



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

PLANNING COMMISSION AGENDA
August 17, 2016
CITY COUNCIL CHAMBERS
6:30 p.m.
50 Natoma Street
Folsom, California 95630

CALL TO ORDER PLANNING COMMISSION: Chair Ross Jackson, Vice Chair John Arnaz; Commissioners: Marci Embree, Jennifer Lane, Brian Martell, Thomas Scott, and Justin Raithel

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 minutes of August 3, 2016 will be presented for approval.

NEW BUSINESS

1. **PN 16-166, 676 Loomis Circle – Planned Development Permit Modification and Determination that the Project is Exempt from CEQA**

A Public Hearing to consider a request from Oleg Wigdorichik for a Planned Development Permit Modification to reduce the rear yard setback for a single family residence located at 676 Loomis Circle (Levy Acres Subdivision) from 14 feet to 7 feet 6 inches. The zoning classification for the site is R-4 PD, while the General Plan land-use designation is MHD. The project is exempt under CEQA Section 15301 (existing facilities). **(Project Planner: Principal Planner, Steve Banks / Applicant: Oleg Wigdorichik, 676 Loomis Circle)**

2. **PN 16-204, Maverick Wine Company, 6611 Folsom-Auburn Road, Suite C-1 – Conditional Use Permit and Determination that the Project is Exempt from CEQA**

A Public Hearing to consider a request from Mark Caletges for a Conditional Use Permit to operate a wine store at 6611 Folsom-Auburn Road, Suite C-1. The zoning classification for the site is C-1 PD, while the General Plan land-use designation is CC. The project is exempt under CEQA Section 15301 (existing facilities). **(Project Planner: Principal Planner, Steve Banks / Applicant: Mark Caletges, 6611 Folsom-Auburn Rd., Ste. C-1)**

PLANNING COMMISSION / PLANNING MANAGER REPORT

The next Planning Commission meeting is scheduled for **September 7, 2016**. Additional non-public hearing items may be added to the agenda; any such additions will be posted on the bulletin board in the foyer at City Hall at least 72 hours prior to the meeting. Persons having questions on any of these items can visit the Community Development Department during normal business hours (8:00 a.m. to 5:00 p.m.) at City Hall, 2nd Floor, 50 Natoma Street, Folsom, California, prior to the meeting. The phone number is 355-7222 and FAX number is 355-7274.

NOTICE REGARDING CHALLENGES TO DECISIONS

The appeal period for 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
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PLANNING COMMISSION MINUTES
August 3, 2016
CITY COUNCIL CHAMBERS
6:30 P.M.
50 Natoma Street
Folsom, CA 95630

CALL TO ORDER PLANNING COMMISSION: Chair Ross Jackson; Vice Chair John Arnaz; Commissioners: Marci Embree, Jennifer Lane, Brian Martell, Thomas Scott, Justin Raithel

ABSENT: Ross Jackson, Tom Scott

CITIZEN COMMUNICATION: None

MINUTES: The minutes of July 20, 2016 were approved as submitted.

NEW BUSINESS

1. **PN 16-083, Starbucks Coffee Shop – Tentative Parcel Map, Conditional Use Permit, and Planned Development Permit**

A Public Hearing to consider a request from McCandless & Associates for approval of a Tentative Parcel Map, Conditional Use Permit, and Planned Development Permit for development and operation of a 2,200-square-foot Starbucks Coffee Shop with drive-thru facility within the Briggs Ranch Plaza Shopping Center located at the southwest corner of the intersection of Blue Ravine Road and East Natoma Street. The project is categorically exempt under Section 15303 New Construction or Conversion of Small Structures of the California Environmental Quality Act (CEQA). **(Project Planner: Principal Planner, Steve Banks / Applicant: McCandless & Associates)**

COMMISSIONER MARTELL MOVED TO APPROVE THE STARBUCKS COFFEE SHOP TENTATIVE PARCEL MAP AS ILLUSTRATED ON ATTACHMENT 4;

AND

MOVE TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW FOR THE DEVELOPMENT AND OPERATION OF A 2,200-SQUARE-FOOT STARBUCKS COMMERCIAL PAD BUILDING WITH DRIVE-THRU FACILITY AT 25000 BLUE RAVINE ROAD WITHIN THE BRIGGS RANCH PLAZA SHOPPING CENTER;

AND

MOVE TO APPROVE A PLANNED DEVELOPMENT PERMIT MODIFICATION FOR DEVELOPMENT OF A 2,200-SQUARE-FOOT STARBUCKS COMMERCIAL PAD BUILDING WITH DRIVE-THRU AT 25000 BLUE RAVINE ROAD WITHIN THE BRIGGS RANCH PLAZA SHOPPING CENTER AS ILLUSTRATED ON ATTACHMENTS 2 THROUGH 10 WITH THE FOLLOWING FINDINGS AND CONDITIONS: GENERAL FINDINGS A & B; CEQA FINDING C; CONDITIONAL USE PERMIT FINDING D; TENTATIVE PARCEL MAP FINDINGS E – K; PLANNED DEVELOPMENT PERMIT FINDINGS L – S; CONDITIONS OF APPROVAL 1 – 52.

COMMISSIONER EMBREE SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: RAITHEL, ARNAZ, MARTELL, LANE, EMBREE
NOES: NONE
ABSTAIN: NONE
ABSENT: SCOTT, JACKSON

REPORTS:

Planning Commission/Planning Manager Report:

None

RESPECTFULLY SUBMITTED,

Amanda Palmer, SECRETARY

APPROVED:

Ross Jackson, CHAIRMAN

PLANNING COMMISSION STAFF REPORT

PROJECT TITLE	676 Loomis Circle Planned Development Modification
PROPOSAL	To consider a request for approval of a Planned Development Modification to reduce the rear yard setback for Lot 15 within the Levy Road Estates Subdivision from 14 feet to 7-feet 8-inches
RECOMMENDED ACTION	Approve, based upon findings and subject to conditions of approval
OWNER/APPLICANT	Oleg Vigdorchik
LOCATION	676 Loomis Circle (Levy Road Estates Subdivision)
SITE CHARACTERISTICS	The Levy Road Estates Subdivision is located on the 2.2-acre site located on the north side of Levy Road near the intersection of Levy Road and Sibley Street. All of the subdivision improvements have been constructed including underground utilities, retaining walls, two project driveways, drive aisles, curbs, gutters, sidewalks, and a noise barrier. To date, 18 of the 21 residential lots have been developed with single-family homes.
GENERAL PLAN DESIGNATIONS	MHD (Multi-Family High Density)
ZONING	R-4 PD (General Apartment, Planned Development District)
ADJACENT LAND USES/ZONING	North: Single-Family Residential (R-1-M PD) Development with Gisler Court and Vierra Circle Beyond South: Levy Road (OSC) with Developed and Undeveloped Industrial-Zoned Property Beyond

