

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

**SPECIAL MEETING
PLANNING COMMISSION AGENDA
July 13, 2022
CITY COUNCIL CHAMBERS
6:30 p.m.
50 Natoma Street
Folsom, California 95630**

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.

CALL TO ORDER PLANNING COMMISSION: Justin Raithel, Bill Miklos, Ralph Peña, Barbara Leary, Daniel West, Bill Romanelli, Eileen Reynolds

Any documents produced by the City and distributed to the Planning Commission regarding any item on this agenda will be made available at the Community Development Counter at City Hall located at 50 Natoma Street, Folsom, California and at the table to the left as you enter the Council Chambers. The meeting is available to view via webcast on the City's website the day after the meeting.

PLEDGE OF ALLEGIANCE

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

MINUTES

The amended minutes of the May 18, 2022 meeting will be presented for approval.
The minutes of the June 1, 2022 meeting will be presented for approval.

PUBLIC HEARING

1. USPT22-00101, Oak Wine & Spirits Conditional Use Permit and Determination that the Project is Exempt from CEQA

A Public Hearing to consider a request from Coloma Food, Inc. for approval of a Conditional Use Permit application to operate the Oak Wine & Spirits business, located at 9580 Oak Avenue Pkwy. #3. The zoning classification for the site is C-1 (PD), while the General Plan land-use designation is NC. This project is exempt from the California Environmental Quality Act in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines. **(Project Planner: Josh Kinkade/Applicant: Coloma Food, Inc.)**

PLANNING COMMISSION / PLANNING MANAGER REPORT

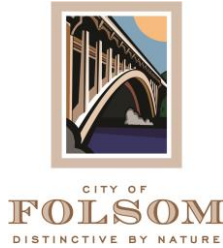
The next Planning Commission meeting is scheduled for **July 20, 2022**. Additional non-public hearing items may be added to the agenda; any such additions will be posted on the bulletin board in the foyer at City Hall at least 72 hours prior to the meeting.

Persons having questions on any of these items can visit the Community Development Department during normal business hours (8:00 a.m. to 5:00 p.m.) at City Hall, 2nd Floor, 50 Natoma Street, Folsom, California, prior to the meeting. The phone number is (916) 461-6203 and FAX number is (916) 355-7274.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in the meeting, please contact the Community Development Department at (916) 461-6203, (916) 355-7274 (fax) or ksanabria@folsom.ca.us. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

NOTICE REGARDING CHALLENGES TO DECISIONS

The appeal period for Planning Commission Action: Any appeal of a Planning Commission action must be filed, in writing with the City Clerk's Office no later than ten (10) days from the date of the action pursuant to Resolution No. 8081. 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



**PLANNING COMMISSION MINUTES
AMENDED
MAY 18, 2022
CITY COUNCIL CHAMBERS
6:30 P.M.
50 Natoma Street
Folsom, CA 95630**

CALL TO ORDER PLANNING COMMISSION: Barbara Leary, Daniel West, Bill Romanelli, Justin Raithel, Ralph Peña, Eileen Reynolds

ABSENT: Bill Miklos

CITIZEN COMMUNICATION: None

MINUTES: The minutes of the May 4, 2022 meeting were approved as submitted.

PUBLIC HEARING

1. PN 21-115, AC Hotel by Marriott Tentative Parcel Map, Planned Development Permit Modification, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program

A Public Hearing to consider a request from Insignia Hospitality Groups, Inc. for approval of a Tentative Parcel Map and Planned Development Permit Modification application for development of a five-story hotel (AC Marriott) on a 1.45-acre portion of an existing 14.22-acre parcel (APN 072-3080-042) within a parking lot area at the Palladio at Broadstone Shopping Center. The zoning classification for the site is C-3 (PD), while the General Plan land-use designation is RCC (EBC). An Initial Study and Mitigated Negative Declaration have been prepared in accordance with the requirements of the California Environmental Quality Act. **(Project Planner: Josh Kinkade/Applicant: Insignia Hospitality Groups, Inc.)**

1. Price Walker addressed the Planning Commission in favor of the proposed project.
2. Joe Gagliardi addressed the Planning Commission in favor of the proposed project.

COMMISSIONER LEARY MOVED TO APPROVE THE TENTATIVE PARCEL MAP AND PLANNED DEVELOPMENT PERMIT MODIFICATION APPLICATION FOR THE PROPOSED PROJECT (PN21-115) LOCATED AT 510 PALLADIO PARKWAY, BASED ON THE BELOW FINDINGS (FINDINGS A-CC) AND SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL (CONDITIONS 1-71) WITH MODIFICATIONS TO CONDITION NO. 57 AND NO. 70

Condition No. 57

The project shall comply with the following architecture and design requirements:

1. This approval is for a five-story, 85,690-square-foot hotel building and associated site work associated with the AC Hotel by Marriott project. The applicant shall submit building plans that comply with this approval, the attached building elevations dated March 25, 2022.
2. The design, materials, and colors of the proposed hotel building shall be consistent with the submitted building elevations, color renderings, materials samples, and color board dated March 25, 2022 to the satisfaction of the Community Development Department.
3. Roof-mounted mechanical equipment, including satellite dish antennas, shall not **extend be visible** above the height of the parapet walls **and shall be screened from view from the adjacent public rights-of-way on Broadstone Parkway and East Bidwell Street to the satisfaction of the Community Development Department.** Ground-mounted mechanical equipment shall be shielded by landscaping or trellis type features.
4. Utility equipment such as transformers, electric and gas meters, electrical panels, and junction boxes shall be screened by walls and or landscaping.
5. The final design of the building-attached light fixtures shall be subject to review and approval by the Community Development Department to ensure architectural consistency with the hotel building.
6. The final location, design, height, material, and colors for any walls and/or fences shall be subject to review and approval by the Community Development Department.

Condition No. 70

The final location, design, and materials of any signs for the project shall be subject to review and approval by the Community Development Department. In addition, the owner/applicant shall obtain a sign permit and all signage associated with proposed project shall comply with the requirements established by the Folsom Municipal Code (FMC, Section 17.59, Signs) and the Palladio at Broadstone sign criteria, as amended by this approval, **and provided in Attachment 11. Signage on the south building elevation shall be limited to a sign on the canopy edge, and no wall signage shall be permitted on this elevation.**

COMMISSIONER WEST SECONDED THE MOTION.

