Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	4/22/2025
AGENDA SECTION:	Consent Calendar
STAFF REPORT TITLE	Resolution No. 11367-A Resolution Authorizing the City Manager to Execute an Amendment to the Lease Agreement Between the City of Folsom and Kelli Vaccaro, DBA Kids Inc. for the Lease of 405 Natoma Station Drive, APN 072-0850-029-0000
FROM:	Parks and Recreation Department

Staff is providing the attached additional information for the above-referenced agenda item.

1. Resident written testimony dated April 21, 2025, 9:36 A.M.

Submitted,

Kelly Gonzalez, Parks and Recreation Director

Instructions to staff: *Deliver original and 30 stapled double-sided copies to the City Clerk's Department. City Clerk's Department will distribute via email and hardcopy to City Council, City Manager, City Attorney, and City Clerk.*

Updated: Jan 2025

Jamison Larson

To: Kelly Gonzalez
Subject: RE: Council 4-22-25 Agenda Items 9 and 10 (DBA Kids and UCFB Leases)

From: Bob Delp <bdelp@live.com>
Sent: Monday, April 21, 2025 9:36 AM
To: City Clerk Dept <CityClerkDept@folsom.ca.us>; Bryan Whitemyer <bwhitemyer@folsom.ca.us>; Barbara Leary <bleary@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Justin Raithel <jraithel@folsom.ca.us>; Anna Rohrbough <annar@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>
Subject: Council 4-22-25 Agenda Items 9 and 10 (DBA Kids and UCFB Leases)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To City Council and City Manager:

This message provides input for two items on the 4/22/25 City Council agenda pertaining to modifications of existing leases of City property.

Agenda Item 9 pertains to the lease agreement with Kids Inc. for 405 Natoma Station Drive. Kids Inc. requests a reduction in the monthly rent to offset an unanticipated property tax burden. The tax burden apparently arises from clause 13 ("Taxes") in the lease which anticipates the potential creation of possessory interest that could then result in personal property taxes levied on that possessory interest. Given the community benefit of Kids Inc's business, I support the requested rent reduction to the extent it is necessary to help with an unanticipated possessory interest tax. However, Kids Inc's letter to the City (Council packet pg. 160) notes that "full taxes for this building" are being assigned to Kids Inc. I encourage the City to work with Kids Inc to confirm that the property tax for the possessory interest has been properly calculated and assigned to Kids Inc to ensure that Kids Inc is not being inaccurately taxed for an amount in excess of its actual possessory interest.

Agenda Item 10 pertains to the lease agreement with Pour Leadership/Uncle Charlies (UCFB) and UCFB's request for the City to waive several additional months of UCFB's rent obligation. This is a truly disappointing request. The City opted to lease space to UCFB in a prime location and gave very favorable lease terms to UCFB with an initial 16-month rent-free phase. If the City Council wants to relieve UCFB of its rent burden to give UCFB additional time to get up and running, then I suggest that the lease be modified to *defer* the payment instead of waiving the rent (the deferred amount could be amortized into subsequent payments). Additionally, the City/UCFB lease has the same "Taxes" term related to possessory interest taxes as the Kids Inc lease discussed above. Before the City makes any further concessions for UCFB, I urge the City (City Manager and City Council) to confirm that UCFB fully understands its possessory interest tax obligation and confirm that UCFB is prepared to pay its full possessory interest tax obligation for the leased space.

Thank you for considering my input.
-Bob

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	4/22/2025
AGENDA SECTION:	Consent Calendar
STAFF REPORT TITLE	Resolution No. 11368-A Resolution Authorizing the City Manager to Execute an Amendment to the Lease Agreement Between the City of Folsom and Pour Leadership Inc. DBA Uncle Charlie's Firehouse & Brew for the Lease of Retail Space at 905 Leidesdorff Street, APN 070-0052-023-0000
FROM:	Parks and Recreation Department

Staff is providing the attached additional information for the above-referenced agenda item.

