



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

**PLANNING COMMISSION AGENDA**  
**September 18, 2024**  
**CITY COUNCIL CHAMBERS**  
**6:30 p.m.**  
**50 Natoma Street**  
**Folsom, California 95630**

**CALL TO ORDER PLANNING COMMISSION:** Bill Romanelli, James Ortega, Mathew Herrera, Daniel West, Bill Miklos, Ralph Peña, Eileen Reynolds

The Planning Commission has 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 Planning Commission Meeting.

*Any documents produced by the City and distributed to the Planning Commission regarding any item on this agenda will be made available upon request at the Community Development Counter at City Hall located at 50 Natoma Street, Folsom, California. 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 public, however, California law prohibits the Commission from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Commission.

**MINUTES**

The minutes of the August 28, 2024, special meeting will be presented for approval.

**NEW BUSINESS**

**1. USPT24-00221: Loyal Arms Gunshop Conditional Use Permit and Determination that the Project is Exempt from CEQA**

A Public Hearing to consider a request from Ricky Gan for approval of a Conditional Use Permit application to operate a gunshop at 1008 Riley Street, Suite #4, in the C-2 PD (Central Business, Planned Development) zone. Since the proposed gunshop location is within 500 feet of residential uses a CUP is required as described in Section 17.22.030(A)(4) of the Folsom Municipal Code (FMC). The project is categorically exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. **(Project Planner: Jessica Brandt / Applicant: Ricky Gan)**

**2. USPT23-00186: AT&T Monopole Cell Site Conditional Use Permit and Determination that the Project is Exempt from CEQA – Continued from the July 24, 2024 Meeting**

**THIS ITEM HAS BEEN CONTINUED TO THE OCTOBER 16<sup>TH</sup> COMMISSION MEETING AT THE REQUEST OF THE APPLICANT.**

A Public Hearing to consider a request from New Cingular Wireless PCS c/o Carl Jones for a Conditional Use Permit to operate a new monopole cellular tower facility located near the northwestern intersection of Savannah Parkway and Grand Prairie Road. The General Plan Land Use Designation for the project site is SFHD (Single-Family High-Density) and the zoning district is SP-SFHD-PD (Folsom Plan Area Specific Plan- Single Family High Density -Planned Development). The City, as lead agency, has determined that the project is exempt from CEQA under Section 15303 (New Construction or Conversion of Small Structures). **(Project Planner: Josh Kinkade / Applicant: New Cingular Wireless PCS c/o Carl Jones)**

### **PLANNING COMMISSION / PLANNING MANAGER REPORT**

The next Planning Commission meeting is scheduled for **October 16, 2024**. 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, 2<sup>nd</sup> Floor, 50 Natoma Street, Folsom, California, prior to the meeting. The phone number is (916) 461-6200 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) 461-6200, (916) 355-7274 (fax) or [shannum@folsom.ca.us](mailto:shannum@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.



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

**SPECIAL MEETING  
PLANNING COMMISSION MINUTES  
August 28, 2024  
CITY COUNCIL CHAMBERS  
6:30 P.M.  
50 Natoma Street  
Folsom, CA 95630**

**CALL TO ORDER PLANNING COMMISSION:**

The regular Planning Commission Meeting was called to order at 6:30 p.m. with Chair Eileen Reynolds presiding.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.

**ROLL CALL:**

Commissioners Present:           Ralph Peña, Commissioner  
  Bill Romanelli, Commissioner  
  James Ortega, Commissioner  
  Mathew Herrera, Commissioner  
  Daniel West, Vice Chair  
  Bill Miklos, Commissioner  
  Eileen Reynolds, Chair

Commissioners Absent:           None

**CITIZEN COMMUNICATION:**

1. Ms. Joanne Brausch is a resident of Folsom and a representative of the Traffic Safety Committee, who voiced concerns about traffic safety regarding ongoing development, particularly South of Highway 50. Ms. Brausch would like a more proactive approach to traffic safety.

**MINUTES:**

The minutes of the July 24, 2024, Special Meeting were approved as submitted.

**NEW BUSINESS**

**1. SPEC24-00211: City of Folsom River District Master Plan and Determination that the Proposed Master Plan is Statutorily Exempt from CEQA**

**THIS ITEM WAS CONTINUED TO THE OCTOBER 16<sup>TH</sup> COMMISSION MEETING.**

A Public Hearing to consider and make recommendations to the City Council for approval of the River District Master Plan, establishing planning principles, priorities and a vision for potential future improvements to the River District planning area. No specific project or development proposals are contemplated at this time. Any and all future project implementation steps and proposals will be subject to compliance with the City's General Plan, River District Master Plan, Zoning Code, and environmental review in accordance with the California Environmental Quality Act (CEQA). The proposed River District Master Plan is statutorily exempt from environmental review pursuant to Section 15262 of the CEQA guidelines. **(Project Manager: Robert Goss)**

**2. SUBPM24-00139: Folsom Heights Small-Lot Vesting Tentative Subdivision Map Amendment and Determination that No Further CEQA Review is Required**