East: Prairie City Recreation Vehicle Center (M-2 PD) with a Self-Storage Facility Beyond

West: Commercial Development (M-2 PD) with Sibley Street Beyond

PREVIOUS ACTION

City Council Approval of a General Plan Amendment and Rezone on January 28, 2002, City Council Approval of a Tentative Subdivision Map and Planned Development Permit for development of a 21-unit single-family residential subdivision on December 14, 2004

FUTURE ACTION

Issuance of Building Permits

APPLICABLE CODES

FMC 12.16, Tree Preservation
FMC 17.38, Planned Development District

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration and Mitigated Monitoring Program were previously approved for the Levy Road Estates Subdivision Project (PN 04-205) on December 14, 2004 in accordance with the California Environmental Quality Act (CEQA) regulations

ATTACHED REFERENCE MATERIAL

1. Vicinity Map
2. Approved Site Plan, dated November 10, 2004
3. Proposed Plot Plan for Lot 15
4. Site Photographs

PROJECT PLANNER

Steve Banks, Principal Planner

BACKGROUND

On June 13, 2000, the City Council approved a Planned Development Permit and Conditional Use Permit for development of a 10,000-square-foot pet resort on a 2.2-acre site located on the north side of Levy Road. The aforementioned entitlements expired on June 13, 2001; as a result the pet resort project was not developed. On January 28, 2002, the City Council approved a General Plan Amendment and Rezone to change the land use designation of the 2.2-acre site on Levy Road from IND (Industrial) to MHD (Multi-Family High Density) and to change the zoning from M-2 PD (General Industrial, Planned Development District) to R-4 PD (General Apartment, Planned Development District). On December 14, 2004, the City Council approved a Tentative Subdivision Map and Planned Development Permit for development of a 21-unit single-family residential subdivision (Levy Road Estates Subdivision) on the subject 2.2-acre site on Levy Road. On July 22, 2008, the City Council approved Resolution No. 8340, which eliminated a land use restriction

that had been placed on the 21 residential lots limiting the ability of property owners to rent their home for a period of two years. At this point in time, 18 of the 21 residential lots have been developed with single-family homes.

As described above, the Levy Road Estates Subdivision was approved by the City Council in 2004. As part of the approved Planned Development Permit for the subdivision, development standards were created including the establishment of minimum setback requirements. The minimum setback requirements for the subdivision are an 18-foot front yard setback, a 14-foot rear yard setback, a zero lot-line on one side yard, and a 5-foot setback on the other side yard. In an effort to preserve mature oak trees within the subdivision, there were unique setback requirements established for two individual lots (Lots 15 and 16) including the subject lot. The setback requirements established for the subject lot (Lot 15) were a 5-foot front yard setback, a 14-foot rear yard setback, a zero lot-line on one side yard, and a 5-foot setback on the opposite side yard. The setback requirements established for Lot 16 (located across street from Lot 15) were a 18-foot front yard setback, a 7-foot rear yard setback, a zero lot-line on one side yard, and a 5-foot setback on the opposite side yard.

APPLICANT’S PROPOSAL

The applicant, Oleg Wigdorichik, is requesting approval of a Planned Development Permit Modification to reduce the rear yard setback requirement for one lot (Lot 15) within the Levy Road Estates Subdivision from 14 feet to 7-feet 8-inches. The applicant has indicated that the reduced rear yard setback is necessary for two reasons; to avoid a ten-foot public utility easement located along the front of the property, and to move the proposed residence outside of the drip-line of a protected oak tree situated to the northwest of the subject property.

PLANNED DEVELOPMENT PERMIT

The purpose of the Planned Development Permit process is to allow greater flexibility in the design of integrated developments than possible through strict application of land use regulations. The Planned Development Permit process is also designed to encourage creative and efficient uses of land. The applicant’s intent, in this case, is to reduce the rear yard setback requirement for one individual lot (Lot 15) within the Levy Road Estates Subdivision. As a point of reference, the following table outlines development standards that were previously approved for the Levy Road Estates Subdivision and the subject lot by the City Council in 2004:

Single-Family Detached	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback
Levy Road Estates Subdivision Standard	14 feet	14 feet	Zero Lot-Line	5 feet
Existing Lot 15 Standard	5 feet	14 feet	Zero Lot-Line	5 feet
Proposed Lot 15 Standard	10 feet	7-feet 8-inches	5 feet	24 feet

As noted within the background section of this staff report, the applicant has encountered some unique circumstances relative to an existing public utility easement and the preservation of mature oak trees which have made it difficult to meet the rear yard setback requirement while developing the single-family residential lot. The first challenge encountered by the applicant involves the public utility easement located along the front of the property. The public utility companies established a 10-foot-wide public utility easement for all properties within the Levy Road Estates Subdivision including the subject parcel. As a result, the applicant is not able to position the residence 5 feet from the front property line as allowed by the development standards for the

subdivision. As shown on the submitted plot plan, the applicant has positioned the proposed residence 10 feet from the front property line to meet the public utility easement requirement.

The second difficulty faced by the applicant relates to the preservation of two mature oak trees and placement of the proposed residence. The first mature oak tree, which is located adjacent to the project site to the northwest, is physically in good condition and has a drip line that extends approximately 18 feet into the side yard of the project site. The second mature oak tree, which is located in the rear yard of the subject property, is in extremely poor condition and may need to be removed. In an effort to further ensure preservation of the healthy oak tree located to the northwest of the project site by avoiding the drip line, the applicant is requesting approval to place the proposed residence further from the front (10 feet) yard and right side yard (24 feet) property lines and closer to the rear yard (7-feet 8-inches) property line. It is important to note that relocating the proposed residence closer to the rear property line would result in removal of the existing oak tree that is in poor condition. To address the impact associated with removal of the oak tree located at the rear of the project site, staff recommends that the following measure be implemented (Condition No. 11):

- The owner/applicant shall obtain a Tree Permit and pay full tree mitigation for the loss of the mature oak tree located at the rear of the property consistent with the Tree Removal Mitigation Table and the Folsom Municipal Code (Section 12.16).

Based on the aforementioned factors associated with the existing public utility easement and the mature oaks trees, staff is supportive of the request to reduce the rear yard setback for Lot 15 within Levy Road Estates Subdivision. It is important to acknowledge that the proposed project will not result in any other modifications relative to the standards for public facilities (water, sewer, and drainage); vehicular traffic; internal circulation; ingress and egress; or sanitation services and emergency public safety services.

