlie's as a pending development application.

As stated on the CDD webpage, the webpage is to include "those pending applications for discretionary planning entitlements that require a public meeting or hearing with the Planning Commission or Historic District Commission". A CUP and design review for the Uncle Charlie's project fits squarely into that category of projects. Yet, project information was not made available to the general public until release of CDD's staff report to the HDC dated March 1, 2023 (I saw it last night, Feb 26th, for the first time by checking the HDC's March 1 meeting agenda packet; posted on Feb 23rd or 24th, in any case, just a few days ago). Even with the recent availability of the staff report, the staff report does not provide the complete application nor does it include fully legible information that ostensibly defines much of what the HDC is being asked to approve (for example, see illegible graphics in staff report at Figures 2, 3, 4 and Attachment 6).

To allow for fully informed public review and input on the project, I am requesting that you postpone the HDC hearing on this item to allow CDD to post the complete application and fully legible materials on the Pending Development Applications webpage in advance of scheduling this item on a future HDC agenda.

On initial review of the staff report, I have the following questions for which I am hoping you can provide feedback; ideally, by addressing them in a revised staff report and allowing ample time for public review prior to an HDC hearing.

1. Can you please provide, or post to the Pending Development Applications webpage, the complete application, including all information required for CUP and design review applications (title report, notification map, etc.)?
2. Can you please provide information/records for when the public was notified that that City Council made the discretionary decision to lease the space to Uncle Charlies for use as a brewery? (According to the recent staff report, that discretionary decision was made by the Council on Nov 9, 2021, when "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." That November 9, 2021, Council meeting was a Closed Session meeting with no minutes recorded and no announcement following the session pertaining to the Uncle Charlie's lease decision. I am aware of no public announcement or notice since that time of the Council's close session decision, nor of any CEQA document or notice of exemption filed for the discretionary Council decision that was made in closed session and never

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announced to the public. To my knowledge, the first time that a member of the general public was notified and could have been aware of the Council's decision was publication of the CDD staff report dated March 1, 2023.)

3. Did all of the then-councilmembers participate in the Nov 9, 2021, discussion and the discretionary decision made by the Council to enter into a lease with Uncle Charlie's or did any councilmembers recuse themselves due to potential conflicts of interest (for instance, due to owning a business nearby that might benefit financially from leasing the space for use as a brewery)? Did the City Attorney during the closed session provide any guidance to Councilmembers present regarding whether they should recuse themselves due to potential conflicts?
4. Can you provide the square footage of the existing parking structure that would be modified by this proposal? (The staff report references an "existing 3,322-square-foot building" located within the first floor of the parking structure. This seems akin to referring to a portion of my house, say, my living room, as a building. The staff report should be corrected to reflect that the project is proposed to be located within a 3,322 sf portion of the larger parking structure building and the total square footage of the parking structure should be identified.)
5. Can you explain by what provision in the Folsom Municipal Code the HDC obtains the authority to 1) approve a private entity to make modifications to existing City-owned buildings and 2) approve use of an existing City-owned building by a private entity? (The staff report and recommendation that the HDC approve design review and a CUP to a private party seemingly disregards the fact that this project would be on City-owned property – both within a City-owned building and on what Sacramento County assessor's office identifies as a nearly 4.5-acre parcel. Both of these items would fit squarely within the HDC's role authorized by the FMC as "advisory" to the Council, whereby the HDC might properly review the proposed project and provide a recommendation to the City Council and the City Council would then make a final decision regarding building modifications, a CUP, and a lease for City-owned property. This would allow, for example, the CUP and lease to be linked by permitted use and duration which are important terms for both a CUP and a lease that should not be separately decided by two different decision-making bodies. The CUP as currently recommended by staff has no duration or relationship to lease terms established, or that may be established, by the City Council. Additionally, without understanding the lease terms that have been or will be established by the Council, the HDC has no basis on which to understand whether the building modifications would be acceptable to the City Council. The City Council should make the final decision regarding modifications to City-owned buildings; not the HDC.)
6. Can you please produce a staff report with legible figures and labels so the public and decisionmakers can understand what changes are proposed to the building? (Figures 2, 3, and 4, and Attachment 6 sheet A-1 are impossible to decipher in terms of existing structure and proposed modifications, and yet these figures would serve as the basis for illustrating and defining the recommended approval, so they need to be fully legible.)
7. Can you clarify CDD's interpretation of "parking available to serve the project"? (The staff report states, "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaced in a nearby Railroad Block public parking lot." These 368 public parking spaces are available for use by existing business employees, light-rail users, Historic District visitors, etc., under existing conditions.

February 27, 2023

Unless these spaces are specifically allocated “to serve the” project, the staff report should be revised to clarify that these are shared spaces available on a first-come/first-served basis that “may be available” when not occupied by others.)

8. Can you please clarify how many parking spaces the project would provide? (If the answer is “zero,” the staff report should clearly state that. As currently written the staff report misleadingly states that, “the project exceeds the minimum parking requirement by providing 318 permanent parking spaces.” If the project proposes to provide 318 parking spaces, please describe where these spaces will be located.)
9. Can you please clarify the proposed hours of operation – both in terms of when the business would be open to serve the public and when the business would operate for the production of beer. Page 12 of the staff report (HDC packet page 124) discusses that one of the mitigating factors for potential odor impacts is that brewing times would be scheduled for Mondays and Tuesdays only. Yet, the “hours of operation” for the project (on that same page) are listed as 12pm to 10pm Wednesday through Sunday implying no operations on Mondays and Tuesdays. It appears that references to operations Wednesday through Sunday is intended to mean when the brewery would be open to the public; and that operations for brewing beer would be permitted to occur on Mondays and Tuesdays (during “daytime hours for greater odor dispersion” – a less-than-clear definition of permitted brewing hours). Clarification of the actual proposed hours of operation is needed with differentiation between hours when open to the public and hours when brewing is allowed.
10. Can you please explain what odor impacts are anticipated to result from the project? The “Odor Impacts” discussion (pg. 12 of staff report; HDC packet pg. 124) discusses release of steam and “other byproducts” from a vent in the roof, but doesn’t explain the source, type, or intensity of anticipated odor sources (e.g., with the brewing process and byproduct simply generate a new mildly noticeable odor or will it stink to high hell several blocks away from the operation?) A bullet list of six items (five on packet pg. 124, one on pg. 125) is provided that appears to be mitigation-like measures to address odor impacts. Although no analysis of odor impacts is provided, a list qualitative requirements is apparently thought by staff to be sufficient to reduce whatever the odor impacts would be. Scheduling brewing times on Mondays and Tuesdays, when the operation would not be open to the public, as an odor impact mitigation measure implies that there is some anticipated odor that would be offensive to the public during brewing. Yet, while closing the business to customers during periods of brewing would avoid customer exposure, it would do nothing to reduce odor emissions and odor impacts to surrounding residents, businesses, and Historic District visitors. Odor impacts to adjacent existing and approved but not yet developed land uses (including residences), must be evaluated. The potential for significant odor impacts that need mitigation clearly creates an unusual circumstance associated with the proposed use creating a reasonable possibility that the project will have a significant air quality/odor impact. The project’s potential odor impacts, unevaluated at present but acknowledged as requiring mitigation, creates an exception to the staff-asserted CEQA exemptions, and a full analysis of potential odor sources and the impacts to surrounding sensitive receptors is needed.
11. Can you provide copies of all comments from public agencies received on the project? The staff report references “recommendations provided by the Sacramento Air Quality Management District”, but the staff report does not provide documentation of any comments provided by SMAQMD. It is also unclear as to when and how agency review and input on the project was solicited.

February 27, 2023

12. Has the CDD fully assessed the City obligations and liabilities associated with leasing this portion of the building to a private entity and for selling alcohol at a City-owned property? For air permits and possibly other regulatory permits, would the City, as the building/property owner have obligations or liabilities associated with compliance? Also, Banks' email to Joan Walter (packet pg. 175) references that he will follow-up regarding potential storage of hazardous materials, but I do not see follow-up or resolution of that issue in the staff report. Are hazardous materials – or even just obnoxious/nuisance materials (e.g., odor-causing byproducts) – associated with the project and, if so, what is the City's liability associated with such use? Issues of liability would appear to be well outside of the purview of the HDC, yet very relevant in a decision of whether or not to approve a CUP for the project. So, again, I question whether the HDC should be asked to approve or simply asked to serve in its more appropriate advisory function to the Council.

Sincerely,



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

**Community Development Department "Pending Development Applications" Webpage List of Projects as of 11am, Feb 27, 2023**

|                                                                                    |   |
|------------------------------------------------------------------------------------|---|
| <b>UPDATED PROJECT: 603 Sutter Street Mixed Use Project (February 2023)</b>        | > |
| <b>Vintage at Folsom Senior Apartments</b>                                         | > |
| <b>Folsom Corporate Center Apartments</b>                                          | > |
| <b>Barley Barn (previously Folsom Prison Brews)</b>                                | > |
| <b>Barley Barn Tap House Appeals</b>                                               | > |
| <b>Russell Ranch Phase 2 Lots 24 through 32 Minor Administrative Modifications</b> | > |
| <b>Dignity Health Folsom Ranch Medical Center</b>                                  | > |
| <b>Alder Creek Apartments Project</b>                                              | > |
| <b>Dignity Health Campus Project</b>                                               | > |
| <b>AT&amp;T Livermore Park Monopine Cellular Site</b>                              | > |
| <b>Kaiser Medical Office Building</b>                                              | > |
| <b>311 Coloma Street</b>                                                           | > |

March 1, 2023

**Attachment 2**

**Additional Questions to Community Development Department Feb 28, 2023**

**Re: Uncle Charlies****Bob Delp <bdelp@live.com>**

Tue 2/28/2023 6:03 PM

To: Pam Johns &lt;pjohns@folsom.ca.us&gt;

Cc: Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; danwestmit@yahoo.com <danwestmit@yahoo.com>; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john\_carrie\_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>

Thank you, Pam. Per review of the application materials now on the Pending Development Projects webpage, I have a few additional questions that I'm hoping can also be answered:

The application notes that the project is requesting a zone change from HD/C2 to M2. The General Info page also identifies "Rezone" as one of the requested entitlements. That's not discussed in the staff report, but is the project requesting to change the zoning of the parcel?

The application is to include the Property Owner's Signature, but that portion of the application is left blank. Isn't it necessary to have the property owner's signature for a building modification and CUP?

The question "Change in dust, ash, smoke, fumes, or odors in vicinity" is marked **YES** on the application, in which case additional explanation is to be provided with the application. I do not see that in the posted materials; where can I find that information?

The question "Substantial change in demand for municipal services (police, fire, water, sewage, etc.)" is marked **YES**, in which case additional explanation is to be provided with the application. I don't doubt that the answer is correctly identified as yes. There are likely additional police and fire protections needed for this operation, and I expect also increased water supply and wastewater conveyance utilities that weren't installed for the parking garage. However, notwithstanding the application's acknowledgement that the project would result in a substantial change in demand for services, I do not see any information about public services or utilities in the posted materials nor any attempt in the staff report to identify or evaluate the increased demand; where can I find that information?

The HazWaste Disclosure marks that "The subject property **IS** listed on the Hazardous Waste and Substances Sites List" per Gov Code 65962.5. CEQA statute 21084(d) expressly prohibits using a categorical exemption on "d) A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a)." CEQA Guidelines 15300.2, Exceptions, subdivision "e" reiterates that a "categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code." The application specifically states that the project **IS** on a Gov Code 65962.5 site. Why then is staff recommending that the project is exempt from CEQA?

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)



**From:** Pam Johns <pjohns@folsom.ca.us>  
**Sent:** Tuesday, February 28, 2023 1:24 PM  
**To:** Bob Delp <bdelp@LIVE.COM>  
**Cc:** Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; danwestmit@yahoo.com <danwestmit@yahoo.com>; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john\_carrie\_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>  
**Subject:** RE: Uncle Charlies

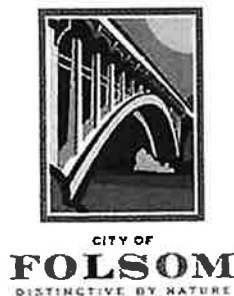
Hi Bob,

Thank you for your comments. As always, we'll be sure to include your letter as part of the public comments received and will be prepared to address comments and questions at the Commission meeting on Wednesday.

We have posted the project information to the City's website under pending applications, which is not a requirement but is our practice. The project was previously posted and we're not sure when or how it was removed but we have re-posted the application materials.

Steve Banks will follow up to provide the additional information you requested.

Pam



## Pam Johns

*Community Development Director*

**City of Folsom**

50 Natoma Street, Folsom, CA 95630

[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)

o: 916-461-6205 c: 916-764-0106

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

**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Monday, February 27, 2023 12:17 PM  
**To:** Pam Johns <pjohns@folsom.ca.us>  
**Cc:** Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com; danwestmit@yahoo.com; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john\_carrie\_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>  
**Subject:** Uncle Charlies

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Johns:

Please see attached letter requesting additional information regarding Uncle Charlie's Firehouse and Brew (PN 22-158) and requesting postponement of an HDC hearing on the project until sufficient information and time for public review is provided.

Thank you,  
-Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

March 10, 2023

### **Attachment B**

Bob Delp emails to Pam Johns between January 10, 2023, and March 1, 2023, requesting information on the status of Barley Barn building permit application and requesting verification that the Barley Barn entitlements are null and void.

**Re: Barley Barn Building Permit****Bob Delp <bdelp@live.com>**

Fri 3/3/2023 12:23 PM

To: Pam Johns &lt;pjohns@folsom.ca.us&gt;

Cc: Steven Wang &lt;swang@folsom.ca.us&gt;; Sari Dierking &lt;sdierking@folsom.ca.us&gt;; Elaine Andersen &lt;eandersen@folsom.ca.us&gt;; Scott Johnson &lt;sjohnson@folsom.ca.us&gt;; Rosario Rodriguez &lt;rrodriguez@folsom.ca.us&gt;; YK Chalamcherla &lt;ykchalamcherla@folsom.ca.us&gt;; Sarah Aquino &lt;saquino@folsom.ca.us&gt;; Mike Kozlowski &lt;mkozlowski@folsom.ca.us&gt;

Pam:

Again, I am asking for you to confirm that the approvals issued for Barley Barn are null and void. Although your email below states that it is your policy to not comment on active litigation, Mr. Banks' comments to the Historic District Commission on March 1, 2023, are 1) inconsistent with that policy, 2) incorrect in too many ways to list here, and 3) failed to advise the HDC that the Barley Barn approvals have expired.

I do think there would be benefit of implementing a policy of refraining your staff from commenting on active (or any other) litigation. For the record, Mr. Banks' comments, with Ms. Dierking's interjection are quoted below.

*Banks: I wanted to update you on the Barley Barn saga. As you are aware the project was approved by the Commission, it was appealed by the Heritage Preservation League. The judge denied the appeal. That decision was appealed... that decision of the first judge was appealed up to I believe a series of three judges who denied that appeal and I believe they have one more opportunity to appeal.*

*Dierking: They essentially asked one judge to look at it again. They asked for a new trial to look at the issue again. And that request was denied.*

*Banks: So we don't know if they're going to utilize another appeal process, but that's the latest on the legal realm of things on the Barley Barn project. And it's also one of the reasons why this applicant [apparently referring to Uncle Charlie's] held off on moving forward because they're using the same CEQA exemptions that Barley Barn used and they wanted that process to play out in the courts before they came forward to this Commission. And so we felt comfortable enough with two appeals being denied that they were in good shape to apply those same exemptions.*

Bob Delp

916-812-8122

[bdelp@live.com](mailto:bdelp@live.com)**From:** Bob Delp <bdelp@live.com>**Sent:** Thursday, February 23, 2023 7:44 AM**To:** Pam Johns <pjohns@folsom.ca.us>**Cc:** Steven Wang <swang@folsom.ca.us>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; YK Chalamcherla <ykchalamcherla@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>**Subject:** Re: Barley Barn Building Permit

Thank you, Pam.

To be clear, I am not asking about the Barley Barn CEQA litigation and would not expect you to comment on that. Instead, I am just asking you to acknowledge that the CUP and design review approvals are null and void pursuant to deadlines established by the municipal code and conditions of approval.

The Community Development Department must have a system for tracking active and expired approvals, and I am simply interested in confirming that the Barley Barn approval is properly categorized as expired.

Thank you,  
-Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Sent:** Wednesday, February 15, 2023 6:02 PM  
**To:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Cc:** Steven Wang <[swang@folsom.ca.us](mailto:swang@folsom.ca.us)>; Sari Dierking <[sdierking@folsom.ca.us](mailto:sdierking@folsom.ca.us)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Rosario Rodriguez <[rrodriguez@folsom.ca.us](mailto:rrodriguez@folsom.ca.us)>; YK Chalamcherla <[ykchalamcherla@folsom.ca.us](mailto:ykchalamcherla@folsom.ca.us)>; Sarah Aquino <[saquino@folsom.ca.us](mailto:saquino@folsom.ca.us)>; Mike Kozlowski <[mkozlowski@folsom.ca.us](mailto:mkozlowski@folsom.ca.us)>  
**Subject:** RE: Barley Barn Building Permit

Hi Bob,

It is the City's policy not to comment on active litigation.

Pam

**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Wednesday, February 15, 2023 8:27 AM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Cc:** Steven Wang <[swang@folsom.ca.us](mailto:swang@folsom.ca.us)>; Sari Dierking <[sdierking@folsom.ca.us](mailto:sdierking@folsom.ca.us)>; Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>; Scott Johnson <[sjohnson@folsom.ca.us](mailto:sjohnson@folsom.ca.us)>; Rosario Rodriguez <[rrodriguez@folsom.ca.us](mailto:rrodriguez@folsom.ca.us)>; YK Chalamcherla <[ykchalamcherla@folsom.ca.us](mailto:ykchalamcherla@folsom.ca.us)>; Sarah Aquino <[saquino@folsom.ca.us](mailto:saquino@folsom.ca.us)>; Mike Kozlowski <[mkozlowski@folsom.ca.us](mailto:mkozlowski@folsom.ca.us)>  
**Subject:** Re: Barley Barn Building Permit

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi, Pam. This is a reminder that after over a month since my original request I am still interested in your feedback regarding the Barley Barn project's null and void status.

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Wednesday, February 8, 2023 10:51 AM

To: Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
 Subject: Re: Barley Barn Building Permit

Hi, Pam. This is a reminder that I'm still interested in your feedback regarding the Barley Barn's null and void status.

Thank you,  
 -Bob Delp

Bob Delp  
 916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

From: Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
 Sent: Tuesday, January 31, 2023 8:05 AM  
 To: Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
 Subject: Re: Barley Barn Building Permit

Hi, Pam. Are you able to provide feedback on this?  
 Thanks,  
 -Bob

Bob Delp  
 916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

From: Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
 Sent: Wednesday, January 18, 2023 9:52 AM  
 To: Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
 Subject: Fw: Barley Barn Building Permit

Pam:

This is a reminder that I am awaiting your feedback on the Barley Barn's null and void status. Condition of Approval 3 and FMC 17.52.350 (both included below for ease of reference) are clear that the project approvals are null and void if the CUP hasn't been exercised or if a complete application for building permit hasn't been submitted within one year of approval and if no extension was granted by the HDC. You have confirmed that a building permit has not been submitted and I am aware of no request or action by the HDC to extend the approval. I realize Condition 3 states "null and void *without further action*," so I'm not asking or suggesting that you need to take any action on the expired project. But to close the loop, I would just like to have your reply confirming that status.

Thank you,  
 -Bob Delp

**Condition of Approval 3 (as adopted by HDC on Nov 18, 2021; and not modified by City Council in Jan 11, 2022 appeal hearing):**

*The project approvals (Conditional Use Permit and Design Review) granted under this staff report shall remain in effect for one year from final date of approval (November 18, 2022). If the Conditional Use Permit has not been exercised within the identified time frame prior to the expiration date and the applicant has not demonstrated substantial progress towards the development of the project, respectively, these approvals shall be considered null and void without further action. 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.*

**17.52.350 Expiration and extension of approval.**

*A. An approval by the historic district commission shall be null and void unless the applicant submits a complete application for a building permit within one year from the date of approval.*

*B. The historic district commission may extend an approval for an additional 1 year upon receipt of a written request accompanied by a fee, as may be established by resolution of the city council, and other information deemed necessary by the director of the department of planning, inspections and permitting. Requests for approval extension must be received 60 days prior to the expiration of the original approval. (Ord. 890 § 2 (part), 1998)*

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Wednesday, January 11, 2023 12:22 PM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Subject:** Re: Barley Barn Building Permit

Okay, thanks. Are the approvals null and void since it's been over a year?

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Sent:** Wednesday, January 11, 2023 10:35 AM  
**To:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Subject:** RE: Barley Barn Building Permit

Good morning, Bob.

I just checked the system and confirmed that we do not have any permit submittal for Barley Barn at 608 ½ Sutter Street.

Take care.

Pam

---

**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Wednesday, January 11, 2023 7:50 AM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Subject:** Re: Barley Barn Building Permit

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks, Pam. I've looked on eTrakit and I don't see any permit activity for 608½ Sutter Street. It's possible I'm not using the search correctly, so would appreciate if you can confirm when you have a chance.