A Public Hearing to request a Small-Lot Vesting Tentative Subdivision Map Amendment for the Folsom Heights Subdivision project proposing the removal of two conditions of approval requiring and describing an emergency vehicle access at Prima Drive from the adjacent El Dorado Hills subdivision into Folsom Heights. The site is in the SP-OS2 (Passive Open Space- Folsom Plan Area Specific Plan) zoning district and has General Plan designation of OS (Open Space). The Folsom Heights Subdivision Addendum to the Folsom Plan Area Specific Plan EIR/EIS was approved on July 25, 2017. The proposed project would not constitute substantial changes to this approved project, and therefore does not require further California Environmental Quality Act (CEQA) review under CEQA Guidelines Sections 15162(a), 15163(a) and 15164(a). **(Project Planner: Josh Kinkade / Applicant: Price Walker of Elliott Homes, Inc.)**

COMMISSIONER ROMANELLI MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE FOLSOM HEIGHTS SMALL-LOT VESTING TENTATIVE SUBDIVISION MAP AMENDMENT FOR THE REMOVAL OF CONDITIONS OF APPROVAL 174 AND 182 FROM THE ORIGINAL APPROVED ENTITLEMENT FOR THE FOLSOM HEIGHTS SMALL-LOT VESTING TENTATIVE SUBDIVISION PROJECT (SUBPM24-00139) SUBJECT TO THE FINDINGS (FINDINGS A-M) AND CONDITIONS OF APPROVAL (CONDITIONS 1-3) ATTACHED TO THIS REPORT. EXCEPT AS STATED HEREIN, ALL CONDITIONS OF APPROVAL ON THE ORIGINAL MAP, ENTITLEMENT, AND MAP AND ENTITLEMENT EXTENSIONS CONTINUE TO APPLY TO THE AMENDED FOLSOM HEIGHTS SMALL LOT VESTING TENTATIVE SUBDIVISION MAP.

COMMISSIONER HERRERA SECONDED THE MOTION.

AYES: PEÑA, ROMANELLI, ORTEGA, HERRERA, WEST, MIKLOS, REYNOLDS  
NOES: NONE  
RECUSED: NONE  
ABSENT: NONE

MOTION PASSED

**3. USPT23-00091: Folsom Farm Livestock Butchering and Classroom and Determination that the Project is Exempt from CEQA**

A Public Hearing to request a Conditional Use Permit to allow for livestock butchering and a classroom at Folsom Farm, located at 6879 Folsom Auburn Road. The site is zoned R-1-ML-A (Single-Family Residential, Medium Lot - Agricultural Combining District) and has a General Plan designation of SF (Single Family). The project is categorically exempt from environmental review under Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. **(Project Planner: Josh Kinkade / Applicant: James A. Agostini)**

1. Mrs. Meyer spoke in opposition of the Conditional Use Permit (CUP), voicing concerns about the lack of restrictions on the number of animals that can be butchered, the decrease in property enjoyment and value, pests, blood composting, and rendering.
2. Mr. Paul Bracco spoke in opposition of the CUP, inquired about the hearing timeline from February 2024 to date, and zoning concerns including removing the Agricultural Combining District designation for this area

3. Mr. John Huetter is a resident of the community who voiced concerns about pests, and reporting concerns going forward.
4. Mr. Jonathan Tamayo is a neighbor of the applicant who spoke in favor of the CUP. Mr. Tamayo has not witnessed any of the same concerns regarding pests, rodents and odors voiced by other neighbors.
5. Mr. Dave Jorz is a resident of the community who voiced concerns about health and safety, the contamination and decrease in property values, and the lack of due process and response from the City.
6. Mrs. Dee Jorz is a resident of the community who voiced concerns about health and safety, odors, pests, vermin, the loss of enjoyment of properties, and environmental concerns regarding the natural springs under all the community properties that lead to the creek and Lake Natoma.
7. Ms. Monica DuPont is a retired public educator who spoke in opposition of the CUP, and expressed concerns regarding the educational merits of the CUP. Ms. DuPont also expressed concerns regarding zoning.
8. Ms. Tupou McCready is a resident of the community who spoke in opposition of the CUP, and expressed concerns regarding pests, odors, and interactions with the applicant in the community.
9. Ms. Cassandra Lazaro is a resident of Oak Avenue who spoke regarding Folsom Farm's signage that is also placed along Oak Avenue, and whether Folsom Farm will begin to operate on Oak Avenue.
10. Ms. Dena Krumwide is a resident of Folsom Auburn Road who voiced concerns regarding the unpermitted structures on the property. Ms. Krumwide voiced concerns about the food source of the animals, pests, and noise levels.
11. Ms. Cindy Shaffer is a resident of the community who voiced concerns regarding pests, turnover of the ownership of this property due to zoning and lack of access, and flooding leading to contamination of Hinkle Creek and Lake Natomas due to buried animals on the property contaminating the groundwater.