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration and Mitigated Monitoring Program were previously approved by the City Council for the Levy Road Estates Subdivision Project (PN 04-205) on December 14, 2004 in accordance with the California Environmental Quality Act (CEQA) regulations. Staff has determined that no new impacts will result from development of the subject project that was not already considered with the previous approval. No further environmental review is required.

RECOMMENDATION/PLANNING COMMISSION ACTION

MOVE TO APPROVE THE PLANNED DEVELOPMENT PERMIT MODIFICATION TO REDUCE THE REAR YARD SETBACK REQUIREMENT FOR LOT 15 WITHIN THE LEVY ROAD ESTATES SUBDIVISION AS ILLUSTRATED ON ATTACHMENT 3 FOR THE LEVY ROAD ESTATES SUBDIVISION PROJECT WITH THE FOLLOWING FINDINGS AND CONDITIONS (NOS 1-11);

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.

- B. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN AND ZONING CODE OF THE CITY.

CEQA FINDING

- C. A MITIGATED NEGATIVE DECLARATION AND MITIGATED MONITORING PROGRAM WERE PREVIOUSLY APPROVED BY THE CITY COUNCIL FOR THE LEVY ROAD ESTATES SUBDIVISION PROJECT (PN 04-205) ON DECEMBER 14, 2004 IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REGULATIONS. NO NEW IMPACTS HAVE BEEN IDENTIFIED THAT WILL RESULT FROM THIS PROJECT THAT WERE NOT PREVIOUSLY IDENTIFIED.

PLANNED DEVELOPMENT PERMIT FINDINGS

- D. THE PROPOSED PROJECT COMPLIES WITH THE INTENT AND PURPOSES OF CHAPTER 17.38 (PLANNED DEVELOPMENT DISTRICT) OF THE FOLSOM MUNICIPAL CODE AND OTHER APPLICABLE ORDINANCES OF THE CITY AND THE GENERAL PLAN.
- E. THE PROPOSED PROJECT IS CONSISTENT WITH THE OBJECTIVES, POLICIES AND REQUIREMENTS OF THE DEVELOPMENT STANDARDS OF THE CITY, EXCEPT WITH RESPECT TO THE REAR YARD SETBACK. A MINOR MODIFICATION OF THE REAR YARD STBACK IN THIS CASE WILL ENCOURAGE THE EFFICIENT USE OF LAND AND WILL RESULT IN A DEVELOPMENT THAT IS SUPERIOR TO THAT OBTAINED BY RIGID APPLICATION OF THE STANDARDS.
- F. THE PHYSICAL, FUNCTIONAL AND VISUAL COMPATIBILITY BETWEEN THE PROPOSED PROJECT AND EXISTING AND FUTURE ADJACENT USES AND AREA CHARACTERISTICS IS ACCEPTABLE.
- G. THERE ARE AVAILABLE NECESSARY PUBLIC FACILITIES, INCLUDING BUT NOT LIMITED TO, WATER, SEWER AND DRAINAGE AND THE PROJECT ADEQUATELY PROVIDES FOR THE FURNISHING OF SUCH FACILITIES.
- H. THE PROPOSED PROJECT WILL NOT CAUSE ADVERSE ENVIRONMENTAL IMPACTS WHICH HAVE NOT BEEN MITIGATED TO AN ACCEPTABLE LEVEL.
- I. THE PROPOSED PROJECT WILL NOT CAUSE UNACCEPTABLE VEHICULAR TRAFFIC LEVELS ON SURROUNDING ROADWAYS, AND THE PROPOSED PROJECT WILL PROVIDE ADEQUATE INTERNAL CIRCULATION, INCLUDING INGRESS AND EGRESS.
- J. THE PROPOSED PROJECT WILL NOT BE DETRIMENTAL TO THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PERSONS OR PROPERTY WITHIN THE VICINITY OF THE PROJECT SITE, AND THE CITY AS A WHOLE.

K. ADEQUATE PROVISION IS MADE FOR THE FURNISHING OF SANITATION SERVICES AND EMERGENCY PUBLIC SAFETY SERVICES TO THE DEVELOPMENT.

Submitted,

DAVID E. MILLER, AICP

Public Works and Community Development Director

CONDITIONS

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

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

**CONDITIONS OF APPROVAL FOR THE 676 LOOMIS CIRCLE
PLANNED DEVELOPMENT PERMIT MODIFICATION (PN 16-166)**

GENERAL REQUIREMENTS

Mitigation Measure	When Required	Responsible Department
1.	<p>The applicant shall submit final site development plans to the Community Development Department that shall substantially conform to the exhibits referenced below:</p> <ul style="list-style-type: none"> • Approved Site Plan, dated November 10, 2004 • Proposed Plot Plan for Lot 15 <p>This Planned Development Permit Modification is approved to reduce the rear yard setback for Lot 15 within the Levy Road Estates Subdivision from 14 feet to 7-foot 8-inches as shown on the above-referenced plans. Modifications may be made to the above-referenced plans to respond to site-specific conditions of approval as set forth herein.</p>	CD (P)(E)
2.	<p>Building plans, and all civil engineering and landscape plans, shall be submitted to the Community Development Department for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Folsom.</p>	I, B
3.	<p>The project approvals granted under this staff report (Planned Development Permit Modification) shall remain in effect for two years from final date of approval (August 17, 2018). Failure to obtain a building permit within this time period, without the subsequent extension of this Planned Development Permit Modification, shall result in the termination of this Planned Development Permit approval.</p>	CD (P)

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.		<p>The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.</p>	I, B	CD (P)(E)
6.		<p>If applicable, the owner/applicant shall pay off any existing assessments against the property, or file necessary segregation request and pay applicable fees.</p>	B	CD (E)
7.		<p>If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the applicant shall reimburse the City for actual costs it incurs in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the Final Map, improvement plans, or beginning inspection, whichever is applicable.</p>	M, I	CD (P)(E)

8.	<p>This project shall be subject to all applicable City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all applicable City-wide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project has begun. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.</p>	B	CD (P)(E), PW, PK
9.	<p>The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all reasonable outside legal fees and costs incurred by the City for such services. The City Attorney will notify the applicant of the intent to retain outside legal counsel and the rates of outside legal counsel. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.</p>	I	CD (P) (E)
10.	<p>The owner/applicant agrees to pay to the Folsom-Cordova Unified School District the maximum fee authorized by law for the construction and/or reconstruction of school facilities. The applicable fee shall be the fee established by the School District that is in effect at the time of the issuance of a building permit. Specifically, the owner/applicant agrees to pay any and all fees and charges and comply with any and all dedications or other requirements authorized under Section 17620 of the Education Code; Chapter 4.7 (commencing with Section 65970) of the Government Code; and Sections 65995, 65995.5 and 65995.7 of the Government Code.</p>	B	CD (P)
SITE DEVELOPMENT REQUIREMENTS			
11.	<ul style="list-style-type: none"> The owner/applicant shall obtain a Tree Permit and pay full tree mitigation for the loss of the mature oak tree located at the rear of the property consistent with the Tree Removal Mitigation Table and the Folsom Municipal Code (Section 12.16). 	B	CD (E)