AYES: LEARY, WEST, ROMANELLI, RAITHEL, PEÑA, REYNOLDS
NOES: NONE
RECUSED: NONE
ABSENT: MIKLOS

2. PN 21-062, 6987 Oak Avenue Tentative Parcel Map and Determination that the Project is Exempt from CEQA

A Public Hearing to consider a request from Roger & Gail Zittel for approval of a Tentative Parcel Map application to subdivide an existing 1.03-acre single-family residential property located at 6987 Oak Avenue into two individual parcels. The zoning classification for the site is R-1-ML (A), while the General Plan land-use

designation is SF. The project is exempt from the California Environmental Quality Act in accordance with Section 15315 of the CEQA Guidelines. **(Project Planner: Josh Kinkade/Applicant: Roger & Gail Zittel)**

COMMISSIONER ~~LEARY~~**MOVED LEARY MOVED** TO APPROVE THE 6987 OAK AVENUE TENTATIVE PARCEL MAP PROJECT CREATING TWO (2) PARCELS AS ILLUSTRATED IN ATTACHMENT 6, BASED ON THE FOLLOWING FINDINGS (FINDINGS A-L) AND THE ATTACHED CONDITIONS OF APPROVAL (CONDITIONS 1-19)

COMMISSIONER ~~WEST~~ **ROMANELLI** SECONDED THE MOTION.

AYES: LEARY, WEST, ROMANELLI, RAITHEL, PEÑA, REYNOLDS

NOES: NONE

RECUSED: NONE

ABSENT: MIKLOS

PLANNING COMMISSION / PLANNING MANAGER REPORT

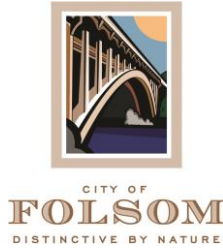
The next Planning Commission meeting is scheduled for June 1, 2022.

RESPECTFULLY SUBMITTED,

Karen Sanabria, ADMINISTRATIVE ASSISTANT

APPROVED:

Eileen Reynolds, CHAIR



PLANNING COMMISSION MINUTES
June 1, 2022
CITY COUNCIL CHAMBERS
6:30 P.M.
50 Natoma Street
Folsom, CA 95630

CALL TO ORDER PLANNING COMMISSION: Vice Chair Daniel West, Bill Romanelli, Justin Raitchel, Bill Miklos, Ralph Peña, Barbara Leary, Chair Eileen Reynolds

ABSENT: Ralph Peña

CITIZEN COMMUNICATION:

1. Larry Ladd addressed the Planning Commission regarding radioactive emissions from Aerojet.

MINUTES: The minutes of the May 18, 2022 meeting were requested to be amended and will be presented for approval at the next Planning Commission meeting.

PUBLIC HEARING

1. PN 22-033, Folsom Bottle Shop Conditional Use Permit and Determination that the Project is Exempt from CEQA

A Public Hearing to consider a request for a Conditional Use Permit for operation of a convenience store (Folsom Bottle Shop) within an existing 3,216-square-foot inline tenant space located at 7700 Folsom Auburn Road (Suite 100). This project is exempt from the California Environmental Quality Act in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines. **(Principal Planner: Steve Banks)**

COMMISSIONER LEARY MOVED TO APPROVE A CONDITIONAL USE PERMIT FOR THE FOLSOM BOTTLE SHOP, WHICH INCLUDES OPERATION OF A CONVENIENCE STORE WITHIN AN EXISTING 3,216-SQUARE-FOOT RETAIL TENANT SPACE (SUITE 100) LOCATED AT 7700 FOLSOM-AUBURN ROAD BASED ON THE FINDINGS (FINDINGS A-F) AND SUBJECT TO THE CONDITIONS OF APPROVAL ATTACHED TO THIS REPORT (CONDITIONS 1-14).

COMMISSIONER MIKLOS SECONDED THE MOTION.

AYES: WEST, ROMANELLI, RAITHEL, MIKLOS, LEARY, REYNOLDS

NOES: NONE

RECUSED: NONE

ABSENT: PEÑA

MOTION PASSED

2. PDEV22-00140: Folsom Plan Area Specific Plan Mangini Ranch Lot 16 Apartments Planned Development Permit Modification and Determination that the Project remains Exempt from CEQA.

A Public Hearing to consider a Planned Development Permit Modification requested by Van Daele Homes for the Mangini Ranch Lot 16 Apartments project. The proposed Mangini Ranch Lot 16 Apartment Project site is located north of White Rock Road near the northeast corner of the intersection of East Bidwell Street and White Rock Road within the Folsom Plan Area Specific Plan. The Project site has been approved for 278 apartment units. This request consists of a Planned Development Permit Modification to reduce the number of off-street vehicle parking spaces required for guest parking. The City previously determined that the CEQA Exemption and Streamlining Analysis prepared at the time of original Project approval qualified for the exemption provided in CEQA Guidelines 15182(c), as the project is consistent with the Folsom Plan Area Specific Plan. The project remains exempt from CEQA. **(Applicant, Van Daele Homes, Housing/Contract Planner, Kathy Pease)**

COMMISSIONER LEARY MOVED TO APPROVE THE PLANNED DEVELOPMENT PERMIT-MODIFICATION TO REDUCE OFF-STREET GUEST VEHICLE PARKING SPACES REQUIRED BY 65 FOR A NEW OFF-STREET PARKING REQUIREMENT OF 526 SPACES. THESE APPROVALS ARE BASED ON THE FINDINGS (FINDINGS A-S) AND SUBJECT TO THE CONDITIONS OF APPROVAL (CONDITIONS 1 – 48) ATTACHED TO THIS REPORT.

COMMISSIONER MIKLOS SECONDED THE MOTION.

AYES: WEST, ROMANELLI, RAITHEL, MIKLOS, LEARY, REYNOLDS
NOES: NONE
RECUSED: NONE
ABSENT: PEÑA

MOTION PASSED

3. PDEV22-00141: Folsom Plan Area Specific Plan Mangini Ranch Lot 14 Bungalows Planned Development Permit Modification and Determination that the Project remains Exempt from CEQA.