COMMISSIONER ROMANELLI MOVED TO DENY THE FOLSOM FARM BUTCHERING AND CLASSROOM CONDITIONAL USE PERMIT USPT23-00091 BASED ON A FINDING THAT THE ESTABLISHMENT, MAINTENANCE OR OPERATION OF THE USE OR BUILDING APPLIED FOR WILL, 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 THE PROPERTY AND IMPROVEMENTS OF THE NEIGHBORHOOD, OR TO THE GENERAL WELFARE OF THE CITY, BECAUSE OF:

1. SOIL, GROUNDWATER, AND HEALTH IMPACTS FROM BURYING THE REMAINS OF MULTIPLE ANIMALS ON THE PROPERTY;
2. DISEASE AND VECTOR CONCERNS ASSOCIATED WITH THE FORMULATION AND USE OF BLOODMEAL AND BLOOD PRODUCTS ON THE PROPERTY;
3. ODORS AND PESTS ASSOCIATED WITH THE OPERATIONS ON THE PROPERTY; AND
4. BUTCHERING WITHOUT A PERMIT ON THE PROPERTY.

COMMISSIONER ORTEGA SECONDED THE MOTION.

AYES: PEÑA, ROMANELLI, ORTEGA, HERRERA, WEST, MIKLOS, REYNOLDS  
NOES: NONE  
RECUSED: NONE  
ABSENT: NONE

MOTION PASSED

**PLANNING COMMISSION / PLANNING MANAGER REPORT**

Planning Manager, Desmond Parrington, shared the following with the Commission:

- The next meeting will be September 18<sup>th</sup>.
- The River District Master Plan agenda item was continued to the October 16<sup>th</sup> meeting and the Central Business District Master Plan will be presented that evening as well.
- Since the last meeting, staff handled 14 design reviews including 5 for custom homes, 2 accessory structures, 4 residential additions, and 3 exterior residential modification.
- Last night, the City Council unanimously approved the amendments to the General Plan and the Folsom Plan Area Specific Plan, and certified the Environmental Impact Review (EIR). As a reminder, this is related to the Housing Element implementation to increase the residential housing capacity (especially for multifamily, particularly apartments) in targeted areas of the City. This was done by Resolution and these changes will go into effect immediately, and the modified Plans are available on the City’s website.

**ADJOURNMENT**

There being no further business to come before the Folsom Planning Commission, Chair Eileen Reynolds adjourned the meeting at 9:21 p.m.

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
Stephanie Hannum, ADMINISTRATIVE ASSISTANT

**APPROVED:**

\_\_\_\_\_  
Eileen Reynolds, CHAIR



CITY OF  
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DISTINCTIVE BY NATURE

**AGENDA ITEM NO. 1**  
**Type: Public Hearing**  
**Date: September 18, 2024**

## **Planning Commission Staff Report**

50 Natoma Street, Council Chambers  
Folsom, CA 95630

**Project:** Loyal Arms Gunshop Conditional Use Permit  
**File #:** USPT24-00221  
**Request:** Conditional Use Permit  
**Location:** 1008 Riley Street, Suite #4  
**Parcel(s):** 071-0690-027  
**Staff Contact:** Jessica Brandt, Principal Planner, 916-461-6207  
[jbrandt@folsom.ca.us](mailto:jbrandt@folsom.ca.us)

### **Property Owner**

Name: Nazareth Retail Holdings, LLC  
Address: 800 S. B Street, Suite 100  
San Mateo, CA 94401

### **Applicant**

Name: Ricky Gan  
Address: 7997 Schrader Way  
Elk Grove, CA 95757

**Recommendation:** Conduct a public hearing and upon conclusion approve a Conditional Use Permit application to operate a gunshop at 1008 Riley Street, Suite #4 (USPT24-00221) based on the findings included in this report (Findings A-F) and subject to the attached conditions of approval (Conditions 1-15).

**Project Summary:** The request is for a Conditional Use Permit (CUP) to allow establishment of a gun shop at 1008 Riley Street, Suite #4 (Folsom Central Plaza), in the C-2 PD (Central Business, Planned Development) zone. Since the proposed gunshop location is within 500 feet of residential uses a CUP is required as described in Section 17.22.030(A)(4) of the Folsom Municipal Code (FMC).

### **Table of Contents:**

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- 5 - Proposed Floor Plans
- 6 - Applicant Narrative



CITY OF  
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**AGENDA ITEM NO. 1**  
**Type: Public Hearing**  
**Date: September 18, 2024**

Submitted,

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PAM JOHNS  
Community Development Director



## ATTACHMENT 1 DESCRIPTION/ANALYSIS

### APPLICANT'S PROPOSAL

The applicant, Ricky Gan, is requesting approval of a Conditional Use Permit (USPT24-00221) to operate a gunshop (Loyal Arms) within an existing 1,272-square foot commercial suite located at 1008 Riley Street, within the Folsom Central Shopping Center. According to the attached project narrative (Attachment 6), Loyal Arms is in the sporting goods industry and sells firearms and ammunition as well as hunting, survival, and camping equipment. They also provide training classes including concealed carry training and basic firearm safety training. The applicant is moving the business from its existing location at 101 Parkshore Drive, where it has been based for seven years, to 1008 Riley Street due to a change in lease status. Hours of operation are proposed to remain as Monday through Friday 9am to 8pm and Saturday/Sunday 10am to 4pm. Existing on-site parking would be utilized. No exterior modifications to the building are proposed other than future installation of a wall sign, surveillance cameras, and installation of bollards where needed.