Thank you,

-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

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**From:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Sent:** Tuesday, January 10, 2023 5:00 PM  
**To:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>  
**Subject:** RE: Barley Barn Building Permit

Happy New Year, Bob.

I am running out to grab a bite before City Council, but you can always search for permits in our system anytime you'd like. I've attached the instructions. If you prefer to have me look it up, I'll get back to you later this evening or early tomorrow.

Pam



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE



**Pam Johns**

*Community Development Director*

**City of Folsom**

50 Natoma Street, Folsom, CA 95630

[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)

o: 916-461-6205 c: 916-764-0106

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

**From:** Bob Delp <[bdelp@LIVE.COM](mailto:bdelp@LIVE.COM)>  
**Sent:** Tuesday, January 10, 2023 3:15 PM  
**To:** Pam Johns <[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)>  
**Subject:** Barley Barn Building Permit

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi and happy new year, Pam. Can you let me know if a building permit has been submitted for the Barley Barn project (PN19-174)?

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)



March 10, 2023

**Attachment C**

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

January 26, 2022

Ms. Elaine Andersen, City Manager  
Ms. Pam Johns, Community Development Director  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630

via email to: Elaine Andersen ([eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)); Pam Johns ([pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us))  
cc via email to: Steven Wang ([swang@folsom.ca.us](mailto:swang@folsom.ca.us)); Sari Dierking ([sdierking@folsom.ca.us](mailto:sdierking@folsom.ca.us))

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

Dear Ms. Andersen and Ms. Johns,

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

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

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

Sincerely,



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

March 10, 2023

### **Attachment D**

**Bob Delp emails and letter to City Manager Elaine Andersen "Subject: Request for Enforcement of FMC Camping Prohibitions at \_\_\_ Mountain View Drive."**

**RE: Request for Enforcement of FMC Camping Prohibitions**

Elaine Andersen &lt;eandersen@folsom.ca.us&gt;

Mon 10/17/2022 2:24 PM

To: Bob Delp &lt;bdelp@live.com&gt;

Cc: Christa Freemantle &lt;cfreemantle@folsom.ca.us&gt;; Steven Wang &lt;swang@folsom.ca.us&gt;; Pete Piccardo &lt;ppiccardo@folsom.ca.us&gt;

Hello, Bob. Thanks for reaching out. Code enforcement matters are between the Code Enforcement Officer and the person charged with the violation. No third party may influence the independent determination of the Code Enforcement Officer. If a third party wishes to challenge the alleged violator, that would be via an action against the alleged violator in court.

**Elaine Andersen***City Manager***City Manager's Office**

50 Natoma Street, Folsom, CA 95630

O: 916.461.6012



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[www.folsom.ca.us](http://www.folsom.ca.us)
**From:** Bob Delp <bdelp@live.com>**Sent:** Monday, October 17, 2022 12:21 PM**To:** Elaine Andersen <eandersen@folsom.ca.us>**Cc:** Christa Freemantle <cfreemantle@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>; Pete Piccardo <ppiccardo@folsom.ca.us>**Subject:** Re: Request for Enforcement of FMC Camping Prohibitions

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Andersen:

First, I want to express my appreciation to Mr. Piccardo for reaching out to me last Friday (Oct 14) regarding investigation into the █████ Mountain View Drive camping situation. Based on my discussion with him, I understand that Mr. Piccardo has determined the use of the travel trailer on the property is in violation of the City's camping ordinance at least in so far as the trailer does not comply with the required side yard separation from the street by a fence or hedge. (Mr. Piccardo also mentioned the need for a concrete pad to be in place under the trailer, although I do see that requirement in the code.) Mr. Piccardo said he is working with the property owner to "bring him into compliance," and my impression is that neither an order to remove the trailer nor an order to cease illegal camping has been issued.

I mentioned to Mr. Piccardo that I read the City Camping Ordinance (FMC Section 9.100) as relevant to this situation as prohibiting camping (including placement/use of a travel trailer) on a private property unless, among other requirements, there is a "residence" at the property with "residence" defined as used throughout the FMC to mean a residential dwelling structure not simply a residential property. Mr. Piccardo apparently does not make that determination. There is no need for Mr. Piccardo and I to debate these circumstances, and I appreciate his efforts and verification that camping on the property is currently being done in a manner that does not comply with the FMC.

By way of this email, I would like to know if the City Manager's determination is the same and Mr. Piccardo's both in terms of the camping violation and in terms of the steps being taken to address the violation. I know I have the option to appeal a staff-level determination to the City Manager and that I ultimately have the option to appeal the City Manager's determination to the City Council who may hear my appeal or may refer my appeal to an outside and independent hearing officer for adjudication. Presently, I am asking for: 1) confirmation that my summary above accurately reflects Mr. Piccardo's position on the situation or a written clarification of Mr. Piccardo's position if it varies from my summary, and 2) your input as City Manager of whether you concur with Mr. Piccardo's position so I can know if I should be appealing Mr. Piccardo's determination to you or if I should be appealing the determination to the City Council.

Thank you,  
 -Bob Delp  
 916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Bob Delp <[bdelp@live.com](mailto:bdelp@live.com)>  
**Sent:** Thursday, October 13, 2022 11:15 AM  
**To:** Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>  
**Cc:** Christa Freemantle <[cfreemantle@folsom.ca.us](mailto:cfreemantle@folsom.ca.us)>; Steven Wang <[swang@folsom.ca.us](mailto:swang@folsom.ca.us)>  
**Subject:** Re: Request for Enforcement of FMC Camping Prohibitions

Good morning, Elaine. Can you let me know the status of any City actions taken or planned in response to my Oct 6 request for enforcement of camping prohibitions at [REDACTED] Mountain View Drive?

Thank you,  
 -Bob

Bob Delp  
 916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

---

**From:** Bob Delp  
**Sent:** Thursday, October 6, 2022 3:04 PM  
**To:** Elaine Andersen <[eandersen@folsom.ca.us](mailto:eandersen@folsom.ca.us)>  
**Cc:** Christa Freemantle <[cfreemantle@folsom.ca.us](mailto:cfreemantle@folsom.ca.us)>; Steven Wang <[swang@folsom.ca.us](mailto:swang@folsom.ca.us)>; [REDACTED]  
**Subject:** Request for Enforcement of FMC Camping Prohibitions

Ms. Andersen:

Please see the attached request for enforcement of FMC camping prohibitions at [REDACTED] Mountain View Drive.

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

October 6, 2022

Ms. Elaine Andersen, City Manager  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630  
via email to: eandersen@folsom.ca.us

**SUBJECT: Request for Enforcement of FMC Camping Prohibitions at [REDACTED] Mountain View Drive**

Dear Ms. Andersen:

According to City records and an October 3, 2022, article in the Sacramento Bee, an individual claims to be living in a travel trailer at [REDACTED] Mountain View Drive at which property a residence is apparently under construction, but a completed and occupiable residence does not exist.

Residing in a travel trailer is defined as "camping" pursuant to Folsom Municipal Code (FMC) section 9.100.020. Camping "anywhere, within the City of Folsom, whether on public or private property" is prohibited by FMC section 9.100, except for certain limited circumstances none of which appear to apply in the present circumstance.

By way of this letter, I am requesting that the City Manager investigate the circumstances at this property and enforce FMC section 9.100 camping prohibitions as may be applicable and necessary to cease any camping at the property in violation of the FMC.

For reasons that need not be stated here and of which you will undoubtedly be aware, the situation in this instance has broader implications not limited solely to compliance with the City camping ordinance. Therefore, as a citizen of the City of Folsom, I urge you to take this matter seriously and act swiftly while giving strong deference to the plain language of the FMC.

If you have any questions regarding this request, please feel free to contact me at the email address below.

Sincerely,



Bob Delp  
City of Folsom Resident  
bdelp@live.com

cc: Ms. Christa Freemantle, City Clerk - cfreemantle@folsom.ca.us  
Steven Wang, City Attorney - swang@folsom.ca.us  
[REDACTED]

March 10, 2023

**Attachment E**

**“City of Folsom Preliminary Cultural Resources Inventory” (Appendix D of “City of Folsom Historic Preservation Master Plan” November 5, 1998.)**



**APPENDIX D**

**CITY OF FOLSOM**  
**PRELIMINARY CULTURAL RESOURCES**  
**INVENTORY**

**CITY OF FOLSOM**  
**PRELIMINARY CULTURAL RESOURCES INVENTORY**  
 (Numerical Index to Cultural Resources Map)

**Ethnographic Features – Native American**

1. BRM locations along American River below Rainbow Bridge

**Historical Buildings/ Structures/ Features – Transportation-Related**

2. Sacramento Valley Railroad Grade, factual date 1855
3. Granite Block Culvert beneath Folsom Boulevard near Willow Creek State Park, factual 1855
4. Alder Creek Trestle
5. SVRR/CPRR turntable site on Railroad Block, National Register Property, factual dates 1856, 1867, 1900.  
Archaeological deposits on Railroad Block, circa 1856-1870
6. Alder Creek Depot Building, circa 1890s
7. Station Master's House near Wye Junction, circa 1920s
8. Ashland Depot, National Register Property, circa 1860s
9. Folsom Depot, National Register Property, factual 1906
10. Kinsey Bridge Abutments, circa 1850s
11. Rainbow Bridge, NRHP eligible, factual 1917  
Steel Truss Bridge, factual 1983-1930
12. Sacramento, Placer and Nevada Railroad ROW, factual 1862  
Railroad grade along Oak Avenue Parkway near Cascade Falls
13. California Central ROW, Folsom to Lincoln Railroad grade  
Wye junction at Bidwell and Folsom Boulevard
14. Ashland townsite
15. Placerville and Sacramento Valley Railroad ROW
16. Folsom Dam
17. Stone building remnants

**Historical District Cultural /Architectural Resources**

18. Granite pillars from State Capitol grounds
19. Granite School, circa 1900
20. Figueroa Street Bridge, between Riley and Wool, factual 1916
21. Sutter Street Historic Commercial District, 600-900 blocks of Sutter Street  
Historic Residential Area
22. Emma's

**Historical Cemeteries and Churches:**

23. St. John's Catholic Church, est. circa 1855
24. Trinity Episcopal Church, est. circa 1860
25. Landmark Baptist Church, est. circa 1855
26. St. John's Catholic Cemetery, established circa 1855
27. Odd Fellows and Mason's Cemeteries, est. circa 1856  
Remainder of Lakeside Cemetery, est. circa 1850s
28. Chung Wah Cemetery, NRHP property, est. circa 1850s
29. Young Wo Cemetery, CHL, est. circa 1870s  
Mormon Island Cemetery

**Previously surveyed Structures:**

30. a) 305 Scott Street, Cohn House, NRHP property, factual 1860, alt. 1895  
b) 607 Sutter Street, original library, circa 1915  
c) 701 Sutter Street, Murer Gas Station, circa 1920  
d) 707, 709, 711, 713 Sutter Street, Commercial buildings, circa 1860  
e) 917, 921, 923 Sutter Street, Chinese Laundries and residences
31. Stockton Flour Mill site and remnant foundations, circa 1856
32. Giuseppe Murer House

**Historic Structures, Industrial/Energy**

33. Folsom Hydroelectric National Historic Landmark, CA-Sac-429H  
Powerhouse 1, NRHP Property, CHL, est. 1895  
Powerhouse 2, NRHP Property, CHL  
Twin Mines/ Gray Eagle Mine
34. Livermore sawmill foundation remnants and mill pond
35. Diversion Dam and Powerhouse, Folsom Prison  
Canal (1.5 miles) and main Gates, Livermore operation  
Gas plant archaeological remains, circa 1860  
Granite Quarry, Folsom Prison  
Other granite quarry sites
36. Aerojet and aerospace industrial operation

**Historic Features, Mining-related Resources**

37. Walltown gold mines and ditch network
38. Natoma Ground Sluice diggings, Hwy. 50
39. Placer Sluicing pits, tailing piles, ditches and drains, Lake Natoma
40. Dredger Tailing Piles representative of different dredging technology episodes
41. Natoma Water and Mining Company ditches and reservoirs
42. Mining adits and tunnel portals, Lake Natoma
43. Tate's (aka Teat's) Flat Ditch
44. Alder Creek Pump House remains

45. Negro Bar townsite, 1849-1856
46. Texas Hill townsite, 1849-1856
47. Prairie City townsite, 1850-1856
48. Mormon Island townsite, 1850-1945
49. Pratt Rock narrow-gauge railroad grade
50. Eucalyptus and olive grove experimental reclamation project property
51. Willow Spring Hill Diggings
52. Humbug and Willow Creeks Mining Corridors
53. Hydraulic mining sites American River bike trail across from City Park  
Hydraulic mining areas
54. Negro Hill
55. Chinatown Site
56. Chinese mining site

#### **Historic Structures, Sites – Agricultural/Ranching-related**

57. Broder Ranch Complex
58. Russell Ranch Complex(with old horse barn)
59. Smith Ranch
60. Wilson Ranch (1850s house and barn)
61. Olive Orchard east of Folsom-Auburn Road north of Oak Avenue
62. Salmon Falls townsite

#### **Points of Local Interest**

63. Natoma Grove
64. Dredge/Natoma townsite
65. Folsom Institute Site
66. Folsom High School (original Hall/wing)
67. Rodeo Arena site
68. John Kemp House
69. Clarksville

#### **Views, Viewsheds, and Landscapes**

70. Oak Canopy on Folsom Boulevard between Blue Ravine and Factory outlets  
Folsom Historic District from Greenback looking southeast from northwest corner  
of Negro Bar State Park.
71. River and gorge looking upstream from Rainbow Bridge
72. River and bluffs looking downstream from new bridge  
American River drainage from new high school site looking west.
73. Shoot-out site at Wool and Mormon Streets



## ATTACHMENT 2



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

**AGENDA ITEM NO. 3**  
**Type: Public Hearing**  
**Date: March 1, 2023**

## Historic District Commission Staff Report

50 Natoma Street, Council Chambers  
Folsom, CA 95630

**Project:** Uncle Charlie's Firehouse and Brew  
**File #:** PN 22-158  
**Request:** Conditional Use Permit and Design Review  
**Location:** 905 Leidesdorff Street  
**Parcel(s):** 070-0052-023  
**Staff Contact:** Steve Banks, Principal Planner, 916-461-6207  
sbanks@folsom.ca.us

**Property Owner**  
Name: City of Folsom  
Address: 50 Natoma Street  
Folsom, CA 95630

**Applicant**  
Name: Taryn Grows  
Address: 821 Governor Drive  
El Dorado Hills, CA 95762

**Recommendation:** Conduct a public hearing and upon conclusion approve a Conditional Use Permit and Design Review for development and operation of a craft brewery (Uncle Charlie's Firehouse and Brew) within an existing 3,322-square-foot building located within the first floor of the Historic District parking structure at 905 Leidesdorff Sutter Street based on the findings (Findings A-I) and subject to the conditions of approval attached to this report (Conditions 1-27).

**Project Summary:** The proposed project includes a request for approval of a Conditional Use Permit and Design Review to allow for the development and operation of a craft brewery (Uncle Charlie's Firehouse and Brew) within an existing 3,322-square-foot vacant commercial tenant space situated within the Historic District parking structure located at 905 Leidesdorff Street. The proposed craft brewery, which will include a ten-barrel brewing system housed within a raised brewing area, will produce craft beers and seltzers for on-site consumption. Minor exterior modifications are proposed to the existing commercial building including replacement of an existing exterior door and windows on the south building elevation with two bi-fold aluminum-framed glass doors and replacement of the existing canvas window awnings with new black-colored canvas awnings.



**CITY OF  
FOLSOM**  
DISTINCTIVE BY NATURE

**AGENDA ITEM NO. 3**  
**Type: Public Hearing**  
**Date: March 1, 2023**

**Table of Contents:**

- 1 - Description/Analysis
- 2 - Background
- 3 - Conditions of Approval
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- 5 - Site Plan, dated February 17, 2023
- 6 - Garage Plan, dated February 17, 2023
- 7 - Patio Plan, dated February 17, 2023
- 8 - Floor Plan, dated February 17, 2023
- 9 - Building Elevations, dated February 17, 2023
- 10 - Signage Program
- 11 - Project Narrative, dated January 3, 2023
- 12 - Site Photographs
- 13 - Letter from Historic Folsom Residents Associated, dated July 8, 2022
- 14 - Letters of Support

Submitted,

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**PAM JOHNS**  
Community Development Director



## ATTACHMENT 1 DESCRIPTION/ANALYSIS

### APPLICANT'S PROPOSAL

The applicant, Taryn Grows, is requesting approval of a Conditional Use Permit and Design Review to allow for the development and operation of a craft brewery (Uncle Charlie's Firehouse and Brew) within an existing 3,322-square-foot vacant commercial tenant space situated within the Historic District parking structure located at 905 Leidesdorff Street. The proposed craft brewery, which will include a ten-barrel brewing system housed within a raised brewing area, will produce craft beers and seltzers for on-site consumption. Limited food and snacks will be sold within the craft brewery, however, foods from local restaurants will be able to be delivered to customers. In terms of capacity, the craft brewery will have 13 interior tables, an interior bar area with 20 seats, and 13 exterior bar-style seats. Hours of operation are proposed to be Wednesday through Sunday from 12:00 p.m. to 10:00 p.m.

Minor exterior modifications are proposed to the existing commercial building including replacement of an existing exterior door and windows on the south building elevation with two bi-fold steel-framed glass doors and replacement of the existing canvas window awnings with new black-colored canvas awnings. The site plan, proposed building elevations, and proposed floor plan are shown in Figures 1-4 on the following pages.

Vehicle access to the project site is provided by existing roadways including Sutter Street, Leidesdorff Street, and Reading street. Pedestrian access to the project site is provided by a series of existing public sidewalks and public pedestrian walkways in the immediate project area. Parking to serve the Uncle Charlie's Firehouse and Brew project is proposed to be provided by utilizing existing public parking options in the immediate project area including the interconnected Historic Folsom parking structure (318 parking spaces), the Railroad Block public parking lots (50 parking spaces), and on-street surface public parking spaces. In total, there are approximately 455 public parking spaces located in the immediate vicinity of the project site.

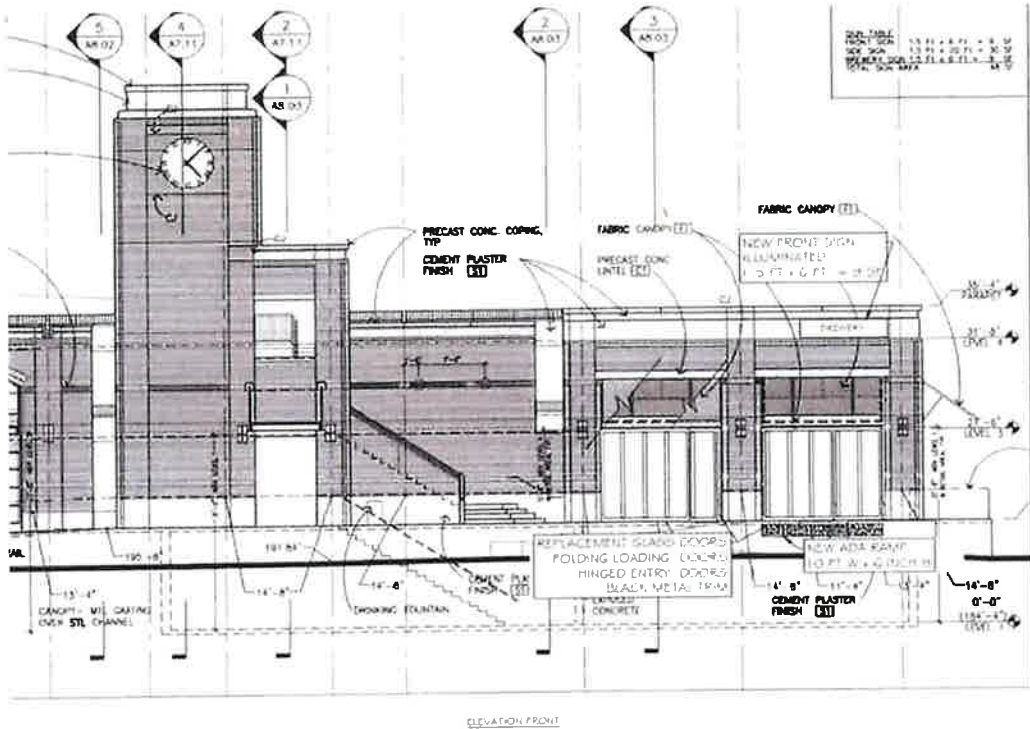
On January 1, 2023, Assembly Bill 2097 (AB 2097) went into effect in the State of California. AB 2097 prohibits public agencies such as the City of Folsom from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. As the project is located only 300 feet from the Historic Folsom Light Rail Station, the applicant has requested application of AB 2097 to their proposed project.

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FIGURE 1: SITE PLAN



FIGURE 2: PROPOSED BUILDING ELEVATION (SOUTH ELEVATION)





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## **POLICY/RULE**

The Folsom Municipal Code (FMC Section 17.52.510(A)(1)(c)) states that bars, taverns, and similar uses are required to obtain approval of a Conditional Use Permit from the Historic District Commission. FMC Section 17.60.040 requires that the findings of the Commission on the Conditional Use Permit shall be that the establishment, maintenance or operation of the use applied for will or 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.