A Public Hearing to consider a Planned Development Permit Modification request from Van Daele Homes for the Lot 14 Bungalows project. The proposed Mangini Ranch Lot 14 Bungalows Project is in the Folsom Plan Area Specific Plan located south of Sparrow Drive and east of the terminus of Hummingbird Circle, north of White Rock Road. The Project site has been approved for 160 multi-family residential units. This application includes a Planned Development Permit Modification to reduce the number of off-street vehicle parking spaces required for guest parking. The City previously determined that the CEQA Exemption and Streamlining Analysis prepared at the time of original Project approval qualified for an Exemption provided in CEQA Guidelines 15182(c), as the project is consistent with the Folsom Plan Area Specific Plan. The project remains exempt from CEQA. **(Applicant, Van Daele Homes, Housing/Contract Planner, Kathy Pease)**

1. Gabrielle Grow addressed the Planning Commission with concerns regarding the on street parking.

COMMISSIONER MIKLOS MOVED TO APPROVE THE PLANNED DEVELOPMENT PERMIT-MODIFICATION TO ALLOW A REDUCTION IN REQUIRED OFF-STREET PARKING SPACES BY 23 SPACES FOR A TOTAL OF 377 PARKING SPACES. THESE APPROVALS ARE BASED ON THE FINDINGS (FINDINGS A-R) AND SUBJECT TO THE CONDITIONS OF APPROVAL (CONDITIONS 1-56) ATTACHED TO THIS REPORT.

COMMISSIONER LEARY SECONDED THE MOTION.

AYES: WEST, ROMANELLI, RAITHEL, MIKLOS, LEARY, REYNOLDS
NOES: NONE
RECUSED: NONE

ABSENT: PEÑA

MOTION PASSED

PLANNING COMMISSION / PLANNING MANAGER REPORT

The next Planning Commission meeting is scheduled for June 15, 2022.

RESPECTFULLY SUBMITTED,

Karen Sanabria, ADMINISTRATIVE ASSISTANT

APPROVED:

Eileen Reynolds, CHAIR



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

AGENDA ITEM NO. 1
Type: Public Hearing
Date: July 13, 2022

Planning Commission Staff Report

50 Natoma Street, Council Chambers
Folsom, CA 95630

Project: Oak Wine & Spirits Conditional Use Permit
File #: USPT22-00101
Request: Conditional Use Permit
Location: 9580 Oak Avenue Pkwy. #3
Parcel(s): 213-0910-001
Staff Contact: Josh Kinkade, Associate Planner, 916-461-6209
jkinkade@folsom.ca.us

Property Owner

Name: Folsom Village Shopping Center LLC
Address: 1300 National Dr. #100
Sacramento CA 95834

Applicant

Name: Coloma Food Inc.
Address: 9580 Oak Avenue Pkwy. #3
Folsom, CA 95630

Recommendation: Conduct a public hearing and upon conclusion approve a Conditional Use Permit application to operate the Oak Wine & Spirits business, located at 9580 Oak Avenue Pkwy. #3 (USPT22-00101) based on the findings included in this report (Findings A-F) and subject to the attached conditions of approval (Conditions 1-14).

Project Summary: The proposed project includes operation of a convenience market within an existing 3,309-square-foot commercial building located at 9580 Oak Avenue Pkwy. #3.

Table of Contents:

- 1 - Description/Analysis
- 2 - Background
- 3 - Conditions of Approval
- 4 - Vicinity Map
- 5 - Floor Plan
- 6 - Applicant's Narrative
- 7 - Photographs of the Project Site
- 8 - Public Comments Received



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

AGENDA ITEM NO. 1
Type: Public Hearing
Date: July 13, 2022

Submitted,

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

PAM JOHNS
Community Development Director

ATTACHMENT 1 DESCRIPTION/ANALYSIS

APPLICANT'S PROPOSAL

The applicant, Coloma Food Inc., is requesting approval of a Conditional Use Permit (USPT22-00101) to operate a convenience market (Oak Wine & Spirits) within an existing 3,309-square foot commercial building located at 9580 Oak Avenue Pkwy. #3, within the Folsom Village Shopping Center. According to the attached project narrative (Attachment 6), the applicant is proposing to offer groceries, lottery tickets and alcohol. Alcohol sales are expected to be approximately 18 to 23 percent of gross sales. The market will be owner-operated with two to three employees. The applicant is proposing to mount surveillance cameras and monitors inside the premises. The applicant is asking to operate Monday through Sunday between the hours of 7:00 a.m. and 11:00 p.m. Existing on-site parking would be utilized. No exterior modifications to the building are proposed other than future installation of a wall sign.

POLICY/RULE

Section 17.60.010 of the Folsom Municipal Code states that the Planning Commission shall have final authority relating to the issuance of Conditional Use Permits for any of the uses or purposes for which such permits are required or permitted by the terms of this title. FMC section 17.22.030 states that convenience markets require issuance of a Conditional Use Permit in C-1 zone. FMC 17.60.020 states that application for a use permit shall be made to the Community Development Department in writing, on a form prescribed by the department, and shall be accompanied by plans and elevations necessary to show details of the proposed land use activities on the subject property. FMC 17.60.040 states that the Commission's findings shall be that the establishment, maintenance or operation of the use or building 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.

GENERAL PLAN AND ZONING CONSISTENCY

The General Plan land use designation for the project site is NC (Neighborhood Commercial) and the zoning designation for the project site is C-1 (PD): Neighborhood Business (Planned Development). The Folsom Municipal Code states that convenience markets are a permitted use within a Neighborhood Business District zoning district (C-1) upon the issuance of a Conditional Use Permit by the Planning Commission. Therefore, staff has determined that the proposed use requires a Conditional Use Permit (CUP).

ANALYSIS

In order to approve a 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” (FMC, Section 17.60.040).

In reviewing this request for a Conditional Use Permit, staff took into consideration the proposed use and the compatibility of the proposed business in relation to surrounding land uses and businesses. The Oak Wine & Spirits establishment is proposed to be located within an existing commercial/retail space located at 9580 Oak Avenue Pkwy. #3. Existing uses within the Folsom Village Shopping Center include restaurants, retail, martial arts and ballet schools, a gym, professional offices, beauty salons, a bar and grill, a church and a grocery store. The closest residential use to the site within Folsom is located approximately 250 feet across Oak Avenue Parkway in the Canyon Falls Village subdivision and the nearest school is approximately 2,000 feet away. A residential parcel in unincorporated Sacramento County is located approximately 160 feet to the west of the business entrance.