### POLICY/RULE

- FMC Section 17.22.030 states that gunshops/gunsmiths require issuance of a Conditional Use Permit in the C-2 zone, if they are located less than 500 feet from a residential use and less than 1,000 feet from the property line of any public or private school (kindergarten to twelfth grade). The location proposed is within 500 feet of residential uses as it is near a residential neighborhood to the south. It is not within 1,000 feet of a public school.
- FMC Section 17.60.020 states that the 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 Section 17.60.010 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 17.60.040 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 CC (Community Commercial) with an overlay designation of East Bidwell Corridor (EBC) and the zoning district for the

project site is C-2 PD (Central Business, Planned Development). The Folsom Municipal Code states that gunshops/gunsmiths require issuance of a Conditional Use Permit (CUP) in the C-2 zone, if they are located less than 500 feet from a residential use and less than 1,000 feet from the property line of any public or private school (kindergarten to twelfth grade). The location proposed is within 500 feet of a residential use since it's adjacent to a residential neighborhood. (It is not within 1,000 feet of a school.) Therefore, staff has determined that the proposed use requires a Conditional Use Permit (CUP). Should the CUP be granted, the use can be considered consistent with the applicable General Plan designation and zoning district.

## **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. Loyal Arms is proposed to be located within an existing commercial/retail space located at 1008 Riley Street, Suite #4, which is part of a larger shopping center called the Folsom Central Plaza. Existing uses within the Folsom Central Plaza shopping center include restaurants, retail, and services such as spas and dry cleaning. Current major anchor tenants are Walmart and 24-Hour Fitness.

The applicant states that they take extra precautions in storage and handling of firearms and ammunitions, as outlined in the project narrative (Attachment 6). All firearms are locked in safes at the end of the day. Ammunition is out of reach from customers and only accessible by staff until transactions are final. Staff observe all firearm safety rules and provide all safety demonstrations for customers required by the California Department of Justice. Finally, no ammunition manufacture or reloading will take place on the premises. The applicant estimates that 10-20 customers are helped per day on average throughout the year. These are a mix of online purchase picks up and in-person transactions and includes customers coming to the shop to engage in background checks required before purchases.

The applicant anticipates that the new business location will require some tenant improvements to ensure security of the premises, including installation of bollards along the walkway, a rolldown metal door inside the main entry, and a vestibule between the main entry and retail area so that staff can control entry. The proposed floorplan is included as Attachment 5. The applicant is not proposing any changes to the building façade.

Residential uses are within 500 feet of the proposed location but are located behind the shopping center. The subdivision is separated from the shopping center by a soundwall and a small parkway with trails and a pocket park. There is no direct accessibility to the residential area from the shopping center. Proposed hours of operation (Monday through Friday 9am to 8pm and Saturday/Sunday 10am to 4pm) are compatible with those of existing businesses in the area, which are generally open Monday through Sunday between 7:00 a.m. and 10:00 p.m. Condition No. 1 reflects these hours.

Planning staff consulted with the City of Folsom Police Department to determine if there are any potential issues associated with operation of the gunshop as proposed. The Folsom Police Department responded with a set of requested conditions designed to prevent firearm theft. These include a reputable 24/7 monitored alarm with interior motion and entry point sensors, video surveillance, storage of firearms in a gun safe, and a barricade and/or metal security screen at the front of the suite. The applicant is agreeable to these additional measures, and they are included as Conditions of Approval in Attachment 3 of this report. The Folsom Police Department did not report any criminal activity or nuisance issues with Loyal Arms at its existing location on Parkshore Drive. The recommended security measures are included as Conditions of Approval Nos 10-14.

Firearm sales are heavily regulated at both the Federal and State level. Firearm retailers are licensed by the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and are subject to extensive background checks, interviews, safety and security protocols, and revocation should a licensee be found to have willfully violated the Federal Gun Control Act. Firearm and ammunition retailers must also get on the California Department of Justice – Bureau of Firearms Centralized Lists. Entering onto these lists requires additional permitting and registration across many State and local agencies. Sales are subject to strict identity verification requirements and waiting periods.

Based on the commercial nature of the project area, the operational characteristics of Loyal Arms, and the heavily regulated nature of the proposed business, 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-2 zone.

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 Loyal Arms Gunshop 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 Loyal Arms Gunshop 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, FMC Section 17.57.040(6) requires one off-street parking space per 200 square feet of commercial use. Given the 1,272 square feet of building space, this would result in a requirement of 6 spaces for this use. The existing private parking lot was approved as part of the Planned Development Permit for Folsom Central Plaza and is shared with the other tenants of the commercial 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. Condition No. 13 is included to reflect this requirement.

### **ENVIRONMENTAL REVIEW**

The project is categorically exempt under Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA). 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(s) in this case.

### **RECOMMENDATION**

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

### **PLANNING COMMISSION ACTION**

Move to approve the Loyal Arms Gunshop Conditional Use Permit (USPT24-00221), based on the findings included in this report (Findings A-F) and subject to the attached conditions of approval (Conditions 1-15).