Attachment 1

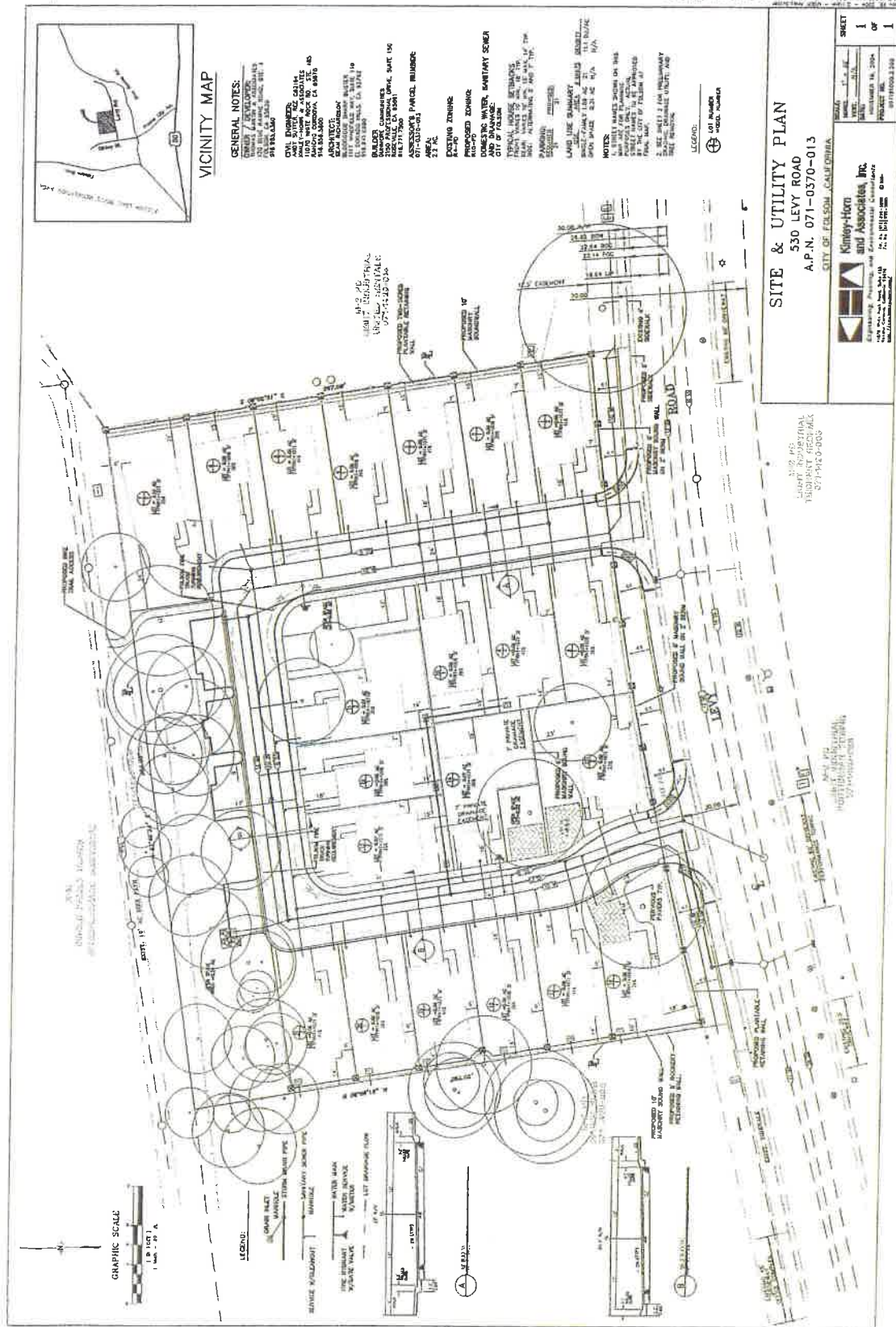
Vicinity Map



Attachment 2

Approved Site Plan, dated November 10, 2004

Site Plan



SITE & UTILITY PLAN
 530 LEVY ROAD
 A.P.N. 071-0370-013
 CITY OF FOLSOM, CALIFORNIA

Kinley-Horn and Associates, Inc.
 Engineering, Planning, and Environmental Consultants
 11111 UNIVERSITY AVENUE, SUITE 100
 SAN DIEGO, CALIFORNIA 92121
 TEL: (619) 521-1111
 FAX: (619) 521-1112

SHEET
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DATE: 08/14/2004
 DRAWN BY: J. HORN
 CHECKED BY: J. HORN
 PROJECT NO.: 071-0370-013

Attachment 3

Proposed Plot Plan for Lot 15

Sound Wall

Circle

676 Loomis Circle

7'-8 3/4"

5'-0"

40'-0"

Foundation Edge

27'-5"

Driveway

12'-6"