1. Resident written testimony dated April 21, 2025, 9:36 A.M.

Submitted,

Kelly Gonzalez, Parks and Recreation Director

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Updated: Jan 2025

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From: Bob Delp <bdelp@live.com>
Sent: Monday, April 21, 2025 9:36 AM
To: City Clerk Dept <CityClerkDept@folsom.ca.us>; Bryan Whitemyer <bwhitemyer@folsom.ca.us>; Barbara Leary <bleary@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Justin Raithel <jraithel@folsom.ca.us>; Anna Rohrbough <annar@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>
Subject: Council 4-22-25 Agenda Items 9 and 10 (DBA Kids and UCFB Leases)

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Thank you for considering my input.
-Bob

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	4/22/2025
AGENDA SECTION:	Public Hearing
STAFF REPORT TITLE	Resolution No. 11356 – A Resolution to Amend Resolution No. 11186 and 11235 and Adopt an Amended User Fee Schedule for Community Development Planning and Engineering Services
FROM:	Community Development Department

Staff is providing the attached additional information for the above-referenced agenda item.

1. Comment letter from Bob Delp, received 4/21/25
2. Comment letter from Michael Reynolds on behalf of the Historic Folsom Residents Association, received 4/21/25
3. Comment letter from Paul Keast, received 4/21/25

Instructions to staff: *Deliver original and 30 stapled/double-sided copies to the City Clerk's Department; City Clerk's Department will distribute via email and hardcopy to City Council, City Manager, City Attorney, and City Clerk.*

Updated: Jan 2025

From: Bob Delp <bdelp@live.com>
Sent: Monday, April 21, 2025 1:29 PM
To: City Clerk Dept <CityClerkDept@folsom.ca.us>; Barbara Leary <bleary@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Justin Raithel <jraithel@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>; Anna Rohrbough <annar@folsom.ca.us>
Cc: Bryan Whitemyer <bwhitemyer@folsom.ca.us>
Subject: Comments to City Council re: 4-22-25 Agenda Item 14 - Planning and Appeal Fees

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To Folsom City Council:

Regarding agenda item 14 of the City Council's 4/22/2025 meeting, this message is to urge the City Council to direct staff to implement a full cost recovery program for processing development applications consistent with the process described in the attached March 2, 2011, staff report and adopted by the Folsom City Council in 2011 through Resolution 8801. Through such a process, individual applicants would pay for the actual and full cost for processing their individual applications – neither subsidizing nor being subsidized by other applicants and without being subsidized by the City's General Fund. Additionally, this message requests that the City Council reject staff's recommended increase in appeal fees for citizen appeals as the proposed fees of $2,500 (for staff decisions) and $4,200 (for commission decisions) would effectively preclude citizen access to the City's elected officials, the cost basis for the proposed fees is unsubstantiated, and the fees are unreasonable.

In 2011, the Community Development Department and City Council wisely determined that through implementation of a full cost recovery system for application processing, the City "*would protect its General Fund monies from subsidizing private development applications*." As documented in the attached 2011 staff report, staff's 2011 analysis of the financial impact of the full cost recovery program found that, "*The cost recovery program would allow the City to more accurately cover the actual costs for development permits from the applicants. Although the actual savings to the General Fund are cannot be quantified, this fee recovery program will result in a positive impact to the General Fund and provide direct costs charges to contribute to the General Fund to more accurately fund development processing costs.*"

Staff's basis for its 2011 recommendation concisely described the situation that existed then and that still persists today, noting, "*the range of complexity in development*

applications can vary widely and some projects can remain "active" or "in process" for years because projects are substantially revised and resubmitted (sometimes with years passing in between) in an attempt by applicants to obtain City approval. Staff sometimes must effectively begin processing all over with each resubmittal but is unable to request new project fees because the project is still technically active. It is these types of projects that staff seeks to target to ensure that staff costs are fully recovered." These persisting circumstances beg for a system based on actual costs. The system requested by CDD and approved by the Council in 2011 still has not been implemented and CDD's current 4/22/2025 staff report to the Council for agenda item 14 of tonight's meeting provides a recommendation predominated by flat fees recovering only a portion of the City's cost for development project review. Such a system is inherently inequitable and a drain on the City's resources. The current staff report makes no mention of the 2011 Resolution and does not provide a compelling rationale for abandoning the sound approach that CDD staff recommended and the Council directed be implemented in 2011.