### **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**

A Tentative Parcel Map, Planned Development Permit, Conditional Use Permit, and Sign Variance for development of the Walmart Central Shopping Center was approved by the Planning Commission in 1990 (PN 90-087). The Planning Commission approved a Tentative Parcel Map, Conditional Use Permit, and Planned Development Permit Modification in 2012 (PN 12-283) for redevelopment of the commercial center (now called Folsom Central Plaza) including a new drive-thru commercial pad building and installation of monument signage. The center includes various restaurant, retail, and service uses.

### **GENERAL PLAN DESIGNATION**

CC, Community Commercial

### **ZONING**

C-2 PD, Central Business (Planned Development)

### **ADJACENT LAND USES/ZONING**

North: Riley Street with Commercial Development (C-2 PD) Beyond

South: Single-Family Residential Development and Pocket Park (C-2 PD) with Oxborough Drive Beyond

East: Glenn Drive with Commercial Development (C-2 PD) Beyond

West: Lembi Drive with Commercial Development (C-2 PD) Beyond

### **SITE CHARACTERISTICS**

The subject retail suite is located within the Folsom Central Plaza shopping center, on a 0.59-acre parcel that contains a multi-tenant commercial building of 7,980 square feet. The larger Plaza includes parking and associated landscaping shared with the parcel.

### **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  
 LOYAL ARMS GUNSHOP CONDITIONAL USE PERMIT  
 (USPT24-00221)**

<b>CONDITIONS OF APPROVAL FOR LOYAL ARMS GUNSHOP CONDITIONAL USE PERMIT (USPT24-00221)</b>				
<b>Cond. No.</b>	<b>Mitigation Measure</b>	<b>GENERAL REQUIREMENTS</b>	<b>When Required</b>	<b>Responsible Department</b>
1.		<p>This Conditional Use Permit is approved for the establishment of a gunshop at 1008 Riley Street, Suite #4, which includes sales of firearms within an existing 1,272-square foot commercial suite. Hours of operation for the business shall not exceed Monday through Friday 9am to 8pm and Saturday/Sunday 10am to 4pm. The gunshop shall substantially conform to the exhibit referenced below:</p> <ul style="list-style-type: none"> <li>• Proposed Floor Plans, attached to the September 18, 2024, staff report</li> </ul> <p>Any expansion of the days and/or hours of operation or plans 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 Loyal Arms Gunshop 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



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"> <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) PW, PR, FD, PD
<b>DEVELOPMENT COSTS AND FEE REQUIREMENTS</b>				
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.		<p>This project approval shall remain in effect for one year until September 18, 2025. 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>.</p> <p>If after approval of this project, a lawsuit is filed which seeks to invalidate any approval, entitlement, building permit, or other construction permit required in connection with any of the activities or construction authorized by the project approvals, or to enjoin the development contemplated herein, or to challenge the issuance by any governmental agency of any environmental document or exemption determination, the one year period for vesting a Conditional Use Permit referenced in FMC section 17.60.060 shall be tolled during the time that any litigation is pending, including any appeals.</p>	B	CD (P, B)
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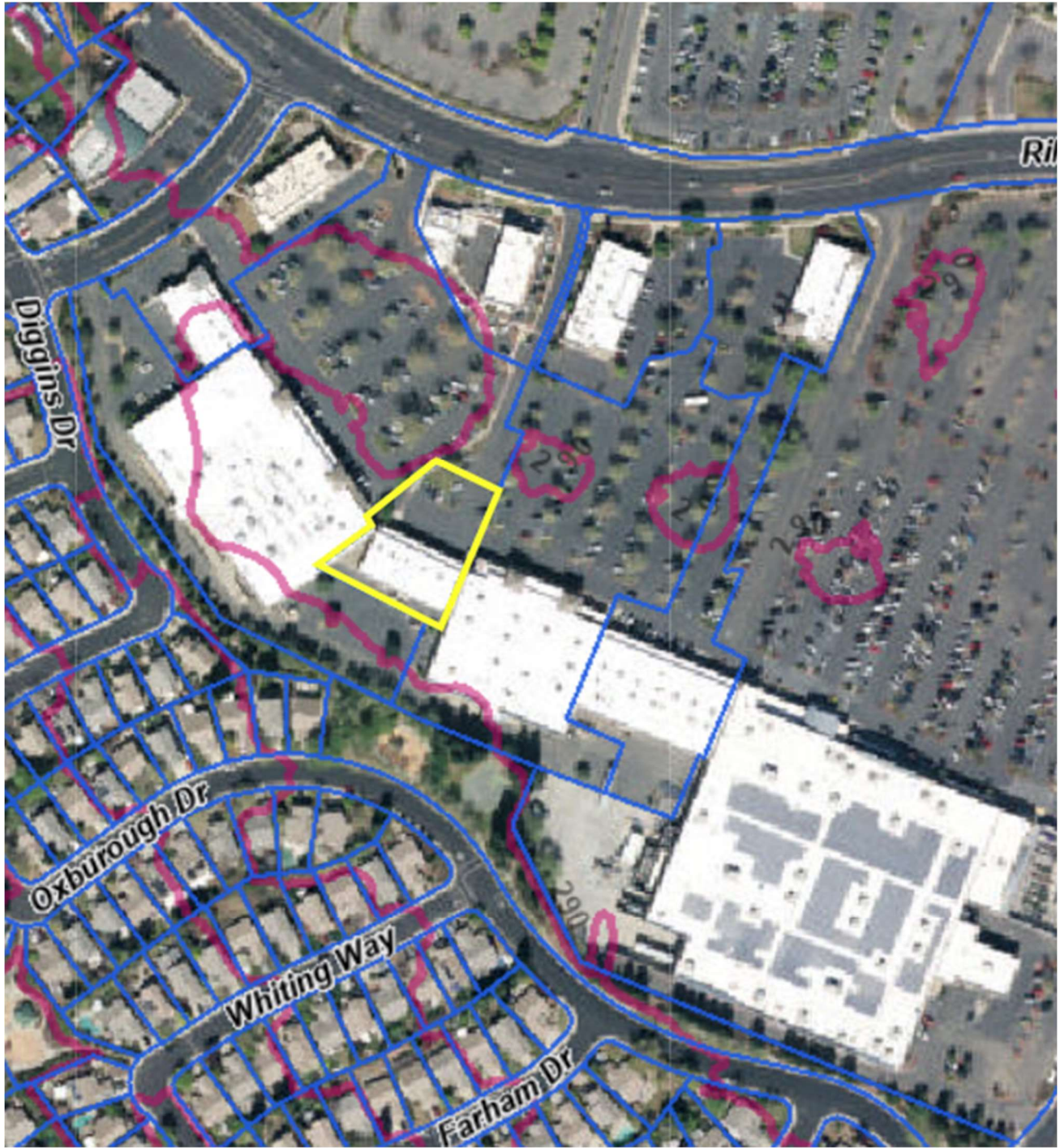
**CONDITIONAL USE PERMIT REQUIREMENTS**