Walk Way

Utility Easement

Oak Drip Line

Property Line

Sidewalk

N

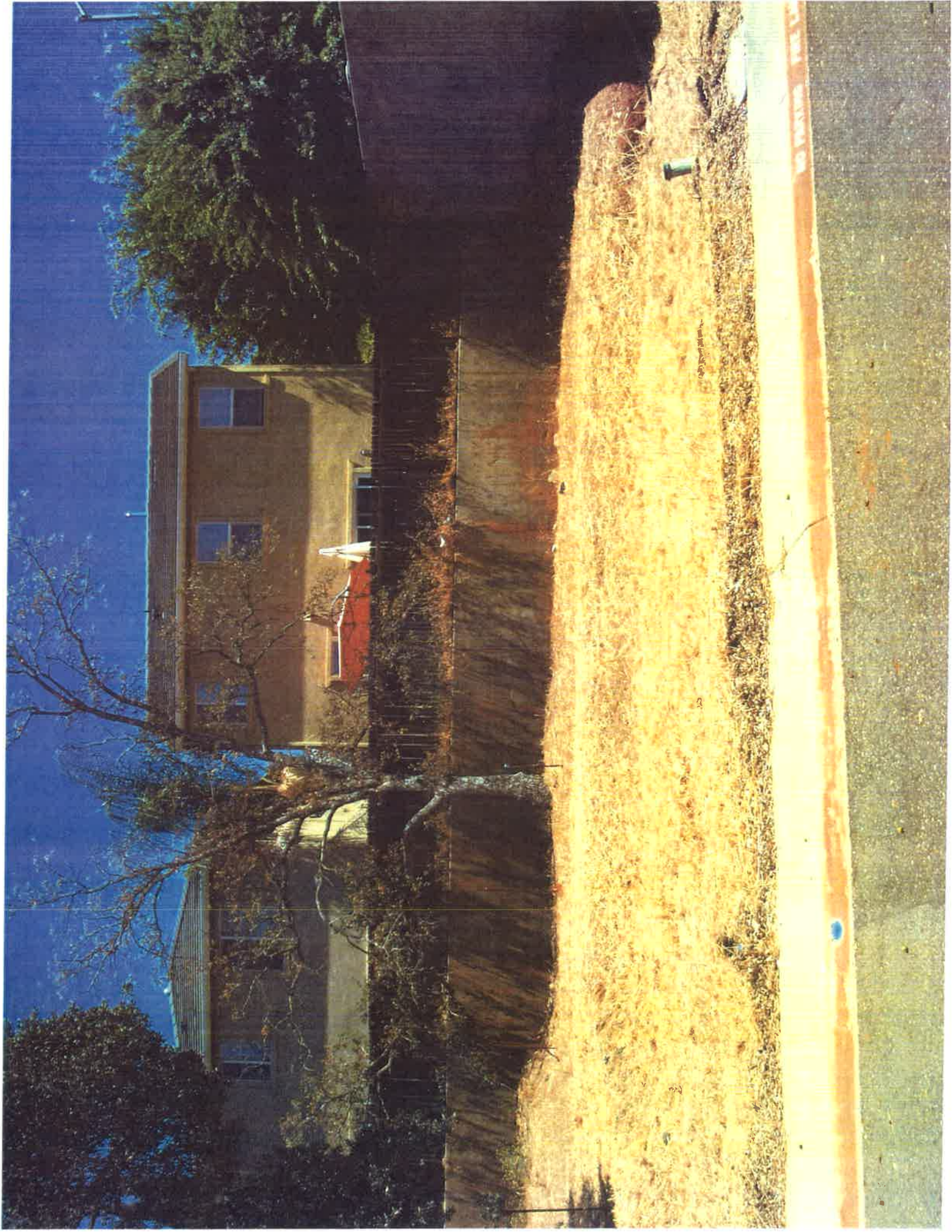
Scale 1/4" = 1'

SQUARE FOOTAGES	
Main Floor	SBS
Upper Floor	1035

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Navigation icons: back, forward, search, zoom in, zoom out, print

Attachment 4
Site Photographs







PLANNING COMMISSION STAFF REPORT

PROJECT TITLE: Maverick Wine Company Conditional Use Permit

PROPOSAL: Request for approval of a Conditional Use Permit to operate a wine store within a 1,000-square-foot retail commercial tenant space located at 6611 Folsom-Auburn Road (Folsom-Auburn Executive Center)

RECOMMENDED ACTION: Approve, based on findings and subject to conditions

APPLICANT/OWNER: Mark Caletges/Eric Strauss

LOCATION: 6611 Folsom-Auburn Road, Suite C-1

GENERAL PLAN DESIGNATION: CC (Community Commercial)

ZONING: C-1 PD (Neighborhood Business, Planned Development District)

SITE CHARACTERISTICS: The Folsom-Auburn Executive Center is a fully-developed office center featuring a 14,632-square-foot single-story office building located on a 1.49-acre site located at the southeast corner of the intersection of Folsom-Auburn Road and Hillswood Drive.

ADJACENT LAND USES/ZONING:

- North: Hillswood Drive with Commercial Development (C-1) Beyond
- South: Commercial Development (C-1 PD) with Greenback Lane Beyond
- East: Commercial Development (C-1 PD) with Single-Family Residential Development Beyond
- West: Folsom-Auburn Road with Commercial Development (C-2 PD) Beyond

PREVIOUS ACTION

Architectural Review Commission approval of a Commercial Design Review application for development of a 14,632-square-foot office building in 1984, Planning Commission approval of a Conditional Use Permit for a Wireless Communications Facility in 2001 (PN 01-308), Planning Commission approval of a Conditional Use Permit Modification for a Wireless Communications Facility in 2005 (PN 05-153), and Planning Commission approval of a Conditional Use Permit Modification for a Wireless Communications Facility in 2012 (PN 11-370)

FUTURE ACTION

Issuance of Building Permits

APPLICABLE CODES:

FMC Section 17.22 Commercial Uses
FMC Section 17.60 Use Permits

ENVIRONMENTAL REVIEW:

This project is categorically exempt from environmental review under Section 15301 of the CEQA Guidelines (Existing Facilities).

ATTACHED REFERENCE MATERIAL

1. Vicinity Map
2. Site Plan and Floor Plan
3. Project Narrative
4. Site Photographs

PROJECT PLANNER

Steve Banks, Principal Planner

BACKGROUND

In 1984, the Architectural Review Commission approved a Commercial Design Review application for development of the Folsom-Auburn Executive Center on a 1.49-acre site located at the southeast corner of the intersection of Folsom-Auburn Road and Hillswood Drive. The Folsom-Auburn Executive Center, which is comprised of a single-story, 14,632-square-foot commercial office building, includes numerous individual suites that are occupied by a variety of professional office and service-related uses. The subject 1,000-square-foot tenant space (Suite C-1) is located in the western portion of the building and faces towards Folsom-Auburn Road.

APPLICANT’S PROPOSAL

The applicant, Mark Caletges, is requesting approval of a Conditional Use Permit to operate a wine store within a 1,000-square-foot retail commercial tenant space (Suite C-1) situated within the Folsom-Auburn Executive Center located at 6611 Folsom-Auburn Road. The proposed wine store will also include a small wine tasting area that is approximately 100 square feet in size. In terms of operation, the proposed wine store will sell an assortment of wine and beer products for the purpose of off-site consumption. As noted above, the store will also provide wine tasting on a limited basis (1-2 oz. serving size) in order to educate and assist customers in selecting a product. Proposed hours of operation are Monday thru Saturday, 10:00

a.m. to 10:00 p.m., with the store being closed on Sundays. No entertainment is proposed other than an occasional guest speaker. In addition, no outdoor uses are proposed with the wine store.

GENERAL PLAN AND ZONING CODE CONFORMANCE

The General Plan land use designation for the project site is CC (Community Commercial) and the zoning designation is C-1 PD (Neighborhood Business, Planned Development District). The zoning district corresponds with the General Plan land use designation. The existing building in which the proposed business will be located meets all of the Folsom Municipal Code (Section 17.30) development requirements including setbacks, building coverage, lot area, lot width, and parking. The Folsom Municipal Code (Section 17.22.030E) states that winery sales/tasting rooms and similar uses that are located within 500 feet of a residential land use are a permitted use within a Neighborhood Business District zoning district (C-1) upon the issuance of a Conditional Use Permit. In this specific instance, the proposed wine store is located within 500 feet of a single-family residential land use located on Hillswood Drive, thus the Folsom Municipal Code, dictates that proposed use is permitted upon issuance of a Conditional Use Permit by the Planning Commission.