Pursuant to FMC Section 17.52.300, all exterior renovations, remodeling, and modifications to existing structures are subject to design review approval by the Historic District Commission. The Commission shall consider the following criteria in deciding whether to approve, conditionally approve, or deny the design review application:

- A. Project compliance with the general plan and any applicable zoning ordinances;
- B. Conformance with the Historic District Design and Development Guidelines;
- C. Conformance with any project-specific design standards approved through the planned development permit process or similar review process; and
- D. Compatibility of building materials, textures, and colors with surrounding development and consistency with the general design theme of the neighborhood. (FMC § 17.52.330-.340.)

As noted in the project description, Assembly Bill 2097 was signed into law by the Governor on September 22, 2022, and became effective on January 2, 2023, with the main provisions codified in Government Code section 65863.2. AB 2097 prohibits public agencies (City of Folsom in this case) from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. While there is an exception in the law that allows public agencies to apply minimum parking requirements if certain written findings are made, that exception only applies to housing development projects. (Government Code § 65863.2(b).) As this is a commercial project, that exception does not apply and the City is prohibited from imposing parking requirements.

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## **ANALYSIS**

### General Plan and Zoning Consistency

The General Plan land use designation for the project site is HF (Historic Folsom) and the zoning designation for the project site is HD (Historic District, Sutter Street Subarea of the Commercial Primary Area). Pursuant to Section 17.52.510 of the Folsom Municipal Code, bars, taverns, and similar uses located within the Sutter Street Subarea of the Historic District are required obtain a Conditional Use Permit from the Historic District Commission.

Staff has determined that the proposed project is consistent with the General Plan land use designation and the zoning designation upon approval of a Conditional Use Permit by the Historic District Commission. In addition, staff has determined that the proposed project, which includes only minor exterior alterations to the existing commercial building, meets all applicable development standards (building height, building setbacks, etc.) established for the Sutter Street Subarea of the Historic District.

### Land Use Compatibility

The Uncle Charlie's Firehouse and Brew project site, which is comprised of a single 4.41-acre parcel, is located at 905 Leidesdorff. The project site is bounded by Leidesdorff Street to the North with commercial development beyond, Sutter Street to the south with commercial and residential development beyond, Reading Street and Folsom Boulevard to the west with residential development beyond, and Wool Street to the east with commercial development beyond.

As described above, the project site is located within an area that is predominantly commercial in nature, with numerous restaurants, bars, and retail businesses located adjacent and in close proximity to the project site. In particular, there are seven restaurants and bars located within the 800 and 900 blocks of Sutter Street including Fat Rabbit, Hop Sing Palace, Merlo Family Vineyards, Naan Tikka, Scott's Seafood, Willamette Wineworks, and Wine @815. The closest residential land use to the project site are eight multi-family apartment units (Whiskey Row Lofts) located approximately 260 feet to the south of the project site across the Railroad Block Plaza and Sutter Street. Based on this information, staff has determined that proposed project is compatible with the surrounding land uses. Detailed discussions regarding parking, pedestrian circulation, patio fencing, lighting, trash/recycling, signage, and noise are contained within subsequent sections of this staff report.

### Conditional Use Permit

As previously stated within this report, the Folsom Municipal Code, (Section 17.52.510) requires that bars, taverns, and similar uses obtain a Conditional Use Permit if the use is located within the Sutter Street Subarea of the Historic District. In this particular case, the applicant is requesting approval of a Conditional Use Permit to operate Uncle Charlie's Firehouse and Brew within an existing commercial tenant space located at 905 Leidesdorff Street.

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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 for Uncle Charlie's Firehouse and Brew, staff considered implications of the proposed project relative to parking, pedestrian circulation, patio fencing, lighting, trash/recycling, signage, and noise.

#### Parking

As noted in the project description, Assembly Bill 2097 was signed into law by the Governor on September 22, 2022 and became effective on January 2, 2023. AB 2097 prohibits public agencies (City of Folsom) in this case) from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. As the proposed project is located within a half-mile of public transit (approximately 300 feet from Historic Folsom Light Rail Station), staff has determined that the project is eligible for exemption from the minimum parking requirements established by the Folsom Municipal Code for projects located within the Sutter Street Subarea and, since it is a commercial project, the exception to the new rules does not apply. Therefore, staff has determined that the proposed project is not required to provide any on-site parking spaces.

Even so, as mentioned in the project description, parking available to serve the proposed project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 parking spaces in a nearby Railroad Block public parking lot. In addition, there are approximately 90 on-street surface public parking spaces in close proximity to the project site.

For reference purposes only, the Folsom Municipal Code (FMC, Section 17.52.510) requires that all retail, office, restaurant, museum, and similar uses provide one parking spaces per 350 square feet of building space. Based on the square-footage of the proposed craft brewery (3,322 square feet), the proposed project typically would have been required to provide 9 on-site parking spaces. While the proposed project exceeds the minimum parking requirement by providing 318 permanent parking spaces (Historic Folsom parking structure) whereas 9 on-site parking spaces are required, the applicant is still requesting that the proposed project be considered exempt from any parking requirement based on the implementation of recent State legislation (AB 2097).

Staff does not anticipate significant parking impacts from this project, given its proximity to the public parking garage, other public parking lots, and light rail.

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### Pedestrian Circulation

Access to the project site is provided by a combination of public sidewalks and public pedestrian walkways. Specifically, public sidewalks are located along the street frontages of Sutter Street, Leidesdorff Street, Reading Street, and Wool Street. In addition, there are a number of pedestrian walkways that provide access from the adjacent public sidewalks to the project site and facilitate circulation in and around the Railroad Block area. No changes or modifications are proposed to the existing pedestrian circulation system.

### Patio Fencing

As shown on the submitted site plan, the applicant is proposing to create an approximately 200-square-foot enclosed outdoor patio area on the east of the project site adjacent to the building. The outdoor patio area, which includes 13 bar-style seats positioned along an elevated wood bar, is proposed to be enclosed with 42-inch-tall decorative metal fencing (black finish) with two access gates. Staff recommends that the final location, height, design, materials, and color of the proposed fencing and gates be subject to review and approval by the Community Development Department to ensure consistency with the Historic District Design and Development Guidelines. Condition No. 26-5 is included to reflect this requirement.

### Lighting

As shown on the submitted building elevations (Attachment 8) and site photographs (Attachment 11), decorative building-attached light fixtures are located on the existing building at various locations to provide illumination for pedestrians and customers sitting in the outdoor patio area. No changes or modifications are proposed with respect to the existing building-attached light fixtures.

### Trash/Recycling

There are currently multiple existing public trash and recycling enclosures located within the Historic District parking structure that is adjacent to the project site to the west. The applicant is proposing to utilize the existing trash and recycle enclosures to dispose of trash and recycling products generated by the proposed project. The City's Solid Waste Division has determined that the existing trash/recycling enclosures have sufficient capacity to accommodate the demand created by the proposed project. In addition, the proposed project will be working with a private contractor for removal of any waste (spent grain, hot trub, residual yeast, etc.) generated during the brewing process.

### Signage

The applicant is proposing to install three wall-mounted signs to provide identification for the proposed craft brewery. The proposed wall signs, which will be located on the north, south, and east building elevations respectively, will feature text that reads "Brewery" and "Firehouse and Brew". The "Firehouse and Brew" sign copy, which will be located on the east building elevation, is 25 square feet in size. The "Brewery" sign copy, which will be located on the north and south building elevations, is a combined 25 square feet in size. Each of the proposed wall signs will include individual "stud-mounted" black metal letters.

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All three signs are proposed to utilize backlit lighting to create a halo-type of illumination, similar to the signage on the nearby Roundhouse Building (Scott's Seafood).

The Historic District Design and Development Guidelines (DDGs) provide sign allowances based on the longest frontage width of the business. In this particular case, the proposed project has a longest frontage width of approximately 108 feet, thus the project is permitted a maximum of 50 square feet of sign area. Staff has determined that the proposed sign area is consistent with the maximum allowable sign area established by the Design and Development Guidelines by providing 48 square feet of sign area whereas 50 square feet of sign area are allowed.

With respect to sign design, the Design and Development Guidelines state that sign materials may be wood, metal, or other historically appropriate combination of materials. The Guidelines also state the sign styles and lettering should be compatible with the period in which the building was built, but that simple contemporary graphic styles may be appropriate as well. In addition, the Guidelines indicate that sign illumination must be subdued and indirect and may not create excessive glare. Staff has determined that the proposed wall signs are consistent with the design, material, and illumination recommendations of the Design and Development Guidelines. Staff recommends that the owner/applicant obtain a sign permit prior to installation of the three wall signs. Condition No. 27 is included to reflect this requirement.

#### Noise Impacts

Based on the relatively close proximity of the project site to 8 multi-family apartment units (Whisky Row Lofts) located on the south side of Sutter Street (approximately 260 feet to the south), staff evaluated potential noise impacts associated with the proposed project. Potential new noise sources associated with the proposed project may include noise generated inside Uncle Charlie's Firehouse and Brew, noise generated by rooftop mechanical equipment, and noise generated in the patio area the craft brewery. As described in the project narrative (Attachment 10), Uncle Charlie's Firehouse and Brew House has proposed serving craft beers and food, with the food products mainly being provided by off-site local vendors. No live entertainment is proposed with the subject application; however, televisions and a sound system will be installed on the interior of the building solely for the enjoyment of customers within the craft brewery.

Proposed hours of operation are Wednesday to Sunday, 12:00 p.m. to 10:00 p.m. The following table shows the Uncle Charlie's Firehouse and Brew proposed closing times as compared to other restaurants and bars located along Sutter Street:



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TABLE 1: CLOSING TIME COMPARISON TABLE

|                                           | <b>M</b> | <b>TU</b> | <b>W</b> | <b>TH</b> | <b>F</b> | <b>S</b> | <b>SU</b> |
|-------------------------------------------|----------|-----------|----------|-----------|----------|----------|-----------|
| <b>Uncle Charlie's Firehouse and Brew</b> | Closed   | Closed    | 10 pm    | 10pm      | 10 pm    | 10 pm    | 10 pm     |
| <b>Barley Barn Tap House</b>              | 10 pm    | 10 pm     | 10 pm    | 12:30 am  | 12:30 am | 12:30 am | 10 pm     |
| <b>Powerhouse Pub</b>                     | 2 am     | 2 am      | 2 am     | 2 am      | 2 am     | 2 am     | 2 am      |
| <b>Scarlett's Saloon</b>                  | 2 am     | 2 am      | 2 am     | 2 am      | 2 am     | 2 am     | 2 am      |
| <b>Citizen Vine</b>                       | 9 pm     | 9 pm      | 9 pm     | 9 pm      | 10 pm    | 10 pm    | 7 pm      |
| <b>Fat Rabbit</b>                         | 9 pm     | 9 pm      | 10 pm    | 12 am     | 11 pm    | 11 pm    | 9 pm      |
| <b>Willamette Wineworks</b>               | Closed   | Closed    | 9 pm     | 9 pm      | 9 pm     | 9 pm     | 6 pm      |
| <b>Sutter Street Steakhouse</b>           | Closed   | 9 pm      | 9 pm     | 9 pm      | 9 pm     | 9 pm     | 9 pm      |
| <b>J. Wilds Livery &amp; Feed</b>         | 9 pm     | 9 pm      | 9 pm     | 9 pm      | 10 pm    | 10 pm    | 9 pm      |

As described in the project narrative and shown in the Closing Time Comparison Table above, the applicant is proposing hours of operation in which the closing time for the business extends into the mid evening Wednesday thru Sunday, with the craft brewery being closed on Monday and Tuesday. Staff has determined that the proposed hours of operation are compatible with the hours of operation for other restaurant/bar businesses currently located along Sutter Street. However, to ensure that the proposed project does not result in significant noise-related impacts, staff recommends that the following measures be implemented to the satisfaction of the Community Development Department (Condition Nos. 15-24).

- 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. Applicant shall ensure that occupancy does not exceed the maximum allowed.
- A Conditional Use Permit Modification shall be required if the operation of the business deviates from the Historic District Commission's approval. No approvals are granted in this Conditional Use Permit except as provided. Any intensification or expansion of the use approved and conditioned herein will require a Conditional Use Permit Modification by the Historic District Commission. In any case where the conditions to the granting of a Conditional Use Permit have not been, or are not, complied with, the Historic District Commission shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. Following such hearing the Historic District Commission may revoke such permit.
- The owner/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 Conditional Use Permit and the ABC license,

the more stringent regulation shall apply.

- All entertainment (as defined in Chapter 5.90 of the Folsom Municipal Code) shall be subject to an Entertainment Permit.
- Compliance with the City of Folsom's Noise Control Ordinance (Folsom Municipal Code Chapter 8.42) and General Plan Noise Element shall be required.
- Hours of operation (including private parties) shall be limited as follows:
  - Wednesday-Sunday: 12:00 p.m. to 10:00 p.m.

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.

- Uncle Charlie's Firehouse and Brew shall be limited to the sale and consumption of beer, seltzers, non-alcoholic beverages, and food products. No sale or consumption of spirits shall be permitted.
- Doors and windows to the outdoor patio area shall be closed at all times when music is being played.
- No audio speakers, music, televisions, or screens shall be permitted on the outdoor patio, the building exterior walls, windows, or any other exterior architectural elements.
- No dancing shall be permitted anywhere on the premises including the outdoor patio area.

#### Odor Impacts

As mentioned in the project description, the proposed craft brewery will include installation of a ten-barrel brewing system which will be housed within a raised brewing area. The brewing system will be utilized for the production of craft beers and seltzers for on-site consumption. A ventilation system will be installed to allow for the release of steam and other byproducts created during the brewing process into the air, with the outside vent being located on the northern portion of the building roof. Based on recommendations provided by the Sacramento Metropolitan Air Quality Management District (SMSQMD), the applicant is proposing to implement a number of measures to minimize the potential for any odor-related impacts including the following:

- Installing a ventilation system in the designated brewing area.
- Scheduling brewing times on Mondays and Tuesdays only.
- Limiting brewing activity to daytime hours for greater odor dispersion.
- Proper disposal of spent grains.
- Use of eco-friendly cleaning agents/caustics in brewing/sanitation process.

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- Regular monitoring and replacement of air filters.

To ensure that the project will not result in any odor-related impacts to nearby businesses and residences, staff recommends that the aforementioned odor-related measures be included as a condition of approval on the project (Condition No. 25).

#### Architecture/Design

As described in the project narratives, the applicant is requesting Design Review approval for minor exterior modifications to an existing 3,322-square-foot commercial building located at 905 Leidesdorff Street. The minor exterior modifications include replacement of an existing exterior door and windows on the south building elevation with two glass bi-fold doors and replacement of the existing canvas window awnings with new black-colored canvas awnings. The proposed glass bi-fold doors, which are modeled after doors utilized on historic fire station buildings, feature rectangular windowpanes and aluminum frames. In addition, the proposed project includes the replacement of the existing brown canvas window awnings with black canvas window awnings of the same proportions. A photographic example of the proposed bi-fold entry doors is shown in Figure 5 below.

FIGURE 5: PHOTOGRAPH EXAMPLE OF BI-FOLD DOORS



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In reviewing the design of the proposed project, staff took into consideration the recommendations of the Historic District Design and Development Guidelines (Design Guidelines) relative to architectural design and features, building materials, and building colors. With respect to architectural design and features, the proposed project is maintaining all of the existing building shapes and forms with exception of replacing an existing rectangular door and rectangular windows on the south elevation with two aluminum-framed bi-fold glass entry doors and replacing the existing canvas window awnings with new black-colored canvas windows awnings. The Design Guidelines indicate that glass entry doors are encouraged to increase transparency and that rectangular glass panes are an appropriate shape. The aluminum frames proposed for the bi-fold doors are intended to match and material and color of the existing doors and windows on the building. The Design Guidelines also encourage the use of window awnings in order to create a pleasing pedestrian environment in the Sutter Street Subarea. The applicant is proposing to replace the existing brown canvas window awnings, which are fairly weathered and worn out, with new black-colored canvas window awning of the same proportions.

With respect to color changes, the proposed project includes the replacement of an existing, black-framed glass entry door and black-framed windows on the south building elevation with two black-framed glass bi-fold doors. The proposed project also includes the replacement of all existing, brown-colored canvas window awnings with black-colored window awnings. Staff has determined that the proposed color modifications for window awnings are compatible with the overall color scheme (red brick, tan cement black, and black-framed windows and doors) of the existing building and also consistent with the general color recommendations of the Design Guidelines which simply encourage avoiding bland color schemes where the color values are all the same of similar.

In summary, staff has determined that the proposed project has successfully met the architectural and design recommendations for remodeling of existing structures in the Historic District as suggested by the Historic District Design and Development Guidelines. In addition, staff has determined that the proposed building design, building materials, and building colors are also consistent with the recommendations of the Design and Development Guidelines. Staff forwards the following design recommendations to the Commission for consideration:

1. This approval is for exterior and interior modifications associated with the Uncle Charlie's Firehouse and Brew project. The applicant shall submit building plans that comply with this approval, the attached site plan, building elevations, photographic examples, floor plans, and signage exhibits dated February 17, 2023.
2. The design, materials, and colors of the proposed Uncle Charlie's Firehouse and Brew project shall be consistent with the submitted building elevations and photographic examples to the satisfaction of the Community Development Department.

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3. Roof-mounted mechanical equipment, including satellite dish antennas, shall not extend above the height of the parapet walls. Ground-mounted mechanical equipment shall be shielded by landscaping or trellis type features.
4. All Conditions of Approval as outlined herein shall be made as a note or separate sheet on the Construction Drawings.
5. The final location, design, height, materials, and colors of the fencing and gates associated with the outdoor patio area shall be subject to review and approval by the Community Development Department.

These recommendations are included in the conditions of approval presented for consideration by the Historic District Commission (Condition No. 26).

#### **PUBLIC COMMENT**

The Community Development Department received a letter (Attachment 13) from the Historic Folsom Residents Association (HFRA) expressing support for the proposed craft brewery. In particular, HFRA indicated they were pleased that the proposed project was located in close proximity to the Historic District parking structure and they were also approving of proposed neighborhood-friendly hours of operation for the craft brewery. The Community Development Department also received numerous letters of support (Attachment 14) for the proposed project from local businesses.

#### **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Section 15301 Existing Facilities and Section 15303 New Construction or Conversion of Small Structures of the California Environmental Quality Act (CEQA) Guidelines. Based on staff's analysis of this project, none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

The exceptions listed within Section 15300.2 include; (a) Location, (b) Cumulative Impact, (c) Significant Effect (d) Scenic Highway (e) Hazardous Waste Sites, and (f) Historical Resources. A description of the most applicable of these exceptions is listed below with a brief response as to why each of these exceptions do not apply to the proposed project.

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

In analyzing whether this exception applies, both the "same type" and the "same place" limitations should be considered. When analyzing this exception with respect to the proposed project, the City considered projects of the "same type" to be other projects with similar uses, such as those projects listed on the hours of operation chart that appears in

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the noise impacts section of this report. The City considered projects in the "same place" to be projects within the Sutter Street Subarea.

City staff has determined that the cumulative impact of the proposed project is not significant in that the project will not result in any adverse impacts with respect building design, site design, lighting, odor, and noise. With respect to building architecture and site design, the proposed project involves minor modifications to the exterior of an existing commercial building and the use of an existing outdoor patio area, both of which have been designed to comply with the Historic District Design and Development Guidelines. In relation to noise, odor, and light, standard and project-specific conditions of approval have been placed on the proposed project to minimize any potential noise, odor, and light impacts. With respect to any other potential impacts caused by the proposed use, the conditions imposed on the project in the Conditional Use Permit are designed to minimize or eliminate any negative effects on the environment created by the proposed use.

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

CEQA Guidelines section 15300.2(c) states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. This is commonly referred to as the "unusual circumstances exception."

The unusual circumstances exception to the use of a categorical exemption applies only when both unusual circumstances exist and there is a reasonable possibility that the project will have a significant effect on the environment due to those unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4<sup>th</sup> 1086, 1104.)

Whether unusual circumstances exist to distinguish this project from others in the exempt class is a factual question. The answer to that factual question must be supported by substantial evidence.

In making this decision, the Commission should consider whether the proposed project's circumstances differ significantly from the circumstances typical of the type of projects covered by the exemption, namely, other existing structures in the Historic District that are converted from one use to another. The exception applies only if the claimed unusual circumstance relates to the proposed action under consideration; it does not apply if the unusual circumstances are part of the existing conditions baseline. (*Bottini v. City of San Diego* 27 Cal.App.5<sup>th</sup> 281; *World Business Academy v. State Lands Commission* (2018)

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24 Cal.App.5<sup>th</sup> 476, 498; *North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4<sup>th</sup> 832, 872.)

Another consideration is whether there is a reasonable possibility of a significant effect on the environment due to the unusual circumstances. (*Berkeley Hillside Preservation*, 60 Cal.4<sup>th</sup> at p. 1115.) The Commission answers this question by determining if there is any substantial evidence before it that would support a fair argument that a significant impact on the environment may occur as a result of the proposed project. (*Id.*) A reasonable possibility of a significant impact may be found only if the proposed project will have an impact on the physical environment. If there is no change from existing baseline physical conditions, the exception does not apply. (*North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4<sup>th</sup> 832, 872.) The exception also does not apply if the project will have only a social impact and will not result in a potentially significant change to the physical environment. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4<sup>th</sup> 786, 801; *City of Pasadena v. State* (1993) 14 Cal.App.4<sup>th</sup> 810, 826.)