Please direct staff to fulfill the directives of Resolution 8801 and implement the full cost recovery system for development application processing that requires individual applicants to fully fund the costs of processing their applications.

With regard to appeal fees, staff recommends increasing the current appeal fees of $257 for appeals of staff-level decisions and $522 for appeals for appeals of commission decision to $2,500 and $4,200, respectively. Citizens concerned with a staff-level or commission decision should be provided a reasonable opportunity to bring their concerns to the City Council. Appeals in these instances are not driven by a citizen seeking some development right or other entitlement from the City; and, instead, are simply asking for the City Council - the City's elected governing body - to consider and make a final decision on the matter subject to the appeal. A citizen, or organization representing multiple citizens, is not seeking to profit from an appeal and instead is attempting to engage in informed and meaningful City decision making. Even an appeal fee of some $500 is a substantial cost to such a citizen or organization, and staff's recommended fees would effectively preclude feasible citizen access to the City's elected governing body.

Additionally, the staff report and fee study do not provide a sufficient estimate of the reasonable cost of the planning services required for appeals rendering the appeal fee in violation of Govt. Code 66014(a) which requires that the fees may not exceed the estimated reasonable cost of providing the service. The staff report references and lists a subset of fees charged by other jurisdictions in the region, however, these fees provide no information about the actual *cost* of providing the service and thus do not provide any evidence on whether the City's proposed fees represent the reasonable actual cost to the

City. The fee study attached to the staff report attempts to assign estimated staff hours for various appeals, noting 20 hours for staff-level appeals and 28 hours for commission appeals. No basis is provided in the analysis for the estimated hours; however, even were the estimated 20 and 28 hours representative of some average amount of time that staff has spent for various appeals that have been filed, the analysis makes no attempt to distinguish among the various ranges of complexity raised in an appeal. Such an aggregated approach is inherently unfair to various appellants and types of appeals. Furthermore, if staff has done its job in adequately assessing a project prior to a staff-level or commission approval, then very little additional staff time should be needed when an appeal is filed. The appellant, not staff, has the burden to assemble and present information on appeal and staff should need to do no more than prepare and publish hearing notices and provide a simple staff report in advance of any appeal hearing. Two or three hours of staff time should be more than ample for that process, and the notion that 28 hours is the average required amount of staff time for a commission appeal suggests that the estimate is inaccurate or that staff is spending an unreasonable amount of time when facilitating an appeal. I ask that the Council reject the notion that appeals implicate such an inordinate amount of staff time and cost, reject the appeal fee increase, and be satisfied that there are engaged members of the community who rarely utilize the important appeal process to bring matters to the City Council.

As a final note, I have been involved in four appeals of HDC decisions to the City Council. In each of those four appeals, the Council "denied" the appeal, however, the Council also considered the facts of the project and made changes to the project (through new or modified conditions of approval or other mechanism). Thus, in each instance, the Council proved to be less than fully satisfied by the HDC's approval and the appeal facilitated refinements to the project presumably for the betterment of the community. Please do not let the appeals fee be used as a barrier to City Council access.

Thank you for considering my input.

Bob Delp
916-812-8122
bdelp@live.com

From: Michael Reynolds <mjrhfra@gmail.com>
Sent: Monday, April 21, 2025 10:19 AM
To: Josh Kinkade <jkinkade@folsom.ca.us>
Cc: Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>; Justin Raithel <jraithel@folsom.ca.us>; Anna Rohrbough <annar@folsom.ca.us>; Bob Walter <robertwalter27@gmail.com>; Carrie Lane <c_prue@hotmail.com>; Laura Fisher <lkatfisher@netscape.net>; Paul Keast <mrpdk@comcast.net>; Barbara Leary <bleary@folsom.ca.us>
Subject: Re: Council Hearing on 4/22 to Consider Changes to Planning, Engineering and Arborist Fees

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Josh, please see the Historic Folsom Residents Association comments regarding the proposed appeals fee increase.