Proposed hours of operation (Monday through Sunday, 7:00 a.m. to 11:00 p.m.) are compatible with those of existing businesses in the area, which are generally open Monday through Sunday between 8:00 a.m. and 9:00 p.m., with Starbucks and Fitness 19 opening at 5:00 a.m. and the Canyon Grill and Alehouse staying open until 11:00 p.m. on weekends. Condition No. 1 reflects the proposed hours of operation. Furthermore, there is no proposed entertainment or outdoor use associated with the business (which is prohibited by Condition No. 12).

Based on the commercial nature of the project area and the operational characteristics of Oak Wine & Spirits, staff has determined that the proposed use is compatible with the surrounding land uses and businesses and would not produce any additional impacts to nearby uses beyond any other business allowed by right in the C-1 zone.

Planning staff consulted with the City of Folsom Police Department to determine if there are any potential issues associated with operation of the business as proposed. The Police Department does not have any safety-related concerns about the proposed operation of a convenience market as described by the applicant at the subject location. However, staff has proposed Condition Nos. 10 and 11 that require that signs be placed at the business informing patrons of the State’s age restrictions and identification requirements and prohibiting the possession of open alcoholic beverage containers and prohibiting loitering on or in front of the market.

Pursuant to Sections 17.60.050 of the Folsom Municipal Code, in any case where the conditions to the granting of a Use Permit have not been, or are not, complied with, the Planning Commission may revoke the permit after a public hearing on the matter. Therefore, the Oak Wine & Spirits Conditional Use Permit is subject to ongoing review by the Community Development Department to ensure that it does not result in adverse impacts to the community. If the Community Development Director finds evidence that conditions of approval for the Oak Wine & Spirits business 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 have a substantial adverse impact on public facilities or services or the general welfare of the City, the Director will refer the Use Permit to the Planning Commission for review. If, upon such review, the Planning Commission finds that any of the above-stated results have occurred, the Commission may modify or revoke the Conditional Use Permit following a hearing on the matter. Condition No. 2 is included to reflect this requirement.

Regarding parking, the existing private parking lot was approved as part of the Planned Development Permit for the Folsom Village Shopping Center and is shared with the other tenants of the center. Furthermore, the proposed use will retain the same commercial parking standard as a commercial use allowed by right, and therefore will not create additional parking demand beyond that of an allowed use. As such, adequate off-street parking currently exists on the project site for the proposed use.

Finally, signage for the proposed use is not included in this application. Signage is subject to FMC Chapter 17.59 and the Folsom Village Shopping Center sign criteria. Condition No. 13 is included to reflect this requirement. Furthermore, FMC Section 17.59.030(C) limits window signs to 25 percent of the total window area for each window and that total signage placed on any window may not include unused signage amounts allowable for other windows. Compliance with this provision will ensure that window sign clutter will not be an issue beyond any other business. Furthermore, the applicant has stated in their business description that they will use no more than 10 to 15 percent of the square footage of windows and clear doors for signage.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15301, Existing Facilities, 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 exemption in this case.

RECOMMENDATION

Staff recommends approval of the proposed project, based on the following findings and subject to the conditions of approval attached to this report.

PLANNING COMMISSION ACTION

Move to approve the Oak Wine & Spirits Conditional Use Permit (USPT22-00101), based on the findings included in this report (Findings A-F) and subject to the attached conditions of approval (Conditions 1-13).

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) 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.

CONDITIONAL USE PERMIT FINDING

- F. AS CONDITIONED, THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE USE APPLIED FOR WILL NOT, UNDER THE CIRCUMSTANCES OF THIS PARTICULAR CASE, BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, MORALS, COMFORT, AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD, OR BE DETRIMENTAL OR INJURIOUS TO PROPERTY AND IMPROVEMENTS IN THE NEIGHBORHOOD OR TO THE GENERAL WELFARE OF THE CITY, AS THE PROPOSED BUSINESS WILL NOT HAVE NEGATIVE IMPACTS TO NEARBY USES THAT HAVE NOT BEEN MITIGATED.

ATTACHMENT 2 BACKGROUND

BACKGROUND

At its August 14, 1989 meeting, the City of Folsom Planning Commission approved a Planned Development Permit for the Village Shopping Center, which consisted of a 64,240-square-foot retail center on a 6.28-acre site on the southwest corner of Oak Avenue Parkway and American River Canyon Drive. The most recent business in the suite where this project is proposed was a tanning salon.

GENERAL PLAN DESIGNATION

NC, Neighborhood Commercial

ZONING

C-1 PD (Neighborhood Business, Planned Development)

ADJACENT LAND USES/ZONING

North: Oak Avenue Pkwy. and existing single-family residences beyond zoned R-1-M PD (Residential, Single-Family Dwelling, Small Lot District, Planned Development)

South: Existing multi-family residences zoned R-M (Residential, Multifamily Dwelling District)

East: American River Canyon Dr. with existing single-family residences beyond zoned R-1-M and multi-family residences zoned R-M.

West: Sacramento County agricultural land

SITE CHARACTERISTICS

The 6.28-acre parcel consists of a shopping center, parking lot and landscaping.

APPLICABLE CODES

FMC Chapter 17.22; Commercial Land Use Zones

FMC Chapter 17.60; Use Permits

ATTACHMENT 3

Conditions of Approval

**CONDITIONS OF APPROVAL FOR
 OAK WINE & SPIRITS CONDITIONAL USE PERMIT
 (USPT22-00101)**

| Cond. No. | Mitigation Measure | GENERAL REQUIREMENTS | When Required | Responsible Department |
|------------------|---------------------------|--|----------------------|-------------------------------|
| 1. | | <p>This Conditional Use Permit is approved for the establishment of the Oak Wine & Spirits business at 9580 Oak Avenue Parkway #3, which includes operation of a convenience market within an existing 3,309-square-foot commercial building. Hours of operation for the business shall not exceed the hours of 7:00 a.m. through 11:00 p.m. Monday through Sunday. The Oak Wine & Spirits business shall substantially conform to the exhibits referenced below:</p> <ul style="list-style-type: none"> • Floor Plans, attached to the July 13, 2022 staff report • Project Narrative, attached to the July 13, 2022 staff report <p>Any expansion of the days, hours of operation and/or type of products being sold shall be subject to review and approval by the Planning Commission through a Conditional Use Permit Modification.</p> | OG | CD (P) |
| 2. | | <p>If the Community Development Director finds evidence that conditions of approval for the Oak Wine & Spirits Conditional Use Permit have not been complied with 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 Planning Commission for review. If, upon such review, the Planning Commission finds that any of the above-stated results have occurred, the Commission may modify or revoke the Conditional Use Permit.</p> | OG | CD (P) |
| 3. | | <p>This Conditional Use Permit shall be deemed revoked without further action by the Planning 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 |