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.		A 24/7 monitored alarm system with interior motion and entry point sensors must be installed and be in continuous operation.	O, OG	B, PD
10.		A video surveillance recording system that covers both the interior of the suite and front/rear exterior areas must be installed and be in continuous operation.	O, OG	B, PD
11.		All firearms are to be locked in a bolted down secure gun safe when the store is closed. No firearms may be stored outside of safes, even within locked offices or caged areas.	OG	PD
12.		Metal security screening shall be installed and used to cover front windows and door when the store is closed. Screening can be installed behind windows and door if preferred.	O	CD (B)
13.		A barricade (bollards or similar) shall be placed between the suite and parking lot to prevent vehicles from driving into the store subject to review and approval of the Community Development Department. The barricades shall not impede pedestrian and ADA access to and within the front walkway area.	O	CD (B)
14.		Signage for the site shall comply with the <u>Folsom Municipal Code</u> Chapter 17.59 and shall require a sign permit.	OG	CD (P, B)
15.		If the building is sprinklered, this applicant shall meet all National Fire Protection Association (NFPA) 13 Standards and California Fire Codes.	B	CD (B)

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

## **Attachment 4 Vicinity Map**

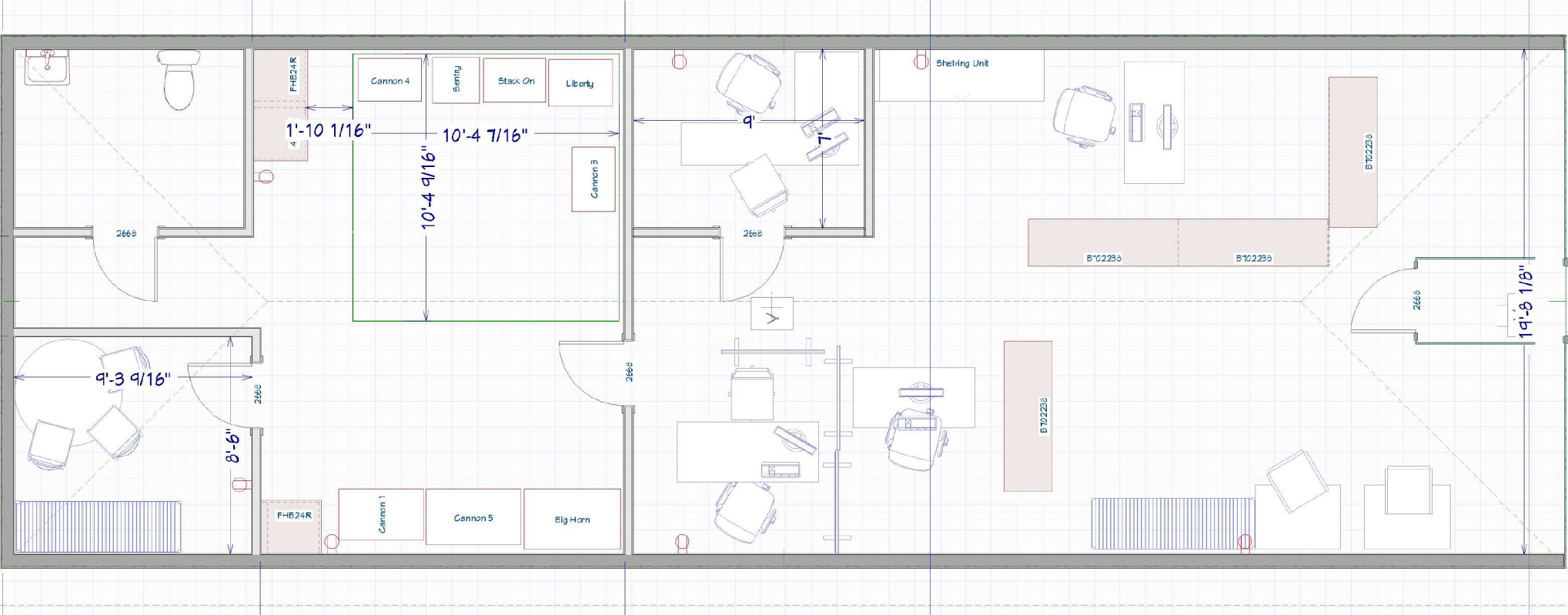
VICINITY MAP (USPT24-00221)