LAND USE COMPATIBILITY/SITE CONSIDERATIONS

The proposed project is situated in a 1,000-square-foot inline tenant space located within the Folsom-Auburn Executive Center located at the southeast corner of the intersection of Folsom-Auburn Road and Hillswood Drive (6611 Folsom-Auburn Road). The project site is bounded by Hillswood Drive to the north with commercial development beyond, commercial development to the south with Greenback Lane beyond, commercial development to the east with single-family residential development beyond, and Folsom-Auburn Road to the west with commercial development beyond.

As previously stated, the Folsom Municipal Code dictates that winery sales/tasting rooms and similar uses located within 500 feet of a residential land use are required to obtain approval of a Conditional Use Permit by the Planning Commission to operate within a Neighborhood Business District zoning district (C-1). In this particular case, the applicant is requesting approval of a Conditional Use Permit to operate the Maverick Wine Company within a 1,000-square-foot commercial tenant space at 6611 Folsom-Auburn Road, Suite C-1. In order to approve this request for a Conditional Use Permit, the Commission must find that the “establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City.”

In reviewing the request for a Conditional Use Permit, staff also took into consideration the compatibility of the proposed land use in relation to the existing land uses in the immediate project vicinity. Potential noise impacts and parking impacts were also analyzed and are addressed within separate individual sections of this report. As mentioned previously within this report, the project site is located adjacent to a major arterial roadway (Folsom-Auburn Road) and within a moderately intensive corridor populated with a variety of commercial land uses. The most prominent land uses in the immediate project area are retail-commercial-related and include the Folsom Pavilions Shopping Center, Hillswood Plaza Shopping Center, and the Folsom-Auburn Executive Center. Other land uses in the general project area include two gas stations, an oil change business, a fast-food restaurant, and a single-family residential subdivision. The closest residential land use is situated approximately 300 feet to the east (Del Norte Vista Subdivision) of the subject site.

As described above, the project site is situated adjacent to a significant arterial roadway in a location that is dominated by commercial development. As mentioned within the project description, the proposed project includes reuse of an existing 1,000-square-foot inline tenant space for operation of a wine store. The wine store business will be comprised primarily of retail shopping space associated with wine and beer products along with a small wine tasting area. Given the commercial nature of the proposed use, staff has determined that the proposed project will be compatible with the existing commercial land uses located in the immediate project vicinity. In addition, taking into account the project's location on a major arterial roadway, staff has determined that the project is well-situated to serve nearby businesses and residents.

Staff would like to note that the Maverick Wine Company Conditional Use Permit (and any other Conditional Use Permit issued by the Planning Commission) is subject to ongoing review by the Community Development Department to ensure that it does not result in adverse impacts to adjacent/nearby businesses and properties. If the Community Development Director finds evidence that conditions of approval for the Maverick Wine Company project 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, 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. Condition No. 4 is included to reflect this requirement.

Noise

Based on the fact that the proposed project includes operation of a 1,000-square-foot wine store with a small wine tasting component in relatively close proximity to residential land uses, staff evaluated the project in terms of potential noise-related impacts. As noted in the project description, proposed hours of operation for the wine store are 10:00 a.m. to 10:00 p.m. Monday thru Saturday, with no operations on Sunday. The applicant has indicated that the primary function of the wine store is to provide wine and beer sales for off-site consumption. A secondary aspect of the proposed wine store is a small wine tasting area intended to inform and educate customers about various product. In terms of entertainment, the applicant indicated that there will be an occasional guest speaker addressing customers in an educational forum-type atmosphere.

In reviewing potential noise-related impacts associated with the proposed wine store, staff took into consideration existing land uses in the project area, the existing noise environment in the project area, operational characteristics of the proposed wine store, and proposed hours of operation. As described previously within this report, the project site is located in an area dominated by commercial land uses that are primarily retail in nature including three neighborhood shopping centers (Folsom Pavilions Shopping Center, Hillswood Plaza Shopping Center, and the Folsom-Auburn Executive Center). The nearest residential land uses is situated approximately 300 from the project site and is separated by commercial buildings, landscaping, and fencing. With regard to the existing noise environment, the predominant existing noise sources in the vicinity of the project site are from vehicles on Folsom-Auburn Road, Greenback Lane, and to a lesser extent Hillswood Drive. Additional noise is also generated by the adjacent commercial uses located to the north, south, and west of the project site.

In terms of operational characteristics, the primary function of the proposed wine store is to sell wine and beer-related products to its customers for off-site consumption. The secondary function of the wine store is to provide customers with an opportunity to learn more about the various products in a small wine tasting venue. Proposed hours of operation for the wine store

are 10:00 a.m. to 10:00 p.m. Monday thru Saturday. Given the commercial character of the project area, existing noise levels associated with traffic on Folsom-Auburn Road and Greenback Lane, and operational characteristics associated with the proposed wine store, staff has determined the proposed project will not impact adjacent properties relative to noise impacts.

Parking

The proposed project includes operation of a 1,000-square-foot wine store within an existing 14,632-square-foot commercial center. The existing commercial center includes 70 off-street parking spaces, whereas 66 parking spaces are required by the Folsom Municipal Code (FMC, Section 17.57.040). No changes or modification are proposed with respect to parking spaces within the existing parking lot areas. In addition, staff does not anticipate an increased demand for parking spaces based on the nature of the proposed businesses. As a result, staff has determined that the existing parking spaces provided within the Folsom-Auburn Executive Center are adequate to serve the proposed project.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Section 15301 (Existing Facilities) of the CEQA Guidelines.

RECOMMENDATION/PLANNING COMMISSION ACTION

MOVE TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW THE MAVERICK WINE STORE TO OPERATE WITHIN A 1,000-SQUARE-FOOT RETAIL TENANT SPACE LOCATED AT 6611 FOLSOM-AUBURN ROAD, SUITE C-1, WITH THE FOLLOWING FINDINGS AND CONDITIONS (NO. 1-16):

GENERAL FINDINGS

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

CEQA FINDINGS

- C. THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA REQUIREMENTS UNDER SECTION 15301 (EXISTING FACILITIES) OF THE CEQA GUIDELINES.