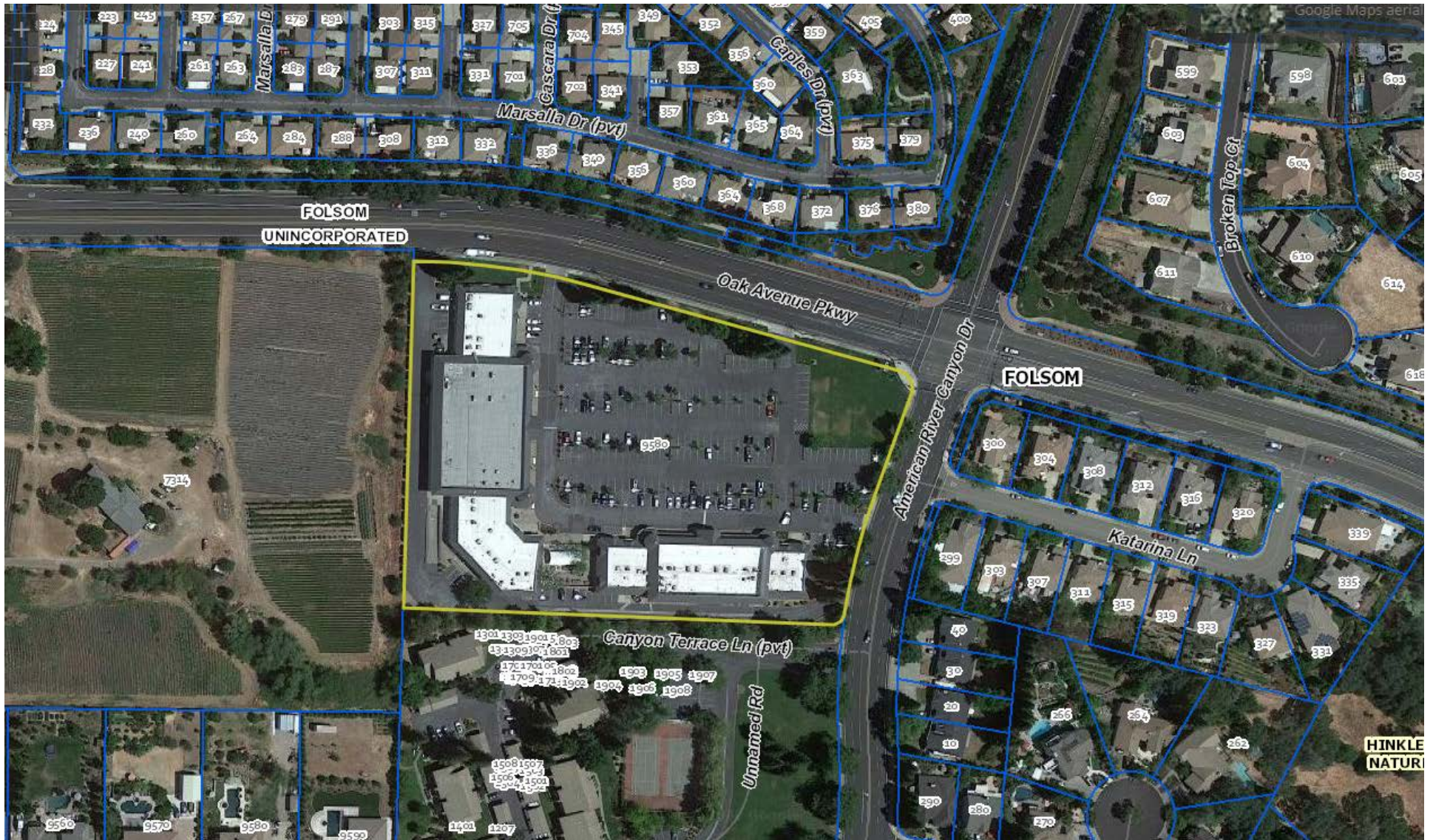
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|---|--|---|----|-----------------------------------|
| 4. | | <p>The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> • The City bears its own attorney’s fees and costs; and • The City defends the claim, action or proceeding in good faith <p>The owner/applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the owner/applicant.</p> | OG | CD (P)(E)(B) PW, PR, FD, PD |
| DEVELOPMENT COSTS AND FEE REQUIREMENTS | | | | |
| 5. | | The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable. | B | CD (P)(E) |
| 6. | | The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required. | B | CD (P)(E) |
| 7. | | This project approval shall remain in effect for one year until July 13, 2023. If a Conditional Use Permit is not vested within the identified time frame prior to the expiration date and the applicant has not demonstrated substantial progress towards the development of the project, this approval shall be considered null and void. The owner/applicant may file an application with the Community Development Department for an 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 <u>Folsom Municipal Code</u> . | B | CD (P, B) |

CONDITIONAL USE PERMIT REQUIREMENTS

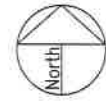
| | | | | |
|-----|--|--|-------|--------------|
| 8. | | Any intensification or expansion of the use approved and conditioned herein will require a Use Permit modification approval by the Planning Commission. | B, OG | FD NS (B) |
| 9. | | Signs informing patrons of the State’s age restrictions and identification requirements shall be posted by the applicant at the front entrance of the business and at the cash register. | O, OG | CD (P) |
| 10. | | Signs prohibiting the possession of open alcoholic beverage containers and prohibiting loitering on or in front of the market shall be posted by the applicant at the front entrance of the business and at the cash register. | O, OG | CD (P) |
| 11. | | Live entertainment as defined in Section 5.90 of the <u>Folsom Municipal Code</u> and outdoor activity of any kind at Oak Wine & Spirits shall be prohibited. | OG | CD (P) |
| 12. | | Signage for the site shall comply with the <u>Folsom Municipal Code</u> Chapter 17.59 and the Folsom Village Shopping Center sign criteria. | OG | CD (P, B) |
| 13. | | Compliance with the City of Folsom’s Noise Control Ordinance (<u>Folsom Municipal Code</u> Chapter 8.42) and General Plan Noise Element shall be required. | OG | CD (P) |