The question is not whether the project will have an adverse impact on some persons, but whether it will adversely affect the environment of persons in general due to unusual circumstances. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District* (2006) 139 Cal.App.4<sup>th</sup> 1356, 1392.)

After analyzing the unusual circumstances exception in association with this project, the City determined that no unusual circumstances exist to distinguish this project from others in the exempt class. The presence of bars and restaurants in the Sutter Street Subarea is not uncommon, so any impacts associated with the proposed use itself are not unusual. Additionally, in this case, the location of the proposed project site adjacent to the parking structure and very close to light rail, serves to lessen the potential environmental impacts and makes the unusual circumstances exception particularly inapplicable to this project.

The City also determined that there is not a reasonable possibility of a significant effect on the environment due to any claimed unusual circumstances for this project. Any possibility of a significant impact on the physical environment allegedly caused by proposed project would not be the result of any claimed unusual circumstances. As mentioned above, the proposed use is not unusual, so any possible significant effects associated with that use are not sufficient to support the exception in this case.

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

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The subject property, which is located at 905 Leidesdorff Street (APN: 070-0052-023), is developed with an existing 3,322-square-foot commercial building which was built in 2008. The existing building is constructed of brick veneer, smooth cement plaster, and an aluminum door and window system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. In addition, the existing building is not listed on the City's Cultural Resource Inventory List nor any other State or Federal historic or cultural resource inventory or list. As a result, staff has determined that the Historical Resources exception does not apply in this case.

### **RECOMMENDATION**

Staff recommends approval of the proposed project, subject to the conditions of approval included in this report.

### **HISTORIC DISTRICT COMMISSION ACTION**

Move to approve a Conditional Use Permit and Design Review (PN 22-158) for Uncle Charlie's Firehouse and Brew, which includes development and operation of a craft brewery within an existing 3,322-square-foot commercial building located at 905 Leidesdorff Street based on the findings (Findings A-I) and subject to the conditions of approval attached to this report (Conditions 1-27).

### **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 THE ZONING CODE OF THE CITY.

### **CEQA FINDINGS**

- C. THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15301, EXISTING FACILITIES, AND SECTION 15303 NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES, OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.
- D. THE CUMULATIVE IMPACT OF SUCCESSIVE PROJECTS OF THE SAME TYPE IN THE SAME PLACE, OVER TIME IS NOT SIGNIFICANT IN THIS CASE.
- E. NO UNUSUAL CIRCUMSTANCES EXIST TO DISTINGUISH THE PROPOSED PROJECT FROM OTHERS IN THE EXEMPT CLASS.



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- F. THE PROPOSED PROJECT WILL NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE.

**CONDITIONAL USE PERMIT FINDING**

- G. AS CONDITIONED, THE ESTABLISHMENT, MAINTENANCE AND 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.

**DESIGN REVIEW FINDINGS**

- H. THE BUILDING MATERIALS, TEXTURES AND COLORS USED IN THE PROPOSED PROJECT ARE COMPATIBLE WITH SURROUNDING DEVELOPMENT AND ARE CONSISTENT WITH THE GENERAL DESIGN THEME OF THE NEIGHBORHOOD.
- I. THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE HISTORIC DISTRICT DESIGN AND DEVELOPMENT GUIDELINES ADOPTED BY CITY COUNCIL.

## ATTACHMENT 2 BACKGROUND

### BACKGROUND

The existing 3,322-square-foot commercial retail tenant space, which was constructed along with the Historic District parking structure in 2008, is constructed of smooth cement plaster, brick veneer, canvas awnings, and an aluminum storefront system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. In addition, the existing building is not listed on the City's Cultural Resource Inventory List.

On March 23, 2021, the City Council provided direction to City staff to move forward with requesting proposals for lease of the 3,322-square-foot retail tenant space located within the Historic District parking structure, with preferential status given to food service and retail uses. Subsequently, Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure. On November 9, 2021, the City Council instructed the owners of Uncle Charlie's Firehouse and Brew to obtain approval of a Conditional Use Permit and Design Review from the Historic District Commission before the lease for the retail tenant space can be finalized. A photograph of the existing commercial tenant space is shown in Figure 4 below:

FIGURE 6: COMMERCIAL BUILDING 905 LEIDESDORFF STREET



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**GENERAL PLAN DESIGNATION**

HF, Historic Folsom

**ZONING**

HD, Sutter Street Subarea of the Commercial Primary Area

**ADJACENT LAND USES/ZONING**

North: Leidesdorff Street with Private Parking Lot (HD) and Folsom Boulevard Beyond

South: Railroad Block Public Plaza (HD) with Sutter Street a Mix of Commercial and Residential Development Beyond

East: Railroad Block Public Plaza (HD) with Woold Street and Commercial Development Beyond

West: Historic District Parking Structure (HD) with Reading Street and the Historic Folsom Light Rail Station Beyond

**SITE CHARACTERISTICS**

The rectangular shaped project site, which is approximately 4.41-acres in size, is partially developed a parking structure, parking lots, a restaurant, an office building, a public plaza, an amphitheater, a railroad museum, and various site improvements.

**APPLICABLE CODES**

AB 2097, Residential, Commercial, or Other Development Types: Parking Requirements  
FMC Chapter 17.52; HD, Historic District  
FMC Section 17.52.300, Design Review  
FMC Chapter 17.57, Parking Requirements  
FMC Chapter 17.60, Use Permits  
Historic District Design and Development Guidelines

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# **Attachment 3**

## **Conditions of Approval**

| <b>CONDITIONS OF APPROVAL FOR<br/>UNCLE CHARLIE'S FIREHOUSE AND BREW CONDITIONAL USE PERMIT AND DESIGN REVIEW<br/>905 LEIDESDORFF (PN 22-158)</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                      |                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------|
| <b>Cond. No.</b>                                                                                                                                  | <b>Mitigation Measure</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>When Required</b> | <b>Responsible Department</b> |
| 1.                                                                                                                                                | <p>The applicant shall submit final site development plans to the Community Development Department that shall substantially conform to the exhibits referenced below:</p> <ol style="list-style-type: none"> <li>1. Site Plan, dated February 17, 2023</li> <li>2. Garage Plan, dated February 17, 2023</li> <li>3. Patio Plan, dated February 17, 2023</li> <li>4. Floor Plan, dated February 17, 2023</li> <li>5. Building Elevations, dated February 17, 2023</li> <li>6. Signage Program</li> </ol> <p>The project is approved for the development and operation of the 3,322-square-foot Uncle Charlie's Firehouse and Brew project. Implementation of the project shall be consistent with the above-referenced items as modified by these conditions of approval.</p>                                        | B                    | CD (P)(E)                     |
| 2.                                                                                                                                                | <p>Building plans, and all applicable 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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | B                    | CD (P)(E)(B)                  |
| 3.                                                                                                                                                | <p>The project approvals (Conditional Use Permit and Design Review) granted under this staff report shall remain in effect for one year from final date of approval (March 1, 2024). If the Conditional Use Permit has not been exercised within the identified time frame prior to the expiration date and the applicant has not demonstrated substantial progress towards the development of the project, respectively, these approvals shall be considered null and void without further action. 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 <u>Chapter 17.60</u> of the Folsom Municipal Code.</p> | B                    | CD (P)                        |

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|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-----------------------------------|
| 4.                                            | <p>If the Community Development Director finds evidence that conditions of approval for Uncle Charlie's Firehouse and Brew 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)                            |
| 5.                                            | <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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | OG | CD                                |
| 6.                                            | <p>The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> <li>• The City bears its own attorney's fees and costs; and</li> <li>• The City defends the claim, action or proceeding in good faith</li> </ul> <p>The owner/applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the owner/applicant.</p> | OG | CD (P)(E)(B)<br>PW, PR, FD,<br>PD |
| 7.                                            | <p>Compliance with all local, state and federal regulations pertaining to building construction and demolition is required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | OG | CD (B)                            |
| <b>DEVELOPMENT COSTS AND FEE REQUIREMENTS</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |    |                                   |
| 8.                                            | <p>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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | B  | CD (P)(E)                         |

Historic District Commission  
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|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |   |                      |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----------------------|
| 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> | B | 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 improvement plans or beginning inspection, whichever is applicable.</p>                                                                                                                                                                                                                                                                                        | B | CD (P)(E)            |
| 11. | <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, 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.</p>                                                                          | B | CD (P)(E), PW,<br>PK |
| 12. | <p>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.</p>                                                                                     | B | CD (P)               |

| <b>LIGHTING REQUIREMENT</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                           |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 13.                                        | Final exterior building and site lighting plans shall be submitted for review and approval by Community Development Department for location, height, aesthetics, level of illumination, glare and trespass prior to the issuance of any building permits. In addition, all lighting shall be designed to be shielded and directed downward onto the project site and away from adjacent properties and public rights-of-way.                                                                                                                                                                                                                                                                                                                                    | B<br><br>CD (P)           |
| <b>NOISE REQUIREMENT</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                           |
| 14.                                        | 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 is permitted on Sundays or holidays. Construction equipment shall be muffled and shrouded to minimize noise levels.                                                                                                                                                                                                                                                                                                                                                                                                 | B<br><br>CD (P)(E)        |
| <b>CONDITIONAL USE PERMIT REQUIREMENTS</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                           |
| 15.                                        | 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. Applicant shall ensure that occupancy does not exceed the maximum allowed.                                                                                                                                                                                                                                                                                                                                                                                                                         | B, OG<br><br>FD<br>NS (B) |
| 16.                                        | A Conditional Use Permit Modification shall be required if the operation of the business deviates from the Historic District Commission's approval. No approvals are granted in this Conditional Use Permit except as provided. Any intensification or expansion of the use approved and conditioned herein will require a Conditional Use Permit Modification by the Historic District Commission. In any case where the conditions to the granting of a Conditional Use Permit have not been, or are not, complied with, the Historic District Commission shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. Following such hearing the Historic District Commission may revoke such permit. | OG<br><br>CD, PD          |
| 17.                                        | The owner/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 Conditional Use Permit and the ABC license, the more stringent regulation shall apply.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | OG<br><br>CD (P)          |
| 18.                                        | All entertainment (as defined in Chapter 5.90 of the Folsom Municipal Code) shall be subject to an Entertainment Permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | OG<br><br>CD (P)          |
| 19.                                        | Compliance with the City of Folsom's Noise Control Ordinance (Folsom Municipal Code Chapter 8.42) and General Plan Noise Element shall be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | OG<br><br>CD (P)          |



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|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------|
| 20. | <p>Hours of operation (including private parties) shall be limited as follows:</p> <ul style="list-style-type: none"> <li>o Wednesday-Sunday: 12:00 p.m. to 10:00 p.m.</li> </ul> <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 discretionary Conditional Use Permit Modification.</p>                                                                                                                                                                                                                                                                                                                                                                                         | OG | CD (P) |
| 21. | <p>Uncle Charlie's Firehouse and Brew shall be limited to the sale and consumption of beer, seltzers, non-alcoholic beverages, and food products. No sale or consumption of spirits shall be permitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | OG | CD (P) |
| 22. | <p>Doors and windows to the outdoor patio area shall be closed at all times when music is being played.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | OG | CD (P) |
| 23. | <p>No audio speakers, music, televisions, or screens shall be permitted on the outdoor patio, the building exterior walls, windows, or any other exterior architectural elements.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | OG | CD (P) |
| 24. | <p>No dancing shall be permitted anywhere on the premises including the outdoor patio area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | OG | CD (P) |
| 25. | <p>Based on recommendations provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD), the applicant shall implement the following measures to minimize the potential for any odor-related impacts:</p> <ul style="list-style-type: none"> <li>• A ventilation system shall be installed in the designated brewing area.</li> <li>• Scheduling brewing times shall be limited to Mondays and Tuesdays only.</li> <li>• Brewing activity shall be limited to the daytime hours of 8:00 a.m. to 6:00 p.m.</li> <li>• Spent grains shall be disposed of on a daily basis.</li> <li>• Eco-friendly cleaning agents/caustics shall be used in the brewing/sanitation process.</li> <li>• The owner/applicant shall monitor and replace the air filters on a regular basis.</li> </ul> | OG | CD (P) |



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

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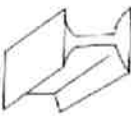

## **Attachment 4**

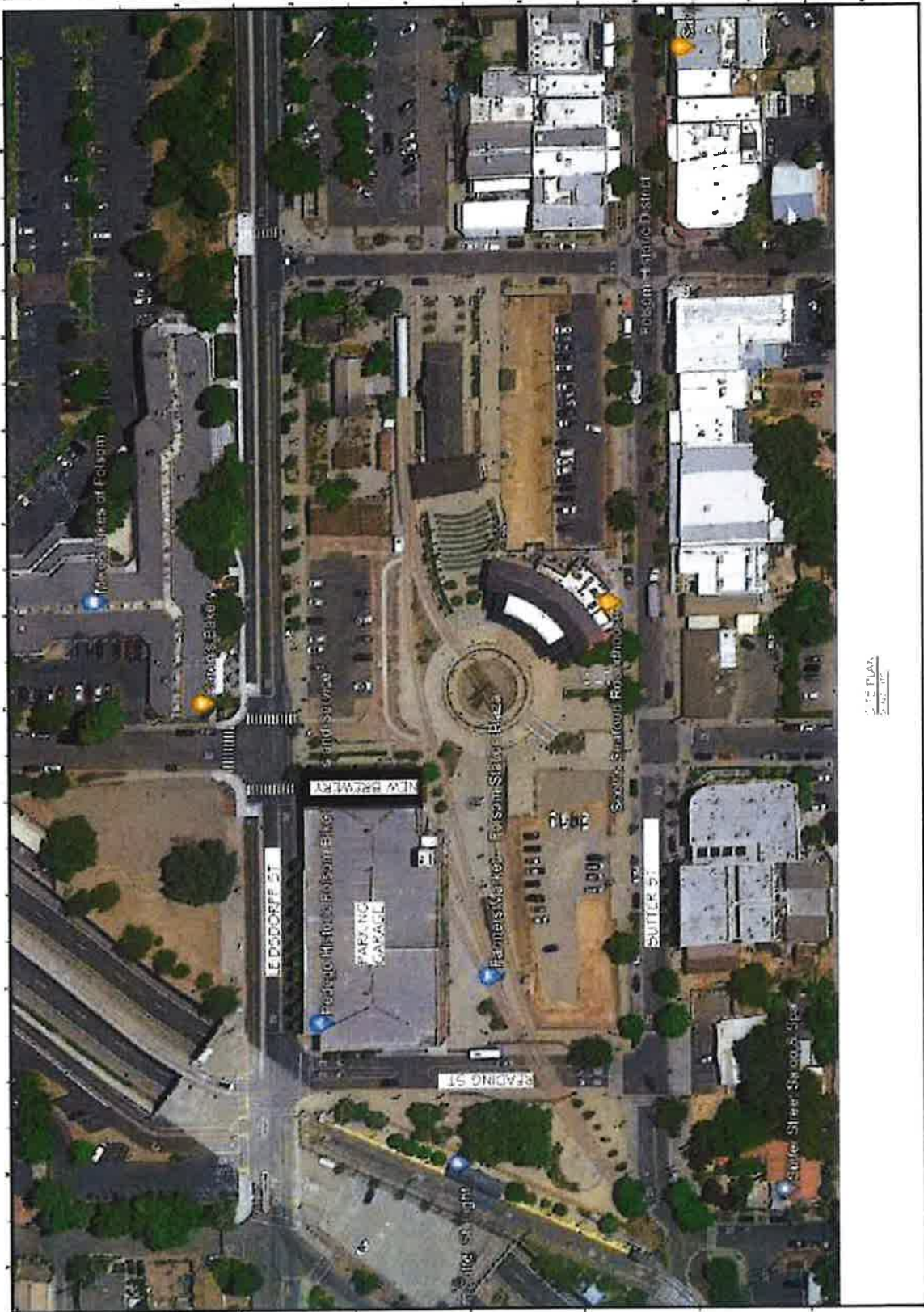
### **Vicinity Map**



Historic District Commission  
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**Attachment 5**  
**Site Plan, dated February 17, 2023**

|                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   |                                                                                |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------|--|
|  <p><b>INFRASTRUCTURE IMPROVEMENT INC.</b><br/>                 3711 Main St<br/>                 Suite 100<br/>                 Folsom, CA 95630<br/>                 Phone: (916) 439-1100<br/>                 Fax: (916) 439-1101<br/>                 Email: info@i2i.com</p> |  | SHEET NO. 04-11-2023-003<br>DATE: 04/11/2023                                   |  |
|                                                                                                                                                                                                                                                                                                                                                                     |                                                                                   | PROJECT NO. 04-11-2023-003<br>PROJECT NAME: UNCLE CHARLIE'S FIREHOUSE AND BREW |  |
| PROJECT LOCATION: 1000 Independence St, Folsom, CA 95630                                                                                                                                                                                                                                                                                                            |                                                                                   | SCALE: 1" = 40'                                                                |  |
| DRAWN BY: [Name]                                                                                                                                                                                                                                                                                                                                                    |                                                                                   | CHECKED BY: [Name]                                                             |  |
| DATE: 04/11/2023                                                                                                                                                                                                                                                                                                                                                    |                                                                                   | PROJECT: [Name]                                                                |  |
| DRAWING TITLE: <b>SITE PLAN</b>                                                                                                                                                                                                                                                                                                                                     |                                                                                   | SHEET NO. <b>C-1</b>                                                           |  |



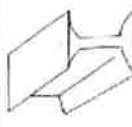

C-1 SITE PLAN  
UNCLE CHARLIE'S

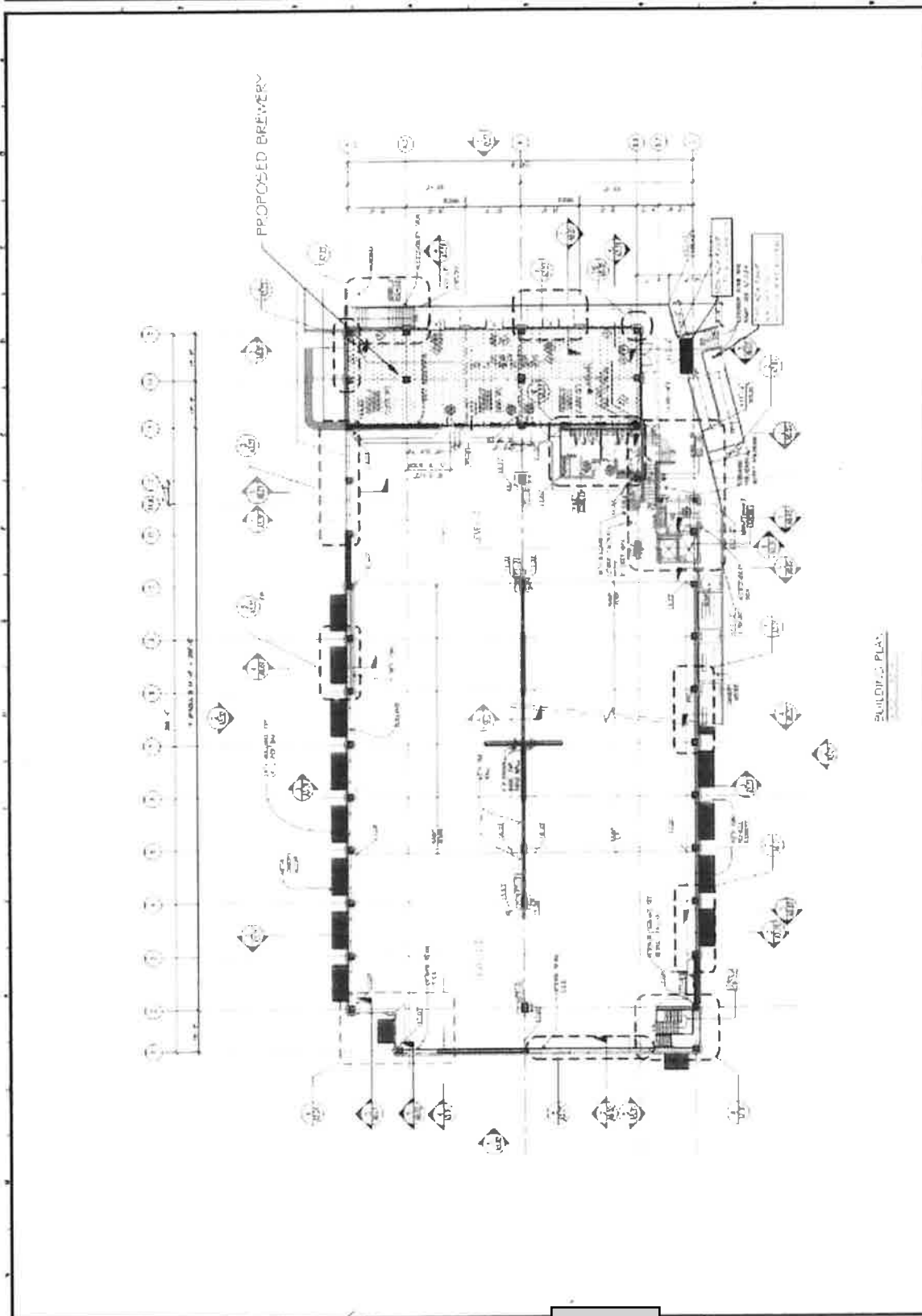
Historic District Commission  
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## **Attachment 6**