CONDITIONAL USE PERMIT FINDINGS

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

Submitted,



DAVID E. MILLER, AICP

Public Works and Community Development Director

CONDITIONS

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

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

**CONDITIONS OF APPROVAL FOR THE MAVERICK WINE STORE
 CONDITIONAL USE PERMIT (PN 16-204)
 6611 FOLSOM-AUBURN ROAD, SUITE C-1**

Mitigation Measure		When Required	Responsible Department
1.	This project approval is for the Maverick Wine Store Conditional Use Permit, which includes operation of a wine store within a 1,000-square-foot retail commercial tenant space located at 6611 Folsom-Auburn Road, Suite C-1 (Folsom-Auburn Executive Center).	B	CD (P)(E)
2.	Building plans shall be submitted to the Community Development Department for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Folsom.	B	CD (P)(E)(B)
3.	The project approval granted under this staff report shall remain in effect for one year from final date of approval (August 17, 2017). Failure to obtain the relevant building (or other) permits within this time period, without the subsequent extension of this approval, shall result in the termination of this approval.	B	CD (P)
4.	If the Community Development Director finds evidence that conditions of approval for the Maverick Wine Store project 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, 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.	OG	CD (P)
5.	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, unless the applicant or current owner is actively engaging in work on the premises pursuant to a valid building permit and the Community Development Department Director has approved a written request from the applicant for an additional period not to exceed twelve (12) months when it is not in operation. Such an extension request shall be submitted to the Community Development Department no less than 30 days prior to the six-month deadline.	OG	CD

**CONDITIONS OF APPROVAL FOR THE MAVERICK WINE STORE
 CONDITIONAL USE PERMIT (PN 16-204)
 6611 FOLSOM-AUBURN ROAD, SUITE C-1**

Mitigation Measure		When Required	Responsible Department
6.	<p>The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> • 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> <p align="center">DEVELOPMENT COSTS AND FEE REQUIREMENTS</p> <p>The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.</p> <p>The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.</p>	OG	CD (P)(E)(B) PW, PR, FD, PD
7.		B	CD (P)(E)
8.		B	CD (P)(E)

**CONDITIONS OF APPROVAL FOR THE MAVERICK WINE STORE
CONDITIONAL USE PERMIT (PN 16-204)
6611 FOLSOM-AUBURN ROAD, SUITE C-1**

Mitigation Measure		When Required	Responsible Department
9.	If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the applicant shall reimburse the City for actual costs it incurs in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the Final Map, improvement plans, or beginning inspection, whichever is applicable.	B	CD (P)(E)
10.	This project shall be subject to all applicable City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all applicable Citywide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Quimby, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project has begun. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.	B	CD (P)(E), PW, PK
11.	If applicable, the owner/applicant shall pay off any existing assessments against the property, or file necessary segregation request and pay applicable fees.	B	CD (E)
SITE DEVELOPMENT REQUIREMENTS			
12.	All future signs for the project shall comply with the Folsom Municipal Code, (Section 17.59) and the Folsom-Auburn Executive Center Sign Guidelines.	B	CD (P)
OPERATIONAL REQUIREMENTS			
13.	Hours of Operation for the Maverick Wine Company shall be limited to 10:00 a.m. to 10:00 p.m. Monday through Saturday, with no Sunday operations. No expansion of business hours beyond what is stated above shall be permitted without prior approval being obtained from the Planning Commission through a Conditional Use Permit Modification	OG	CD (P)
14.	No live or amplified music will be allowed in the common areas outside the store.	OG	CD (P)
15.	Current occupancy loads shall be posted at all times, and the owner/applicant shall have an effective system to keep count of the number of occupants present at any given time. This information shall be provided to public safety personnel upon request.	OG	CD (P)

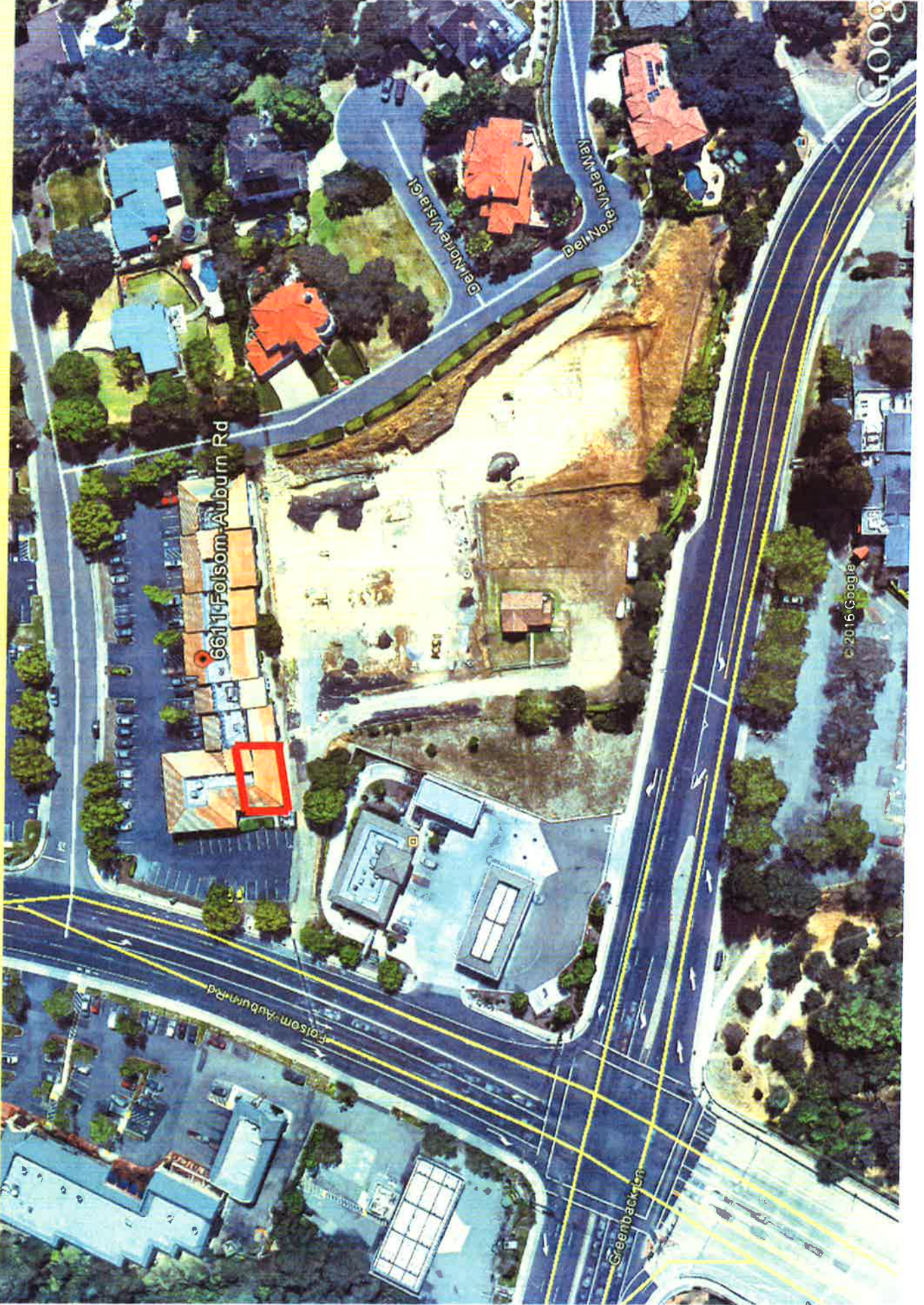
**CONDITIONS OF APPROVAL FOR THE MAVERICK WINE STORE
 CONDITIONAL USE PERMIT (PN 16-204)
 6611 FOLSOM-AUBURN ROAD, SUITE C-1**