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

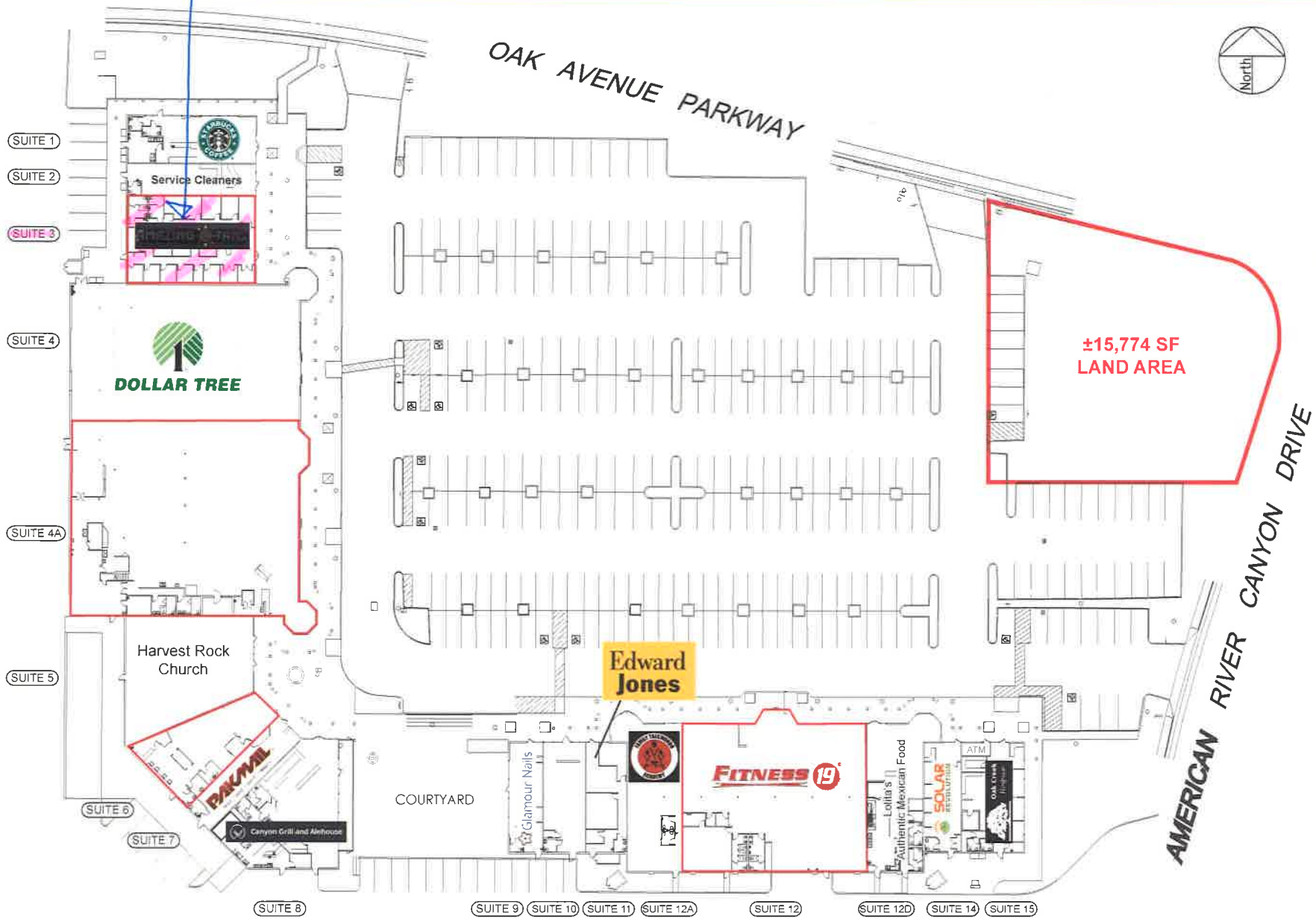
Attachment 4 Vicinity Map



Store



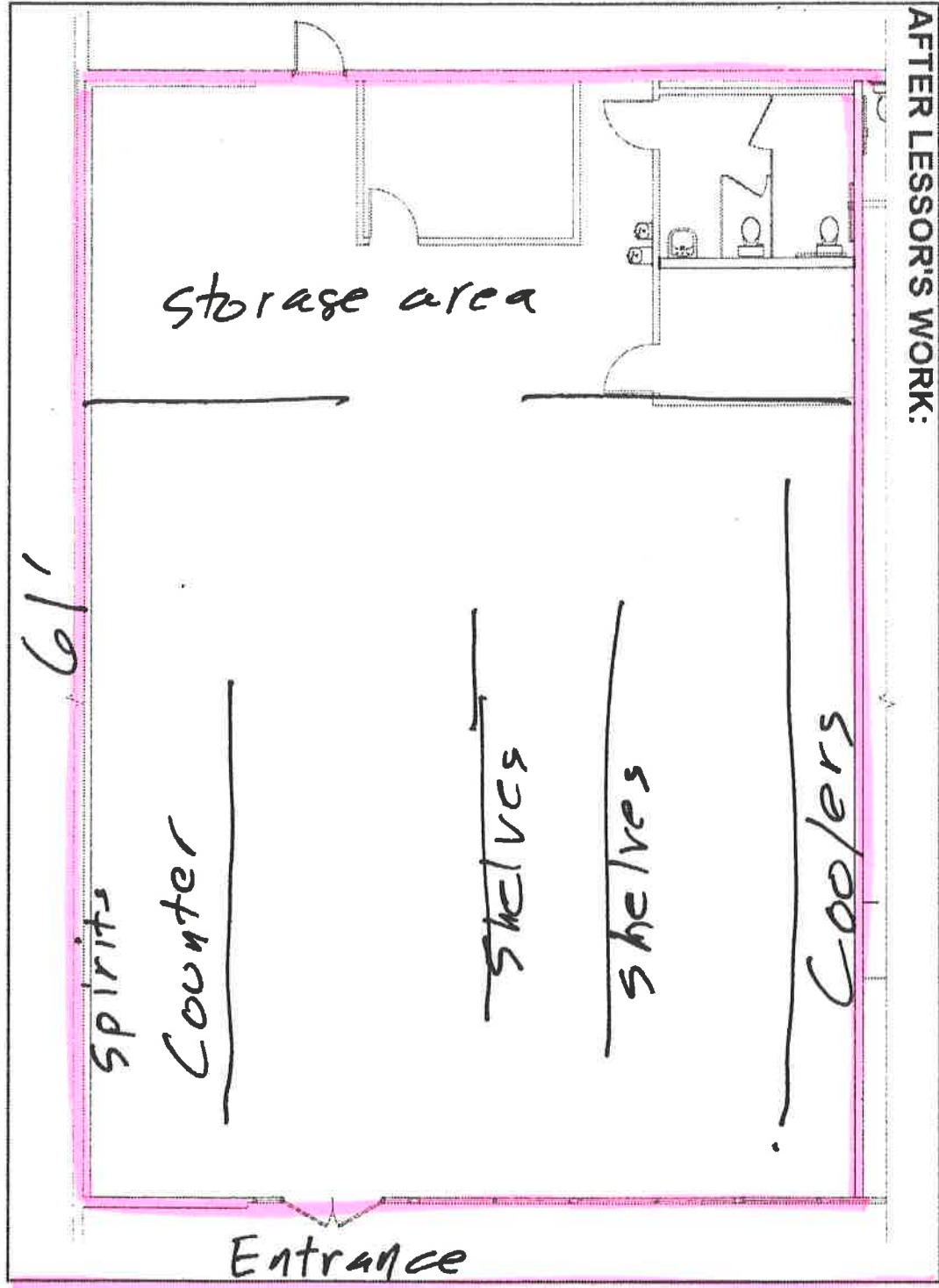
FLOOR PLAN



ETHAN CONRAD PROPERTIES, I
1300 NATIONAL DRIVE, SUITE 100 | SACRAMENTO CA, 95834 | 916.779.
www.ethanconradprop

Attachment 5 Floor Plan

INITIALS



AFTER LESSOR'S WORK:

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 114 | 115 | 116 | 117 | 118 | 119 | 120 | 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 | 131 | 132 | 133 | 134 | 135 | 136 | 137 | 138 | 139 | 140 | 141 | 142 | 143 | 144 | 145 | 146 | 147 | 148 | 149 | 150 | 151 | 152 | 153 | 154 | 155 | 156 | 157 | 158 | 159 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 167 | 168 | 169 | 170 | 171 | 172 | 173 | 174 | 175 | 176 | 177 | 178 | 179 | 180 | 181 | 182 | 183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|

Attachment 6

Applicant's Narrative

PROJECT NARRATIVE

Request Approval for Conditional Use Permit
Oak Wine & Spirits
9580 Oak Ave. Pkwy. Suite #3
Folsom, CA 95630

Applicant, Coloma Food Inc. (Hardev Singh – President), respectfully requests approval of the CUP to allow the proposed convenience market to have an off-sale type 21 ABC license to sell beer, wine and spirits.

Regarding the location, this is Suite #3 in the Folsom Village Shopping Center. The approximate size of the store is 3,309 sf. There are many retail and commercial businesses in the shopping center such as a fitness gym, Dollar store, Star Bucks, several restaurants, and other retail establishments.

The applicant currently owns several stores in the Sacramento area and has 10 years of responsible retailing with several ABC Licenses with no ABC violations or any city, county, building or health department violations.

The applicant will offer a variety of products for the local community ranging from pet food, paper towels, snack foods, sandwiches, dairy products, laundry detergent, canned foods, Lottery, hot coffee, and other sundries.

The applicant will put in place a higher end store with oak cabinets and shelves and will carry high end whiskeys and other upscale selections of spirits to offer the discerning patrons of the area. The distilled spirits will be securely located behind the clerk's counter and will only be accessible by the store clerk. The store features wider aisles for comfort as well as addressing ADA. The shelves are lower for ease of shopping and security reasons. The store is clean and bright and offers an entirely quick and comfortable one stop shopping experience.

Proposed total alcohol sales are expected to be approximately 18-23% of gross sales and will be a moderate but integral part of the business.