### **Garage Plan, dated February 17, 2023**



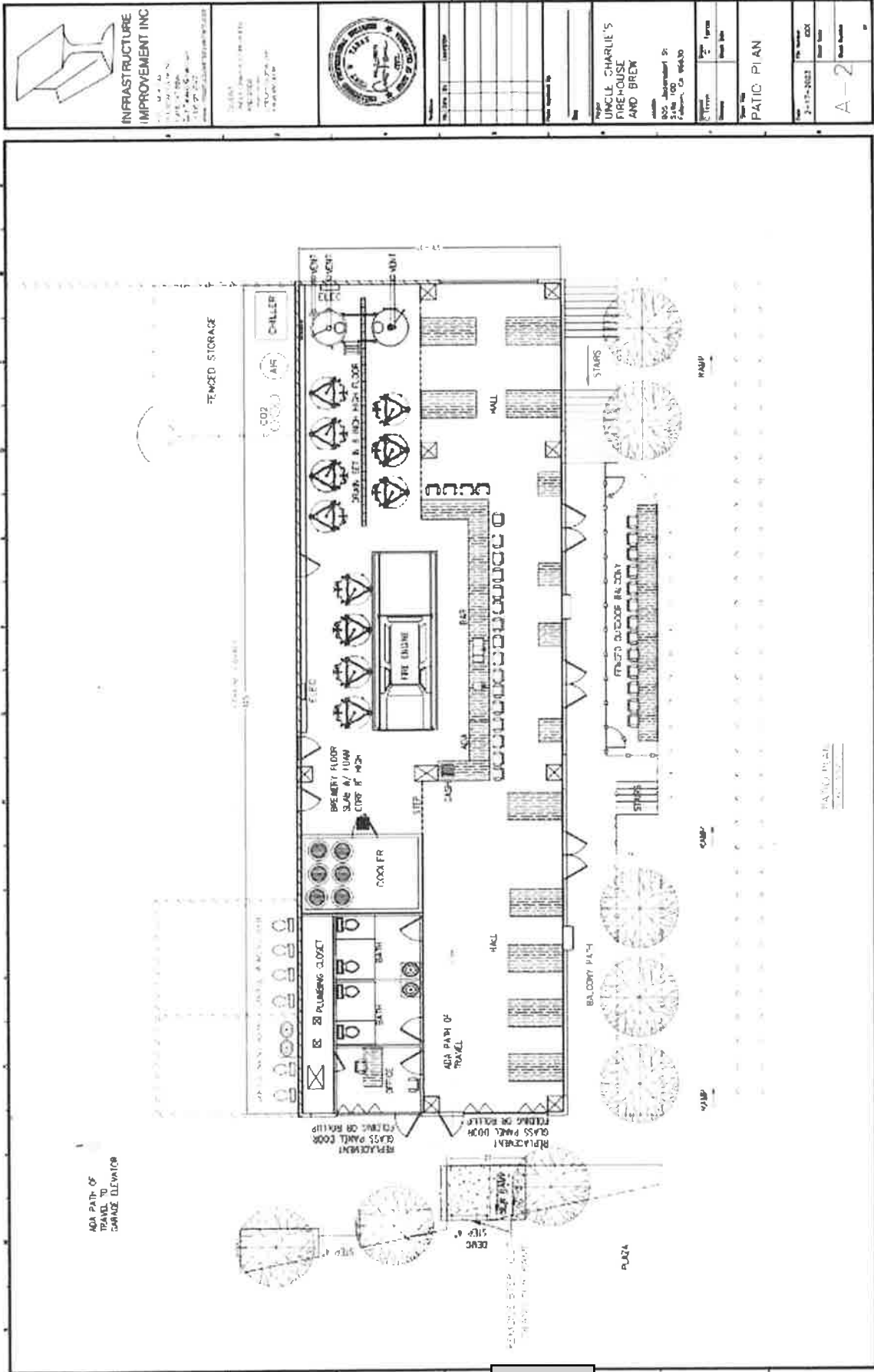
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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--|
|  <p><b>INFRASTRUCTURE IMPROVEMENT INC.</b><br/>       12500 14th Avenue, Suite 100<br/>       Fremont, CA 94538<br/>       Phone: (925) 436-1111<br/>       Fax: (925) 436-1112<br/>       Website: www.iiinc.com</p> |  | <p><b>UNCLE CHARLIE'S FIREHOUSE AND BREW</b></p> <p>Project Number: 23-17-0023<br/>       Date: 04/11/2023</p> |  |
|                                                                                                                                                                                                                                                                                                        |                                                                                   | <p><b>CARAGE PLAN</b></p> <p>Sheet No. <b>A-1</b></p>                                                          |  |



Historic District Commission  
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## **Attachment 7**

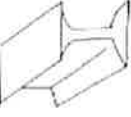


**Patio Plan, dated February 14, 2023**

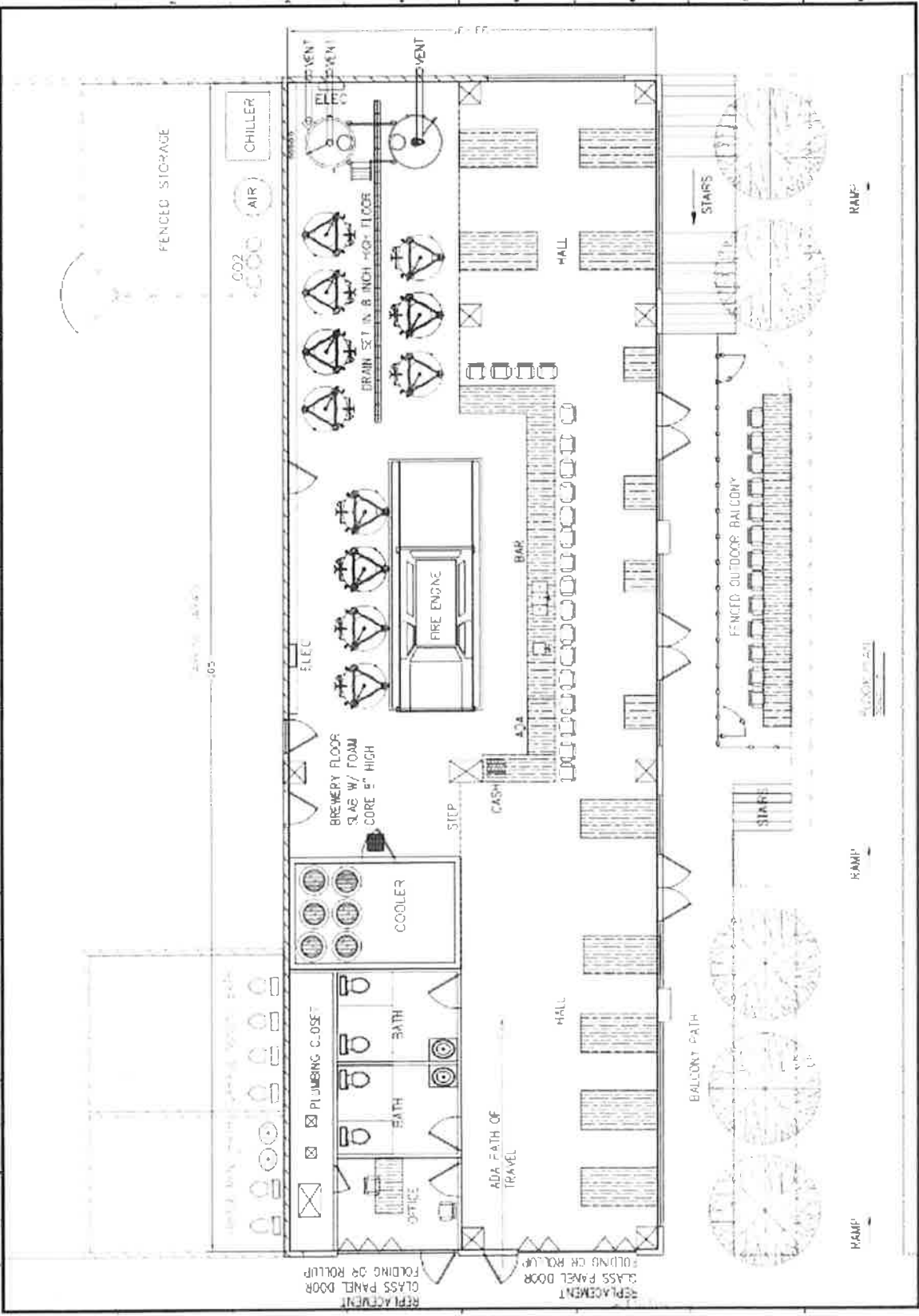


Historic District Commission  
Uncle Charlie's Firehouse and Brew (PN 22-158)  
March 1, 2023

## **Attachment 8**

**Floor Plan, dated February 17, 2023**

|                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                              |                                                                                                                                                                                                                               |                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p><b>INFRASTRUCTURE IMPROVEMENT INC.</b><br/>         22100 145th Ave SE<br/>         Bellevue, WA 98007<br/>         Phone: 206.453.8800<br/>         Fax: 206.453.8801<br/>         Email: info@i2i.com</p> |  <p>Chief<br/>         JAMES C. HARRIS, P.E.<br/>         License No. 100000000000000<br/>         State of Washington<br/>         1000 4th Ave<br/>         Bellevue, WA 98003<br/>         Phone: 206.453.8800</p> |  <p>Bellevue<br/>         1000 4th Ave<br/>         Bellevue, WA 98003<br/>         Phone: 206.453.8800</p> | <p>Project:<br/>         Uncle Charlie's Firehouse and Brew</p> <p>Location:<br/>         505 Washington St<br/>         Bellevue, WA 98003</p> <p>Scale:<br/>         1/8" = 1'-0"</p> <p>Sheet:<br/>         FLOOR PLAN</p> | <p>File Number:<br/>         2-17-1003</p> <p>Date:<br/>         03/2023</p> <p>Drawn By:<br/>         A-3</p> <p>Checked By:<br/>         [Blank]</p> <p>Scale:<br/>         [Blank]</p> |
|                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                              |                                                                                                                                                                                                                               |                                                                                                                                                                                           |



Historic District Commission  
Uncle Charlie's Firehouse and Brew (PN 22-158)  
March 1, 2023

## **Attachment 9**

### **Building Elevations, Renderings, and Sample Exhibits, dated February 17, 2023**









**UNCLE CHARLIE'S FIREHOUSE & BREW  
PROPOSED DOOR EXAMPLES**



**MANUFACTURERS**  
**SacDoors.Com**  
**IndustrialDoorCompany.Com**

Historic District Commission  
Uncle Charlie's Firehouse and Brew (PN 22-158)  
March 1, 2023

# **Attachment 10**

## **Signage Program**

**905 Leidesdorff  
St Ste. 100  
Signage Plan  
Proposal**



# 905 Leidesdorff St Ste. 100

## Location for Signage

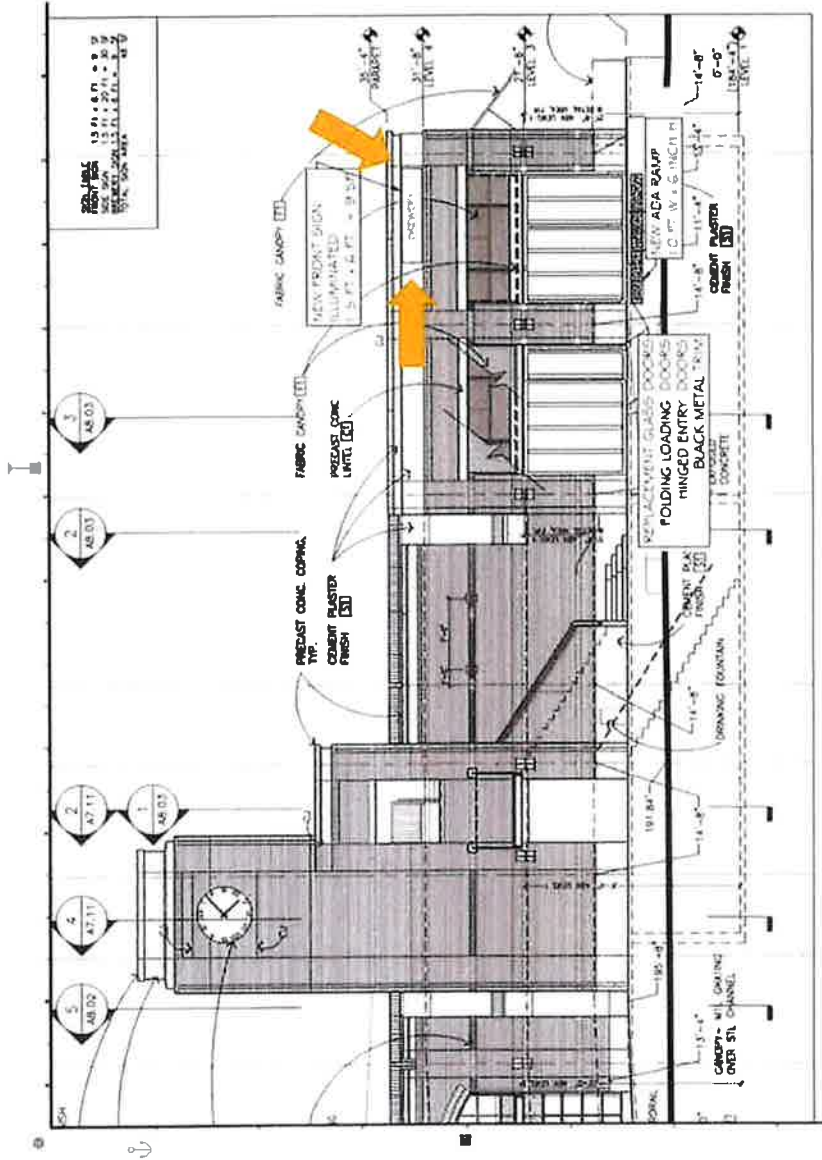


# 905 Leidesdorff St Ste. 100

## Proposed Signage- EAST Side of the Building

"BREWERY"

New backlit signage with  
metal letters  
1.5ft X 6ft = 9 SF

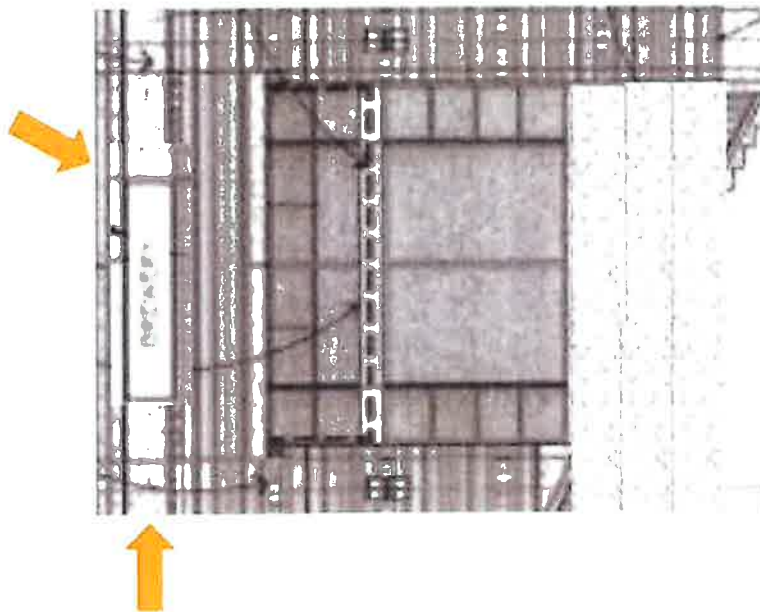


# 905 Leidesdorff St Ste. 100

## Proposed Signage- WEST Side of the Building

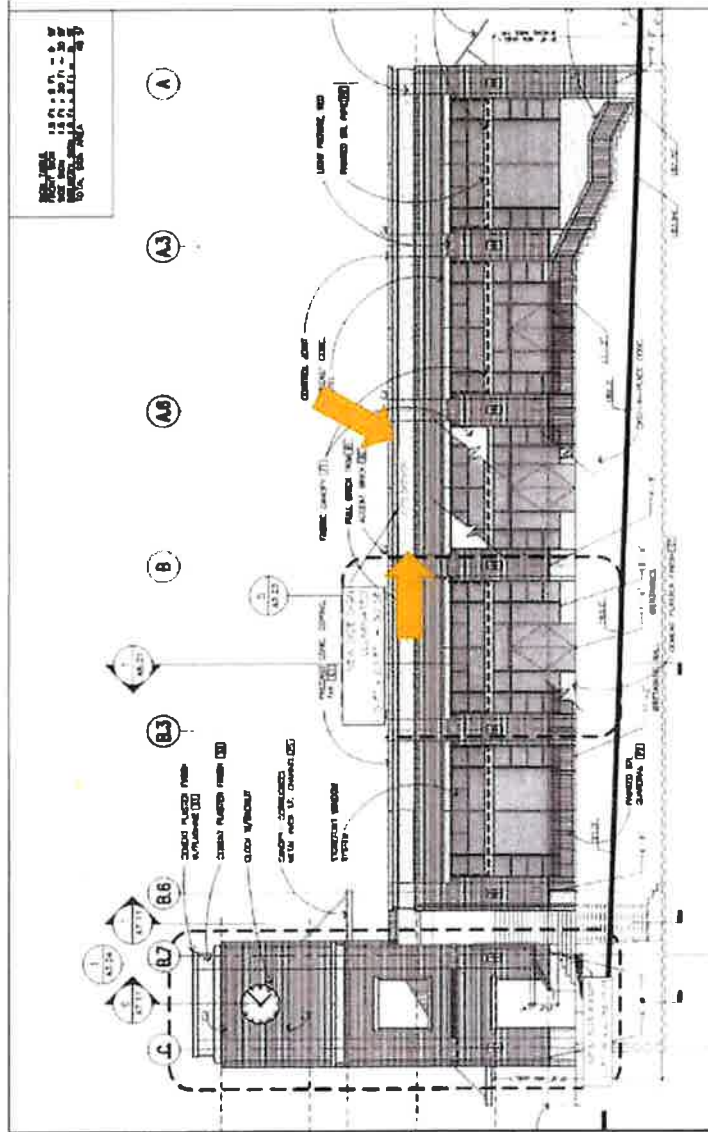
“BREWERY”

New backlit signage with  
metal letters  
1.5ft X 6ft = 9 SF



# 905 Leidesdorff St Ste. 100

## Proposed Signage- NORTH Side of the Building



“UCFB BREWERY”  
New backlit signage with  
metal letters  
1.5ft X 20ft = 30 SF



# Proposed EAST Facing Signage- LED Backlit Example

**TYPE:** Stud mounted individual metal letters

**ILLUMINATION:** LED Backlit (3000k or less)

**TOTAL SQUARE FOOTAGE:** 1.5ft X 6ft = 9 Square Feet



In accordance with the Historic District sign ordinance, Uncle Charlie's Firehouse & Brew would like to emulate signage similar in the existing area. "The Roundhouse" with backlit 3000k or less wattage and "Old Standard" style font would be most similar.



# Proposed WEST Facing Signage- LED Backlit Example

**TYPE:** Stud mounted individual metal letters

**ILLUMINATION:** LED Backlit (3000k or less)

**TOTAL SQUARE FOOTAGE:** 1.5ft X 6ft = 9 Square Feet



In accordance with the Historic District sign ordinance, Uncle Charlie's Firehouse & Brew would like to emulate signage similar in the existing area. "The Roundhouse" with backlit 3000k or less wattage and "Old Standard" style font would be most similar.

# Proposed NORTH Facing Signage- LED Backlit Example

**TYPE:** Stud mounted individual metal letters

**ILLUMINATION:** LED Backlit (3000k or less)

**TOTAL SQUARE FOOTAGE:** 1.5t X 20ft = 30 Square Feet



In accordance with the Historic District sign ordinance, Uncle Charlie's Firehouse & Brew would like to emulate signage similar in the existing area. "The Roundhouse" with backlit 3000k or less wattage and "Old Standard" style font would be most similar.