	Mitigation Measure		When Required	Responsible Department
16.		<p align="center">NOISE REQUIREMENTS</p> <p>Compliance with Noise Control Ordinance and General Plan Noise Element shall be required. Hours of construction operation shall be limited from 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction on Sundays or holidays shall be permitted. Construction equipment shall be muffled and shrouded to minimize noise levels.</p>	B	CD (P)(E)

Attachment 1

Vicinity Map

Vicinity Map

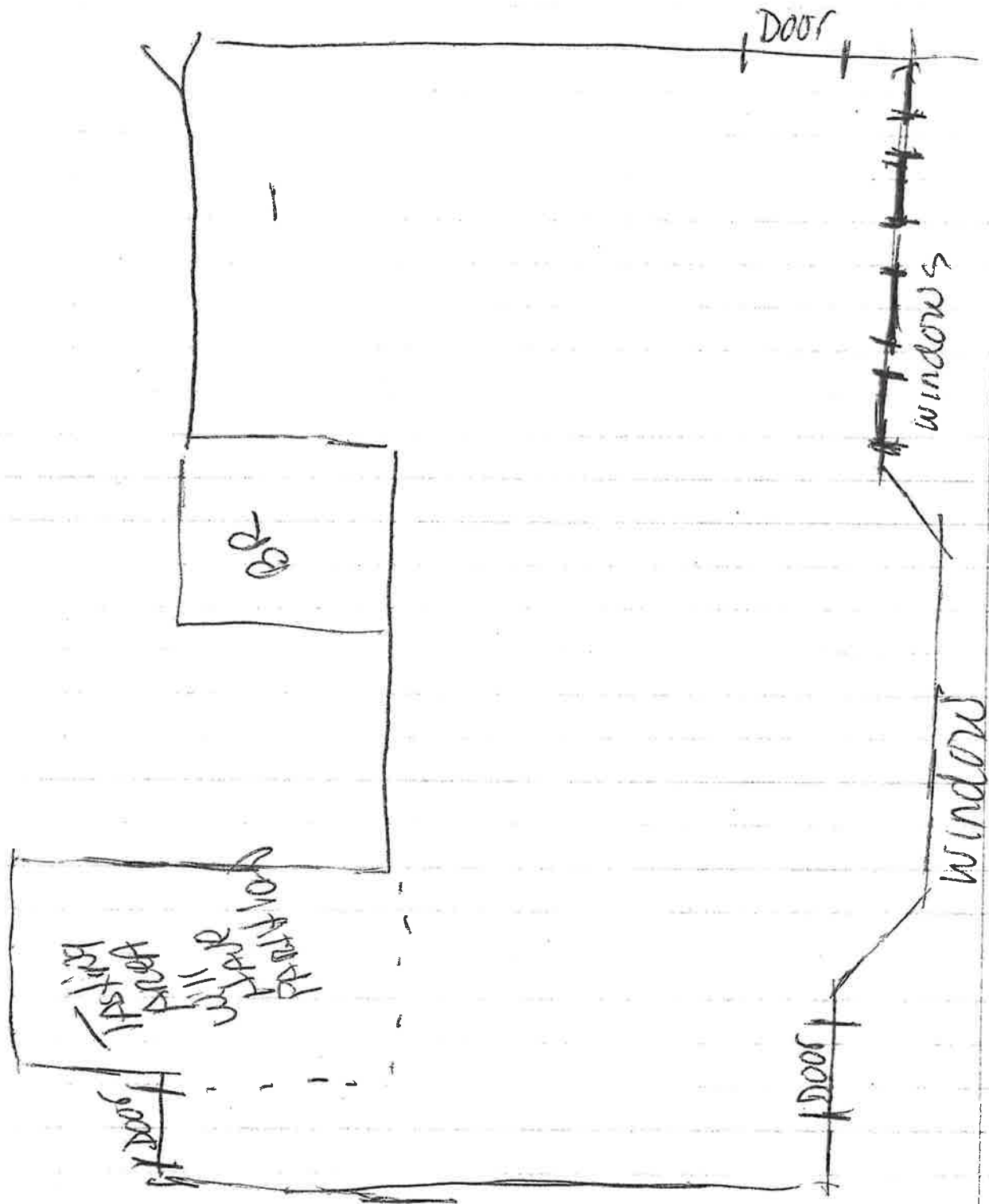


Attachment 2

Site Plan and Floor Plan

Site Plan





Attachment 3
Project Narrative

I believe our endeavor will be welcomed by the community, as it is our goal to provide a high quality experience and selection in concert with wine or beer general education (if needed) and a "go-to" place for wine discussion or limited tasting. It is our desire to be a positive addition to the immediate complex, its surrounding neighbors, and the community at large, as we aspire to become involved with charitable and community events in time, as progress allows.

Our vision is primarily that of a fine wine store, with off-sale providing our main revenue. As I understand it your up-coming meeting will address on-sale capability as it applies to our current zone, and we would welcome the opportunity to offer this feature (limited tasting of 1-2 oz) to our soon to be valued customers.

The purpose being to educate and assist with the selection of fine wine for the dinner or party that the wine is being targeted for. It is neither our intent or desire to be a place where one would "stop by for a glass or two" before heading home, as if it were a bar.

We plan to sell beer and wine and associated products but not the traditional girly magazines, tobacco , pipes, snacks, chips etc. typically found in liquor stores.

Mrs. Caletges cured me off any such Tom Foolery long ago. (that's my story and I am stickin to it.)

Our store hours will be 10 am to 10 pm (on our long days) noon to 8 pm on the others. Monday- Saturday

There are no plans for entertainment other than a guest speaker now and then and my quick wit and or humor (most likely at just the wrong time) No tasting will be done past 8 pm to avoid the last call syndrome, and we will not be adding undue noise or congestion to the area.

Thanks again,

Mark Caletges President
The Maverick Wine Co. Inc

916 990-8805

Attachment 4
Site Photographs

Maverick Wine
Company

C1

of
Near