On behalf of the HFRA organization, I am sharing comments for the Tuesday April 22 council topic regarding fees increases and specifically for Appeals of Commission Decisions fee increase.

The HFRA organization is strongly against the proposed increase of the Appeals for Commission Decisions from the current $500 to $4200 as such an increases will effectively silence the voice of individuals and community organizations when it comes to fighting for the protection and preservation of the Historic District and relegate appeals primarily to developers and corporate interests who have the wherewithal to pay. As a reference point, HFRAs annual income from member dues is approx $2-3k/year minus expenses and most other HD based organizations would be in the same boat so unable to support an appeal out of operating budgets.

As an organization, HFRA understands the city's need to balance the appeals fees with the cost of staff time associated with appeal preparation. In an effort to improve the process, the HFRA board has met with current members of this council and community

development dept leaders to educate them on the root cause of recent HD appeals which have been primarily driven by citizen/group concerns over the liberal interpretation of the Design Guidelines when it pertains to HD design (appeals were not against the projects themselves - crematorium being the exception). Increasing the fees by such a significant amount does not serve the purpose of the city and community working together to solve issues at a root level, but merely dissuades voices in the community from being heard.

There can be a better approach: HFRA and other orgs within the HD community, at the suggestion of Planning Manager Desmond Parrington, have formed a working group to provide consolidated historic district inputs in support of the HD zoning code update that could reduce the ambiguity that currently exists in the lengthy Historic District Design Guidelines. If successful, this would improve the legal backstop for CDD by codifying requirements into the zoning code updates. We have also proposed community input meetings for HD projects of a certain size/scope, facilitated by the CDD that bring the stakeholder groups and project applicants together to exchange information prior to final staff report generation. In the near term, if there must be a fee increase related to rising staff costs, HFRA highly recommends a two tiered approach that increases the fee for an individual/community organization by a slight amount (new fee of $750-$1000) and the higher proposed fee of $4200 for those who stand to profit from the reversal of a commission decision.

Please give strong consideration to our inputs. Maybe this fee increase could be tabled while the city and community groups work on improving the process so there is less friction and faster time to revenue for future projects.

MR

From: Paul Keast <mrpdk@comcast.net>
Sent: Monday, April 21, 2025 3:41 PM
To: Michael Reynolds <mjrhfra@gmail.com>; Josh Kinkade <jkinkade@folsom.ca.us>
Cc: Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>; Justin Raithel <jraithel@folsom.ca.us>; Anna Rohrbough <annar@folsom.ca.us>; Bob Walter <robertwalter27@gmail.com>; Carrie Lane <c_prue@hotmail.com>; Laura Fisher <lkatfisher@netscape.net>; Barbara Leary <bleary@folsom.ca.us>
Subject: Appeal Increase Concern: Re: Council Hearing on 4/22 to Consider Changes to Planning, Engineering and Arborist Fees

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Hello City Council Members,

I am writing this note as a resident of Folsom and not as a HFRA Board member.

1. To Mike Kozlowski as the representative for the Historic District; I believe you should feel the strongest responsibility to not support this appeal fee increase.

Our district and organization have been diligent in working with the City and staff and the use of the appeal process has been used in responsible ways for our district.

You should know we are a unique area in Folsom and this is a tool to allow for critical concerns to have the maximum consideration.

2. To Barbara Leary as one of the newest members; I hope you will not support this increase given your time as a community activist knowing it is a tool to allow for the most consideration of a concern in the community.

3. To Sarah, Justin and Anna; I believe I have heard each of you say something to the effect of : "get involved and make you sure your input is stated". To me that means you say you care about the input of the community.

The appeal process is the last step in that belief, if that is more the just a statement. There has to be a reasonable cost, the current cost is reasonable, to allow residents to appeal decisions.

We as residents should have a process to allow for the most input on a concern.

You can choose to not fully charge for this service in the same way you choose not to fully charge for other items the City offers.

Please do not increase this cost of an important tool for residents to work through issues with the City.

Regards Paul Keast

808 Mormon Street