The market will be owner operated with 2-3 employees and the owner will be present several times a week.

The owner's commitment to responsible retailing is of the utmost importance and has established the following:

1. Mount surveillance cameras and monitors inside the premises.
2. Post a notice that California state law prohibits the sale of alcoholic beverages to persons who are under the age of twenty-one (21) years and no such sales will be made.
3. If requested by the city, owner will post and maintain a professional quality sign stating, "No open alcoholic beverage containers are allowed on these premises." and "No loitering is allowed on or in front of these premises."
4. Ensure that no more than 10-15% of the square footage of the windows and clear doors will bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area where the cash register will be maintained, from the exterior public sidewalk or entrance area.
5. The parking lot of the premises is equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot area.
6. All areas under the control of the owner will be swept and cleaned, on a daily basis to control debris.
7. The owner will comply with any request by the Folsom Police Department or Department of ABC to ensure there are no issues or nuisances.

The inherent motivation for shopping at a convenience market is the expectation of an easily accessible location, facilitating a quick stop for a typical commuter – effectively eliminating travel to a larger regional

shopping center or chain grocery store. And while the neighborhood market is part of a larger shopping business area, customers will enjoy certain conveniences in patronizing the market for all purchases:

- Shorter walks from vehicle to store. Eliminating a pedestrian trek through a congested parking lot typically associated with big-box retailers or grocery stores.
- Easier access and selection; customers experience a shorter walk to access beverage coolers and make a selection than typical of larger retailers that sell alcohol beverages - where coolers and other products are often located in the rear of the store, away from the main entrance.
- Faster transactions; typically, shorter, faster moving checkout lines than larger retailers.
- More access; our market will have more shopping hours available to purchase convenience items.

Security:

The owner and employees will be vigilant about patrolling the exterior area and parking lot for debris, loitering and anything else. There will be (12) closed circuit video surveillance cameras monitoring the cash register area and inside of the premises and (4) more surveillance cameras on the exterior to create comprehensive coverage. Live monitors will be located within the store and in full view for all employees and patrons.