# Total Proposed Signage

**LOCATION #1 and #2:** East and West sides of the building facing Sutter Street and Leidesdorff respectively, will feature metal letters on white stucco above brick and below roofline

**TYPE:** Stud mounted individual metal letters

**ILLUMINATION:** LED Backlit (3000k or less)

**MATERIAL:** Powder coated, Painted or anodized metal

**COLOR:** Black or Graphite metal

**LETTER HEIGHT:** 1.5 foot

**SIGNAGE LENGTH:** 6 feet

**TOTAL SQUARE FOOTAGE:** 1.5ft X 6ft = 9 Square Feet

**LOCATION:** North side of the building facing Sutter Street on white stucco above brick and below roofline

**TYPE:** Stud mounted individual metal letters

**ILLUMINATION:** LED Backlit (3000k or less)

**MATERIAL:** Powder coated, Painted or anodized metal

**COLOR:** Black or Graphite metal

**LETTER HEIGHT:** 1.5 foot approx

**SIGNAGE LENGTH:** 20 feet

**TOTAL SQUARE FOOTAGE:** 1.5ft X 20ft = 30 Square Feet

**TOTAL SQUARE FOOTAGE FOR THREE SIDES OF THE BUILDING: 48 Square Feet**

Historic District Commission  
Uncle Charlie's Firehouse and Brew (PN 22-158)  
March 1, 2023

## **Attachment 11**

### **Project Narrative, dated January 3, 2023**

**Uncle Charlie's Firehouse & Brew**  
***Project Narrative***

Uncle Charlie's Firehouse & Brew is a firefighter/ first responder themed craft brewery with a desire to find its home in the heart of Historic Folsom. Our mission will be to provide an approachable and community focused space, featuring craft beer and seltzer with limited light bites on site. The breadth of the food component of the business will champion supporting local area restaurants by allowing for outside food. Our team's core mission, will be to make quality craft beer and seltzer while fostering and cultivating a welcoming space for people of all walks of life, while engaging in a multitude of philanthropic endeavors related to giving back to Folsom and the first responder communities.

The Uncle Charlie's Firehouse & Brew (UCFB) team, is comprised of Co-founder Charlie Grows, who has been a resident of the Folsom and surrounding area since 1956. Charlie began a 50+ year long and lucrative career in the fire service starting with Folsom Fire Department before moving onto a firefighter in the Airforce, then at UC Davis Fire, and finally retiring as a Captain from Yocha Dehe Fire. On the days Charlie is not homebrewing or commercially brewing, you can find him supporting many businesses around town as a longstanding Rotarian and lead volunteer of the Folsom Pro Rodeo.

Co-founder, Taryn Grows found a passion for craft beer back in 2004, as an opening team member of BJ's Restaurant & Brewhouse here in Folsom, spending four years of service to the company as a corporate trainer, responsible for opening many of their other California restaurants. Taryn took a job with Choose Folsom (formerly the Greater Folsom Partnership; home of the Folsom Chamber, Folsom Tourism Bureau and Economic Development) spending the last six years+ forging great relationships supporting other business owners in Folsom. Taryn was also tasked with handling all logistics of several brew fests both in Folsom and the surrounding areas by establishing relationships with local breweries and managing all logistics.

Uncle Charlie's Firehouse & Brew's initial operating hours will be Wednesday- Sunday from 12pm-10pm with a staff comprised of a head brewer, assistant brewer, tap room manager and three "Fire BEERgade" team members.

The tap room space will be comprised of a 10barrel brew system, while the bar area itself will include the beer taps being poured off an original 1952 Val Pelt Fire Engine owned back in the 1950's and 1960's by the Folsom Fire Dept. ADA compliant bathrooms will be installed inside the space, adjacent to the bathrooms inside the parking garage through piping into existing plumbing infrastructure as to keep architectural integrity in the building intact. Ample indoor and outdoor seating (based on the city's approval of our encroachment permit) which will allow for patrons to enjoy the scenic views and brews of Historic Folsom. Parking for our brewhouse will be supported by **AB2097** which stipulates there does NOT need to be a parking minimum within a half-mile of public transit. We feel with a vibrant and strong community space such as Uncle Charlie's Firehouse & Brew, this will mitigate the congregation of that group. **CHEERS!**

**Thank you in advance for your support and consideration,**

&

***Charlie Grows and Taryn Grows, Founders of Uncle Charlie's Firehouse & Brew***

**01/03/2023**

Historic District Commission  
Uncle Charlie's Firehouse and Brew (PN 22-158)  
March 1, 2023

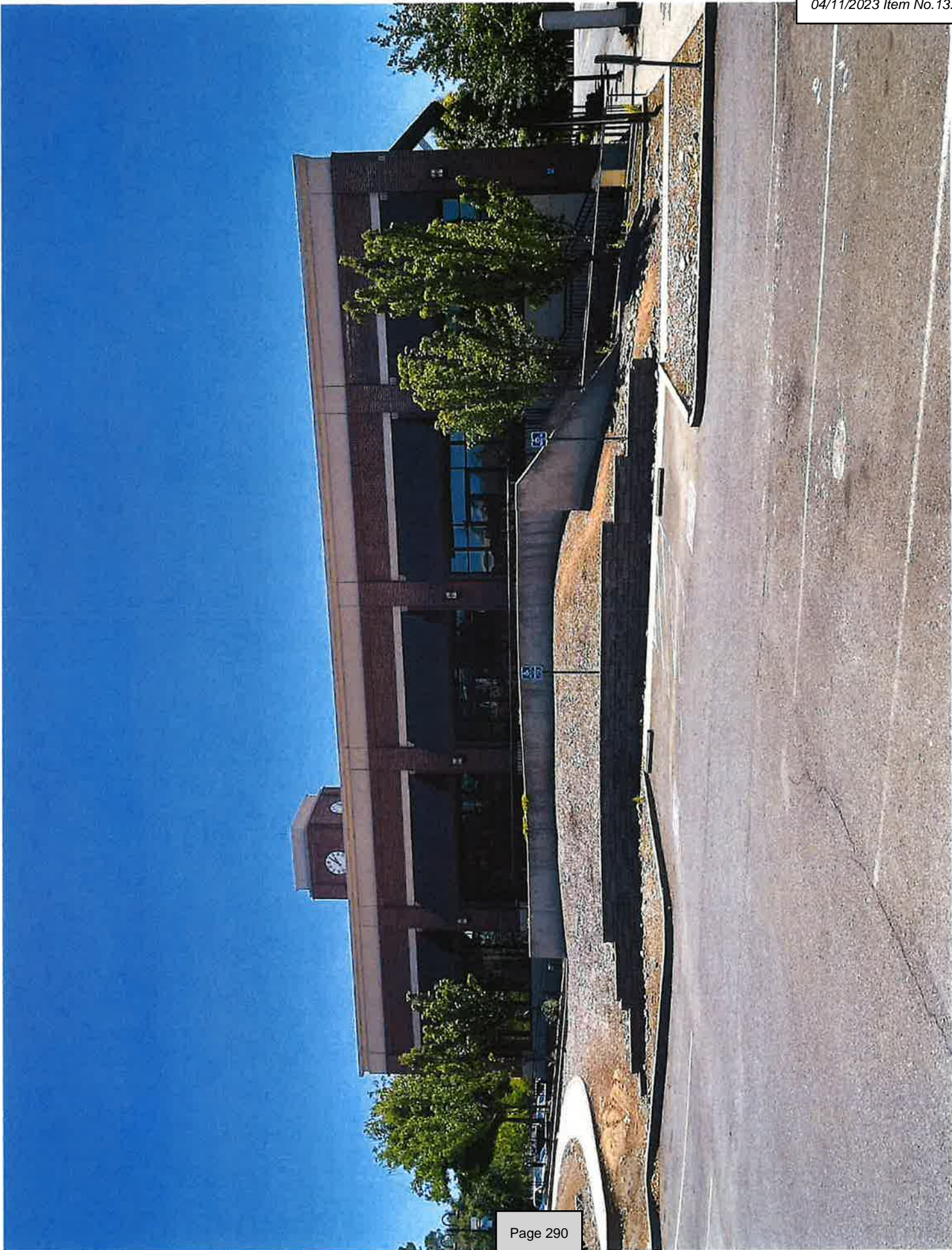
# **Attachment 12**

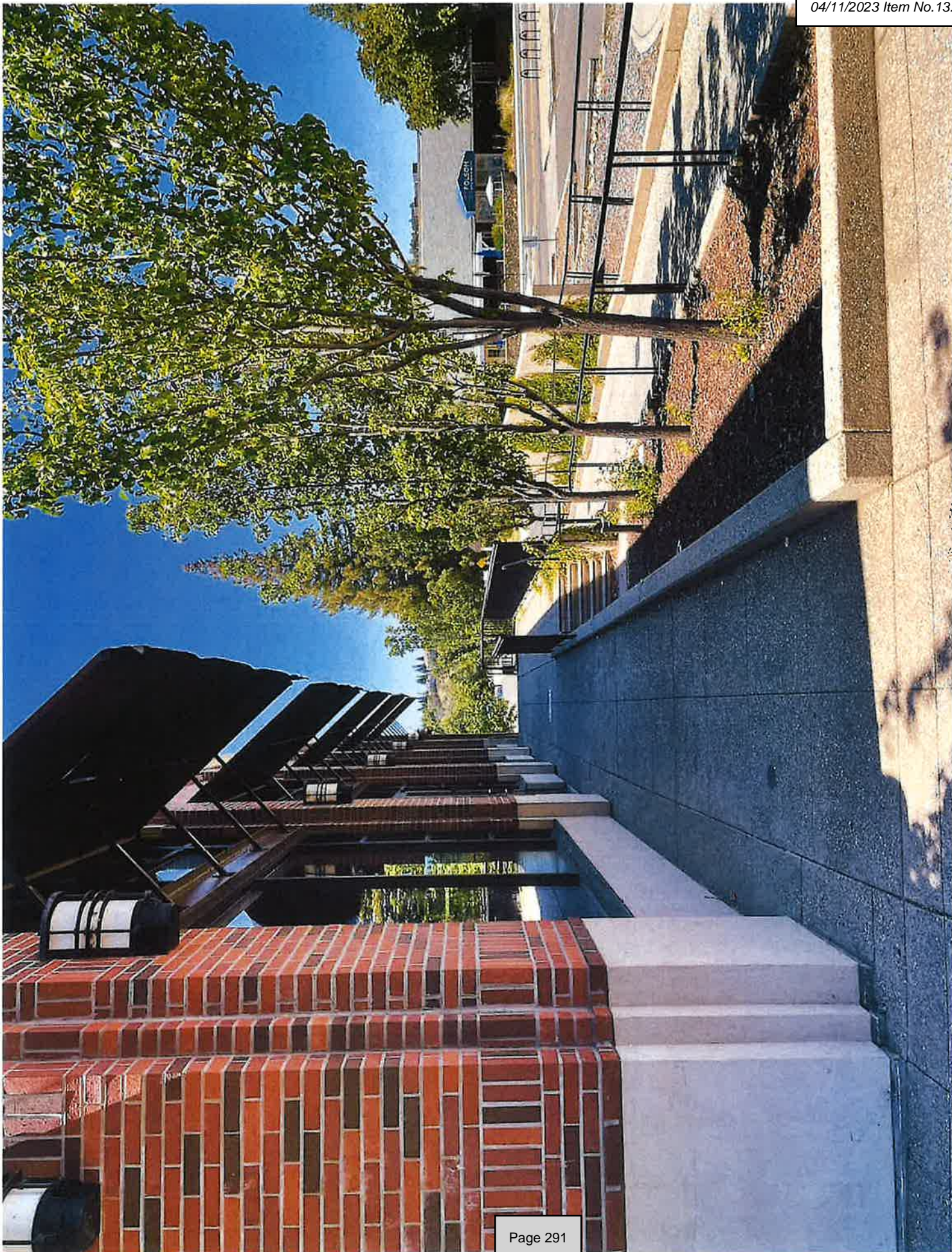
## **Site Photographs**











Historic District Commission  
Uncle Charlie's Firehouse and Brew (PN 22-158)  
March 1, 2023

## **Attachment 13**

### **Letter from Historic Folsom Residents Association, dated July 8, 2022**

**Steven Banks**

**From:** Joan Walter [REDACTED]  
**Sent:** Friday, July 8, 2022 7:35 AM  
**To:** Steven Banks  
**Cc:** Christina Kelley; Michael Reynolds; The Hfra  
**Subject:** Re: Request for Comments for Uncle Charlie's Firehouse and Brew Project (PN 22-158)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steve,

The Historic Folsom Residents Association (HFRA) appreciates the opportunity to provide input on the proposed conditional use permit for Uncle Charlie's Firehouse and Brew Project. The HFRA supports the neighborhood-friendly hours of operation, location near the parking garage and if approved, hope it will draw foot traffic to the West end of Sutter Street.

Thank you.

Joan Walter, AICP  
 HFRA Board Member

On Jul 7, 2022, at 10:58 AM, Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)> wrote:

Good morning Joan,

The proposed project requires approval of a Conditional Use Permit as the Folsom Municipal Code (FMC, Section 17.22.030) dictates that a Conditional Use Permit is necessary for operation of a Microbrewery within the C-2 zoning district. I have reached out to the applicant regarding your question about the storage of hazardous materials, will let you know when I hear back.

Best regards,

Steve

Steven Banks  
 Principal Planner  
 City of Folsom  
 (916) 461-6207  
[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)

**From:** Joan Walter [REDACTED]  
**Sent:** Thursday, July 7, 2022 10:43 AM  
**To:** Steven Banks <[sbanks@folsom.ca.us](mailto:sbanks@folsom.ca.us)>  
**Cc:** Christina Kelley <[ckelly@folsom.ca.us](mailto:ckelly@folsom.ca.us)>; Michael Reynolds [REDACTED] The Hfra

Historic District Commission  
Uncle Charlie's Firehouse and Brew (PN 22-158)  
March 1, 2023

# **Attachment 14**

## **Letters of Support**



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1/27/23

BUSINESS NAME: Falcon Eyes LLC

BUSINESS ADDRESS: [Redacted]

CONTACT NAME: Tom Kazarian

CONTACT EMAIL: [Redacted]

To the Planning Department at the City of Folsom,

I, Tom Kazarian as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

[Empty lines for additional comments]

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: Jan 27, 2023

BUSINESS NAME: OKTA (operating remotely out of Granite City (conforming))

BUSINESS ADDRESS: 100 1st St 6th floor, San Francisco, CA 94103  
Operating out of ~~350~~ 705 Gold Lake Dr. Ste. 250, Folsom, CA

CONTACT NAME: Jackie Cooper 95630

CONTACT EMAIL: [REDACTED]

To the Planning Department at the City of Folsom,

Jackie Cooper, operating remotely out of  
1 Granite City Conforming as a current business  
owner/representative of a Historic Folsom business, am in support of the addition of  
Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in  
joining the geographic area AND culture of the Folsom Historic District; which is  
dedicated to fostering community engagement and providing economic vitality to the  
area.

ADDITIONAL COMMENTS:

Taryn would like to open a brewery that would  
greatly contribute to economic development  
and tourism in Folsom bringing more awesome  
people to the area and serving the community  
please allow her to bring this awesome business to  
Folsom and also improve Cal RT light-rail!

CHEERS!





LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1/27/23

BUSINESS NAME: Total 90 Training

BUSINESS ADDRESS: [Redacted]

CONTACT NAME: Kudy Duff

CONTACT EMAIL: [Redacted]

To the Planning Department at the City of Folsom.

I, Kudy Duff as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS: This could add a much-needed element to the historic district that adds to the experience of Old Folsom.

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE:

11/27/2023

BUSINESS NAME:

Wicket, Peckers - Sierra Pacific Group

BUSINESS ADDRESS:

705 Gold Lake Drive, Ste 250, Folsom CA 95630

CONTACT NAME:

Nicholas Muggione

CONTACT EMAIL:



To the Planning Department at the City of Folsom.

I, Nicholas Muggione as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

Blank lines for additional comments.

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1/27/2023

BUSINESS NAME: Mathews Capital Management

BUSINESS ADDRESS: 705 Gold Lake Dr. STE 258 Folsom CA 95630

CONTACT NAME: Jess Mathews

CONTACT EMAIL: [REDACTED]

To the Planning Department at the City of Folsom,

I, Jess Mathews as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

We need an awesome place we can go to after work. It would revitalize the Sutter Street Corridor area. It has my full support.

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1-27-23

BUSINESS NAME: Folsom Telegraph

BUSINESS ADDRESS: 921 South St.

CONTACT NAME: Bill Silver

CONTACT EMAIL: [Redacted]

To the Planning Department at the City of Folsom,

I, Bill Silver as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS: Uncle Charlie's is a key asset to the community

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1-27-2023

BUSINESS NAME: Garrett Kiesz - sole proprietor

BUSINESS ADDRESS: Granite City

CONTACT NAME: Garrett Kiesz

CONTACT EMAIL: [REDACTED]

To the Planning Department at the City of Folsom,

I, Garrett Kiesz as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

[Empty lines for additional comments]

CHEERS!

## ATTACHMENT 3

February 27, 2023

City of Folsom Community Development Department  
 Ms. Pam Johns, Director  
 50 Natoma Street  
 Folsom, CA 95630  
 via email to: [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)

**SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information**

Dear Ms. Johns:

Item 3 of the Historic District Commission's March 1, 2023, meeting is "Uncle Charlie's Firehouse and Brew" (PN 22-158). To my knowledge, the Community Development Department's "Pending Development Applications" has never included and, as of 11am this morning (screenshot at end of letter), still does not include Uncle Charlie's as a pending development application.

As stated on the CDD webpage, the webpage is to include "those pending applications for discretionary planning entitlements that require a public meeting or hearing with the Planning Commission or Historic District Commission". A CUP and design review for the Uncle Charlie's project fits squarely into that category of projects. Yet, project information was not made available to the general public until release of CDD's staff report to the HDC dated March 1, 2023 (I saw it last night, Feb 26th, for the first time by checking the HDC's March 1 meeting agenda packet; posted on Feb 23rd or 24th, in any case, just a few days ago). Even with the recent availability of the staff report, the staff report does not provide the complete application nor does it include fully legible information that ostensibly defines much of what the HDC is being asked to approve (for example, see illegible graphics in staff report at Figures 2, 3, 4 and Attachment 6).

To allow for fully informed public review and input on the project, I am requesting that you postpone the HDC hearing on this item to allow CDD to post the complete application and fully legible materials on the Pending Development Applications webpage in advance of scheduling this item on a future HDC agenda.

On initial review of the staff report, I have the following questions for which I am hoping you can provide feedback; ideally, by addressing them in a revised staff report and allowing ample time for public review prior to an HDC hearing.

1. Can you please provide, or post to the Pending Development Applications webpage, the complete application, including all information required for CUP and design review applications (title report, notification map, etc.)?
2. Can you please provide information/records for when the public was notified that that City Council made the discretionary decision to lease the space to Uncle Charlies for use as a brewery? (According to the recent staff report, that discretionary decision was made by the Council on Nov 9, 2021, when "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." That November 9, 2021, Council meeting was a Closed Session meeting with no minutes recorded and no announcement following the session pertaining to the Uncle Charlie's lease decision. I am aware of no public announcement or notice since that time of the Council's close session decision, nor of any CEQA document or notice of exemption filed for the discretionary Council decision that was made in closed session and never

Page 1 of 4

February 27, 2023

announced to the public. To my knowledge, the first time that a member of the general public was notified and could have been aware of the Council's decision was publication of the CDD staff report dated March 1, 2023.)

3. Did all of the then-councilmembers participate in the Nov 9, 2021, discussion and the discretionary decision made by the Council to enter into a lease with Uncle Charlie's or did any councilmembers recuse themselves due to potential conflicts of interest (for instance, due to owning a business nearby that might benefit financially from leasing the space for use as a brewery)? Did the City Attorney during the closed session provide any guidance to Councilmembers present regarding whether they should recuse themselves due to potential conflicts?
4. Can you provide the square footage of the existing parking structure that would be modified by this proposal? (The staff report references an "existing 3,322-square-foot building" located within the first floor of the parking structure. This seems akin to referring to a portion of my house, say, my living room, as a building. The staff report should be corrected to reflect that the project is proposed to be located within a 3,322 sf portion of the larger parking structure building and the total square footage of the parking structure should be identified.)
5. Can you explain by what provision in the Folsom Municipal Code the HDC obtains the authority to 1) approve a private entity to make modifications to existing City-owned buildings and 2) approve use of an existing City-owned building by a private entity? (The staff report and recommendation that the HDC approve design review and a CUP to a private party seemingly disregards the fact that this project would be on City-owned property – both within a City-owned building and on what Sacramento County assessor's office identifies as a nearly 4.5-acre parcel. Both of these items would fit squarely within the HDC's role authorized by the FMC as "advisory" to the Council, whereby the HDC might properly review the proposed project and provide a recommendation to the City Council and the City Council would then make a final decision regarding building modifications, a CUP, and a lease for City-owned property. This would allow, for example, the CUP and lease to be linked by permitted use and duration which are important terms for both a CUP and a lease that should not be separately decided by two different decision-making bodies. The CUP as currently recommended by staff has no duration or relationship to lease terms established, or that may be established, by the City Council. Additionally, without understanding the lease terms that have been or will be established by the Council, the HDC has no basis on which to understand whether the building modifications would be acceptable to the City Council. The City Council should make the final decision regarding modifications to City-owned buildings; not the HDC.)
6. Can you please produce a staff report with legible figures and labels so the public and decisionmakers can understand what changes are proposed to the building? (Figures 2, 3, and 4, and Attachment 6 sheet A-1 are impossible to decipher in terms of existing structure and proposed modifications, and yet these figures would serve as the basis for illustrating and defining the recommended approval, so they need to be fully legible.)
7. Can you clarify CDD's interpretation of "parking available to serve the project"? (The staff report states, "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaced in a nearby Railroad Block public parking lot." These 368 public parking spaces are available for use by existing business employees, light-rail users, Historic District visitors, etc., under existing conditions.