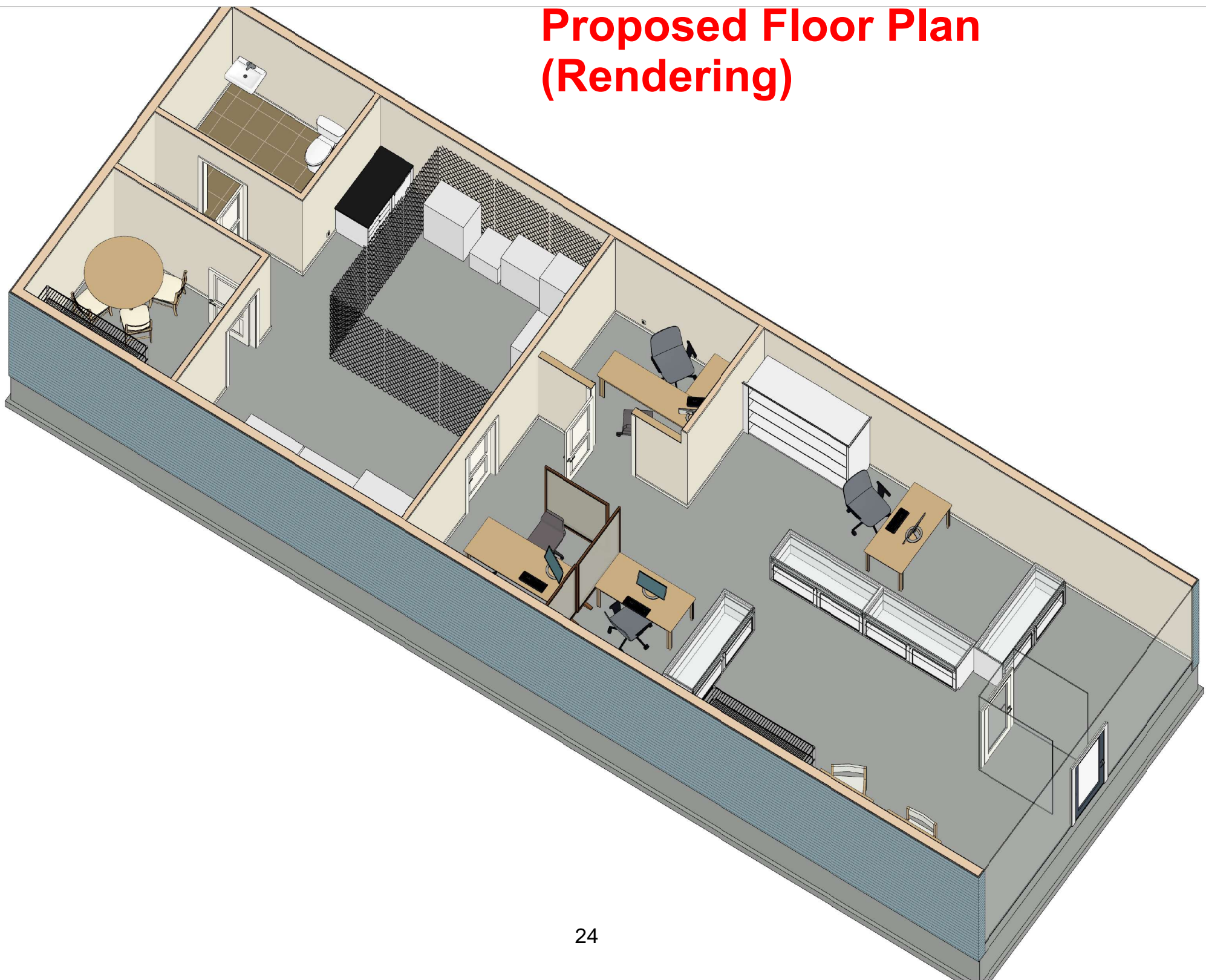
## **ATTACHMENT 5**

### **Proposed Floor Plans**

# Proposed Floor Plan

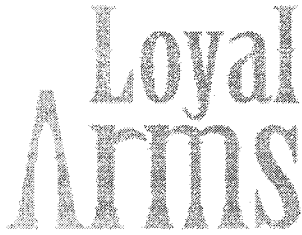


# Proposed Floor Plan (Rendering)





## **Attachment 6 Applicant Narrative**



*Loyal Arms - you can count on us*

*101 Parkshore Drive*

*Folsom, CA 95630*

*[ricky@loyalarms.com](mailto:ricky@loyalarms.com)*

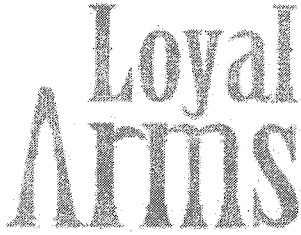
*916.680.9888*

Loyal Arms is in the sporting goods industry including all hunting, survival equipment, outdoor camping gears, and firearms and ammo. We provide training classes including conceal carry training and basic firearm safety training. We are already established in 101 Parkshore Dr, Folsom for more than 7 years and have made good rapport with Folsom PD, ELK GROVE PD, and Sacramento PD. We have been a good support for the community, we were in the Run to Feed the Hungry the last few years and we were #1 in charity donation 2022 until one law firm posted \$50 more to take the number 1 spot two days after the event.

We are a minority group, I'm from China and my business partner, Peter Williams, is from Ecuador so we are a truly international mix and multi-cultural. We have ex-military employees including 1 with 4 tours under his belt. We are known in Folsom to be the best customer service store in the sporting goods category.

Our hours of operation are currently Monday to Friday 9am to 8pm and Saturday to Sunday from 10am to 4pm. With a staff of almost 10, we can cater to many customers including those who work a standard 9-5 schedule.

While many stores in our industry around town sell mostly items off their inventories, Loyal Arms run a very unique operation in how we bring the best to our customers. We offer a huge number of merchandises, currently counting more than 285000, from more than a network of major distributors and a dozen more direct manufacturers from around the country. Our product lines include camping tents, footwear for dry and wet terrains, a multitude of survival emergency gears, a wide range of hunting equipment and clothing; in addition, we have a wide selection of all CA compliant and legal firearms and ammunitions. We are able to bring this wide range of products into Loyal Arms as a result of intricate integration of available technologies, software, and well-designed operation procedures into a streamlined customer fulfillment process.



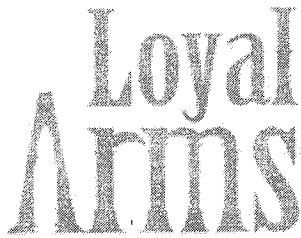
*Loyal Arms - you can count on us*  
101 Parkshore Drive  
Folsom, CA 95630  
[ricky@loyalarms.com](mailto:ricky@loyalarms.com)  
916.680.9888