The store will have a cash drop box for quick deposits of store funds so the cash register will never have an excessive amount of money.

TRAINING

All employees, if not already, will be formally trained via ABC's LEAD training program.

An ID POS Scanner will be used for all alcohol and tobacco purchases and anyone exhibiting the symptoms of being intoxicated will be denied any alcohol sale.

Consideration / Sensitive Points

The nearest resident is approximately 300' away. And the nearest school and park are approximately 2,000' away and no other consideration points are within the vicinity of the premises.

Hours of Operation

The store hours of operation will 7:00 am to 10-11pm

Census Tract & Crime

According to ABC data, the store is located in Census Tract 82.09 which allows 2 off-sale licenses; there are currently 2 off-sale active licenses. One is 1.6 miles away and the other is 3.3 miles away.

ABC has not provided any crime stats for the district.

ABC

The ABC application is underway and ABC is conducting its investigation.

Zoning

The store is consistent with the underlying commercial zoning and the applicable land use plans and policies in affect for the location.

The applicant is in an area that is commercial and he believes that the store can offer a great convenience to the nearby public.

Thank you for your consideration of this application for a CUP.

Please feel free to contact my consultant John Sutton – 916-337-3028 with any questions, comments or meetings.

Sincerely,

Hardev Singh

Hardev Singh - Owner

Attachments: All below items and report can be sent via email Drop box.

1. Interior Floor Plan.
2. Shopping Center Site Plan.
3. Google general aerial view photos (4).
4. 300' Radius Aerial Site Plan.
5. 300' Radius labels for property owners and Folsom return labels.

Attachment 7

Photographs of the Project Site

Parking Lot View of Store



Frontal view of store



Attachment 8

Public Comments Received

From: [REDACTED]
To: [Lydia Konopka](#); [Pam Johns](#); [Steven Wang](#); [Sari Dierking](#)
Cc: daoffice@sacda.org; ernest.conant@usbr.gov; [Drew Lessard](#); [Josh Kinkade](#); [Karen Sanabria](#); [Barbara Leary](#); [The HFRA](#); [Mark Rackovan](#)
Subject: Fw: NOT LEGALLY COMPLIANT PUBLIC HEARING INFORMATION PC 6-15-22 Agenda
Date: Thursday, June 9, 2022 8:55:23 AM
Attachments: [6-15-22 PC Agenda.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[1654789707874blob.jpg](#)

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 via Deputy City Clerk for distribution to council, Staff, City Engineers
cc: Sacramento DA, USBR abutting Neighbor
From: Laurette Laurent
June 9, 2022

Re: Agenda Totally LACKING Signed/Sealed City Engineer Report & Recommendations

Re: DISTRIBUTION is necessary [by staff] of Previously Submitted Analysis of BOTH PN 21-322, and non-existent "USPT22-00101"

Context: agenda LACKs Mandatory Legal Information under State and Federal Laws. Worse yet, agenda pretends in writing that the PC citizen members have "POWERS" to Subdivide Land, REZONE land, and FAIL to REPORT such contemplated Changes of Value/infrastructure/ Area impacts, to Sacramento County Legal Authorities who Record such Actions.

In sum, this "document" is an insult to Law & Order Enforcers, such as Prof. Lic. Engineers.

As City Engineer Documents subject of my PRA Requests have NEVER been provided, don't know who has that Title at this time.

The PC and city Dev. Staff are NOT engineers, and Have Zero Authority to Make Legal Decisions such as EXEMPTIONS from CEQA. In ONE case, there is a Potential Change of Land Use behind a Subdivision Map Action.

PC has NO legal Authority to make such decisions, and staff are Misleading them in a rather obvious potential Malfeasance Practice/Policy.

If our elected and appointed "leaders" and their chosen staff perpetuate this again, they are Accountable under Multiple Sections of State Laws. Not the least is the Subdivision Map Act, Govt Code 65000 et seq, B&P, and many more.

Act at YOUR OWN PERIL should be at Top of ALL Signed & Sealed Reports delivered to private citizens appointed to conduct Public Hearings and to HEAR and HEED Objections.

Previously an expert analysis of the rather preposterous Public Notice on Agenda for "USPT22-00101" which is clearly IN direct Violation of State Laws and is NOT a legally enacted "Planned Unit" nor C PD Zone. It is clearly a General Plan Commercial Neighborhood Usage -- and does not have any Right to be at this extremely dangerous intersection of TWO Killer Folsom "city Streets" -- including the Substandard "Folsom Lk Crossing STREET" where horrific deaths continue to occur.

How can private citizens, city Licensed Professionals, and employees, consider themselves ABOVE Responsibility for Obeying & enforcing laws. They hold PUBLIC HEARINGS.

Expert Analysis was submitted for BOTH these PN 21-322 and USPT 22 -00101

folsom.ca.us SEARCHRESULTS --- NOTHING

Inline image

Disregard FORWARDING these documents to City Engineer and Traffic Engineers, and PW Director --- at your OWN PERIL.
Disregard CA and Federal Laws at your own peril.

Ask what the heck is a "USPT 22 001012"
Is this willful continued Obfuscation of Public Documents?
Is this some sort of confusing FEDERAL classification?
It does have a Huge Impact on Federal Agency Assets and Employees.

To: FOIsom Dev. top "manager", what does Prof. Lic. Engineer Under YOU, have in his signed/sealed Eng. Report for both of these?
How can you dare to ignore the state and federal laws?
Who TOLD you this city can Over-Ride higher Laws thusly?

Please answer, because it's time to File formal Complaints in pursuit of

ENFORCEMENT of these Objections by a proper Authority.

63 dead innocent people, who died on city property --- is ENOUGH.

----- Forwarded Message -----

From: Karen Sanabria <ksanabria@folsom.ca.us>
Sent: Wednesday, June 8, 2022, 03:31:39 PM PDT
Subject: Planning Commission Meeting 6-15-22 Agenda

Hello,

Please see attached the Agenda for the Planning Commission Meeting on 6-15-22.

Thank you,



Karen Sanabria
Community Development

City of Folsom
50 Natoma Street, Folsom, CA 95630
ksanabria@folsom.ca.us
916-461-6203

www.folsom.ca.us