Page 2 of 4



February 27, 2023

Unless these spaces are specifically allocated “to serve the” project, the staff report should be revised to clarify that these are shared spaces available on a first-come/first-served basis that “may be available” when not occupied by others.)

8. Can you please clarify how many parking spaces the project would provide? (If the answer is “zero,” the staff report should clearly state that. As currently written the staff report misleadingly states that, “the project exceeds the minimum parking requirement by providing 318 permanent parking spaces.” If the project proposes to provide 318 parking spaces, please describe where these spaces will be located.)
9. Can you please clarify the proposed hours of operation – both in terms of when the business would be open to serve the public and when the business would operate for the production of beer. Page 12 of the staff report (HDC packet page 124) discusses that one of the mitigating factors for potential odor impacts is that brewing times would be scheduled for Mondays and Tuesdays only. Yet, the “hours of operation” for the project (on that same page) are listed as 12pm to 10pm Wednesday through Sunday implying no operations on Mondays and Tuesdays. It appears that references to operations Wednesday through Sunday is intended to mean when the brewery would be open to the public; and that operations for brewing beer would be permitted to occur on Mondays and Tuesdays (during “daytime hours for greater odor dispersion” – a less-than-clear definition of permitted brewing hours). Clarification of the actual proposed hours of operation is needed with differentiation between hours when open to the public and hours when brewing is allowed.
10. Can you please explain what odor impacts are anticipated to result from the project? The “Odor Impacts” discussion (pg. 12 of staff report; HDC packet pg. 124) discusses release of steam and “other byproducts” from a vent in the roof, but doesn’t explain the source, type, or intensity of anticipated odor sources (e.g., with the brewing process and byproduct simply generate a new mildly noticeable odor or will it stink to high hell several blocks away from the operation?) A bullet list of six items (five on packet pg. 124, one on pg. 125) is provided that appears to be mitigation-like measures to address odor impacts. Although no analysis of odor impacts is provided, a list qualitative requirements is apparently thought by staff to be sufficient to reduce whatever the odor impacts would be. Scheduling brewing times on Mondays and Tuesdays, when the operation would not be open to the public, as an odor impact mitigation measure implies that there is some anticipated odor that would be offensive to the public during brewing. Yet, while closing the business to customers during periods of brewing would avoid customer exposure, it would do nothing to reduce odor emissions and odor impacts to surrounding residents, businesses, and Historic District visitors. Odor impacts to adjacent existing and approved but not yet developed land uses (including residences), must be evaluated. The potential for significant odor impacts that need mitigation clearly creates an unusual circumstance associated with the proposed use creating a reasonable possibility that the project will have a significant air quality/odor impact. The project’s potential odor impacts, unevaluated at present but acknowledged as requiring mitigation, creates an exception to the staff-asserted CEQA exemptions, and a full analysis of potential odor sources and the impacts to surrounding sensitive receptors is needed.
11. Can you provide copies of all comments from public agencies received on the project? The staff report references “recommendations provided by the Sacramento Air Quality Management District”, but the staff report does not provide documentation of any comments provided by SMAQMD. It is also unclear as to when and how agency review and input on the project was solicited.

Page 3 of 4

February 27, 2023

12. Has the CDD fully assessed the City obligations and liabilities associated with leasing this portion of the building to a private entity and for selling alcohol at a City-owned property? For air permits and possibly other regulatory permits, would the City, as the building/property owner have obligations or liabilities associated with compliance? Also, Banks' email to Joan Walter (packet pg. 175) references that he will follow-up regarding potential storage of hazardous materials, but I do not see follow-up or resolution of that issue in the staff report. Are hazardous materials – or even just obnoxious/nuisance materials (e.g., odor-causing byproducts) – associated with the project and, if so, what is the City's liability associated with such use? Issues of liability would appear to be well outside of the purview of the HDC, yet very relevant in a decision of whether or not to approve a CUP for the project. So, again, I question whether the HDC should be asked to approve or simply asked to serve in its more appropriate advisory function to the Council.

Sincerely,



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

**Community Development Department "Pending Development Applications" Webpage List of Projects as of 11am, Feb 27, 2023**

|                                                                             |   |
|-----------------------------------------------------------------------------|---|
| <b>UPDATED PROJECT: 603 Sutter Street Mixed Use Project (February 2023)</b> | > |
| Vintage at Folsom Senior Apartments                                         | > |
| Folsom Corporate Center Apartments                                          | > |
| Barley Barn (previously Folsom Prison Brews)                                | > |
| Barley Barn Tap House Appeals                                               | > |
| Russell Ranch Phase 2 Lots 24 through 32 Minor Administrative Modifications | > |
| Dignity Health Folsom Ranch Medical Center                                  | > |
| Alder Creek Apartments Project                                              | > |
| Dignity Health Campus Project                                               | > |
| AT&T Livermore Park Monopline Cellular Site                                 | > |
| Kaiser Medical Office Building                                              | > |
| 311 Coloma Street                                                           | > |

March 1, 2023

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

**SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Comments to HDC for March 1, 2023 Hearing**

Dear Historic District Commissioners:

One February 26, 2023, I became aware of a staff report issued for the subject project. On February 27<sup>th</sup>, I submitted a list of questions and concerns to the Community Development Department (Attachment 1) and on February 28<sup>th</sup>, after CDD made certain application materials available that had not been previously available, I provided additional questions about the application to CDD. As of 11 a.m. today, the day you are scheduled to conduct a hearing on the project, I have received no feedback from CDD on my questions (with the exception of Ms. John's advisory that the application materials were now available on CDD webpage and advising that her staff would respond to my questions).

Please understand that although the staff report has a section "Public Comments," to my knowledge the project as currently proposed was never circulated for public review and comment prior to publication of the staff report. While my comments may seem late in coming, I have previously been given no opportunity to comment until publication of the staff report dated March 1, 2023, which I saw for the first time on February 26<sup>th</sup>.

To allow for fully informed public review and input on the project, I am requesting that the HDC Chair postpone a hearing on this item to allow time for staff to address important issues associated with this project that are currently not addressed in the staff report. In the event that the hearing proceeds tonight, my attached questions and comments to Ms. Johns are now provided for the HDC's consideration to the extent the HDC feels they may be relevant to your deliberations. Furthermore, I reserve the right to submit additional comments on any future hearing conducted by the HDC or any future appeal or other hearing conducted by the City Council on this project.

In addition to the attached, I have the following comments for your consideration:

1. As presented by staff, the CUP approval in the absence of any reference to a lease would appear to provide an entitlement and commit the City to allowing the use and essentially requiring the City to lease the site to Uncle Charlie's with little or no negotiation. I suggest that a condition of approval be added to avoid that and ensure that the CUP is contingent on, and subordinate to, any lease that the City Council may choose to execute. Something like: *"The entitlements granted by this approval shall be contingent on, and subordinate to all terms and conditions of, a lease for use of the space between the City Council and the permittee. The duration of the CUP granted by this approval shall be limited to the duration of any lease, or extension thereof, approved by the City Council and may be revoked for any reason at the discretion of the City Council."*
2. Staff's discussion of parking issues fails to identify an actual predicted parking demand for the project. Regardless of whether the City has the ability to impose minimum parking standards (a limitation asserted in staff's analysis), an understanding of the project's actual parking demand is essential to understanding the project's effect on vehicle and pedestrian circulation and safety within the Historic District and is, therefore,

Page 1

March 1, 2023

essential to the decisionmakers ability to make the findings required for issuance of a CUP. Please do not make an approval decision for this project without a clear understanding of the project's parking demand.

3. Staff's assertion that the City is limited in its ability to impose minimum parking standards fails to acknowledge that the space to be occupied by the project is City-owned and the City has full exercise of discretion of how that space is used and the terms of any lease that may be executed for the space. Surely, the City has the authority to decline to enter into a lease if the applicant is unwilling or unable to meet any requirement that the City seeks to impose, including providing parking. I do not assert that the project needs to provide parking or that the City Council should require the project to provide parking; and only assert that staff appears to be improperly limiting the City's authority over the use of City-owned property. Councilmember Kozlowski recently engaged in discussion with the City Attorney during a City Council meeting asking the City Attorney to think about creative ways that parking could be addressed in the Historic District in light of the restrictions imposed by state law. Staff's approach to imposing state law parking restrictions on a freely negotiated lease of City property appears to be about as uncreative as one could imagine.
4. Condition of Approval 20 states: "*Hours of operation (including private parties) shall be limited as follows: Wednesday-Sunday: 12:00 p.m. to 10:00 p.m. 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 discretionary Conditional Use Permit Modification.*" Yet the staff report discusses that brewing would occur on Mondays and Tuesdays. Brewing is a component of the operation, therefore, there needs to be a condition of approval specifying allowing brewing days. Furthermore, the staff report provides no basis for limiting the days of customer visitation to Wednesday-Sunday. If the owner wants to avoid subjecting customers to brewing odors, the owner should be left to decide whether or not to be open on Mondays and Tuesdays.
5. The staff report acknowledges that the project has the potential to result in significant odors and, without any analysis, provides mitigation ostensibly intended to address odor impacts. The surrounding land uses both on the remainder of the City-owned property and nearby involve a substantial number of people (e.g., amphitheater, seasonal skating rink and City Christmas tree, farmers market, outdoor dining, residences with balconies) that would be affected by any objectionable odors emitted by the project brewing operations and waste systems. The staff report provides no analysis of the degree of anticipated impact nor the effectiveness of mitigation measures recommended by staff. An evaluation of potential odor impacts is needed. Given staff's (and perhaps also the Sac Metro Air District in comments that have not been shared with the public) acknowledgement of potential odor impacts and imposition of mitigation, the project does not qualify for a CEQA exemption.
6. By the applicant's acknowledgement on the application form, the project would result in "substantial change in demand for municipal services (police, fire, water, sewage, etc.)" but without any additional explanation by the applicant or evaluation by staff. For compliance with CEQA, and evaluation of the project's demand for municipal services must be provided.
7. According to the application, "[t]he subject property is listed on the Hazardous Waste and Substances Sites List" per Gov Code 65962.5. CEQA statute 21084(d) expressly

Page 2

March 1, 2023

prohibits using a categorical exemption on "*d) A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a).*" CEQA Guidelines 15300.2, Exceptions, subdivision "e" reiterates that a "*categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*" Given the application's statement that the project is on a Gov Code 65962.5 site and no information presented to the contrary, the project ineligible for a CEQA exemption.

Sincerely,



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

March 1, 2023

**Attachment 1**  
**Questions to Community Development Department Feb 27, 2023**

February 27, 2023

City of Folsom Community Development Department  
 Ms. Pam Johns, Director  
 50 Natoma Street  
 Folsom, CA 95630  
 via email to: [pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)

**SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information**

Dear Ms. Johns:

Item 3 of the Historic District Commission's March 1, 2023, meeting is "Uncle Charlie's Firehouse and Brew" (PN 22-158). To my knowledge, the Community Development Department's "Pending Development Applications" has never included and, as of 11am this morning (screenshot at end of letter), still does not include Uncle Charlie's as a pending development application.

As stated on the CDD webpage, the webpage is to include "those pending applications for discretionary planning entitlements that require a public meeting or hearing with the Planning Commission or Historic District Commission". A CUP and design review for the Uncle Charlie's project fits squarely into that category of projects. Yet, project information was not made available to the general public until release of CDD's staff report to the HDC dated March 1, 2023 (I saw it last night, Feb 26th, for the first time by checking the HDC's March 1 meeting agenda packet; posted on Feb 23rd or 24th, in any case, just a few days ago). Even with the recent availability of the staff report, the staff report does not provide the complete application nor does it include fully legible information that ostensibly defines much of what the HDC is being asked to approve (for example, see illegible graphics in staff report at Figures 2, 3, 4 and Attachment 6).

To allow for fully informed public review and input on the project, I am requesting that you postpone the HDC hearing on this item to allow CDD to post the complete application and fully legible materials on the Pending Development Applications webpage in advance of scheduling this item on a future HDC agenda.

On initial review of the staff report, I have the following questions for which I am hoping you can provide feedback; ideally, by addressing them in a revised staff report and allowing ample time for public review prior to an HDC hearing.

1. Can you please provide, or post to the Pending Development Applications webpage, the complete application, including all information required for CUP and design review applications (title report, notification map, etc.)?
2. Can you please provide information/records for when the public was notified that that City Council made the discretionary decision to lease the space to Uncle Charlies for use as a brewery? (According to the recent staff report, that discretionary decision was made by the Council on Nov 9, 2021, when "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." That November 9, 2021, Council meeting was a Closed Session meeting with no minutes recorded and no announcement following the session pertaining to the Uncle Charlie's lease decision. I am aware of no public announcement or notice since that time of the Council's close session decision, nor of any CEQA document or notice of exemption filed for the discretionary Council decision that was made in closed session and never

Page 1 of 4

February 27, 2023

announced to the public. To my knowledge, the first time that a member of the general public was notified and could have been aware of the Council's decision was publication of the CDD staff report dated March 1, 2023.)

3. Did all of the then-councilmembers participate in the Nov 9, 2021, discussion and the discretionary decision made by the Council to enter into a lease with Uncle Charlie's or did any councilmembers recuse themselves due to potential conflicts of interest (for instance, due to owning a business nearby that might benefit financially from leasing the space for use as a brewery)? Did the City Attorney during the closed session provide any guidance to Councilmembers present regarding whether they should recuse themselves due to potential conflicts?
4. Can you provide the square footage of the existing parking structure that would be modified by this proposal? (The staff report references an "existing 3,322-square-foot building" located within the first floor of the parking structure. This seems akin to referring to a portion of my house, say, my living room, as a building. The staff report should be corrected to reflect that the project is proposed to be located within a 3,322 sf portion of the larger parking structure building and the total square footage of the parking structure should be identified.)
5. Can you explain by what provision in the Folsom Municipal Code the HDC obtains the authority to 1) approve a private entity to make modifications to existing City-owned buildings and 2) approve use of an existing City-owned building by a private entity? (The staff report and recommendation that the HDC approve design review and a CUP to a private party seemingly disregards the fact that this project would be on City-owned property – both within a City-owned building and on what Sacramento County assessor's office identifies as a nearly 4.5-acre parcel. Both of these items would fit squarely within the HDC's role authorized by the FMC as "advisory" to the Council, whereby the HDC might properly review the proposed project and provide a recommendation to the City Council and the City Council would then make a final decision regarding building modifications, a CUP, and a lease for City-owned property. This would allow, for example, the CUP and lease to be linked by permitted use and duration which are important terms for both a CUP and a lease that should not be separately decided by two different decision-making bodies. The CUP as currently recommended by staff has no duration or relationship to lease terms established, or that may be established, by the City Council. Additionally, without understanding the lease terms that have been or will be established by the Council, the HDC has no basis on which to understand whether the building modifications would be acceptable to the City Council. The City Council should make the final decision regarding modifications to City-owned buildings; not the HDC.)
6. Can you please produce a staff report with legible figures and labels so the public and decisionmakers can understand what changes are proposed to the building? (Figures 2, 3, and 4, and Attachment 6 sheet A-1 are impossible to decipher in terms of existing structure and proposed modifications, and yet these figures would serve as the basis for illustrating and defining the recommended approval, so they need to be fully legible.)
7. Can you clarify CDD's interpretation of "parking available to serve the project"? (The staff report states, "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaced in a nearby Railroad Block public parking lot." These 368 public parking spaces are available for use by existing business employees, light-rail users, Historic District visitors, etc., under existing conditions.

Page 2 of 4



February 27, 2023

Unless these spaces are specifically allocated “to serve the” project, the staff report should be revised to clarify that these are shared spaces available on a first-come/first-served basis that “may be available” when not occupied by others.)

8. Can you please clarify how many parking spaces the project would provide? (If the answer is “zero,” the staff report should clearly state that. As currently written the staff report misleadingly states that, “the project exceeds the minimum parking requirement by providing 318 permanent parking spaces.” If the project proposes to provide 318 parking spaces, please describe where these spaces will be located.)
9. Can you please clarify the proposed hours of operation – both in terms of when the business would be open to serve the public and when the business would operate for the production of beer. Page 12 of the staff report (HDC packet page 124) discusses that one of the mitigating factors for potential odor impacts is that brewing times would be scheduled for Mondays and Tuesdays only. Yet, the “hours of operation” for the project (on that same page) are listed as 12pm to 10pm Wednesday through Sunday implying no operations on Mondays and Tuesdays. It appears that references to operations Wednesday through Sunday is intended to mean when the brewery would be open to the public; and that operations for brewing beer would be permitted to occur on Mondays and Tuesdays (during “daytime hours for greater odor dispersion” – a less-than-clear definition of permitted brewing hours). Clarification of the actual proposed hours of operation is needed with differentiation between hours when open to the public and hours when brewing is allowed.
10. Can you please explain what odor impacts are anticipated to result from the project? The “Odor Impacts” discussion (pg. 12 of staff report; HDC packet pg. 124) discusses release of steam and “other byproducts” from a vent in the roof, but doesn’t explain the source, type, or intensity of anticipated odor sources (e.g., with the brewing process and byproduct simply generate a new mildly noticeable odor or will it stink to high hell several blocks away from the operation?) A bullet list of six items (five on packet pg. 124, one on pg. 125) is provided that appears to be mitigation-like measures to address odor impacts. Although no analysis of odor impacts is provided, a list qualitative requirements is apparently thought by staff to be sufficient to reduce whatever the odor impacts would be. Scheduling brewing times on Mondays and Tuesdays, when the operation would not be open to the public, as an odor impact mitigation measure implies that there is some anticipated odor that would be offensive to the public during brewing. Yet, while closing the business to customers during periods of brewing would avoid customer exposure, it would do nothing to reduce odor emissions and odor impacts to surrounding residents, businesses, and Historic District visitors. Odor impacts to adjacent existing and approved but not yet developed land uses (including residences), must be evaluated. The potential for significant odor impacts that need mitigation clearly creates an unusual circumstance associated with the proposed use creating a reasonable possibility that the project will have a significant air quality/odor impact. The project’s potential odor impacts, unevaluated at present but acknowledged as requiring mitigation, creates an exception to the staff-asserted CEQA exemptions, and a full analysis of potential odor sources and the impacts to surrounding sensitive receptors is needed.
11. Can you provide copies of all comments from public agencies received on the project? The staff report references “recommendations provided by the Sacramento Air Quality Management District”, but the staff report does not provide documentation of any comments provided by SMAQMD. It is also unclear as to when and how agency review and input on the project was solicited.

Page 3 of 4

February 27, 2023

12. Has the CDD fully assessed the City obligations and liabilities associated with leasing this portion of the building to a private entity and for selling alcohol at a City-owned property? For air permits and possibly other regulatory permits, would the City, as the building/property owner have obligations or liabilities associated with compliance? Also, Banks' email to Joan Walter (packet pg. 175) references that he will follow-up regarding potential storage of hazardous materials, but I do not see follow-up or resolution of that issue in the staff report. Are hazardous materials – or even just obnoxious/nuisance materials (e.g., odor-causing byproducts) – associated with the project and, if so, what is the City's liability associated with such use? Issues of liability would appear to be well outside of the purview of the HDC, yet very relevant in a decision of whether or not to approve a CUP for the project. So, again, I question whether the HDC should be asked to approve or simply asked to serve in its more appropriate advisory function to the Council.

Sincerely,



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

**Community Development Department "Pending Development Applications" Webpage List of Projects as of 11am, Feb 27, 2023**

|                                                                             |   |
|-----------------------------------------------------------------------------|---|
| <b>UPDATED PROJECT: 603 Sutter Street Mixed Use Project (February 2023)</b> | > |
| Vintage at Folsom Senior Apartments                                         | > |
| Folsom Corporate Center Apartments                                          | > |
| Barley Barn (previously Folsom Prison Brews)                                | > |
| Barley Barn Tap House Appeals                                               | > |
| Russell Ranch Phase 2 Lots 24 through 32 Minor Administrative Modifications | > |
| Dignity Health Folsom Ranch Medical Center                                  | > |
| Alder Creek Apartments Project                                              | > |
| Dignity Health Campus Project                                               | > |
| AT&T Livermore Park Monopline Cellular Site                                 | > |
| Kaiser Medical Office Building                                              | > |
| 311 Coloma Street                                                           | > |

March 1, 2023

**Attachment 2**  
**Additional Questions to Community Development Department Feb 28, 2023**

**Re: Uncle Charlies**

Bob Delp <bdelp@live.com>

Tue 2/28/2023 6:03 PM

To: Pam Johns <pjohns@folsom.ca.us>

Cc: Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; danwestmit@yahoo.com <danwestmit@yahoo.com>; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john\_carrie\_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>

Thank you, Pam. Per review of the application materials now on the Pending Development Projects webpage, I have a few additional questions that I'm hoping can also be answered:

The application notes that the project is requesting a zone change from HD/C2 to M2. The General Info page also identifies "Rezone" as one of the requested entitlements. That's not discussed in the staff report, but is the project requesting to change the zoning of the parcel?

The application is to include the Property Owner's Signature, but that portion of the application is left blank. Isn't it necessary to have the property owner's signature for a building modification and CUP?

The question "Change in dust, ash, smoke, fumes, or odors in vicinity" is marked **YES** on the application, in which case additional explanation is to be provided with the application. I do not see that in the posted materials; where can I find that information?