In addition to a wide array of products, we also provide training classes including basic firearm and conceal carry, transfer of firearms to peace officers, prohibited storage, and consignment of unwanted firearms. All our services are provided legally and professionally. We are in an industry that is heavily regulated, and we understand the responsibility that is appointed to us to make sure all transactions are safe and sound.

We take extra precautions in storage and handling of firearms and ammunitions. They just do not mix in our store. All firearms have been locked into safes at the end of every day since we started 7+ years ago. Ammunition is out of reach from customers and only accessible by our staff until transactions are final. When we perform safety demonstration which is a CA DOJ required verification that customers know the main components of a firearm and their functions before they can purchase, we always practice firearm safety rules even though the firearm is 100% clear and empty. In the process of observing all firearms safety rules, we hope to ingrain their importance into every single firearm handling by the customers even after they take ownership of the firearms and off our premises.

We do not manufacture or reload ammunition; hence, we absolutely have no reloading equipment onsite—not in our current store and will not be in our new store. We just don't have that in our business plan.

We have good records with CA DOJ and Federal ATF when it comes to the firearms and ammo side of the business. We have done everything perfectly in the last 7 years and passed all audits, and we will continue to do the same. In fact, we have great records with all government agencies including tax and EDD. We have Federal Firearm License Type 01 license, ammunition vendor license, and secondhand dealer license. For firearms and ammunitions specifically, we follow all guidelines and laws from both state CA DOJ and Federal ATF pertaining to subjects on required records, conduct of business, use of our licenses, and state, local, and federal reporting to make sure everything we do is perfectly legal to the letters of the laws. As a data point, per AB 1191 Crime Gun Report released on June 30, 2023 of the last 10 years of data, Loyal Arms has only 0.14% of firearms released



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Folsom, CA 95630  
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that were categorized as crime guns. That's an astonishing record ranking better than 95% of all others in California!

We have recently participated in an awesome charity donation to Folsom PD's Motorcycle Competition and Sacramento Police Department sponsored Asian Peace Officers Association Event. Please give us a chance to continue to support Folsom and be part of keeping the city a great community.

Sincerely,

A handwritten signature in black ink that reads "Ricky Gan".

Ricky Gan

8/20/2024