The question "Substantial change in demand for municipal services (police, fire, water, sewage, etc.)" is marked **YES**, in which case additional explanation is to be provided with the application. I don't doubt that the answer is correctly identified as yes. There are likely additional police and fire protections needed for this operation, and I expect also increased water supply and wastewater conveyance utilities that weren't installed for the parking garage. However, notwithstanding the application's acknowledgement that the project would result in a substantial change in demand for services, I do not see any information about public services or utilities in the posted materials nor any attempt in the staff report to identify or evaluate the increased demand; where can I find that information?

The HazWaste Disclosure marks that "The subject property **IS** listed on the Hazardous Waste and Substances Sites List" per Gov Code 65962.5. CEQA statute 21084(d) expressly prohibits using a categorical exemption on "d) A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a)." CEQA Guidelines 15300.2, Exceptions, subdivision "e" reiterates that a "categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code." The application specifically states that the project **IS** on a Gov Code 65962.5 site. Why then is staff recommending that the project is exempt from CEQA?

Thank you,  
-Bob

Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

**From:** Pam Johns <pjohns@folsom.ca.us>  
**Sent:** Tuesday, February 28, 2023 1:24 PM  
**To:** Bob Delp <bdelp@LIVE.COM>  
**Cc:** Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; danwestmit@yahoo.com <danwestmit@yahoo.com>; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john\_carrie\_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>  
**Subject:** RE: Uncle Charlies

Hi Bob,

Thank you for your comments. As always, we'll be sure to include your letter as part of the public comments received and will be prepared to address comments and questions at the Commission meeting on Wednesday.

We have posted the project information to the City's website under pending applications, which is not a requirement but is our practice. The project was previously posted and we're not sure when or how it was removed but we have re-posted the application materials.

Steve Banks will follow up to provide the additional information you requested.

Pam



**Pam Johns**

*Community Development Director*  
**City of Folsom**  
50 Natoma Street, Folsom, CA 95630  
[pjohns@folsom.ca.us](mailto:pjohns@folsom.ca.us)  
o: 916-461-6205 c: 916-764-0106  
[www.folsom.ca.us](http://www.folsom.ca.us)

**From:** Bob Delp <bdelp@LIVE.COM>  
**Sent:** Monday, February 27, 2023 12:17 PM  
**To:** Pam Johns <pjohns@folsom.ca.us>  
**Cc:** Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com; danwestmit@yahoo.com; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john\_carrie\_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>  
**Subject:** Uncle Charlies

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Johns:

Please see attached letter requesting additional information regarding Uncle Charlie's Firehouse and Brew (PN 22-158) and requesting postponement of an HDC hearing on the project until sufficient information and time for public review is provided.

Thank you,  
-Bob Delp  
916-812-8122  
[bdelp@live.com](mailto:bdelp@live.com)

# ATTACHMENT 4



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

**HISTORIC DISTRICT COMMISSION MINUTES**  
**March 1, 2023**  
**6:30 p.m.**  
**50 Natoma Street**  
**Folsom, California 95630**

**CALL TO ORDER HISTORIC DISTRICT COMMISSION:**

The regular Historic District Commission Meeting was called to order at 6:31 p.m. with Chair Kathy Cole presiding.

**ROLL CALL:**

Commissioners Present: Daniel West, Commissioner  
John Lane, Vice Chair  
John Felts, Commissioner  
Mark Dascallos, Commissioner  
Ralph Peña, Commissioner  
Jennifer Cabrera, Commissioner  
Kathy Cole, Chair

Commissioners Absent: None

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was recited.

**CITIZEN COMMUNICATION:**

NONE

**Oath of Office Administered to Daniel West, John Felts, Ralph Peña and Jennifer Cabrera**

**Election of Chair and Vice Chair**

COMMISSIONER LANE MOVED TO APPROVE COMMISSIONER COLE TO SERVE AS CHAIR FOR 2023.

COMMISSIONER FELTS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA, COLE  
NOES: NONE  
RECUSED: NONE  
ABSENT: NONE

MOTION PASSED



COMMISSIONER DASCALLOS MOVED TO APPROVE COMMISSIONER LANETO SERVE AS VICE CHAIR FOR 2023.

COMMISSIONER WEST SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA, COLE  
NOES: NONE  
RECUSED: NONE  
ABSENT: NONE

MOTION PASSED

**MINUTES:**

The minutes of the December 7, 2022, meeting were approved.

**NEW BUSINESS:**

**1. DRCL22-00313, 808 Figueroa Street Design Review and Determination that the Project is Exempt from CEQA**

A Public Meeting to consider a request from Elemental Buildings Inc. for approval of a Design Review Application for exterior modifications at the existing residence at 808 Figueroa Street. The zoning classification for the site is FIG/R-2, while the General Plan land-use designation is MLD. The project is exempt from the California Environmental Quality Act in accordance with Section 15301 of the CEQA Guidelines. **(Project Planner: Brianna Gustafson/Applicant: Elemental Builders)**

COMMISSIONER WEST MOVED TO APPROVE THE APPLICATION (DRCL22-00313) FOR DESIGN REVIEW OF AN EXTERIOR MODIFICATION OF AN EXISTING RESIDENCE AT 808 FIGUEROA STREET, AS ILLUSTRATED ON ATTACHMENTS 5, 6, AND 7 FOR THE 808 FIGUEROA STREET PROJECT, BASED ON THE FINDINGS BELOW (FINDINGS A-H) AND SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL (CONDITIONS 1- 11) INCLUDED AS ATTACHMENT 3.

COMMISSIONER DASCALLOS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA, COLE  
NOES: NONE  
RECUSED: NONE  
ABSENT: NONE

MOTION PASSED

**2. DRCL22-00318, 311 Coloma Street Design Review for New Custom Home and Accessory Dwelling Unit and Determination that the Project is Exempt from CEQA**

A Public Meeting to consider a request from Pamela Bohall for approval of a Design Review Application for the construction of a new custom home, garage and accessory dwelling unit at 311 Coloma Street. The project was previously approved by the Historic District Commission on August 4, 2021 (PN21-095) but the approval has since expired. No changes to the previously approved project are proposed. The zoning classification for the site is FIG/R-2, while the General Plan land-use designation is SFHD. The project is exempt from the California Environmental Quality Act in accordance with Section 15303 of the CEQA Guidelines. **(Project Planner: Brianna Gustafson/Applicant: Pamela Bohall)**

COMMISSIONER FELTS MOVED TO APPROVE THE DESIGN REVIEW APPLICATION (DRCL22-00318) FOR AN 1,809-SQUARE- FOOT CUSTOM HOME AND A DETACHED TWO-STORY STRUCTURE WITH A 464-SQUARE-FOOT GARAGE AND A 464-SQUARE-FOOT ACCESSORY DWELLING UNIT ABOVE AT 311 COLOMA STREET AS ILLUSTRATED ON ATTACHMENT 5 FOR THE 311 COLOMA STREET NEW CUSTOM HOME AND GARAGE AND ACCESSORY DWELLING UNIT STRUCTURE PROJECT, SUBJECT TO THE FINDINGS INCLUDED IN THIS REPORT (FINDINGS A- I) AND ATTACHED CONDITIONS OF APPROVAL (CONDITIONS 1-18).

COMMISSIONER DASCALLOS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA,  
 NOES: NONE  
 RECUSED: COLE  
 ABSENT: NONE

MOTION PASSED

**3. USPT22-00158: Uncle Charlie's Firehouse and Brew Conditional Use Permit, Design Review, and Determination that the Project is Exempt from CEQA**

A Public Hearing to consider a request from Taryn and Charlie Grows for approval of a Conditional Use Permit and Design Review for development and operation of a craft brewery within an existing 3,322-square-foot commercial tenant space located at 905 Leidesdorff Street. The General Plan land use designation for the project site is HF, while the Zoning designation is HD (Sutter Street Subarea). The project is categorically exempt under Section 15301 (Existing Facilities) and Section 15303 (New Construction of Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. **(Project Planner: Steve Banks/Applicant: Taryn and Charlie Grows)**

1. Jacob Rangel addressed the Commission in support of the proposed project.
2. Dean Hyatt addressed the Commission in support of the proposed project.
3. Todd White addressed the Commission in support of the proposed project.
4. Loretta Hettinger addressed the Commission with concerns regarding the selection of the glass doors.
5. Jerry Bernau addressed the Commission in support of the proposed project but requested a change in the condition for the brewing odors.
6. Kimberly Morphis addressed the Commission in support of the proposed project.
7. Colnn Miguelgorry addressed the Commission in support of the proposed project.
8. Monika Reyes addressed the Commission in support of the proposed project.
9. Justin Raithel addressed the Commission in support of the proposed project and requested Condition No. 20 and Condition No. 25 be modified.
10. Quinn Gardner addressed the Commission in support of the proposed project and in support of the modification of Condition No. 20 and Condition No. 25.
11. Stefanie Lindsay addressed the Commission in support of the proposed project.

COMMISSIONER WEST MOVED TO APPROVE A CONDITIONAL USE PERMIT AND DESIGN REVIEW (PN22-158) FOR UNCLE CHARLIE'S FIREHOUSE AND BREW, WHICH INCLUDES DEVELOPMENT AND OPERATION OF A CRAFT BREWERY WITHIN AN EXISTING 3,322-SQUARE-FOOT COMMERCIAL BUILDING LOCATED AT 905 LEIDESDORFF STREET BASED ON THE FINDINGS (FINDINGS A-L) AND SUBJECT TO THE CONDITIONS OF APPROVAL ATTACHED TO THIS REPORT (CONDITIONS 1-27) WITH THE FOLLOWING MODIFICATIONS:

CONDITION NO. 20: THE OPERATING HOURS WILL BE LIMITED TO MONDAY THROUGH SUNDAY, 12PM TO 10PM,

CONDITION NO. 25: TO STRIKE THE 2<sup>ND</sup> BULLET LIMITING THE BREWING SCHEDULE TO MONDAYS AND TUESDAYS ONLY

CONDITION NO. 26, SUBSECTION 3 (TO INCLUDE): EXTERIOR VENTS MAY BE ALLOWED TO EXTEND ABOVE THE HEIGHT OF THE ROOFTOP PARAPET WALLS IF THE VENTS ARE NOT VISIBLE FROM THE ADJACENT PUBLIC RIGHT-OF-WAY (STREETS, SIDEWALKS, ETC.) TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DEPARTMENT

CONDITION NO. 28 (NEW CONDITION): THE BOIL KETTLE SHALL BE EQUIPPED WITH A WATER SPRAY CONDENSER AND THE CONDENSER SHALL BE OPERATED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AT ALL TIMES THAT THE WARP BOILING PROCESS IS CONDUCTED TO CONTROL RELEASES OF BREWING ODORS AND VAPORS TO A LEVEL THAT WOULD NOT ADVERSELY IMPACT ADJACENT PROPERTIES. THE VENTILATION SYSTEM SHALL BE OPERATED AT ALL TIMES WHEN THE BREWERY GENERATES ODORS THAT MAY BE OFFENSIVE TO ADJACENT PROPERTIES. THE SYSTEM SHALL VENT BREWING VAPORS AND ODORS TO THE STACK OPERATED AT A MINIMUM STACK GAS FLOW RATE OF 42 FT PER SECOND WITH AN UNOBSTRUCTIVE DISCHARGE.

COMMISSIONER FELTS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA,  
NOES: NONE  
RECUSED: DASCALLOS  
ABSENT: NONE

MOTION PASSED

**PRINCIPAL PLANNER REPORT**

Principal Planner Steve Banks reported that the next Historic District Commission meeting is tentatively scheduled for April 5, 2023.

There being no further business to come before the Folsom Historic District Commission, Chair Kathy Cole adjourned the meeting at 8:54 p.m.

RESPECTFULLY SUBMITTED,

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Karen Sanabria, ADMINISTRATIVE ASSISTANT

**APPROVED:**

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Kathy Cole, CHAIR

## ATTACHMENT 5

**March 24, 2023**

**City of Folsom- Planning Department  
Attn: Steve Banks  
50 Natoma Street, Folsom CA 95630**

**Response to Appeal of PN 22-158 Uncle Charlie's Firehouse & Brew**

To the City of Folsom Planning Commission and Council-

As co-founders of Uncle Charlie's Firehouse & Brew, we are responding to Mr. Delp's appeal filed on March 10<sup>th</sup>, with the City of Folsom's City Clerk's Office, regarding our project Approval of PN 22-158.

Upon initial review of Mr. Delp's 11-page appeal letter, and 34 additional pages of supporting documents, there was some confusion regarding if Mr. Delp's actual concern was with the Uncle Charlie's Firehouse & Brew project itself, or with the City of Folsom's conditional use permit process.

Further confusion ensued regarding Mr. Delp's letter, as page 3 indicates the following:

"This appeal comes with great regret for potentially causing further delay to what generally appears to be a promising business with responsible and enthusiastic business owners, and in a location that would provide direct economic benefit to the City and a nice place for me to walk and enjoy locally brewed beer." -page #3

On page number 11 Mr. Delp then proceeds to indicate:

"I visit restaurants and enjoy dining on outdoor patios near 905 Leidesdorff. Odors, vehicle noise, diminished quality of historic resources, and other potential impacts of the project would have direct and adverse effects on my health, safety and welfare, and on my private property rights" -page #11

Between page number 3 and page number 11, the inferences are both contradicting and confusing as on one hand Mr. Delp indicates he believes the project would yield economic benefit in conjunction with being a nice place for him PERSONALLY to "enjoy a locally brewed beer" and then on the other hand indicates that the project would yield harm to his health.

**March 24, 2023**

For relevancy's sake, the contents of this letter will focus on the primary points of contention Mr. Delp has with the brewery project itself as opposed to his personal criticisms as outlined in his appeal letter.

**Mr. Delp's Appeal Letter- Page. 1**

**POINT 1. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 2. As outlined in Mr. Delp's letter: Rescind the HDC's approval of UCFB**

**a. The approval is outside the authority of the HDC**

- i. According to *Folsom Municipal Code 17.52.1720 subpoint I* the HDC exists to review applications for sign permits, conditional use permits, variances, land divisions, and mergers within the historic district.
- ii. Additional Commentary: The HDC was well within their rights to make a recommendation regarding their approval of the CUP for UCFB for consideration under City Council.

**b. The Project thus far is insufficiently described in terms of its operations and the exterior modifications, and the understanding of exterior modifications was further convoluted, not clarified by the HDC's decision.**

- i. UCFB brought forth all elevation drawings and renderings as requested by the planning commission and spoke about the modifications in detail during the HDC proceedings held on 3/2/23.

**c. As outlined in Mr. Delp's letter: UCFB's response N/A**

**d. The Project thus far has insufficiently evaluated for potential impacts associated with aesthetics, air quality/odors, transportation/circulation/parking and related public safety issues, historic resources and noise.**

- i. UCFB provided all relevant documentation related to aesthetics as requested by the planning commission with external and internal renderings of the space.
- ii. UCFB provided information as requested by the planning commission regarding air quality and odor impact. Sac Metro Air District requires that boilers with a rated heat input capacity of 1 million British Thermal Units per hour or greater obtain permits to operate from the Sac Metro Air District. The boiler planned for the project DOES

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NOT exceed this threshold, therefore the brewery does NOT require both an Authority to Construct or a Permit to Operate from the Sac Metro Air District.

- iii. UCFB was not subjected to providing additional information regarding transportation/circulation/parking. The initial RFP submitted for public circulation, indicated that due to the proximity of the 905 Leidesdorff Ste 100 space, to both light rail and it's attachment to the parking garage, would not be subject to require any additional consideration.
  - iv. UCFB was not subjected to providing additional information regarding public safety issues, historic resources and noise outside the sanctioned limitations as currently being adhered to for any other business operating in the historic district.
- e. **As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 3. As outlined in Mr. Delp's letter: CEQA exemption/CDD study**

- a. **Design illustrations and accurate renderings for all exterior building modifications, including design and illustrations of proposed doors, awnings, signage and exhaust vents and other utility components of this project.**
  - i. UCFB provided designs/renderings of exterior building modifications of proposed doors, awnings and signage as requested by planning commission. Renderings of exhaust vents and other utility components were not requested at time of submission.
- b. **As outlined in Mr. Delp's letter: UCFB's response N/A**
- c. **As outlined in Mr. Delp's letter: UCFB's response N/A**
- d. **An odor generation and impact analysis prepared by a qualified air quality or other expert and identifying specific ventilation design for all potential odor emitting components of the Project and which identifies and evaluates potential impacts on adjacent existing and approved land uses with occupants that could be impacted by project-generated odors.**
  - i. The Sacramento Metropolitan Air Quality Management District was given ample information regarding the request for UCFB to lease the 905 Leidesdorff space. Upon investigation the Sacramento Metropolitan Air Quality Management District relayed the following: To reduce the potential for the project to create nuisance odors, the City may choose to condition the project with measures that reduce exposure to sensitive receptors. Measures may include venting emissions away from sensitive receptors, pedestrian

**March 24, 2023**

walkways, and gathering places; installing technology solutions; or adding operational restrictions such as limiting boiling to the daytime, which generally results in greater dispersion as compared to nighttime. The Sac Metro Air District requires that **boilers with a rated heat input capacity of 1 million British Thermal Units per hour or greater** obtain permits to operate from the Sac Metro Air District. UCFB has taken all recommendations into consideration and plans to adhere to brewing in the daytime and venting emissions via two ten inch round vents through the roof of the building, up and away from public space. The boiler planned for the project DOES NOT exceed this threshold, therefore the brewery does NOT require both an Authority to Construct or a Permit to Operate from the Sac Metro Air District.

**e. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 4. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 5. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 6. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 7. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 8. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 9. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 10. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 11. As outlined in Mr. Delp's letter: UCFB's response N/A**

**POINT 12. As outlined in Mr. Delp's letter: UCFB's response N/A**

UCFB is grateful to the City of Folsom for it's diligence in this conditional use permit process and hopes to reach a resolution quickly for sake of economic posterity.

**CHEERS!**

**Taryn & Charlie Grows, Owners**

**Uncle Charlie's Firehouse & Brew**

**[UcfbBeer@gmail.com](mailto:UcfbBeer@gmail.com)**

**916-835-8188**



## UCFB

### Technical Brewing Considerations

**Anticipated Brew Days:** 7 days per week (subject to change based on product consumption)

**Anticipated hours to brew:** 4-11am + one hour of cleaning. = 8 hours avg

Step 1. 45 minutes – setup, and wait for mash water to warm up

Step 2. 3 hours – triple decoction mash

Step 3. 1 hour– fly sparge

Step 4. 15 minutes – wait for boil

Step 5. 1 hour 30 minute – boil

Step 6. 30 minutes – chill, fill primary, oxygenate, pitch yeast

Step 7. 1 hour – clean up

**VENTING:** The venting system constantly draws fresh air into the brewery and helps maintain the proper pressure in the brewing equipment. All the steam generated by the brew kettles needs somewhere to go, which is where a brewery-specific venting system comes into play. A flue, vents the steam from the brew kettle. Exhaust flues are also necessary, with the specific location and type of flue depending on the type of system used.

**REFERENCE:** [Building A Microbrewery | How-To Guide | MBMI Metal Buildings \(mbmisteelbuildings.com\)](#)

**VENTING OPTIONS:** Based on our work with our brew system manufacturer, BrewBilt, we will be utilizing two venting systems.

VENTILATION SYSTEM #1: Forced ventilation to account for steam off the boil kettle.

Approx 10 inches in diameter. **(see Exhibit A)**

VENTILATION SYSTEM #2: Flue vent for the burner – **NO ODOR**

Approx 10 inches in diameter. **(see Exhibit A)**

Proposed venting: Upward slope (10 - 45 degrees), the stack will run outside and vertically up to or above the roof line.

**REFERENCE:** [BrewBilt Brewing Company - Independent craft of Grass Valley, CA.](#)

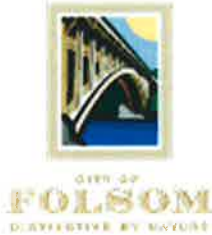
**EXHIBIT A**

*Example of two vents as seen at a brewery in Rancho Cordova, CA*



*Example of a 10 inch vent*





## Folsom City Council Staff Report

|                        |                                                                                |
|------------------------|--------------------------------------------------------------------------------|
| <b>MEETING DATE:</b>   | 4/11/2023                                                                      |
| <b>AGENDA SECTION:</b> | Old Business                                                                   |
| <b>SUBJECT:</b>        | Study Session: Public Works Department's Five-Year Capital Improvement Program |
| <b>FROM:</b>           | Public Works Department                                                        |

### **RECOMMENDATION/COUNCIL ACTION**

The Public Works Department will give a presentation on the five-year Capital Improvement Program, including an explanation of the Level of Service policy and how it determines capacity-improving project priorities. This will be a presentation only, and no action is requested by the City Council at this time.

### **BACKGROUND / ISSUE**

General Plan Policy M4.1.3 includes a requirement that "Staff will report to the City Council at regular intervals via the Capital Improvement Program process for the Council to prioritize projects integral to achieving Level of Service D or better."

Submitted,

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Mark Rackovan, PUBLIC WORKS DIRECTOR

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to facilitate double-sided printing.*



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE