

Folsom City Council Staff Report

MEETING DATE:	4/11/2023
AGENDA SECTION:	Public Hearing
SUBJECT:	Appeal by Bob Delp of Decisions by the Historic District Commission Approving a Conditional Use Permit and Design Review for the Uncle Charlie's Firehouse and Brew project (PN 22-158) located at 905 Leidesdorff Street and Determination that the Project is Exempt from CEQA
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

For the reasons described in this report, staff recommend that the Council deny the appeal by Bob Delp of a Decision by the Historic District Commission Approving a Conditional Use Permit and Design Review for the Uncle Charlie's Firehouse and Brew project (PN 22-158) located at 905 Leidesdorff Street and Determination that the Project is Exempt from CEQA.

BACKGROUND

The existing 3,322-square-foot commercial retail tenant space in which Uncle Charlie's Firehouse and Brew is proposed to be located was constructed along with the Historic District parking structure in 2008. The existing tenant space is constructed of smooth cement plaster, brick veneer, canvas awnings, and an aluminum storefront system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. In addition, the existing building is not listed on the City's Cultural Resource Inventory List.

On March 23, 2021, the City Council provided direction to City staff to move forward with requesting proposals for lease of the 3,322-square-foot retail tenant space located within the Historic District parking structure, with preferential status given to food service and retail uses. The proposal submitted by Uncle Charlie's Firehouse and Brew was superior to other proposals but required a Conditional Use Permit and Design Review from the Historic

District Commission before the lease for the retail tenant space in the parking structure can be negotiated.

On June 1, 2022, the applicant (Taryn Grows) submitted a development application for approval of a Conditional Use Permit and Design Review for development and operation of a craft brewery (Uncle Charlie's Firehouse and Brew) within an existing 3,322-square-foot vacant commercial tenant space situated within the Historic District parking structure located at 905 Leidesdorff Street. The proposed craft brewery, which will include a ten-barrel brewing system housed within a raised brewing area, will produce craft beers and seltzers for on-site consumption. Limited food and snacks will be sold within the craft brewery, however, foods from local restaurants will be able to be delivered to customers. In terms of capacity, the craft brewery will have 13 interior tables, an interior bar area with 20 seats, and 13 exterior bar-style seats. Hours of operation are proposed to be Wednesday through Sunday from 12:00 p.m. to 10:00 p.m. Minor exterior modifications are also proposed to the existing commercial building including replacement of an existing exterior door and windows on the south building elevation with two bi-fold steel-framed glass doors and replacement of the existing canvas window awnings with new black-colored canvas awnings.

The Historic District Commission reviewed the Uncle Charlie's Firehouse and Brew project at its March 1, 2023 meeting. At this meeting, twelve individuals (including residents and business owners) spoke in favor of the proposed project and expressed their full support. Two residents voiced concern regarding various aspects of the proposed project. One resident, who represented the Heritage Preservation League, was concerned that the design of the proposed glass bi-fold doors was not historic and did not meet the intent of the Historic District Design and Development Guidelines. Another resident, who expressed concern regarding potential odor impacts that proposed project may have on future residential units within the railroad block area, suggested a modification to the conditions of approval to minimize potential vapor and odor impacts.

In addition to the public comments made at the Historic District Commission meeting, the City received numerous comment letters of support (contained within Attachment 2) for the proposed project from residents, business owners, and the Historic Folsom Residents Association (HFRA). The City also received two letters (Attachment 3) from a resident of the Historic District (Appellant) who expressed concern regarding a variety of issues including the tenant selection process, city liability, public notification, application processing, parking, hours of operation, odors, and environmental review. All of the comment letters were provided to the Commissioners for their consideration at the March 1, 2023 Historic District Commission meeting.

Following extensive public comment, the Historic District Commission engaged in a healthy debate regarding the proposed project. The primary issues discussed by the Commission were related to potential odor-related impacts, the design of the exterior vents, and the days of operation. In relation to odor, the Commission was interested in learning more about what type of odors would be released during the brewing process, and whether those odors would potentially impact nearby commercial and residential uses. City staff indicated that the

Sacramento Metropolitan Air Quality Management District (SMAQMD) provided input on the proposed project and suggested a number of measures be implemented to minimize potential odor-related impacts including installation of a ventilation system, limited brewing hours, disposing of grains on a daily basis, implementing a cleaning/sanitation process, and replacing air filters on a regular basis. All of these measures are included as a condition of approval for the project.

The applicant also addressed the Commission and indicated that their brewing process was fairly limited with brewing most likely occurring one to two days per week with the actual brewing cycle only lasting approximately 90 minutes at a time. The Commission indicated that they were satisfied that the proposed project would not result in odor-related impacts with incorporation of the aforementioned SMAQMD measures. However, the Commission, with agreement from the applicant, did add a new condition of approval (Condition No. 28) to address odor-related impacts as suggested by the resident who was concerned about potential odor impacts on future residential development in the railroad block area as follows:

- The boil kettle shall be equipped with a water spray condenser and the condenser shall be operated in accordance with the manufacturer's specifications at all times that the wort boiling process is conducted to control the releases of brewing odors and vapors to a level that will not adversely impact adjacent properties. The ventilation system shall be operated at all times when the brewing operation generates odors that may be offensive to adjacent properties. The system shall vent brewing vapors/odors to the stack operated at a minimum stack flow gas rate of 42 ft./sec., with an unobstructed discharge.

The Commission also discussed the location and design of the exterior vents associated with the brewing process. The applicant indicated to the Commission that the final location and design of the exterior vents had not been determined but likely the vents would be positioned on the north side of the building or on the roof of the building. City staff indicated that the vents should be located on the roof of the building and that there was a standard condition of approval on the project that roof-mounted equipment (including vents) are not permitted to extend above the height of the parapet walls. The Commission expressed a desire to provide the applicant with more flexibility regarding the location and design of the exterior vents in order to allow for better dispersion of vapors odors. As a result, the Commission modified an existing condition of approval (Condition No. 26-3) as described on the following page:

- Roof-mounted mechanical equipment, including satellite dish antennas, shall not extend above the height of the parapet walls. Ground-mounted mechanical equipment shall be shielded by landscaping or trellis type features. **Exterior vents may be allowed to extend above the height of the rooftop parapet walls if the vents are not visible from the adjacent public right-of-way (streets, sidewalks, etc.) to the satisfaction of the Community Development Department**

The Commission also expressed a desire to provide the applicant with more flexibility with respect to business days of operation and brewing days of operation. In relation to business days of operation, the Commission, with consent from the applicant, expanded the business days of operation from Wednesday to Sunday from 12:00 p.m. to 10:00 p.m. to Monday to Sunday from 12:00 p.m. to 10 p.m. With respect to brewing days of operation, the Commission, with the consent of the applicant, modified the brewing days of operation from Monday to Tuesday from 8:00 a.m. to 6:00 p.m. to Monday through Sunday from 8:00 a.m. to 6:00 p.m. To formalize these changes, the Commission modified two existing conditions (Condition No. 20 and 25) of approval as described below:

Condition No. 20

- Hours of operation (including private parties) shall be limited as follows:
 - ~~Monday~~ ~~Wednesday~~-Sunday: 12:00 p.m. to 10:00 p.m.

No expansion of business hours beyond what is stated above shall be permitted without prior approval being obtained from the Historic District Commission through a discretionary Conditional Use Permit Modification

Condition No. 25

- Based on recommendations provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD), the applicant shall implement the following measures to minimize the potential for any odor-related impacts:
 - A ventilation system shall be installed in the designated brewing area.
 - ~~Scheduling brewing times shall be limited to Mondays and Tuesdays only.~~
 - Brewing activity shall be limited to the daytime hours of 8:00 a.m. to 6:00 p.m.
 - Spent grains shall be disposed of on a daily basis.
 - Eco-friendly cleaning agents/caustics shall be used in the brewing/sanitation process.
 - The owner/applicant shall monitor and replace the air filters on a regular basis.

At the conclusion of the March 1, 2023 Historic District Commission meeting, the Commission expressed their unanimous support for the proposed project with the previously described modifications to the conditions of approval and adopted a motion (6-0-1-0) to approve a Conditional Use Permit and Design Review (PN 22-158) for Uncle Charlie's Firehouse and Brew project.

POLICY / RULE

As set forth in Section 17.52.700 of the Folsom Municipal Code, actions of the Historic District Commission may be appealed to the City Council. The appeal shall be in writing,

shall state the specific reason for the appeal and grounds asserted for relief, and shall be filed no later than 10 calendar days after the date of the action being appealed.

APPEALS/ANALYSIS

On March 10, 2023, Bob Delp submitted a timely appeal of the decision of the Historic District Commission approving the proposed project. Many of the points raised in the appeal letter do not relate directly to the Uncle Charlie's Firehouse and Brew project or to the determinations made by the Historic District Commission at their March 1, 2023 meeting. For these specific points, City staff has provided a generic response indicating that the appeal is limited to Commission action on the use permit and the project. For points that are specific to the use permit and the project, City staff has provided detailed responses. Listed below are the reasons that Mr. Delp identified in his appeal letter for contesting the Historic District Commission's decision, and City staff's response to each item.

1. Assess Community Development Department (CDD) accountability for delaying the UCFB Project and for delaying progress on the lease of City property by intentionally and unnecessarily awaiting the outcome of litigation on a separate project and, while doing so, failing to move forward with the preparation of studies and the environmental document that could have already been prepared and will be necessary before the UCFB Project can be approved.

City Staff Response:

The appeal is limited to "any determination made by the historic district commission." (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

2. Rescind the HDC's approval of UCFB for reasons including:
 - a. The approval is outside the authority of the HDC,
 - b. The Project is thus far insufficiently described in terms of its operations and exterior modifications and the understanding of exterior modifications was further convoluted, not clarified, by the HDC's decision,
 - c. The whole of the Project has not been sufficiently described, as the Project will include a discretionary lease with terms that have not yet been disclosed to the public (e.g., duration of the lease, dedicated parking, dedicated accessible parking, required conditions on termination of the lease, financial security ensure lease termination conditions are achieved);
 - d. The Project is thus far insufficiently evaluated for potential impacts associated with aesthetics, air quality/odors, transportation/circulation/parking and related public safety issues, historic resources, and noise; and
 - e. The project does not qualify for a CEQA exemption.

City Staff Response:

- a. The Folsom Municipal Code (FMC, Section 17.52.360(A)) provides that the Historic District Commission shall have final authority relating to the issuance of Conditional Use Permits. In addition, the Folsom Municipal Code (FMC Section 17.52.120 G) establishes the authority of the Historic District Commission to make decisions regarding the design and architecture of any structure, or alteration to any existing structure within the Historic District.
- b. With respect to the comment that the Project has not been sufficiently described, the Uncle Charlie's Firehouse and Brew project is described in full detail (including operational details and design modifications) within the March 1, 2023 Historic District Commission Staff Report (Attachment 2).
- c. In relation to the question regarding the lease agreement, Uncle Charlie's Firehouse and Brew is required to enter into a lease agreement subject to review and approval by the City Council. The timing of that process or how it proceeds is not a proper subject for appeal pursuant to FMC section 17.52.700(A).
- d. With regard to the comment that the Project has not been sufficiently evaluated for potential impacts, the Historic District Commission Staff Report includes a full evaluation of the proposed project including a review of General Plan and zoning consistency, land use compatibility, parking, pedestrian circulation, lighting, trash/recycling, signage, noise, odor, and architecture/design. City staff determined that no additional analysis is required for the Project.
- e. The appeal letter states that the Project does not qualify for a CEQA Exemption. In fact, City staff determined that the Project qualifies for two CEQA exemptions including Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. In addition, staff determined that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

The exceptions listed within Section 15300.2 include; (a) Location, (b) Cumulative Impact, (c) Significant Effect (d) Scenic Highway (e) Hazardous Waste Sites, and (f) Historical Resources. A description of the most applicable of these exceptions is listed below with a brief response as to why each of these exceptions do not apply to the Project.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

In analyzing whether this exception applies, both the "same type" and the "same place" limitations should be considered. When analyzing this exception with respect to the

proposed project, the City considered projects of the “same type” to be other projects with similar uses, such as those projects listed on the hours of operation chart that appears in the noise impacts section of this report. The City considered projects in the “same place” to be projects within the Sutter Street Subarea.

City staff determined that the cumulative impact of the proposed project is not significant in that the Project will not result in any adverse impacts with respect building design, site design, lighting, odor, and noise. With respect to building architecture and site design, the Project involves minor modifications to the exterior of an existing commercial building and the use of an existing outdoor patio area, both of which have been designed to comply with the Historic District Design and Development Guidelines. (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

CEQA Guidelines section 15300.2(c) states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. This is commonly referred to as the “unusual circumstances exception.”

The unusual circumstances exception to the use of a categorical exemption applies only when both unusual circumstances exist and there is a reasonable possibility that the project will have a significant effect on the environment due to those unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1104.)

Whether unusual circumstances exist to distinguish this project from others in the exempt class is a factual question. The answer to that factual question must be supported by substantial evidence. In making this decision, the Historic District Commission was required to consider whether the Project’s circumstances differ significantly from the circumstances typical of the type of projects covered by the exemption, namely, other existing structures in the Historic District that are converted from one use to another. The exception applies only if the claimed unusual circumstance relates to the proposed action under consideration; it does not apply if the unusual circumstances are part of the existing conditions baseline. (*Bottini v. City of San Diego* 27 Cal.App.5th 281; *World Business Academy v. State Lands Commission* (2018) 24 Cal.App.5th 476, 498; *North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4th 832, 872.)

Another consideration is whether there is a reasonable possibility of a significant effect on the environment due to the unusual circumstances. (*Berkeley Hillside Preservation*, 60 Cal.4th at p. 1115.) The Commission answers this question by determining if there is any substantial evidence before it that would support a fair argument that a significant impact on the environment may occur as a result of the proposed project. (*Id.*) A reasonable possibility of a significant impact may be found only if the proposed project will have an impact on the physical environment. If there is no change from existing

baseline physical conditions, the exception does not apply. (*North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4th 832, 872.) The exception also does not apply if the project will have only a social impact and will not result in a potentially significant change to the physical environment. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 801; *City of Pasadena v. State* (1993) 14 Cal.App.4th 810, 826.) The question is not whether the project will have an adverse impact on some persons, but whether it will adversely affect the environment of persons in general due to unusual circumstances. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District* (2006) 139 Cal.App.4th 1356, 1392.

After analyzing the unusual circumstances exception in association with this project, the City determined that no unusual circumstances exist to distinguish this project from others in the exempt class. The presence of bars and restaurants in the Sutter Street Subarea is not uncommon, so any impacts associated with the proposed use itself are not unusual. Additionally, in this case, the location of the Project site adjacent to the parking structure and very close to light rail, serves to lessen the potential environmental impacts and makes the unusual circumstances exception particularly inapplicable to this project. In relation to noise, odor, and light, standard and project-specific conditions of approval have been placed on the Project to minimize any potential noise, odor, and light impacts. With respect to any other potential impacts caused by the proposed use, the conditions imposed on the project in the Conditional Use Permit are designed to minimize or eliminate any negative effects on the environment created by the proposed use.

With respect to odor in particular, staff looked at other similar uses in Folsom in assessing whether there is a reasonable possibility of a significant effect on the environment due to odor from brewing associated with the proposed project. Red Bus brewery, a similar business in relatively close proximity to the subject location and also approximately as close to residences as the proposed project will be, has been in operation since 2018 and the City has not received any complaints regarding odor. In addition, two large industrial scale brewing operations exist in the City – Kikkoman Foods and Gekkeikan Sake. Although those operations are significantly larger than the proposed project and they are both located in a different part of town, staff found it relevant that the City has not received any odor-related complaints associated with those businesses either.

Based on all of this, staff determined that there is not a reasonable possibility of a significant effect on the environment due to any claimed unusual circumstances for this project. As mentioned above, the proposed use is not unusual, so any possible significant effects associated with that use are not sufficient to support the exception in this case. To the extent that the brewing component of the project could be considered unusual, staff determined based on project details, conditions of approval on the project, and its experience with similar uses in the City, that there is no reasonable possibility of a

significant effect on the environment due to potential odor associated with the brewing component of the project.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The subject property, which is located at 905 Leidesdorff Street (APN: 070-0052-023), is developed with an existing 3,322-square-foot commercial building which was built in 2008. The existing building is constructed of brick veneer, smooth cement plaster, and an aluminum door and window system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. In addition, the existing building is not listed on the City's Cultural Resource Inventory List nor in any other State or Federal historic or cultural resource inventory or list. The proposed changes to the exterior of the building are minor (replacing the awnings and changing a door) rather than substantial. As a result, staff has determined that the Historical Resources exception does not apply in this case.

3. In acknowledging that the UCFB Project does not qualify for a CEQA exemption, direct CDD to prepare an Initial Study to determine the appropriate CEQA document for the Project, and to facilitate the Initial Study, direct CDD to require the applicant to submit:
 - a. Design illustrations and accurate renderings for all exterior building modifications, including design and illustrations of proposed doors, awnings, signage, and exhaust vents and other utility components of the project;
 - b. an assessment of public services and utility requirements, including police and fire protection and water, sewer, electricity, and natural gas demand and required infrastructure to clarify the application's indication that the project would have a substantial effect on public services;
 - c. an assessment by a qualified architectural historian of the proposed building modifications for consistency with Historic District Guidelines and for potential adverse effects on historic resources, including the historic property and historic buildings/resources that are located on the same parcel as the Project;
 - d. an odor generation and impact analysis prepared by a qualified air quality or other expert and identifying specific ventilation design for all potential odor emitting components of the Project and which identifies and evaluates potential impacts on adjacent existing and approved land uses with occupants that could be impacted by Project-generated odors; and
 - e. a vehicle circulation, parking demand/availability, and pedestrian safety study(ies) that consider both the immediate Project area as well as all residential neighborhood streets within three blocks of the 500-900 blocks of Sutter Street.

City Staff Response:

As stated above, City staff determined that the Project qualifies for two CEQA exemptions including Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. In addition, staff determined that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case. As a result, staff has determined that an Initial Study and any other associated environmental document or technical study is not required for the Project.

4. Direct CDD to provide Project information and the transportation study(ies) to the Traffic Safety Committee for review.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

In addition, the Project is not required to be presented to the Traffic Safety Committee for review as participation at a Traffic Safety Committee meeting is voluntarily at the option of the Project applicant.

5. Direct the CDD to obtain complete applications and to verify the accuracy of information on applications prior to initiating further processing the application.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

6. Direct the CDD to take immediate steps to improve the availability and consistency of information for all projects in the Historic District (e.g., design review, sign permit, and use permits) and status posted on the CDD’s webpage to facilitate meaningful public notice and opportunity to understand and comment on Historic District projects.

City Staff Response:

The Folsom Municipal has established requirements for notifying the public regarding proposed development projects. Specifically, FMC, Section 17.52.320 states that for a Design Review Application, a public notice shall be posted on the project site at least five days prior to the Historic District Commission hearing. In addition, California Government Code (Section 650090-65096) states that for a Conditional Use Permit, a public notice shall be placed in a local newspaper at least ten days prior to the public hearing and that public notice shall be sent to all property owners located within 300 feet

of the subject property at least ten days prior to the public hearing. Public notices for the Uncle Charlie's Firehouse and Brew project public hearing before the Historic District Commission meeting on March 1, 2023 were published and mailed in a timely manner as required by the Folsom Municipal Code and the California Government Code.

With respect to comments about the webpage, the Folsom Municipal Code limits the focus of project-related appeals to "any determination made by the historic district commission." (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

7. Acknowledge the HDC's important, but limited, role as an *advisory* committee to the City Council, and cease the practice which is disallowed by the City Charter of treating HDC decisions as final approvals, this appeal became necessary only because the HDC's decision is being improperly treated as a final approval otherwise I would have simply been able to provide my comments to the City Council at a hearing on the Project after receiving a *recommendation* from the HDC.

City Staff Response:

As stated previously, the Folsom Municipal Code (FMC, Section 17.52.360(A)) provides final approval authority to the Historic District Commission to make land use decisions regarding Conditional Use Permits. In addition, the Folsom Municipal Code (FMC Section 17.52.120 G) establishes the authority of the Historic District Commission to make decisions regarding the design and architecture of any structure, or alteration to any existing structure within the Historic District.

8. Affirm that FMC section 2.08.060 allows a third-party nuisance complainant to appeal Code Enforcement Officer determinations to the City Manager and ultimately to the City Council, as such rights will be important in the event of odor nuisance associated with UCFB.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to "any determination made by the historic district commission." (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

Staff notes that SMAQMD also has enforcement authority for odor complaints.

9. Affirm the City's commitment to enforce and apply conditions of approvals and applicable provisions of the Folsom Municipal Code on Historic District business, and demonstrate this commitment through City Council or City Manager acknowledgment that the Barley Barn project is null and void.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

10. Direct CDD to either solicit public input on projects before producing a staff report recommending project approval or, at a minimum, to eliminate the template staff report section entitled "Public Comments" which portends to summarize public comments when public comments have not been solicited, and direct staff to accurately portray to the HDC if and how public comments were solicited for a given project.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

11. Direct CDD to include as attachments to staff reports for development projects any and all comment letters, emails, or other correspondence received from public agencies. Sacramento Metropolitan Air Quality Management District provided a comment letter with specific recommended measures to mitigated odor impacts,

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

12. Direct the CDD to prepare a written staff report, signed by the Director, for each Historic District Commission meeting providing updates on all pending projects/applications and, to protect against inaccurate or policy-prohibited statements, to not allow staff to present that information as ad hoc oral comments.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to “any determination made by the historic district commission.” (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

13. The HDC can serve a very important role in reviewing projects and providing input to the City Council, however, the HDC does not have the authority to make final project approval decisions. That authority is disallowed by the City Charter. As outlined in a January 26, 2022, letter to the City Manager (Attachment C), the Folsom City Charter limits the HDC’s authority to that of an *advisory* body to the City Council. Therefore, even in the absence of

this appeal, the City Council must consider and make a final decision on whether to issue a CUP for the UCFB Project.

City Staff Response:

As stated previously, the Folsom Municipal Code (FMC, Section 17.52.360(A)) provides final approval authority to the Historic District Commission to make land use decisions regarding Conditional Use Permits. In addition, the Folsom Municipal Code (FMC Section 17.52.120 G) establishes the authority of the Historic District Commission to make decisions regarding the design and architecture of any structure, or alteration to any existing structure within the Historic District.

14. The HDC's CUP decision was absent reference to a lease and on its face would appear to provide an entitlement to a third-party for use of City-owned property. Even if the HDC had CUP approval authority, in this instance it could not be exercised as a final decision as the HDC does not have the authority to authorize a third-party's use of, or modification to, City-owned property. Both the CUP entitlement and modifications to the parking structure must be predicated on a lease that, at least in the public's eye, has not yet been fully defined and executed. In considering the CUP on appeal (or in a subsequent hearing once a proper CEQA document has been completed), I suggest the City Council include a condition of approval to the CUP to clearly state that the CUP is non-transferable and is contingent on, and subordinate to, any lease that the City Council may choose to execute after conducting a public hearing for deliberation of the lease.

City Staff Response:

The approval of a Conditional Use Permit and Design Review by the Historic District Commission for the Project and the potential future City Council approval of a lease-agreement with Uncle Charlie's Firehouse and Brew for use the City-owned 3,322-square-foot retail tenant space at 905 Leidesdorff Street are separate and independent processes. The owners of Uncle Charlie's Firehouse and Brew need to obtain a Conditional Use Permit and Design Review from the Historic District Commission before the lease for the 3,322-square-foot retail tenant space can be negotiated.

15. The March 1, 2023, staff report to HDC advised the HDC that the City Council's November 9, 2021, closed session was when, "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." The meeting minutes for that item identify no details of the business model for Uncle Charlie's Firehouse and Brew, but from the staff report it is clear that the City Council had a full understanding of the business model. The minutes also reflect that all five councilmembers participated in the November 9, 2021, decision, with no recusals and it is unclear whether councilmembers properly self-assessed potential conflicts of interest when participating in that closed session item.

City Staff Response:

The Folsom Municipal Code limits the focus of project-related appeals to "any determination made by the historic district commission." (Folsom Municipal Code §

17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

16. Staff advised the HDC that "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaces in a nearby Railroad Block public parking lot." Yet, these 368 public parking spaces are available for use by existing business employees and customers, light-rail users, Historic District visitors, and others under existing conditions and are not allocated to "serve the project". In considering the CUP on appeal, I ask that the Council identify the actual predicted parking demand of UCFB (regardless of what actions the Council might or might not take with regard to that demand) and identify if and how much parking, including parking designated for persons with disabilities, is specifically reserved for and/or allocated to the 905 Leidesdorff retail space.

City Staff Response:

Assembly Bill 2097 was signed into law by the Governor on September 22, 2022 and became effective on January 2, 2023. AB 2097 prohibits public agencies, City of Folsom in this case, from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. As the Project is located within a half-mile of public transit (approximately 300 feet from Historic Folsom Light Rail Station), staff has determined that it cannot enforce the minimum parking requirements established by the Folsom Municipal Code for projects located within the Sutter Street Subarea on this particular project and, since it is a commercial project, the exception to the new rules does not apply. Therefore, staff determined that the Project is not required to provide any on-site parking spaces.

17. Staff advised the HDC that, due to state law (Assembly Bill [AB] 2097 which added section 65863.2 to the Government Code), the City cannot impose parking requirements on the Project. Yet, staff's advice on this matter fails to recognize: 1) the new Government Code section is applicable to "development projects" and staff provided no analysis of whether a change in use at an existing building is considered a "development project" under the new law; and 2) that the space to be occupied by the UCFB is City-owned and the terms of any freely negotiated lease between the City and applicant are at the discretion of the Council. I suggest that the City Council determine the actual anticipated parking demand of UCFB and then make a reasoned decision of whether or not the City Council desires to impose parking requirements or any other related terms in a freely negotiated lease of City-owned property.

City Staff Response:

As stated previously, AB 2097 prohibits public agencies from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. For the purposes of AB 2097, a development project includes any project requiring a discretionary entitlement or building permit to allow the construction, reconstruction, alteration, addition, or change of use of a structure or land.

Staff has determined that Uncle Charlie's Firehouse and Brew qualifies as a development project and is eligible for exemption from the minimum parking requirements established by the Folsom Municipal Code for projects located within the Sutter Street Subarea.

18. The intensity and degree to which odors generated by beer brewing might be considered pleasant or offensive was subject to much discussion at the HDC hearing. The brewery might result in a pleasant, mild aroma of fresh-baked bread as some suggested. But even the smell of fresh-baked bread can be overwhelming and unwelcome in certain contexts. The record clearly indicates the brewing operation will create odors and hence the need for odor control provisions. If odors associated with UCFB brewing do create a nuisance, one administrative remedy would be to request investigation and action by the City Code Enforcement Officer in a nuisance complaint. However, Code Enforcement Officer decisions are not always sufficient to address ongoing nuisance, and it is important that the City have an available process to appeal Code Enforcement Officer decisions to the City Manager and ultimately the City Council to seek administrative remedy. Although FMC section 2.08.060 contains such an administrative appeal process, the City Manager has taken the position in a recent FMC-violating camping situation that Code Enforcement Officer determinations are final and unappealable and that an aggrieved party's only option if dissatisfied by the Code Enforcement Officer's determination is to seek a remedy in court (Attachment D). I suggest this is a misinterpretation of the FMC and that the FMC appeals process should be interpreted as applicable to code enforcement matters. Therefore, my appeal seeks to gain City Council assurance that FMC section 2.08.060 must be interpreted to allow for third-party complaints expressing legitimate code violation and/or nuisance complaints and to allow for appeal to the City Manager and City Council, if necessary, for administrative remedy.

City Staff Response:

The approved craft brewery includes installation of a ten-barrel brewing system which will be housed within a raised brewing area. A ventilation system will be installed to allow for the release of steam and other byproducts created during the brewing process into the air, with the outside vent most likely being located on the northern portion of the building roof. Based on recommendations provided by the Sacramento Metropolitan Air Quality Management District (SMSQMD), the applicant proposed to implement a number of measures to minimize the potential for any odor-related impacts including the following:

- Installing a ventilation system in the designated brewing area.
- ~~Scheduling brewing times on Mondays and Tuesdays only.~~
- Limiting brewing activity to daytime hours for greater odor dispersion.
- Proper disposal of spent grains.
- Use of eco-friendly cleaning agents/caustics in brewing/sanitation process.
- Regular monitoring and replacement of air filters.

The Historic District Commission desired to provide the applicant with more flexibility with regard to brewing days to provide for better dispersion of vapors and odors and

increased the number of potential brewing days per week from two to seven. At the suggestion of a member of the public, the Commission also added a new condition of approval (Condition No. 28) to further address odor-related impacts follows.

- The boil kettle shall be equipped with a water spray condenser and the condenser shall be operated in accordance with the manufacturer's specifications at all times that the wort boiling process is conducted to control the releases of brewing odors and vapors to a level that will not adversely impact adjacent properties. The ventilation system shall be operated at all times when the brewing operation generates odors that may be offensive to adjacent properties. The system shall vent brewing vapors/odors to the stack operated at a minimum stack flow gas rate of 42 ft./sec., with an unobstructed discharge.

With respect to potential nuisance odors associated with the Project, the Sacramento Metropolitan Air Quality Management District (SMAQMD) is the public agency that is tasked with responding to complaints regarding odors.

With respect to the remainder of this comment, the Folsom Municipal Code limits the focus of project-related appeals to "any determination made by the historic district commission." (Folsom Municipal Code § 17.52.700(A).) This portion of the appeal is not directed toward any determination made by the Historic District Commission and, as such, it is not a proper subject for appeal.

19. The UCFB project does not qualify for a CEQA exemption. The HDC's decision claimed the CEQA Class 1 and Class 3 exemptions. Notably, the staff report to the HDC contains some three pages of argument focused entirely on whether any of the *exceptions* to the exemptions apply, yet with no discussion of how the Project fits within either a Class 1 or Class 3 exemption.
 - a. The CEQA Class 1 exemption (CEQA Guidelines Section 15301, Existing Facilities) is limited to projects involving, "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use" and further defines, "{the key consideration is whether the project involves negligible or no expansion of use." The project fails on its face to qualify for this exemption. The Project would introduce both a beer-brewing operation and a retail beer-serving establishment inside and on a patio outside of a currently vacant space and which in the past has had no use anywhere close to the intensity of use that the UCFB Project would bring to the building. To be clear, that is not a negative observation about the Project; the increased use is exactly what the applicant and the City are looking to achieve. However, it does mean that the Project is not eligible for the Class 1 exemption. Staff's assessment provided no explanation or rationale for how the Project might conceivably fit within the Class 1 category; and it simply does not qualify.

- b. The CEQA Class 3 exemption (CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures) is limited to "small structures." Section 15303 specifically discusses that the building and size limitations are to be interpreted as the maximum allowable on any legal parcel and specifies commercial buildings "not exceeding 10,000 square feet in floor area." The structure at 905 Leidesdorff within which UCFB is proposed to be located has a footprint and first floor area of some 30,000 square feet and, when the additional floors (parking levels) are accounted for, a total floor area of what must be nearly 100,000 square feet. 6 Notably, the staff report to the HDC did not identify the total floor area of 905 Leidesdorff, nor did the staff report address the number or size of other buildings that are also located on the same legal parcel. Staff's assessment provided no explanation or rationale for how the building within which the UCFB would be located might conceivably be considered a "small structure" under the Class 3 exemption. Furthermore, even if the City were to successfully argue that the structure qualifies as small, the Project still would not meet the Class 3 criteria of "conversion of existing small structures from one use to another." First, the Project would not change the use of the parking garage to another use. Second, there is no existing use in the vacant space that would be changed to another use; the space is currently unused. Thus, the Project would convert that space from no use to a use which is not covered by the Class 3 small structure conversion exemption.

City Staff Response:

As discussed previously, City staff determined that the Project qualifies for two CEQA exemptions including Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. In addition, staff determined that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

20. Even if the Project were to qualify for one of the claimed CEQA exemptions, which it does not as discussed above, exceptions to the exemptions would disqualify the Project from a CEQA exemption as indicated by the Project's potential to result in significant environmental effects, cumulative impacts, and impacts to historic resources. Examples are below:
 - a. The Project's contribution to daily and peak-hour vehicle trip volumes on streets within the Project area have not been assessed or disclosed in the City's evaluation. Although traffic congestion is not a CEQA impact, an understanding of existing and Project-related vehicle trips is essential for meaningful consideration of the Project's vehicle trip-related public safety, air quality, noise, and other impacts to Historic District businesses, visitors, and residents and to understand if there are any locations and/or time periods during which Project trips would exacerbate traffic conditions in a manner that would affect motorist, bicyclist, and/or pedestrian circulation or safety. The City's Local Road Safety Plan (adopted by City Council June 2021) identifies that key contributing factors to severe and fatal automobile collisions in the City are

associated with irresponsible driver behavior including speeding and driving under the influence of alcohol. It is also evident that irresponsible driver behavior in the City is a substantial and increasing public safety concern. According to "Pedestrian Traffic Fatalities by State" (2021), "[i]t is well established that alcohol consumption can lead to impairment for both drivers and pedestrians. Drunk driving remains a pervasive highway safety threat to all road users." Increased enforcement of driver infractions is identified in the City's Local Road Safety Plan as an important element in reducing severe and fatal collisions; yet, the City appears to have limited ability (or chooses otherwise) to increase Police Department traffic enforcement division staffing. The ample and increasing opportunities for alcohol consumption in the Historic District, the interaction of motorists and pedestrians in the Sutter Street and Leidesdorff Street business areas as well as in adjacent Historic District residential neighborhoods, and the increasing egregious behavior of some drivers must be considered by the Council in terms of a public safety impacts and to assess ways in which the City can both benefit from leasing its retail space to a brewery while identifying measures to ensure that public safety risks are not exacerbated by the proposed use.

- b. The Project proposes to modify the exterior of the 905 Leidesdorff structure with changes to doors and ventilation, but without the specificity and degree of certainty needed to understand the effects of those modifications on the aesthetics/visual appearance of the structure and its context within the larger parcel and adjacent historic resources. The HDC's decision failed to fully define or disclose the actual modifications that would be made to the exterior of the City-owned parking structure. Apparently, some sort of ventilation exhaust structure is needed and the HDC's decision lacked detail on its design deciding something along the lines of the taller the better, as long as it's not visible to the public. This approach is insufficient in terms of understanding the visual changes and visual impacts of the Project and the idea that the exhaust ventilation can avoid public visibility is likely infeasible since the rooftop of the parking structure is a public space and anything on it is visible to the public. The City has not sufficiently defined the Project's proposed exterior modifications or appearance providing neither the City nor anyone else the ability to meaningfully assess the degree of visual impact of the Project.
- c. The City did not analyze the odor potential of the Project and merely discussed it. The City's discussion of potential odors and whether the Project would result in significant odor impacts would be significant appears to be predicated on the premise that: 1) design measures that are ostensibly intended to minimize odors, but without any evaluation of the magnitude or dispersion of odors generated by the brewing and waste disposal process; 2) the expectation that the odors generated by the project will smell like fresh-baked bread (and perhaps Snook's chocolates) with no consideration of the fact that even odors that might typically be thought of as pleasant by most people can still cause a nuisance to many⁸; and 3) since there are other industries in Folsom that generate odors, more can be added without adverse impacts. The analysis doesn't hold water.⁹ A meaningful analysis of the potential intensity and dispersion of

odors from the brewing process and wastewater, and the proximity of existing and anticipated future odor-sensitive receptors in the Project area is needed. It is likely that feasible odor mitigation could be designed and implemented, but to ensure significant odor impacts are avoided, such mitigation would need to include a performance standard against which odors can be measured and managed. Otherwise, the City has insufficient basis for determining that significant odor impacts would not occur.

- d. In attempting to defend the claimed CEQA exemptions, the staff report to the HDC stated that, "the existing building is not listed on the City's Cultural Resource Inventory List nor any other State or Federal historic or cultural resource inventory or list." The staff report failed to advise the HDC that the Project is located on a parcel containing at least two resources listed on the City's Cultural Resource's Inventory List (Attachment E), both of which are identified as National Register properties on the City's inventory.
- SVRRICPRR turntable site on Railroad Block, National Register Property, factual dates 1856, 1867, 1900. Archaeological deposits on Railroad Block, circa 1856-1870.
 - Folsom Depot, National Register Property, factual 1906.

It is unclear that the HDC considered, or was even aware, of these resources and the Project's potential to adversely affect historic properties through potentially inconsistent architectural modifications to the 905 Leidesdorff structure. Public testimony by Loretta Hettinger (Heritage Preservation League of Folsom Board Member) during the HOC hearing advised the HDC that the glass doors proposed for UCFB would be incompatible with the historic design. It is understood that the building itself is not historic; it is a modern building with carefully designed architecture to fit within the historic context of the property and the Historic District. Yet, it appears that no meaningful consideration of how the Project's incompletely described exterior modifications (e.g., roll-up or foldable glass doors, exterior ventilation of some shape or form, etc.) might affect the historic architectural intent of the parking structure and might create incompatibilities and detract from the historic qualities of the two listed historic resources that are located near, and on the same parcel as, the Project. Uncertainties regarding the appearance of exterior modifications render City decisionmakers unable to determine that the Project would not result in adverse effects on adjacent historic properties within the Project parcel and prevent the public's ability to understand and provided input on those potential effects.

City Staff Response:

As discussed previously, City staff determined that the Project qualifies for two CEQA exemptions including Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality

Act (CEQA) Guidelines. In addition, staff determined that none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

Transportation and circulation impacts associated with development of the railroad block area and the Historic Folsom Station project were previously analyzed in the Addendum to the January-2004 Folsom Historic District Railroad Block Implementation Plan Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program. Subsequently, the Historic District Parking Structure (including the subject 3,322-square-foot retail tenant space) was constructed in 2008. City staff determined that a formal traffic study was not required for the Project due to the fact that the Project is located within an existing building and no changes or modifications are proposed relative to vehicle, bicycle, and pedestrian facilities in the project area. In addition, City staff determined that a formal traffic study was not required due to the fact that the Project does not meet the City's threshold (50 PM Peak Hour Trips) for preparing a formal traffic study with only 36 PM Peak Hour Trips anticipated to be generated by the Project.

The Project includes minor exterior modifications to an existing 3,322-square-foot commercial building located at 905 Leidesdorff Street. The minor exterior modifications include replacement of an existing exterior door and windows on the south building elevation with two glass bi-fold doors and replacement of the existing canvas window awnings with new black-colored canvas awnings. The proposed glass bi-fold doors, which are modeled after doors utilized on historic fire station buildings, feature rectangular windowpanes and aluminum frames. In addition, the proposed project includes the replacement of the existing brown canvas window awnings with black canvas window awnings of the same proportions.

In reviewing the design of the proposed project, staff took into consideration the recommendations of the Historic District Design and Development Guidelines (Design Guidelines) relative to architectural design and features, building materials, and building colors. With respect to architectural design and features, the proposed project is maintaining all of the existing building shapes and forms with exception of replacing an existing rectangular door and rectangular windows on the south elevation with two aluminum-framed bi-fold glass entry doors and replacing the existing canvas window awnings with new black-colored canvas windows awnings. The Design Guidelines indicate that glass entry doors are encouraged to increase transparency and that rectangular glass panes are an appropriate shape. The aluminum frames proposed for the bi-fold doors are intended to match and material and color of the existing doors and windows on the building. The Design Guidelines also encourage the use of window awnings in order to create a pleasing pedestrian environment in the Sutter Street Subarea. The applicant is proposing to replace the existing brown canvas window awnings, which are fairly weathered and worn out, with new black-colored canvas window awning of the same proportions.

With respect to color changes, the proposed project includes the replacement of an existing, black-framed glass entry door and black-framed windows on the south building elevation with two black-framed glass bi-fold doors. The proposed project also includes the replacement of all existing, brown-colored canvas window awnings with black-colored window awnings. Staff determined that the proposed color modifications for window awnings are compatible with the overall color scheme (red brick, tan cement black, and black-framed windows and doors) of the existing building and also consistent with the general color recommendations of the Design Guidelines which simply encourage avoiding bland color schemes where the color values are all the same or similar.

The Historic District Commission discussed the location and design of the exterior vents associated with the brewing process. The applicant indicated to the Commission that the final location and design of the exterior vents had not been determined but likely the vents would be positioned on the north side of the building or on the roof of the building. City staff indicated that the vents should be located on the roof of the building and that there was a standard condition of approval on the project that roof-mounted equipment (including vents) are not permitted to extend above the height of the parapet walls. The Commission expressed a desire to provide the applicant with more flexibility regarding the location and design of the exterior vents in order allow for better dispersion of vapors odors. As a result, the Commission modified an existing condition of approval (Condition No. 26-3) as described below.

- Roof-mounted mechanical equipment, including satellite dish antennas, shall not extend above the height of the parapet walls. Ground-mounted mechanical equipment shall be shielded by landscaping or trellis type features. **Exterior vents may be allowed to extend above the height of the rooftop parapet walls if the vents are not visible from the adjacent public right-of-way (streets, sidewalks, etc.) to the satisfaction of the Community Development Department**

In summary, staff determined that the proposed project has successfully met the architectural and design recommendations for remodeling of existing structures in the Historic District as suggested by the Historic District Design and Development Guidelines. In addition, staff determined that the proposed building design, building materials, and building colors are also consistent with the recommendations of the Design and Development Guidelines.

As described previously, the Historic District Commission desired to provide the applicant with more flexibility with regard to brewing days to provide for better dispersion of vapors and odors and increased the number of potential brewing days per week from two to seven. At the suggestion of a member of the public, the Commission also added a new condition of approval (Condition No. 28) to further address odor-related impacts as described above.

As mentioned previously, the subject property, which is located at 905 Leidesdorff Street is developed with an existing 3,322-square-foot commercial building which was built in 2008. The existing building is constructed of brick veneer, smooth cement plaster, and an aluminum door and window system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. The existing building is not listed on the City's Cultural Resource Inventory List nor in any other State or Federal historic or cultural resource inventory or list. In addition, the Historic District Commission determined that the Project successfully met the architectural and design recommendations for remodeling of existing structures in the Historic District as suggested by the Historic District Design and Development Guidelines. The Commission also determined that the proposed building design, building materials, and building colors are consistent with the recommendations of the Design and Development Guidelines. As a result, staff has determined that the Historical Resources exception does not apply in this case.

21. Project-related vehicle trips would increase traffic noise in the Historic District through the increased vehicle travel associated with workers and customers to and from the Project. Additionally, the City is experiencing proliferation of vehicles that have been intentionally modified to increase exhaust noise and travel of these vehicles to/from and through the Historic District is creating an increasing impact on the health, safety, and welfare of Historic District residents. The General Plan Program Environmental Impact Report ("PEIR")¹⁰ identified Impact NSE-1, "Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project" as an impact associated with development under the City of Folsom General Plan.¹¹ The PEIR concluded that the impact was significant and unavoidable even with implementation of mitigation. Mitigation Measure N-1, adopted by the City on certifying the PEIR and adopting the General Plan required Implementation Program SN-1 to be added to the General Plan implementation program. Implementation Program SN-1, "Adopt a Noise Reduction Program," specifies the following with implementation to begin by 2021: The City shall adopt a citywide noise reduction program to reduce traffic noise levels along roadways where significant increases in traffic noise levels are expected to occur. The program shall include, but shall not be limited to, the following specific elements for noise abatement consideration where reasonable and feasible:

- Noise barrier retrofits
- Truck usage restrictions
- Reduction of speed limits
- Use of quieter paving materials
- Building facade sound insulation
- Traffic calming
- Additional enforcement of speed limits and exhaust noise laws
- Signal timing.

It has been clear from recent annual General Plan status updates to the City Council, that the City has not undertaken additional enforcement of exhaust noise laws. While that may be because the City is unwilling or unable to pursue increased enforcement, the City nevertheless must acknowledge that in not implementing vehicle exhaust noise abatement as required by General Plan mitigation measures, the significant and unavoidable noise impact identified in the General Plan PEIR will significantly increase as compared to the degree of impact that would be expected if the City were to fully implement Measure SN-1's requirements for additional enforcement of vehicle exhaust noise laws.

City Staff Response:

City staff determined that a formal traffic study was not required for the Project due to the fact that the Project is located within an existing building and no changes or modifications are proposed relative to vehicle, bicycle, and pedestrian facilities in the project area. In addition, City staff determined that a formal traffic study was not required due to the fact that the Project does not meet the City's threshold (50 PM Peak Hour Trips) for preparing a formal traffic study with only 36 PM Peak Hour Trips anticipated to be generated by the Project. In relation to an increase in project-related exhaust noise, the City of Folsom Police Department actively enforces these types of violations within and outside of the Historic District.

Applicant Response:

The applicant submitted a response letter (Attachment 5) to the appeal on the Uncle Charlie's Firehouse and Brew project on March 24, 2023. In the response letter, the applicant indicates that they are somewhat confused by Mr. Delp's appeal letter, as much of the appeal letter is spent discussing the City's Conditional Use Permit process and other issues rather than discussing specific concerns regarding the Uncle Charlie's Firehouse and Brew project. In addition, the applicant states there is much contradictory information in the appeal letter in which Mr. Delp discusses the potential adverse impacts the Project would have on his health, safety, welfare, and property rights, while at the same time indicating Uncle Charlie's Firehouse and Brew would yield economic benefit in conjunction with being a nice place to enjoy a locally brewed beer. As a result, the applicant only provided written responses to the portion of the appeal letter that are directly related to the Project.

In Mr. Delp's appeal letter, he states that the Project is insufficiently described in terms of its operations and exterior modifications, and that the understanding of the exterior modifications was further convoluted, not clarified by the Historic District Commission's decision to approve the Project. The applicant indicates that a detailed set of architectural plans (site plan, building elevations, floor plan, signage) were provided for City staff and the Historic District Commission to review. In addition, a project narrative for the Project was provided to the Historic District Commission for their review. The applicant further states that detailed information regarding the exterior vents was not requested by the Historic District Commission and that there are specific conditions of approval that address the required location of the exterior vents.

In Mr. Delp's appeal letter, he states that the Project has not been sufficiently evaluated for potential impacts associated with aesthetics, air quality, odors, transportation, circulation, parking, cultural resources, and related public safety issues. The applicant states the Sacramento Air Quality Management District reviewed the Project and provided recommendations (included as Conditions of Approval) to the applicant and City staff to minimize any potential odor-related impacts. In addition, the applicant states that due to the limited scale of the brewing production system (ten barrel brewing system) associated with Uncle Charlie's Firehouse and Brew, the Project will not exceed the Air District's output threshold that requires boilers with a rated heat input capacity of 1 million British Thermal Units per hour or greater to obtain a permit from the Air District.

In the appeal letter, Mr. Delp indicates that an odor generation and impact analysis be prepared by a qualified air quality or other expert to identify specific ventilation design for all potential odor emitting components of the Project. The applicant states that the Air Quality district was consulted with during review of the Project and measures recommended by the Air District were included as Conditions of Approval. Specific measures recommended by the Air District included installing a ventilation system, venting emissions away from sensitive receptors, limiting brewing activity to daytime hours, using eco-friendly cleaning agents, and monitoring and replacing air filters. The applicant has stated that they are agreeable to all of the Air District recommendations which have been included as Conditions of Approval for the Project. The applicant also reiterates that due to the limited brewing capacity of Uncle Charlie's Firehouse and Brew, the Project does not require a permit to operate from the Air District.

Lastly, the applicant has provided more detailed technical information (Attachment 5) regarding the brewing process including more details regarding the ventilation system. The applicant states that the venting system constantly draws fresh air into the brewery and helps maintain the proper pressure in the brewing equipment. All the steam generated by the brew kettles needs somewhere to go, which is where a brewery-specific venting system comes into play. A flue, vents the steam from the brew kettle. Exhaust flues are also necessary, with the specific location and type of flue depending on the type of system used. The applicant indicates that a 10-inch vent, which will be located in a screened area on the rooftop, will most likely be used for exterior ventilation.

CONCLUSION

Based on the forgoing, staff respectfully requests that the City Council **DENY** the appeal by Bob Delp of the Decision by the Historic District Commission Approving a Conditional Use Permit and Design Review and determining that the proposed Uncle Charlie's Firehouse and Brew project (PN 22-158) located at 905 Leidesdorff Street is exempt from CEQA.

ATTACHMENTS

1. Letter of Appeal from Bob Delp, dated March 10, 2023
2. Historic District Commission Staff Report, dated March 1, 2023
3. Historic District Commission Additional Information, dated February 27, 2023 and March 1, 2023
4. Minutes from March 1, 2023 Historic District Commission Meeting
5. Applicant Response Letter, dated March 24, 2023

Submitted,

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

PAM JOHNS
Community Development Director

ATTACHMENT 1

CITY OF FOLSOM

FOLSOM CITY CLERK'S DEPT
20 MAR 10 10:22

APPEAL FORM

NAME OF APPELLANT: Bob Delp

MAILING ADDRESS: 612 Mormon Street

Folsom, CA 95630


Interest in Matter: City of Folsom Historic District resident and property owner.

Daytime Phone: 916-812-8122

Action Being Appealed: HDC Design Review/CUP Approval and claimed CEQA exemption for Uncle Charlie's Firehouse and Brew (PN 22-158)

Date of Decision or Date Project was Heard: March 1, 2023

Reason for Appeal: Project does not qualify for a CEQA exemption and is insufficiently described and evaluated by staff. The HDC lacks final approval authority and the Project warrants consideration by the City Council (even in the absence of this appeal). See attached letter for additional detail and additional reasons.



Appellant's Signature

March 10, 2023

Date

STAFF USE ONLY:

Date Received: 3/10/2023

Fee Paid: \$495.00

Planning Comm. or Historic District Comm. Decision Appeal

Admin. (staff decision) Appeal

Type of Project/fee:

- Owner Occupied/Single Family Dwelling \$246
- All Others \$495

Type of Project/fee:

- Owner Occupied \$239
- All Other \$479

Tentative Hearing Date: _____

Time Limit Waived: _____

Copies to: Community Development Director _____
City Manager _____
City Attorney _____
City Clerk _____

Received by: _____

Jennifer Jimenez

Appeal fees set by City Council Resolution No. 10479 approved 7/1/2020.

R. DELP
I. FISHER
 FOLSOM, CA 95630-2620

2698
 11-4288/1210 4239
 5508347280

DATE **3/10/2023**

PAY TO THE ORDER OF City of Folsom \$ 495.00
Four hundred ninety five and ⁰⁰/₁₀₀ DOLLARS

WELLS FARGO Wells Fargo Bank, N.A. California wellsfargo.com

FOR UCFB Appeal

CITY OF FOLSOM
 OFFICE OF THE CITY CLERK
 50 NATOMA STREET
 FOLSOM, CA 95630

RECEIPT DATE 3/10/2023 No. 43

RECEIVED FROM Randy Delp \$ 495.00
Four hundred ninety five DOLLARS

FOR RENT
 FOR UCFB Appeal - EN72-155-11C Appeal

ACCOUNT		<input type="radio"/> CASH
PAYMENT		<input checked="" type="radio"/> CHECK
BAL. DUE		<input type="radio"/> MONEY ORDER
		<input type="radio"/> CREDIT CARD

FROM 212 8342-24 TO 100
 BY Juanita J. J. J.

3-11

March 10, 2023

City of Folsom City Clerk's Office
Attn: Ms. Christa Freemantle, City Clerk
50 Natoma Street
Folsom, CA 95630
Hand Delivered and
via email to: cfreemantle@folsom.ca.us for filing and for distribution to City Council

SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) – Appeal of Historic District Commission Approval of PN 22-158 to City Council

Note to Readers: I apologize for the length and possible repetition in this letter. Given more time to review and understand this project, I might have been able to be more concise. However, although the City Council made decisions setting the wheels in motion to approve this project at least as far back as November 9, 2021, I became aware of the details only by way of the March 1, 2023, staff report to the Historic District Commission. Ten days later, I've done the best I can with limited time to explain my concerns.

Dear Ms. Freemantle and City Councilmembers:

I am appealing to the City Council the decision by the Historic District Commission (“HDC”) approving Uncle Charlie’s Firehouse and Brew (PN 22-158) design review and conditional use permit (“CUP”) (collectively referred to here as “Project” or “UCFB”), and the HDC’s determination that the Project is exempt from the California Environmental Quality Act (“CEQA”). Comments I submitted to the HDC are included in Attachment A. My arguments on appeal are provided in this letter, but I reserve the right to amend these arguments and to bring additional evidence and argument to the Council on appeal and in response to any staff report or additional information that may become available prior to the appeal hearing. Notwithstanding this appeal, I am committed to doing what I can to help minimize further delays in a final decision on UCFB and urge the Council to do the same while addressing the concerns in my appeal.

In this appeal, I am requesting that the City Council take, or direct the City Manager to take, the following actions the rationale for which is provided in the Explanation and Additional Argument sections of this letter:

1. Assess Community Development Department (“CDD”) accountability for delaying the UCFB Project and for delaying progress on the lease of City property by intentionally and unnecessarily awaiting the outcome of litigation on a separate project and, while doing so, failing to move forward with the preparation of studies and the environmental document that could have already been prepared and will be necessary before the UCFB Project can be approved.
2. Rescind the HDC’s approval of UCFB for reasons including:
 - a. the approval is outside the authority of the HDC,
 - b. the Project is thus far insufficiently described in terms of its operations and exterior modifications and the understanding of exterior modifications was further convoluted, not clarified, by the HDC’s decision,
 - c. the whole of the Project has not been sufficiently described, as the Project will include a discretionary lease with terms that have not yet been disclosed to the

- public (e.g., duration of the lease, dedicated parking, dedicated accessible parking, required conditions on termination of the lease, financial security ensure lease termination conditions are achieved);
 - d. the Project is thus far insufficiently evaluated for potential impacts associated with aesthetics, air quality/odors, transportation/circulation/parking and related public safety issues, historic resources, and noise; and
 - e. the Project does not qualify for a CEQA exemption.
3. In acknowledging that the UCFB Project does not qualify for a CEQA exemption, direct CDD to prepare an Initial Study to determine the appropriate CEQA document for the Project, and to facilitate the Initial Study, direct CDD to require the applicant to submit:
- a. design illustrations and accurate renderings for all exterior building modifications, including design and illustrations of proposed doors, awnings, signage, and exhaust vents and other utility components of the project;
 - b. an assessment of public services and utility requirements, including police and fire protection and water, sewer, electricity, and natural gas demand and required infrastructure to clarify the application's indication that the project would have a substantial effect on public services;
 - c. an assessment by a qualified architectural historian of the proposed building modifications for consistency with Historic District Guidelines and for potential adverse effects on historic resources, including the historic property and historic buildings/resources that are located on the same parcel as the Project;
 - d. an odor generation and impact analysis prepared by a qualified air quality or other expert and identifying specific ventilation design for all potential odor emitting components of the Project and which identifies and evaluates potential impacts on adjacent existing and approved land uses with occupants that could be impacted by Project-generated odors; and
 - e. a vehicle circulation, parking demand/availability, and pedestrian safety study(ies) that consider both the immediate Project area as well as all residential neighborhood streets within three blocks of the 500 – 900 blocks of Sutter Street.
4. Direct CDD to provide Project information and the transportation study(ies) to the Traffic Safety Committee for review.
5. Direct the CDD to obtain complete applications and to verify the accuracy of information on applications prior to initiating further processing the application.
6. Direct the CDD to take immediate steps to improve the availability and consistency of information for all projects in the Historic District (e.g., design review, sign permit, and use permits) and status posted on the CDD's webpage to facilitate meaningful public notice and opportunity to understand and comment on Historic District projects.
7. Acknowledge the HDC's important, but limited, role as an *advisory* committee to the City Council, and cease the practice which is disallowed by the City Charter of treating HDC decisions as final approvals, this appeal became necessary only because the HDC's decision is being improperly treated as a final approval otherwise I would have simply been able to provide my comments to the City Council at a hearing on the Project after receiving a *recommendation* from the HDC.

8. Affirm that FMC section 2.08.060 allows a third-party nuisance complainant to appeal Code Enforcement Officer determinations to the City Manager and ultimately to the City Council, as such rights will be important in the event of odor nuisance associated with UCFB.
9. Affirm the City's commitment to enforce and apply conditions of approvals and applicable provisions of the Folsom Municipal Code on Historic District business, and demonstrate this commitment through City Council or City Manager acknowledgment that the Barley Barn project is null and void.
10. Direct CDD to either solicit public input on projects before producing a staff report recommending project approval or, at a minimum, to eliminate the template staff report section entitled "Public Comments" which portends to summarize public comments when public comments have not been solicited, and direct staff to accurately portray to the HDC if and how public comments were solicited for a given project.
11. Direct CDD to include as attachments to staff reports for development projects any and all comment letters, emails, or other correspondence received from public agencies. Sacramento Metropolitan Air Quality Management District provided a comment letter with specific recommended measures to mitigated odor impacts,
12. Direct the CDD to prepare a written staff report, signed by the Director, for each Historic District Commission meeting providing updates on all pending projects/applications and, to protect against inaccurate or policy-prohibited statements, to not allow staff to present that information as ad hoc oral comments.

EXPLANATION

In large part, this appeal reflects my concerns regarding the City's patterns and practices of insufficient review of proposed projects, failing to consistently hold approved projects accountable to their conditions of approval, selective interpretation or disregard of the City Charter and other parts of the FMC, and denial of administrative appeal opportunities associated with enforcement of the FMC.

This appeal comes with regret for potentially causing further delay to what generally appears to be a promising business with responsible and enthusiastic business owners, and in a location that would provide direct economic benefit to the City and a nice place for me to walk and enjoy a locally brewed beer. Apparently, the applicant and/or City staff have already delayed this project intentionally. Based on CDD staff comments to the HDC at its March 1st meeting (*after* the HDC voted to approve UCFB), it is my understanding that CDD and/or the applicant "held off on moving forward because they are using the same CEQA exemptions that Barley Barn used and they wanted that process to play out in the courts before they came forward to [the HDC]" (see Attachment B).

If staff was correct and the UCFB Project has been sitting idly for perhaps several months or longer, I suggest that approach was flawed. Regardless of the eventual outcome of the Barley Barn litigation, and for reasons outlined in this appeal, the UCFB Project does not qualify for the City-claimed CEQA exemptions. Rather than *waiting* for the Barley Barn project play out in court, the City could have prepared a CEQA document with meaningful impact analysis, identified mitigation measures to avoid significant effects, and brought the UCFB Project forward for approval hearings several months ago.

Further complicating matters for the UCFB Project is the City's recent and ongoing refusal to confirm that the Barley Barn project is null and void due to specific expiration terms in that project's conditions of approval and time periods specified in the FMC (discussed in Attachment B). This is a disappointing demonstration that the citizens of Folsom cannot depend on the City to enforce conditions imposed on businesses in the Historic District. Without instilling confidence through consistent demonstration that businesses will be held subject to their conditions of approval and the FMC, the City should expect resistance to projects that have the potential for adverse effects on the community if not properly regulated.

Moreover, the UCFB Project simply does not qualify for either of the two CEQA exemptions recommended by staff and claimed by the HDC in approving the UCFB Project. The Project would obviously substantially expand the use of the existing unoccupied retail space in the 905 Leidesdorff building and the Project involves modifications to a multi-level structure with a footprint of some 30,000 square feet and a total floor area of what must be nearly 100,000 square feet.¹ The claimed CEQA exemptions require that a project result in *no or negligible expansion in use* and that the project involves *a small structure* (specifically limited in the CEQA Guidelines to no more than 10,000 square feet). The City has presented no evidence or even qualified argument for how the claimed exemptions could conceivably apply to the Project. The Project does not meet the basic criteria of the claimed exemptions and in accordance with state law the City must prepare and adopt a CEQA document before it can approve the Project.

Preparing a CEQA document does not need to cause substantial additional delay and cost, and could very likely have been completed in the time that the Project has apparently been purposefully idle. With sufficient analysis and mitigation, an Initial Study/Mitigated Negative Declaration (IS/MND) may suffice for this Project's CEQA review. In fact, with demonstrated assurance that the City is committed to strict enforcement of conditions of approval and the FMC as applicable to all Historic District businesses and other activities in the City, I would be inclined to volunteer to assist the City in preparing the necessary CEQA document for UCFB. I expect we could knock that out in short order and all it would take is a commitment from the City to do what the City should already be doing.

ADDITIONAL ARGUMENT

1. The HDC can serve a very important role in reviewing projects and providing input to the City Council, however, the HDC does not have the authority to make final project approval decisions. That authority is disallowed by the City Charter. As outlined in a January 26, 2022, letter to the City Manager (Attachment C), the Folsom City Charter limits the HDC's authority to that of an *advisory* body to the City Council. Therefore, even in the absence of this appeal, the City Council must consider and make a final decision on whether to issue a CUP for the UCFB Project.²
2. The HDC's CUP decision was absent reference to a lease and on its face would appear to provide an entitlement to a third-party for use of City-owned property. Even if the HDC had CUP approval authority, in this instance it could not be exercised as a final decision as the HDC does not have the authority to authorize a third-party's use of, or modification to, City-owned property. Both the CUP entitlement and modifications to the parking structure must

¹ I do not find the actual square footage of the parking structure anywhere in the record.

² For that reason, I respectfully request that my appeal fee be returned as this appeal would be unnecessary if the Project approval decision was properly brought to the City Council based on an advisory recommendation by the HDC.

be predicated on a lease that, at least in the public's eye, has not yet been fully defined and executed. In considering the CUP on appeal (or in a subsequent hearing once a proper CEQA document has been completed), I suggest the City Council include a condition of approval to the CUP to clearly state that the CUP is non-transferable and is contingent on, and subordinate to, any lease that the City Council may choose to execute after conducting a public hearing for deliberation of the lease.

3. The March 1, 2023, staff report to HDC advised the HDC that the City Council's November 9, 2021, closed session was when, "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." The meeting minutes for that item identify no details of the business model for Uncle Charlie's Firehouse and Brew, but from the staff report it is clear that the City Council had a full understanding of the business model.³ The minutes also reflect that all five councilmembers participated in the November 9, 2021, decision, with no recusals and it is unclear whether councilmembers properly self-assessed potential conflicts of interest when participating in that closed session item.
4. Staff advised the HDC that "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaces in a nearby Railroad Block public parking lot." Yet, these 368 public parking spaces are available for use by existing business employees and customers, light-rail users, Historic District visitors, and others under existing conditions and are not allocated to "serve the project". In considering the CUP on appeal, I ask that the Council identify the actual predicted parking demand of UCFB (regardless of what actions the Council might or might not take with regard to that demand) and identify if and how much parking, including parking designated for persons with disabilities, is specifically reserved for and/or allocated to the 905 Leidesdorff retail space.
5. Staff advised the HDC that, due to state law (Assembly Bill [AB] 2097 which added section 65863.2 to the Government Code), the City cannot impose parking requirements on the Project. Yet, staff's advice on this matter fails to recognize: 1) the new Government Code section is applicable to "development projects" and staff provided no analysis of whether a change in use at an existing building is considered a "development project" under the new law; and 2) that the space to be occupied by the UCFB is City-owned and the terms of any freely negotiated lease between the City and applicant are at the discretion of the Council. I suggest that the City Council determine the actual anticipated parking demand of UCFB and then make a reasoned decision of whether or not the City Council desires to impose parking requirements or any other related terms in a freely negotiated lease of City-owned property.
6. The intensity and degree to which odors generated by beer brewing might be considered pleasant or offensive was subject to much discussion at the HDC hearing. The brewery might result in a pleasant, mild aroma of fresh-baked bread as some suggested. But even the smell of fresh-baked bread can be overwhelming and unwelcome in certain contexts. The record

³ By the name alone, one might well have thought "Firehouse and Brew" was a proposed candle and coffee shop. While each of the five City Councilmembers, the City Manager, and presumably at least some City staff were well aware during the Barley Barn appeal hearing on January 11, 2022, that the Council had decided to pursue a brewery and beer-serving retail business just three blocks away from the Barley Barn site, the Barley Barn appellants were unaware of the UCFB business model and were, therefore, unable to know about or consider the cumulative impact implications of UCFB as a reasonably foreseeable project. At no time during staff's presentation during the Barley Barn appeal hearing – even during staff's presentation of predicted future cumulative parking demand and parking availability in the Historic District – was there any mention by staff or the City Council of the USFB Project.

clearly indicates the brewing operation will create odors and hence the need for odor control provisions. If odors associated with UCFB brewing do create a nuisance, one administrative remedy would be to request investigation and action by the City Code Enforcement Officer in a nuisance complaint. However, Code Enforcement Officer decisions are not always sufficient to address ongoing nuisance, and it is important that the City have an available process to appeal Code Enforcement Officer decisions to the City Manager and ultimately the City Council to seek administrative remedy. Although FMC section 2.08.060 contains such an administrative appeal process, the City Manager has taken the position in a recent FMC-violating camping situation that Code Enforcement Officer determinations are final and unappealable and that an aggrieved party's only option if dissatisfied by the Code Enforcement Officer's determination is to seek a remedy in court (Attachment D). I suggest this is a misinterpretation of the FMC and that the FMC appeals process should be interpreted as applicable to code enforcement matters. Therefore, my appeal seeks to gain City Council assurance that FMC section 2.08.060 must be interpreted to allow for third-party complaints expressing legitimate code violation and/or nuisance complaints and to allow for appeal to the City Manager and City Council, if necessary, for administrative remedy.⁴

7. The UCFB project does not qualify for a CEQA exemption. The HDC's decision claimed the CEQA Class 1 and Class 3 exemptions. Notably, the staff report to the HDC contains some three pages of argument focused entirely on whether any of the *exceptions* to the exemptions apply, yet with no discussion of how the Project fits within either a Class 1 or Class 3 exemption.⁵
 - a. The CEQA Class 1 exemption (CEQA Guidelines Section 15301, Existing Facilities) is limited to projects involving, "*the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use*" and further defines, "*[t]he key consideration is whether the project involves negligible or no expansion of use.*" The project fails on its face to qualify for this exemption. The Project would introduce both a beer-brewing operation and a retail beer-serving establishment inside and on a patio outside of a currently vacant space and which in the past has had no use anywhere close to the intensity of use that the UCFB Project would bring to the building. To be clear, that is not a negative observation about the Project; the increased use is exactly what the applicant and the City are looking to achieve. However, it does mean that the Project is not eligible for the Class 1 exemption. Staff's assessment provided no explanation or rationale for how the Project might conceivably fit within the Class 1 category; and it simply does not qualify.
 - b. The CEQA Class 3 exemption (CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures) is limited to "*small structures.*" Section 15303 specifically discusses that the building and size limitations are to be interpreted as the *maximum allowable on any legal parcel* and specifies commercial buildings "*not exceeding 10,000 square feet in floor area.*" The structure at 905 Leidesdorff within which UCFB is proposed to be located has a footprint and first floor area of some 30,000

⁴ And I still would like the opportunity to appeal the Code Enforcement Officer's determination in the FMC-violating camping situation noted in Attachment D.

⁵ Staff's sole focus on the *exceptions to the exemptions* without addressing the applicability of the exemptions is akin to attempting a belt-and-suspenders approach but forgetting to put pants on.

square feet and, when the additional floors (parking levels) are accounted for, a total floor area of what must be nearly 100,000 square feet.⁶ Notably, the staff report to the HDC did not identify the total floor area of 905 Leidesdorff, nor did the staff report address the number or size of other buildings that are also located on the same legal parcel. Staff's assessment provided no explanation or rationale for how the building within which the UCFB would be located might conceivably be considered a "small structure" under the Class 3 exemption. Furthermore, even if the City were to successfully argue that the structure qualifies as small, the Project still would not meet the Class 3 criteria of "*conversion of existing small structures from one use to another.*" First, the Project would not change the use of the parking garage to another use. Second, there is no existing use in the vacant space that would be changed to another use; the space is currently unused. Thus, the Project would convert that space from *no* use to *a* use which is not covered by the Class 3 small structure conversion exemption.

8. Even if the Project were to qualify for one of the claimed CEQA exemptions, which it does not as discussed above, exceptions to the exemptions would disqualify the Project from a CEQA exemption as indicated by the Project's potential to result in significant environmental effects, cumulative impacts, and impacts to historic resources. Examples are below:
 - a. The Project's contribution to daily and peak-hour vehicle trip volumes on streets within the Project area have not been assessed or disclosed in the City's evaluation. Although traffic congestion is not a CEQA impact, an understanding of existing and Project-related vehicle trips is essential for meaningful consideration of the Project's vehicle trip-related public safety, air quality, noise, and other impacts to Historic District businesses, visitors, and residents and to understand if there are any locations and/or time periods during which Project trips would exacerbate traffic conditions in a manner that would affect motorist, bicyclist, and/or pedestrian circulation or safety. The City's Local Road Safety Plan (adopted by City Council June 2021) identifies that key contributing factors to severe and fatal automobile collisions in the City are associated with irresponsible driver behavior including speeding and driving under the influence of alcohol. It is also evident that irresponsible driver behavior in the City is a substantial and increasing public safety concern. According to "Pedestrian Traffic Fatalities by State" (2021), "*[i]t is well established that alcohol consumption can lead to impairment for both drivers and pedestrians. Drunk driving remains a pervasive highway safety threat to all road users.*" Increased enforcement of driver infractions is identified in the City's Local Road Safety Plan as an important element in reducing severe and fatal collisions; yet, the City appears to have limited ability (or chooses otherwise) to increase Police Department traffic enforcement division staffing. The ample and increasing opportunities for alcohol consumption in the Historic District, the interaction of motorists and pedestrians in the Sutter Street and Leidesdorff Street business areas as well as in adjacent Historic District residential neighborhoods, and the increasing egregious behavior of some drivers must be considered by the Council in terms of a public safety impacts and to assess ways in which the City can both benefit from leasing its retail space to a brewery while identifying measures to ensure that public safety risks are not exacerbated by the proposed use.⁷

⁶ I have requested, but do not find the actual square footage of the structure anywhere in the record.

⁷ It is disappointing to know that while this Project has apparently been sitting idle awaiting the outcome of Barley Barn litigation, staff did not take that opportunity to bring this Project to the Traffic Safety Committee for

- b. The Project proposes to modify the exterior of the 905 Leidesdorff structure with changes to doors and ventilation, but without the specificity and degree of certainty needed to understand the effects of those modifications on the aesthetics/visual appearance of the structure and its context within the larger parcel and adjacent historic resources. The HDC's decision failed to fully define or disclose the actual modifications that would be made to the exterior of the City-owned parking structure. Apparently, some sort of ventilation exhaust structure is needed and the HDC's decision lacked detail on its design deciding something along the lines of *the taller the better, as long as it's not visible to the public*. This approach is insufficient in terms of understanding the visual changes and visual impacts of the Project and the idea that the exhaust ventilation can avoid public visibility is likely infeasible since the rooftop of the parking structure is a public space and anything on it is visible to the public. The City has not sufficiently defined the Project's proposed exterior modifications or appearance providing neither the City nor anyone else the ability to meaningfully assess the degree of visual impact of the Project.
- c. The City did not analyze the odor potential of the Project and merely discussed it. The City's *discussion* of potential odors and whether the Project would result in significant odor impacts would be significant appears to be predicated on the premise that: 1) design measures that are ostensibly intended to minimize odors, but without any evaluation of the magnitude or dispersion of odors generated by the brewing and waste disposal process; 2) the expectation that the odors generated by the project will smell like fresh-baked bread (and perhaps Snook's chocolates) with no consideration of the fact that even odors that might typically be thought of as pleasant by most people can still cause a nuisance to many⁸; and 3) since there are other industries in Folsom that generate odors, more can be added without adverse impacts. The *analysis* doesn't hold water.⁹ A meaningful analysis of the potential intensity and dispersion of odors from the brewing process and wastewater, and the proximity of existing and anticipated future odor-sensitive receptors in the Project area is needed. It is likely that feasible odor mitigation could be designed and implemented, but to ensure significant odor impacts are avoided, such mitigation would need to include a performance standard against which odors can be measured and managed. Otherwise, the City has insufficient basis for determining that significant odor impacts would not occur.
- d. In attempting to defend the claimed CEQA exemptions, the staff report to the HDC stated that, "the existing building is not listed on the City's Cultural Resource Inventory List nor any other State or Federal historic or cultural resource inventory or list." The staff report failed to advise the HDC that the Project is located on a parcel containing at least two resources listed on the City's Cultural Resource's Inventory List (Attachment E), both of which are identified as National Register properties on the City's inventory (see locations on figure below):

5. SVRR/CPRR turntable site on Railroad Block, National Register Property, factual dates 1856, 1867, 1900. Archaeological deposits on Railroad Block, circa 1856-1870.

consideration and possible recommendations of potential measures to aid in driver, bicyclist, and pedestrian safety in light of expected increased travel and visitation associated with the Project.

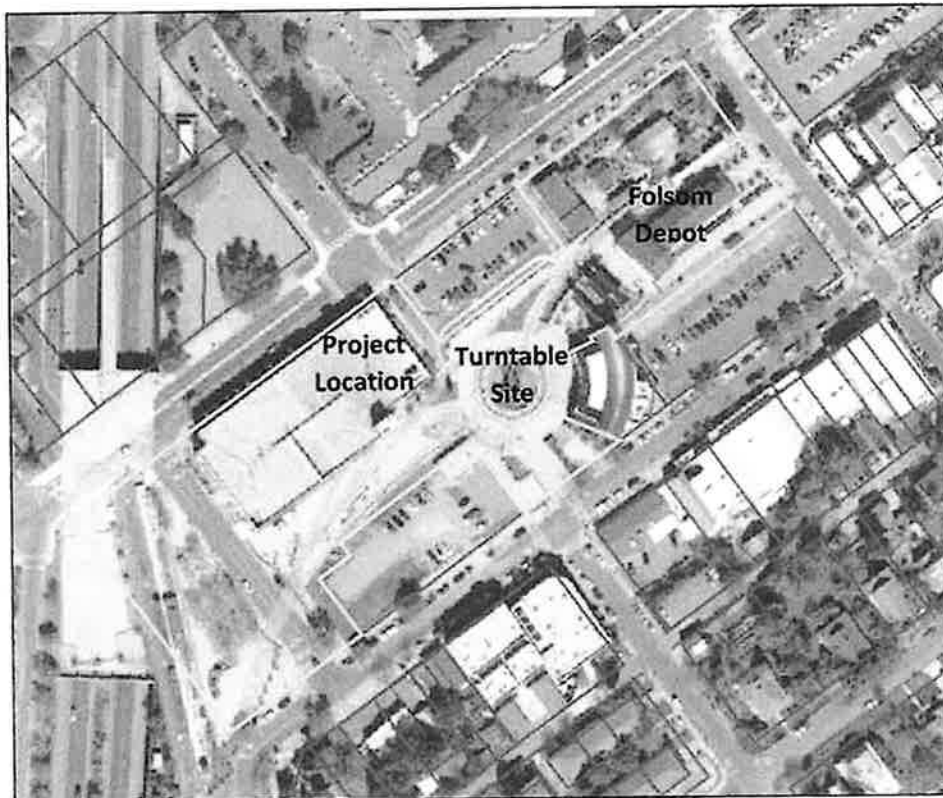
⁸ Not unlike music. I'm a huge Dave Matthews fan, but there are certainly times when, if played to loudly or in an unwanted circumstance, even DMB would be adverse.

⁹ Or, to stay on theme, beer.

9. Folsom Depot, National Register Property, factual 1906.

It is unclear that the HDC considered, or was even aware, of these resources and the Project's potential to adversely affect historic properties through potentially inconsistent architectural modifications to the 905 Leidesdorff structure. Public testimony by Loretta Hettinger (Heritage Preservation League of Folsom Board Member) during the HDC hearing advised the HDC that the glass doors proposed for UCFB would be incompatible with the historic design. It is understood that the building itself is not historic; it is a modern building with carefully designed architecture to fit within the historic context of the property and the Historic District. Yet, it appears that no meaningful consideration of how the Project's incompletely described exterior modifications (e.g., roll-up or foldable glass doors, exterior ventilation of some shape or form, etc.) might affect the historic architectural intent of the parking structure and might create incompatibilities and detract from the historic qualities of the two listed historic resources that are located near, and on the same parcel as, the Project. Uncertainties regarding the appearance of exterior modifications render City decisionmakers unable to determine that the Project would not result in adverse effects on adjacent historic properties within the Project parcel and prevent the public's ability to understand and provided input on those potential effects.

**Project Parcel, Project Location, and Historic Resources per
City of Folsom Cultural Resource's Inventory List**



Base Image and Parcel Delineation (yellow/blue) Source: Sacramento County Assessor's Office Parcel Viewer, March 2023.

9. Project-related vehicle trips would increase traffic noise in the Historic District through the increased vehicle travel associated with workers and customers to and from the Project. Additionally, the City is experiencing proliferation of vehicles that have been intentionally

modified to increase exhaust noise and travel of these vehicles to/from and through the Historic District is creating an increasing impact on the health, safety, and welfare of Historic District residents. The General Plan Program Environmental Impact Report (“PEIR”)¹⁰ identified Impact NSE-1, “Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan, noise ordinance, or applicable standards of other agencies; or a substantial permanent increase in ambient noise levels in the project vicinity above levels without the project” as an impact associated with development under the City of Folsom General Plan.¹¹ The PEIR concluded that the impact was significant and unavoidable even with implementation of mitigation. Mitigation Measure N-1, adopted by the City on certifying the PEIR and adopting the General Plan required Implementation Program SN-1 to be added to the General Plan implementation program. Implementation Program SN-1, “Adopt a Noise Reduction Program,” specifies the following with implementation to begin by 2021:

The City shall adopt a citywide noise reduction program to reduce traffic noise levels along roadways where significant increases in traffic noise levels are expected to occur. The program shall include, but shall not be limited to, the following specific elements for noise abatement consideration where reasonable and feasible:

- *Noise barrier retrofits*
- *Truck usage restrictions*
- *Reduction of speed limits*
- *Use of quieter paving materials*
- *Building façade sound insulation*
- *Traffic calming*
- *Additional enforcement of speed limits and exhaust noise laws*
- *Signal timing.*

It has been clear from recent annual General Plan status updates to the City Council, that the City has not undertaken additional enforcement of exhaust noise laws. While that may be because the City is unwilling or unable to pursue increased enforcement, the City nevertheless must acknowledge that in not implementing vehicle exhaust noise abatement as required by General Plan mitigation measures, the significant and unavoidable noise impact identified in the General Plan PEIR will significantly increase as compared to the degree of impact that would be expected if the City were to fully implement Measure SN-1’s requirements for additional enforcement of vehicle exhaust noise laws.

CONCLUSION

As a resident of the Historic District, I frequently walk and ride my bicycle near 905 Leidesdorff to access trails along Lake Natoma. In the summer, I enjoy the opportunity to paddle my kayak and paddleboard on Lake Natoma (less than 650 feet from 905 Leidesdorff) at all times of the day and especially enjoy the calm water and fresh air of early mornings. I visit the farmers

¹⁰ *Folsom General Plan 2035 Final Program Environmental Impact Report* dated May 2018, incorporated in its entirety, including the Draft EIR, to this letter by reference.

¹¹ *Folsom General Plan 2035* adopted August 28, 2018, incorporated in its entirety to this letter by reference.

March 10, 2023

market held on the same parcel and immediately adjacent to 905 Leidesdorff. I visit restaurants and enjoy dining on outdoor patios near 905 Leidesdorff. Odors, vehicle noise, diminished quality of historic resources, and other potential impacts of the Project would have direct and adverse effects on my health, safety, and welfare, and on my private property rights.

For the reasons explained in this letter, I request that the City Council take a closer look at this Project, the City's land use enforcement practices, and CDD's patterns and practices in processing applications. Again, notwithstanding this appeal, I am committed to doing what I can to help minimize potential delays in a final decision on UCFB and urge the City Manager and City Council to do the same while addressing the concerns in my appeal.

Sincerely,



Bob Delp
Historic District
Folsom, CA 95630
bdelp@live.com
916-812-8122

LIST OF ATTACHMENTS

Attachment A. March 1, 2023, Bob Delp letter to Historic District Commission "Subject: Uncle Charlie's Firehouse and Brew (PN 22-158) Comments to HDC for March 1, 2023 Hearing" including:

Attachment 1. Questions to Community Development Department Feb 27, 2023, Bob Delp Letter to Pam Johns "Subject: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information", and

Attachment 2. Additional Questions to Community Development Department Feb 28, 2023, Bob Delp Email to Pam Johns "Re Uncle Charlies".

Attachment B. Bob Delp emails to Pam Johns between January 10, 2023, and March 1, 2023, requesting information on the status of Barley Barn building permit application and requesting verification that the Barley Barn entitlements are null and void.

Attachment C. January 26, 2022, letter to City Manager Elaine Andersen "Subject: Request to Respect City Charter Limitations on Historic District Commission Authority."

Attachment D. Bob Delp emails and letter to City Manager Elaine Andersen "Subject: Request for Enforcement of FMC Camping Prohibitions at ___ Mountain View Drive."

Attachment E. "City of Folsom Preliminary Cultural Resources Inventory" (Appendix D of "City of Folsom Historic Preservation Master Plan" November 5, 1998.)

March 10, 2023

Attachment A

March 1, 2023, Bob Delp letter to Historic District Commission "Subject: Uncle Charlie's Firehouse and Brew (PN 22-158) Comments to HDC for March 1, 2023 Hearing" including:

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March 1, 2023

City of Folsom Historic District Commission
50 Natoma Street
Folsom, CA 95630
via email to: pjohns@folsom.ca.us

SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Comments to HDC for March 1, 2023 Hearing

Dear Historic District Commissioners:

One February 26, 2023, I became aware of a staff report issued for the subject project. On February 27th, I submitted a list of questions and concerns to the Community Development Department (Attachment 1) and on February 28th, after CDD made certain application materials available that had not been previously available, I provided additional questions about the application to CDD. As of 11 a.m. today, the day you are scheduled to conduct a hearing on the project, I have received no feedback from CDD on my questions (with the exception of Ms. John's advisory that the application materials were now available on CDD webpage and advising that her staff would respond to my questions).

Please understand that although the staff report has a section "Public Comments," to my knowledge the project as currently proposed was never circulated for public review and comment prior to publication of the staff report. While my comments may seem late in coming, I have previously been given no opportunity to comment until publication of the staff report dated March 1, 2023, which I saw for the first time on February 26th.

To allow for fully informed public review and input on the project, I am requesting that the HDC Chair postpone a hearing on this item to allow time for staff to address important issues associated with this project that are currently not addressed in the staff report. In the event that the hearing proceeds tonight, my attached questions and comments to Ms. Johns are now provided for the HDC's consideration to the extent the HDC feels they may be relevant to your deliberations. Furthermore, I reserve the right to submit additional comments on any future hearing conducted by the HDC or any future appeal or other hearing conducted by the City Council on this project.

In addition to the attached, I have the following comments for your consideration:

1. As presented by staff, the CUP approval in the absence of any reference to a lease would appear to provide an entitlement and commit the City to allowing the use and essentially requiring the City to lease the site to Uncle Charlie's with little or no negotiation. I suggest that a condition of approval be added to avoid that and ensure that the CUP is contingent on, and subordinate to, any lease that the City Council may choose to execute. Something like: "*The entitlements granted by this approval shall be contingent on, and subordinate to all terms and conditions of, a lease for use of the space between the City Council and the permittee. The duration of the CUP granted by this approval shall be limited to the duration of any lease, or extension thereof, approved by the City Council and may be revoked for any reason at the discretion of the City Council.*"
2. Staff's discussion of parking issues fails to identify an actual predicted parking demand for the project. Regardless of whether the City has the ability to impose minimum parking standards (a limitation asserted in staff's analysis), an understanding of the project's actual parking demand is essential to understanding the project's effect on vehicle and pedestrian circulation and safety within the Historic District and is, therefore,

essential to the decisionmakers ability to make the findings required for issuance of a CUP. Please do not make an approval decision for this project without a clear understanding of the project's parking demand.

3. Staff's assertion that the City is limited in its ability to impose minimum parking standards fails to acknowledge that the space to be occupied by the project is City-owned and the City has full exercise of discretion of how that space is used and the terms of any lease that may be executed for the space. Surely, the City has the authority to decline to enter into a lease if the applicant is unwilling or unable to meet any requirement that the City seeks to impose, including providing parking. I do not assert that the project needs to provide parking or that the City Council should require the project to provide parking; and only assert that staff appears to be improperly limiting the City's authority over the use of City-owned property. Councilmember Kozlowski recently engaged in discussion with the City Attorney during a City Council meeting asking the City Attorney to think about creative ways that parking could be addressed in the Historic District in light of the restrictions imposed by state law. Staff's approach to imposing state law parking restrictions on a freely negotiated lease of City property appears to be about as uncreative as one could imagine.
4. Condition of Approval 20 states: "*Hours of operation (including private parties) shall be limited as follows: Wednesday-Sunday: 12:00 p.m. to 10:00 p.m. No expansion of business hours beyond what is stated above shall be permitted without prior approval being obtained from the Historic District Commission through a discretionary Conditional Use Permit Modification.*" Yet the staff report discusses that brewing would occur on Mondays and Tuesdays. Brewing is a component of the operation, therefore, there needs to be a condition of approval specifying allowing brewing days. Furthermore, the staff report provides no basis for limiting the days of customer visitation to Wednesday-Sunday. If the owner wants to avoid subjecting customers to brewing odors, the owner should be left to decide whether or not to be open on Mondays and Tuesdays.
5. The staff report acknowledges that the project has the potential to result in significant odors and, without any analysis, provides mitigation ostensibly intended to address odor impacts. The surrounding land uses both on the remainder of the City-owned property and nearby involve a substantial number of people (e.g., amphitheater, seasonal skating rink and City Christmas tree, farmers market, outdoor dining, residences with balconies) that would be affected by any objectionable odors emitted by the project brewing operations and waste systems. The staff report provides no analysis of the degree of anticipated impact nor the effectiveness of mitigation measures recommended by staff. An evaluation of potential odor impacts is needed. Given staff's (and perhaps also the Sac Metro Air District in comments that have not been shared with the public) acknowledgement of potential odor impacts and imposition of mitigation, the project does not qualify for a CEQA exemption.
6. By the applicant's acknowledgement on the application form, the project would result in "substantial change in demand for municipal services (police, fire, water, sewage, etc.)" but without any additional explanation by the applicant or evaluation by staff. For compliance with CEQA, and evaluation of the project's demand for municipal services must be provided.
7. According to the application, "[t]he subject property is listed on the Hazardous Waste and Substances Sites List" per Gov Code 65962.5. CEQA statute 21084(d) expressly

March 1, 2023

prohibits using a categorical exemption on "d) *A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a).*" CEQA Guidelines 15300.2, Exceptions, subdivision "e" reiterates that a "*categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*" Given the application's statement that the project is on a Gov Code 65962.5 site and no information presented to the contrary, the project is ineligible for a CEQA exemption.

Sincerely,



Bob Delp
Historic District Resident
Folsom, CA 95630
bdelp@live.com

March 1, 2023

Attachment 1

Questions to Community Development Department Feb 27, 2023

February 27, 2023

City of Folsom Community Development Department
Ms. Pam Johns, Director
50 Natoma Street
Folsom, CA 95630
via email to: pjohns@folsom.ca.us

SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information

Dear Ms. Johns:

Item 3 of the Historic District Commission's March 1, 2023, meeting is "Uncle Charlie's Firehouse and Brew" (PN 22-158). To my knowledge, the Community Development Department's "Pending Development Applications" has never included and, as of 11am this morning (screenshot at end of letter), still does not include Uncle Charlie's as a pending development application.

As stated on the CDD webpage, the webpage is to include "those pending applications for discretionary planning entitlements that require a public meeting or hearing with the Planning Commission or Historic District Commission". A CUP and design review for the Uncle Charlie's project fits squarely into that category of projects. Yet, project information was not made available to the general public until release of CDD's staff report to the HDC dated March 1, 2023 (I saw it last night, Feb 26th, for the first time by checking the HDC's March 1 meeting agenda packet; posted on Feb 23rd or 24th, in any case, just a few days ago). Even with the recent availability of the staff report, the staff report does not provide the complete application nor does it include fully legible information that ostensibly defines much of what the HDC is being asked to approve (for example, see illegible graphics in staff report at Figures 2, 3, 4 and Attachment 6).

To allow for fully informed public review and input on the project, I am requesting that you postpone the HDC hearing on this item to allow CDD to post the complete application and fully legible materials on the Pending Development Applications webpage in advance of scheduling this item on a future HDC agenda.

On initial review of the staff report, I have the following questions for which I am hoping you can provide feedback; ideally, by addressing them in a revised staff report and allowing ample time for public review prior to an HDC hearing.

1. Can you please provide, or post to the Pending Development Applications webpage, the complete application, including all information required for CUP and design review applications (title report, notification map, etc.)?
2. Can you please provide information/records for when the public was notified that that City Council made the discretionary decision to lease the space to Uncle Charlies for use as a brewery? (According to the recent staff report, that discretionary decision was made by the Council on Nov 9, 2021, when "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." That November 9, 2021, Council meeting was a Closed Session meeting with no minutes recorded and no announcement following the session pertaining to the Uncle Charlie's lease decision. I am aware of no public announcement or notice since that time of the Council's close session decision, nor of any CEQA document or notice of exemption filed for the discretionary Council decision that was made in closed session and never

announced to the public. To my knowledge, the first time that a member of the general public was notified and could have been aware of the Council's decision was publication of the CDD staff report dated March 1, 2023.)

3. Did all of the then-councilmembers participate in the Nov 9, 2021, discussion and the discretionary decision made by the Council to enter into a lease with Uncle Charlie's or did any councilmembers recuse themselves due to potential conflicts of interest (for instance, due to owning a business nearby that might benefit financially from leasing the space for use as a brewery)? Did the City Attorney during the closed session provide any guidance to Councilmembers present regarding whether they should recuse themselves due to potential conflicts?
4. Can you provide the square footage of the existing parking structure that would be modified by this proposal? (The staff report references an "existing 3,322-square-foot building" located within the first floor of the parking structure. This seems akin to referring to a portion of my house, say, my living room, as a building. The staff report should be corrected to reflect that the project is proposed to be located within a 3,322 sf portion of the larger parking structure building and the total square footage of the parking structure should be identified.)
5. Can you explain by what provision in the Folsom Municipal Code the HDC obtains the authority to 1) approve a private entity to make modifications to existing City-owned buildings and 2) approve use of an existing City-owned building by a private entity? (The staff report and recommendation that the HDC approve design review and a CUP to a private party seemingly disregards the fact that this project would be on City-owned property – both within a City-owned building and on what Sacramento County assessor's office identifies as a nearly 4.5-acre parcel. Both of these items would fit squarely within the HDC's role authorized by the FMC as "advisory" to the Council, whereby the HDC might properly review the proposed project and provide a recommendation to the City Council and the City Council would then make a final decision regarding building modifications, a CUP, and a lease for City-owned property. This would allow, for example, the CUP and lease to be linked by permitted use and duration which are important terms for both a CUP and a lease that should not be separately decided by two different decision-making bodies. The CUP as currently recommended by staff has no duration or relationship to lease terms established, or that may be established, by the City Council. Additionally, without understanding the lease terms that have been or will be established by the Council, the HDC has no basis on which to understand whether the building modifications would be acceptable to the City Council. The City Council should make the final decision regarding modifications to City-owned buildings; not the HDC.)
6. Can you please produce a staff report with legible figures and labels so the public and decisionmakers can understand what changes are proposed to the building? (Figures 2, 3, and 4, and Attachment 6 sheet A-1 are impossible to decipher in terms of existing structure and proposed modifications, and yet these figures would serve as the basis for illustrating and defining the recommended approval, so they need to be fully legible.)
7. Can you clarify CDD's interpretation of "parking available to serve the project"? (The staff report states, "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaced in a nearby Railroad Block public parking lot." These 368 public parking spaces are available for use by existing business employees, light-rail users, Historic District visitors, etc., under existing conditions.

Unless these spaces are specifically allocated “to serve the” project, the staff report should be revised to clarify that these are shared spaces available on a first-come/first-served basis that “may be available” when not occupied by others.)

8. Can you please clarify how many parking spaces the project would provide? (If the answer is “zero,” the staff report should clearly state that. As currently written the staff report misleadingly states that, “the project exceeds the minimum parking requirement by providing 318 permanent parking spaces.” If the project proposes to provide 318 parking spaces, please describe where these spaces will be located.)
9. Can you please clarify the proposed hours of operation – both in terms of when the business would be open to serve the public and when the business would operate for the production of beer. Page 12 of the staff report (HDC packet page 124) discusses that one of the mitigating factors for potential odor impacts is that brewing times would be scheduled for Mondays and Tuesdays only. Yet, the “hours of operation” for the project (on that same page) are listed as 12pm to 10pm Wednesday through Sunday implying no operations on Mondays and Tuesdays. It appears that references to operations Wednesday through Sunday is intended to mean when the brewery would be open to the public; and that operations for brewing beer would be permitted to occur on Mondays and Tuesdays (during “daytime hours for greater odor dispersion” – a less-than-clear definition of permitted brewing hours). Clarification of the actual proposed hours of operation is needed with differentiation between hours when open to the public and hours when brewing is allowed.
10. Can you please explain what odor impacts are anticipated to result from the project? The “Odor Impacts” discussion (pg. 12 of staff report; HDC packet pg. 124) discusses release of steam and “other byproducts” from a vent in the roof, but doesn’t explain the source, type, or intensity of anticipated odor sources (e.g., with the brewing process and byproduct simply generate a new mildly noticeable odor or will it stink to high hell several blocks away from the operation?) A bullet list of six items (five on packet pg. 124, one on pg. 125) is provided that appears to be mitigation-like measures to address odor impacts. Although no analysis of odor impacts is provided, a list qualitative requirements is apparently thought by staff to be sufficient to reduce whatever the odor impacts would be. Scheduling brewing times on Mondays and Tuesdays, when the operation would not be open to the public, as an odor impact mitigation measure implies that there is some anticipated odor that would be offensive to the public during brewing. Yet, while closing the business to customers during periods of brewing would avoid customer exposure, it would do nothing to reduce odor emissions and odor impacts to surrounding residents, businesses, and Historic District visitors. Odor impacts to adjacent existing and approved but not yet developed land uses (including residences), must be evaluated. The potential for significant odor impacts that need mitigation clearly creates an unusual circumstance associated with the proposed use creating a reasonable possibility that the project will have a significant air quality/odor impact. The project’s potential odor impacts, unevaluated at present but acknowledged as requiring mitigation, creates an exception to the staff-asserted CEQA exemptions, and a full analysis of potential odor sources and the impacts to surrounding sensitive receptors is needed.
11. Can you provide copies of all comments from public agencies received on the project? The staff report references “recommendations provided by the Sacramento Air Quality Management District”, but the staff report does not provide documentation of any comments provided by SMAQMD. It is also unclear as to when and how agency review and input on the project was solicited.

February 27, 2023

12. Has the CDD fully assessed the City obligations and liabilities associated with leasing this portion of the building to a private entity and for selling alcohol at a City-owned property? For air permits and possibly other regulatory permits, would the City, as the building/property owner have obligations or liabilities associated with compliance? Also, Banks' email to Joan Walter (packet pg. 175) references that he will follow-up regarding potential storage of hazardous materials, but I do not see follow-up or resolution of that issue in the staff report. Are hazardous materials – or even just obnoxious/nuisance materials (e.g., odor-causing byproducts) – associated with the project and, if so, what is the City's liability associated with such use? Issues of liability would appear to be well outside of the purview of the HDC, yet very relevant in a decision of whether or not to approve a CUP for the project. So, again, I question whether the HDC should be asked to approve or simply asked to serve in its more appropriate advisory function to the Council.

Sincerely,



Bob Delp
Historic District Resident
Folsom, CA 95630
bdelp@live.com

**Community Development Department "Pending Development Applications" Webpage List
of Projects as of 11am, Feb 27, 2023**

UPDATED PROJECT: 603 Sutter Street Mixed Use Project (February 2023)	>
Vintage at Folsom Senior Apartments	>
Folsom Corporate Center Apartments	>
Barley Barn (previously Folsom Prison Brews)	>
Barley Barn Tap House Appeals	>
Russell Ranch Phase 2 Lots 24 through 32 Minor Administrative Modifications	>
Dignity Health Folsom Ranch Medical Center	>
Alder Creek Apartments Project	>
Dignity Health Campus Project	>
AT&T Livermore Park Monopine Cellular Site	>
Kaiser Medical Office Building	>
311 Coloma Street	>

March 1, 2023

Attachment 2

Additional Questions to Community Development Department Feb 28, 2023

Re: Uncle Charlies

Bob Delp <bdelp@live.com>

Tue 2/28/2023 6:03 PM

To: Pam Johns <pjohns@folsom.ca.us>

Cc: Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; danwestmit@yahoo.com <danwestmit@yahoo.com>; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john_carrie_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>

Thank you, Pam. Per review of the application materials now on the Pending Development Projects webpage, I have a few additional questions that I'm hoping can also be answered:

The application notes that the project is requesting a zone change from HD/C2 to M2. The General Info page also identifies "Rezone" as one of the requested entitlements. That's not discussed in the staff report, but is the project requesting to change the zoning of the parcel?

The application is to include the Property Owner's Signature, but that portion of the application is left blank. Isn't it necessary to have the property owner's signature for a building modification and CUP?

The question "Change in dust, ash, smoke, fumes, or odors in vicinity" is marked **YES** on the application, in which case additional explanation is to be provided with the application. I do not see that in the posted materials; where can I find that information?

The question "Substantial change in demand for municipal services (police, fire, water, sewage, etc.)" is marked **YES**, in which case additional explanation is to be provided with the application. I don't doubt that the answer is correctly identified as yes. There are likely additional police and fire protections needed for this operation, and I expect also increased water supply and wastewater conveyance utilities that weren't installed for the parking garage. However, notwithstanding the application's acknowledgement that the project would result in a substantial change in demand for services, I do not see any information about public services or utilities in the posted materials nor any attempt in the staff report to identify or evaluate the increased demand; where can I find that information?

The HazWaste Disclosure marks that "The subject property **IS** listed on the Hazardous Waste and Substances Sites List" per Gov Code 65962.5. CEQA statute 21084(d) expressly prohibits using a categorical exemption on "d) A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a)." CEQA Guidelines 15300.2, Exceptions, subdivision "e" reiterates that a "categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code." The application specifically states that the project **IS** on a Gov Code 65962.5 site. Why then is staff recommending that the project is exempt from CEQA?

Thank you,
-Bob

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

From: Pam Johns <pjohns@folsom.ca.us>
Sent: Tuesday, February 28, 2023 1:24 PM
To: Bob Delp <bdelp@LIVE.COM>
Cc: Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; danwestmit@yahoo.com <danwestmit@yahoo.com>; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john_carrie_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>
Subject: RE: Uncle Charlies

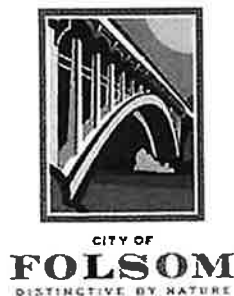
Hi Bob,

Thank you for your comments. As always, we'll be sure to include your letter as part of the public comments received and will be prepared to address comments and questions at the Commission meeting on Wednesday.

We have posted the project information to the City's website under pending applications, which is not a requirement but is our practice. The project was previously posted and we're not sure when or how it was removed but we have re-posted the application materials.

Steve Banks will follow up to provide the additional information you requested.

Pam



Pam Johns

Community Development Director

City of Folsom

50 Natoma Street, Folsom, CA 95630

pjohns@folsom.ca.us

o: 916-461-6205 c: 916-764-0106

www.folsom.ca.us

From: Bob Delp <bdelp@LIVE.COM>
Sent: Monday, February 27, 2023 12:17 PM
To: Pam Johns <pjohns@folsom.ca.us>
Cc: Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com; danwestmit@yahoo.com; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john_carrie_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>
Subject: Uncle Charlies

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Ms. Johns:

Please see attached letter requesting additional information regarding Uncle Charlie's Firehouse and Brew (PN 22-158) and requesting postponement of an HDC hearing on the project until sufficient information and time for public review is provided.

Thank you,

-Bob Delp

916-812-8122

bdelp@live.com

March 10, 2023

Attachment B

Bob Delp emails to Pam Johns between January 10, 2023, and March 1, 2023, requesting information on the status of Barley Barn building permit application and requesting verification that the Barley Barn entitlements are null and void.

Re: Barley Barn Building Permit

Bob Delp <bdelp@live.com>

Fri 3/3/2023 12:23 PM

To: Pam Johns <pjohns@folsom.ca.us>

Cc: Steven Wang <swang@folsom.ca.us>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; YK Chalamcherla <ykchalamcherla@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>

Pam:

Again, I am asking for you to confirm that the approvals issued for Barley Barn are null and void. Although your email below states that it is your policy to not comment on active litigation, Mr. Banks' comments to the Historic District Commission on March 1, 2023, are 1) inconsistent with that policy, 2) incorrect in too many ways to list here, and 3) failed to advise the HDC that the Barley Barn approvals have expired.

I do think there would be benefit of implementing a policy of refraining your staff from commenting on active (or any other) litigation. For the record, Mr. Banks' comments, with Ms. Dierking's interjection are quoted below.

Banks: I wanted to update you on the Barley Barn saga. As you are aware the project was approved by the Commission, it was appealed by the Heritage Preservation League. The judge denied the appeal. That decision was appealed... that decision of the first judge was appealed up to I believe a series of three judges who denied that appeal and I believe they have one more opportunity to appeal.

Dierking: They essentially asked one judge to look at it again. They asked for a new trial to look at the issue again. And that request was denied.

Banks: So we don't know if they're going to utilize another appeal process, but that's the latest on the legal realm of things on the Barley Barn project. And it's also one of the reasons why this applicant [apparently referring to Uncle Charlie's] held off on moving forward because they're using the same CEQA exemptions that Barley Barn used and they wanted that process to play out in the courts before they came forward to this Commission. And so we felt comfortable enough with two appeals being denied that they were in good shape to apply those same exemptions.

Bob Delp

916-812-8122

bdelp@live.com

From: Bob Delp <bdelp@live.com>

Sent: Thursday, February 23, 2023 7:44 AM

To: Pam Johns <pjohns@folsom.ca.us>

Cc: Steven Wang <swang@folsom.ca.us>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; YK Chalamcherla <ykchalamcherla@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>

Subject: Re: Barley Barn Building Permit

Thank you, Pam.

To be clear, I am not asking about the Barley Barn CEQA litigation and would not expect you to comment on that. Instead, I am just asking you to acknowledge that the CUP and design review approvals are null and void pursuant to deadlines established by the municipal code and conditions of approval.

The Community Development Department must have a system for tracking active and expired approvals, and I am simply interested in confirming that the Barley Barn approval is properly categorized as expired.

Thank you,
-Bob Delp
916-812-8122
bdelp@live.com

From: Pam Johns <pjohns@folsom.ca.us>
Sent: Wednesday, February 15, 2023 6:02 PM
To: Bob Delp <bdelp@live.com>
Cc: Steven Wang <swang@folsom.ca.us>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; YK Chalamcherla <ykchalamcherla@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>
Subject: RE: Barley Barn Building Permit

Hi Bob,

It is the City's policy not to comment on active litigation.

Pam

From: Bob Delp <bdelp@live.com>
Sent: Wednesday, February 15, 2023 8:27 AM
To: Pam Johns <pjohns@folsom.ca.us>
Cc: Steven Wang <swang@folsom.ca.us>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Scott Johnson <sjohnson@folsom.ca.us>; Rosario Rodriguez <rrodriguez@folsom.ca.us>; YK Chalamcherla <ykchalamcherla@folsom.ca.us>; Sarah Aquino <saquino@folsom.ca.us>; Mike Kozlowski <mkozlowski@folsom.ca.us>
Subject: Re: Barley Barn Building Permit

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Hi, Pam. This is a reminder that after over a month since my original request I am still interested in your feedback regarding the Barley Barn project's null and void status.

Thank you,
-Bob

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

From: Bob Delp <bdelp@live.com>
Sent: Wednesday, February 8, 2023 10:51 AM

To: Pam Johns <pjohns@folsom.ca.us>
Subject: Re: Barley Barn Building Permit

Hi, Pam. This is a reminder that I'm still interested in your feedback regarding the Barley Barn's null and void status.

Thank you,
-Bob Delp

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

From: Bob Delp <bdelp@live.com>
Sent: Tuesday, January 31, 2023 8:05 AM
To: Pam Johns <pjohns@folsom.ca.us>
Subject: Re: Barley Barn Building Permit

Hi, Pam. Are you able to provide feedback on this?
Thanks,
-Bob

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

From: Bob Delp <bdelp@live.com>
Sent: Wednesday, January 18, 2023 9:52 AM
To: Pam Johns <pjohns@folsom.ca.us>
Subject: Fw: Barley Barn Building Permit

Pam:

This is a reminder that I am awaiting your feedback on the Barley Barn's null and void status. Condition of Approval 3 and FMC 17.52.350 (both included below for ease of reference) are clear that the project approvals are null and void if the CUP hasn't been exercised or if a complete application for building permit hasn't been submitted within one year of approval and if no extension was granted by the HDC. You have confirmed that a building permit has not been submitted and I am aware of no request or action by the HDC to extend the approval. I realize Condition 3 states "null and void *without further action*," so I'm not asking or suggesting that you need to take any action on the expired project. But to close the loop, I would just like to have your reply confirming that status.

Thank you,
-Bob Delp

Condition of Approval 3 (as adopted by HDC on Nov 18, 2021; and not modified by City Council in Jan 11, 2022 appeal hearing):

The project approvals (Conditional Use Permit and Design Review) granted under this staff report shall remain in effect for one year from final date of approval (November 18, 2022). If the Conditional Use Permit has not been exercised within the identified time frame prior to the expiration date and the applicant has not demonstrated substantial progress towards the development of the project, respectively, these approvals shall be considered null and void without further action. The owner/applicant may file an application with the Community Development Department for a permit

extension not less than 30 days prior to the expiration date of the permit, along with appropriate fees and necessary submittal materials pursuant to Chapter 17.60 of the Folsom Municipal Code.

17.52.350 Expiration and extension of approval.

A. An approval by the historic district commission shall be null and void unless the applicant submits a complete application for a building permit within one year from the date of approval.

B. The historic district commission may extend an approval for an additional 1 year upon receipt of a written request accompanied by a fee, as may be established by resolution of the city council, and other information deemed necessary by the director of the department of planning, inspections and permitting. Requests for approval extension must be received 60 days prior to the expiration of the original approval. (Ord. 890 § 2 (part), 1998)

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

From: Bob Delp <bdelp@live.com>
Sent: Wednesday, January 11, 2023 12:22 PM
To: Pam Johns <pjohns@folsom.ca.us>
Subject: Re: Barley Barn Building Permit

Okay, thanks. Are the approvals null and void since it's been over a year?

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

From: Pam Johns <pjohns@folsom.ca.us>
Sent: Wednesday, January 11, 2023 10:35 AM
To: Bob Delp <bdelp@live.com>
Subject: RE: Barley Barn Building Permit

Good morning, Bob.

I just checked the system and confirmed that we do not have any permit submittal for Barley Barn at 608 ½ Sutter Street.

Take care.

Pam

From: Bob Delp <bdelp@live.com>
Sent: Wednesday, January 11, 2023 7:50 AM
To: Pam Johns <pjohns@folsom.ca.us>
Subject: Re: Barley Barn Building Permit

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

Thanks, Pam. I've looked on eTrakit and I don't see any permit activity for 608½ Sutter Street. It's possible I'm not using the search correctly, so would appreciate if you can confirm when you have a chance.

Thank you,

-Bob

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

From: Pam Johns <pjohns@folsom.ca.us>
Sent: Tuesday, January 10, 2023 5:00 PM
To: Bob Delp <bdelp@LIVE.COM>
Subject: RE: Barley Barn Building Permit

Happy New Year, Bob.

I am running out to grab a bite before City Council, but you can always search for permits in our system anytime you'd like. I've attached the instructions. If you prefer to have me look it up, I'll get back to you later this evening or early tomorrow.

Pam



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Pam Johns

Community Development Director

City of Folsom

50 Natoma Street, Folsom, CA 95630

pjohns@folsom.ca.us

o: 916-461-6205 c: 916-764-0106

www.folsom.ca.us

From: Bob Delp <bdelp@LIVE.COM>
Sent: Tuesday, January 10, 2023 3:15 PM
To: Pam Johns <pjohns@folsom.ca.us>
Subject: Barley Barn Building Permit

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

Hi and happy new year, Pam. Can you let me know if a building permit has been submitted for the Barley Barn project (PN19-174)?

Thank you,
-Bob

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

March 10, 2023

Attachment C

January 26, 2022, letter to City Manager Elaine Andersen "Subject: Request to Respect City Charter Limitations on Historic District Commission Authority."

January 26, 2022

Ms. Elaine Andersen, City Manager
Ms. Pam Johns, Community Development Director
City of Folsom
50 Natoma Street
Folsom, CA 95630

via email to: Elaine Andersen (eandersen@folsom.ca.us); Pam Johns (pjohns@folsom.ca.us)
cc via email to: Steven Wang (swang@folsom.ca.us); Sari Dierking (sdierking@folsom.ca.us)

Subject: Request to Respect City Charter Limitations on Historic District Commission Authority

Dear Ms. Andersen and Ms. Johns,

This letter is to request that the Community Development Department cease its practice of treating decisions of the Historic District Commission (HDC) as final approvals and, instead, treat HDC decisions as advisory recommendations to the City Council in keeping with the limitations on HDC authority imposed by the Charter of the City of Folsom. I am requesting that this change in practice be implemented immediately and retroactively, including decisions made at the HDC's January 19, 2022, meeting, and that the projects considered at the HDC's January 19 meeting be brought to the City Council for a final decision without requiring that a formal appeal be filed. I am not intending to undermine the important review and advisory function of the HDC, but I am seeking an end to the practice of HDC decisions that exceed its authority.

The City of Folsom Charter at Section 4.07, "Boards and Commissions," establishes the City Council's authority to create Boards and Commissions and to prescribe the powers and duties of such Boards and Commissions. However, Section 4.07 of the City Charter expressly states that "[a]ll boards and commissions *only shall be advisory* to the Council." The City Charter may be amended only by a vote of the citizens of the City of Folsom, and the citizens of Folsom have not delegated final approval authority to the HDC. Neither City staff, the HDC, nor the City Council has the authority to amend or disregard this limitation on the HDC's authority. Therefore, to function within the limitations prescribed by the citizens of the City of Folsom in the City Charter, HDC decisions may not constitute final approvals. Instead, HDC decisions must be treated as advisory recommendations to the City Council for the City Council's final consideration and decision of whether to approve or otherwise take final action on a project.

For reasons discussed above, please consider this letter as 1) my objection to the City's past practice of treating HDC decisions as final approvals, 2) my request that the two projects ostensibly "approved" by the HDC on January 19, 2022, be brought to the City Council for a final decision prior to considering those projects "approved," and 3) to treat all future HDC decisions as advisory requiring any final action or approval to be made by the City Council.

Sincerely,



Bob Delp
Folsom, CA 95630
bdelp@live.com

March 10, 2023

Attachment D

Bob Delp emails and letter to City Manager Elaine Andersen "Subject: Request for Enforcement of FMC Camping Prohibitions at ___ Mountain View Drive."

RE: Request for Enforcement of FMC Camping Prohibitions

Elaine Andersen <eandersen@folsom.ca.us>

Mon 10/17/2022 2:24 PM

To: Bob Delp <bdelp@live.com>

Cc: Christa Freemantle <cfreemantle@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>; Pete Piccardo <ppiccardo@folsom.ca.us>

Hello, Bob. Thanks for reaching out. Code enforcement matters are between the Code Enforcement Officer and the person charged with the violation. No third party may influence the independent determination of the Code Enforcement Officer. If a third party wishes to challenge the alleged violator, that would be via an action against the alleged violator in court.

Elaine Andersen

City Manager

City Manager's Office

50 Natoma Street, Folsom, CA 95630

O: 916.461.6012



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



www.folsom.ca.us

From: Bob Delp <bdelp@live.com>

Sent: Monday, October 17, 2022 12:21 PM

To: Elaine Andersen <eandersen@folsom.ca.us>

Cc: Christa Freemantle <cfreemantle@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>; Pete Piccardo <ppiccardo@folsom.ca.us>

Subject: Re: Request for Enforcement of FMC Camping Prohibitions

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

Ms. Andersen:

First, I want to express my appreciation to Mr. Piccardo for reaching out to me last Friday (Oct 14) regarding investigation into the █████ Mountain View Drive camping situation. Based on my discussion with him, I understand that Mr. Piccardo has determined the use of the travel trailer on the property is in violation of the City's camping ordinance at least in so far as the trailer does not comply with the required side yard separation from the street by a fence or hedge. (Mr. Piccardo also mentioned the need for a concrete pad to be in place under the trailer, although I do see that requirement in the code.) Mr. Piccardo said he is working with the property owner to "bring him into compliance," and my impression is that neither an order to remove the trailer nor an order to cease illegal camping has been issued.

I mentioned to Mr. Piccardo that I read the City Camping Ordinance (FMC Section 9.100) as relevant to this situation as prohibiting camping (including placement/use of a travel trailer) on a private property unless, among other requirements, there is a "residence" at the property with "residence" defined as used throughout the FMC to mean a residential dwelling structure not simply a residential property. Mr. Piccardo apparently does not make that determination. There is no need for Mr. Piccardo and I to debate these circumstances, and I appreciate his efforts and verification that camping on the property is currently being done in a manner that does not comply with the FMC.

By way of this email, I would like to know if the City Manager's determination is the same and Mr. Piccardo's both in terms of the camping violation and in terms of the steps being taken to address the violation. I know I have the option to appeal a staff-level determination to the City Manager and that I ultimately have the option to appeal the City Manager's determination to the City Council who may hear my appeal or may refer my appeal to an outside and independent hearing officer for adjudication. Presently, I am asking for: 1) confirmation that my summary above accurately reflects Mr. Piccardo's position on the situation or a written clarification of Mr. Piccardo's position if it varies from my summary, and 2) your input as City Manager of whether you concur with Mr. Piccardo's position so I can know if I should be appealing Mr. Piccardo's determination to you or if I should be appealing the determination to the City Council.

Thank you,
-Bob Delp
916-812-8122
bdelp@live.com

From: Bob Delp <bdelp@live.com>
Sent: Thursday, October 13, 2022 11:15 AM
To: Elaine Andersen <eandersen@folsom.ca.us>
Cc: Christa Freemantle <cfreemantle@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>
Subject: Re: Request for Enforcement of FMC Camping Prohibitions

Good morning, Elaine. Can you let me know the status of any City actions taken or planned in response to my Oct 6 request for enforcement of camping prohibitions at [REDACTED] Mountain View Drive?

Thank you,
-Bob

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

From: Bob Delp
Sent: Thursday, October 6, 2022 3:04 PM
To: Elaine Andersen <eandersen@folsom.ca.us>
Cc: Christa Freemantle <cfreemantle@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>; [REDACTED]
[REDACTED]
Subject: Request for Enforcement of FMC Camping Prohibitions

Ms. Andersen:

Please see the attached request for enforcement of FMC camping prohibitions at [REDACTED] Mountain View Drive.

Thank you,
-Bob

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

October 6, 2022

Ms. Elaine Andersen, City Manager
City of Folsom
50 Natoma Street
Folsom, CA 95630
via email to: eandersen@folsom.ca.us

SUBJECT: Request for Enforcement of FMC Camping Prohibitions at [REDACTED] Mountain View Drive

Dear Ms. Andersen:

According to City records and an October 3, 2022, article in the Sacramento Bee, an individual claims to be living in a travel trailer at [REDACTED] Mountain View Drive at which property a residence is apparently under construction, but a completed and occupiable residence does not exist.

Residing in a travel trailer is defined as "camping" pursuant to Folsom Municipal Code (FMC) section 9.100.020. Camping "anywhere, within the City of Folsom, whether on public or private property" is prohibited by FMC section 9.100, except for certain limited circumstances none of which appear to apply in the present circumstance.

By way of this letter, I am requesting that the City Manager investigate the circumstances at this property and enforce FMC section 9.100 camping prohibitions as may be applicable and necessary to cease any camping at the property in violation of the FMC.

For reasons that need not be stated here and of which you will undoubtedly be aware, the situation in this instance has broader implications not limited solely to compliance with the City camping ordinance. Therefore, as a citizen of the City of Folsom, I urge you to take this matter seriously and act swiftly while giving strong deference to the plain language of the FMC.

If you have any questions regarding this request, please feel free to contact me at the email address below.

Sincerely,



Bob Delp
City of Folsom Resident
bdelp@live.com

cc: Ms. Christa Freemantle, City Clerk - cfreemantle@folsom.ca.us
Steven Wang, City Attorney - swang@folsom.ca.us
[REDACTED]

March 10, 2023

Attachment E

**“City of Folsom Preliminary Cultural Resources Inventory” (Appendix D of “City of Folsom
Historic Preservation Master Plan” November 5, 1998.)**

APPENDIX D

**CITY OF FOLSOM
PRELIMINARY CULTURAL RESOURCES
INVENTORY**

CITY OF FOLSOM
PRELIMINARY CULTURAL RESOURCES INVENTORY
(Numerical Index to Cultural Resources Map)

Ethnographic Features – Native American

1. BRM locations along American River below Rainbow Bridge

Historical Buildings/ Structures/ Features – Transportation-Related

2. Sacramento Valley Railroad Grade, factual date 1855
3. Granite Block Culvert beneath Folsom Boulevard near Willow Creek State Park, factual 1855
4. Alder Creek Trestle
5. SVRR/CPRR turntable site on Railroad Block, National Register Property, factual dates 1856, 1867, 1900.
Archaeological deposits on Railroad Block, circa 1856-1870
6. Alder Creek Depot Building, circa 1890s
7. Station Master's House near Wye Junction, circa 1920s
8. Ashland Depot, National Register Property, circa 1860s
9. Folsom Depot, National Register Property, factual 1906
10. Kinsey Bridge Abutments, circa 1850s
11. Rainbow Bridge, NRHP eligible, factual 1917
Steel Truss Bridge, factual 1983-1930
12. Sacramento, Placer and Nevada Railroad ROW, factual 1862
Railroad grade along Oak Avenue Parkway near Cascade Falls
13. California Central ROW, Folsom to Lincoln Railroad grade
Wye junction at Bidwell and Folsom Boulevard

14. Ashland townsite
15. Placerville and Sacramento Valley Railroad ROW
16. Folsom Dam
17. Stone building remnants

Historical District Cultural /Architectural Resources

18. Granite pillars from State Capitol grounds
19. Granite School, circa 1900
20. Figueroa Street Bridge, between Riley and Wool, factual 1916
21. Sutter Street Historic Commercial District, 600-900 blocks of Sutter Street
Historic Residential Area
22. Emma's

Historical Cemeteries and Churches:

23. St. John's Catholic Church, est. circa 1855
24. Trinity Episcopal Church, est. circa 1860
25. Landmark Baptist Church, est. circa 1855
26. St. John's Catholic Cemetery, established circa 1855
27. Odd Fellows and Mason's Cemeteries, est. circa 1856
Remainder of Lakeside Cemetery, est. circa 1850s
28. Chung Wah Cemetery, NRHP property, est. circa 1850s
29. Young Wo Cemetery, CHL, est. circa 1870s
Mormon Island Cemetery

Previously surveyed Structures:

30. a) 305 Scott Street, Cohn House, NRHP property, factual 1860, alt. 1895
b) 607 Sutter Street, original library, circa 1915
c) 701 Sutter Street, Murer Gas Station, circa 1920
d) 707, 709, 711, 713 Sutter Street, Commercial buildings, circa 1860
e) 917, 921, 923 Sutter Street, Chinese Laundries and residences
31. Stockton Flour Mill site and remnant foundations, circa 1856
32. Giuseppe Murer House

Historic Structures, Industrial/Energy

33. Folsom Hydroelectric National Historic Landmark, CA-Sac-429H
Powerhouse 1, NRHP Property, CHL, est. 1895
Powerhouse 2, NRHP Property, CHL
Twin Mines/ Gray Eagle Mine
34. Livermore sawmill foundation remnants and mill pond
35. Diversion Dam and Powerhouse, Folsom Prison
Canal (1.5 miles) and main Gates, Livermore operation
Gas plant archaeological remains, circa 1860
Granite Quarry, Folsom Prison
Other granite quarry sites
36. Aerojet and aerospace industrial operation

Historic Features, Mining-related Resources

37. Walltown gold mines and ditch network
38. Natoma Ground Sluice diggings, Hwy. 50
39. Placer Sluicing pits, tailing piles, ditches and drains, Lake Natoma
40. Dredger Tailing Piles representative of different dredging technology episodes
41. Natoma Water and Mining Company ditches and reservoirs
42. Mining adits and tunnel portals, Lake Natoma
43. Tate's (aka Teat's) Flat Ditch
44. Alder Creek Pump House remains

45. Negro Bar townsite, 1849-1856
46. Texas Hill townsite, 1849-1856
47. Prairie City townsite, 1850-1856
48. Mormon Island townsite, 1850-1945
49. Pratt Rock narrow-gauge railroad grade
50. Eucalyptus and olive grove experimental reclamation project property
51. Willow Spring Hill Diggings
52. Humbug and Willow Creeks Mining Corridors
53. Hydraulic mining sites American River bike trail across from City Park
Hydraulic mining areas
54. Negro Hill
55. Chinatown Site
56. Chinese mining site

Historic Structures, Sites – Agricultural/Ranching-related

57. Broder Ranch Complex
58. Russell Ranch Complex(with old horse barn)
59. Smith Ranch
60. Wilson Ranch (1850s house and barn)
61. Olive Orchard east of Folsom-Auburn Road north of Oak Avenue
62. Salmon Falls townsite

Points of Local Interest

63. Natoma Grove
64. Dredge/Natoma townsite
65. Folsom Institute Site
66. Folsom High School (original Hall/wing)
67. Rodeo Arena site
68. John Kemp House
69. Clarksville

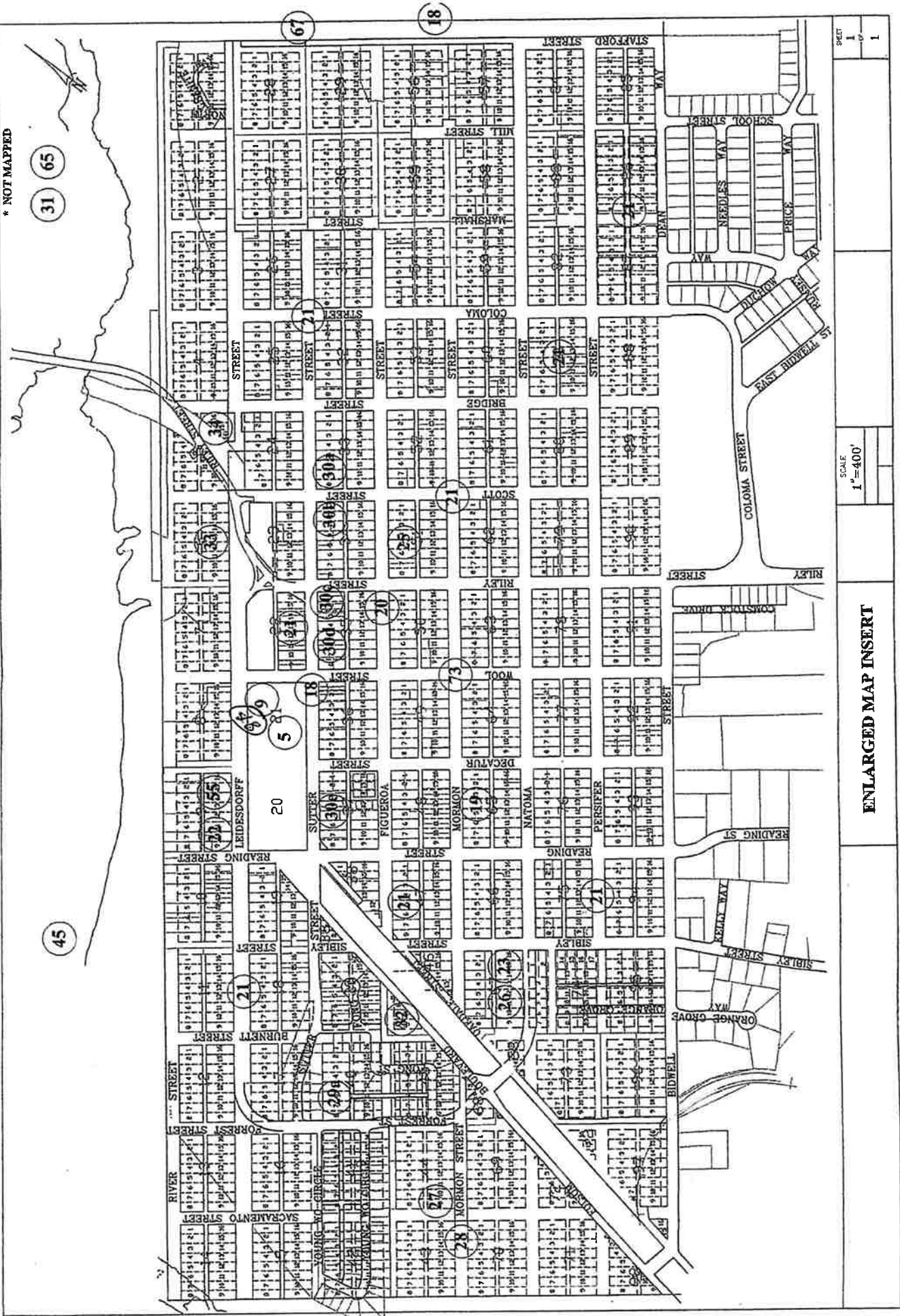
Views, Viewsheds, and Landscapes

70. Oak Canopy on Folsom Boulevard between Blue Ravine and Factory outlets
Folsom Historic District from Greenback looking southeast from northwest corner
of Negro Bar State Park.
71. River and gorge looking upstream from Rainbow Bridge
72. River and bluffs looking downstream from new bridge
American River drainage from new high school site looking west.
73. Shoot-out site at Wool and Mormon Streets

* NOT MAPPED

31 65

45



SCALE
1" = 400'

ENLARGED MAP INSERT

SHEET

1

ATTACHMENT 2



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

AGENDA ITEM NO. 3
Type: Public Hearing
Date: March 1, 2023

Historic District Commission Staff Report

50 Natoma Street, Council Chambers
Folsom, CA 95630

Project: Uncle Charlie’s Firehouse and Brew
File #: PN 22-158
Request: Conditional Use Permit and Design Review
Location: 905 Leidesdorff Street
Parcel(s): 070-0052-023
Staff Contact: Steve Banks, Principal Planner, 916-461-6207
sbanks@folsom.ca.us

Property Owner
Name: City of Folsom
Address: 50 Natoma Street
Folsom, CA 95630

Applicant
Name: Taryn Grows
Address: 821 Governor Drive
El Dorado Hills, CA 95762

Recommendation: Conduct a public hearing and upon conclusion approve a Conditional Use Permit and Design Review for development and operation of a craft brewery (Uncle Charlie’s Firehouse and Brew) within an existing 3,322-square-foot building located within the first floor of the Historic District parking structure at 905 Leidesdorff Sutter Street based on the findings (Findings A-I) and subject to the conditions of approval attached to this report (Conditions 1-27).

Project Summary: The proposed project includes a request for approval of a Conditional Use Permit and Design Review to allow for the development and operation of a craft brewery (Uncle Charlie’s Firehouse and Brew) within an existing 3,322-square-foot vacant commercial tenant space situated within the Historic District parking structure located at 905 Leidesdorff Street. The proposed craft brewery, which will include a ten-barrel brewing system housed within a raised brewing area, will produce craft beers and seltzers for on-site consumption. Minor exterior modifications are proposed to the existing commercial building including replacement of an existing exterior door and windows on the south building elevation with two bi-fold aluminum-framed glass doors and replacement of the existing canvas window awnings with new black-colored canvas awnings.



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

AGENDA ITEM NO. 3
Type: Public Hearing
Date: March 1, 2023

Table of Contents:

- 1 - Description/Analysis
- 2 - Background
- 3 - Conditions of Approval
- 4 - Vicinity Map
- 5 - Site Plan, dated February 17, 2023
- 6 - Garage Plan, dated February 17, 2023
- 7 - Patio Plan, dated February 17, 2023
- 8 - Floor Plan, dated February 17, 2023
- 9 - Building Elevations, dated February 17, 2023
- 10 - Signage Program
- 11 - Project Narrative, dated January 3, 2023
- 12 - Site Photographs
- 13 - Letter from Historic Folsom Residents Associated, dated July 8, 2022
- 14 - Letters of Support

Submitted,

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

PAM JOHNS
Community Development Director

ATTACHMENT 1 DESCRIPTION/ANALYSIS

APPLICANT'S PROPOSAL

The applicant, Taryn Grows, is requesting approval of a Conditional Use Permit and Design Review to allow for the development and operation of a craft brewery (Uncle Charlie's Firehouse and Brew) within an existing 3,322-square-foot vacant commercial tenant space situated within the Historic District parking structure located at 905 Leidesdorff Street. The proposed craft brewery, which will include a ten-barrel brewing system housed within a raised brewing area, will produce craft beers and seltzers for on-site consumption. Limited food and snacks will be sold within the craft brewery, however, foods from local restaurants will be able to be delivered to customers. In terms of capacity, the craft brewery will have 13 interior tables, an interior bar area with 20 seats, and 13 exterior bar-style seats. Hours of operation are proposed to be Wednesday through Sunday from 12:00 p.m. to 10:00 p.m.

Minor exterior modifications are proposed to the existing commercial building including replacement of an existing exterior door and windows on the south building elevation with two bi-fold steel-framed glass doors and replacement of the existing canvas window awnings with new black-colored canvas awnings. The site plan, proposed building elevations, and proposed floor plan are shown in Figures 1-4 on the following pages.

Vehicle access to the project site is provided by existing roadways including Sutter Street, Leidesdorff Street, and Reading street. Pedestrian access to the project site is provided by a series of existing public sidewalks and public pedestrian walkways in the immediate project area. Parking to serve the Uncle Charlie's Firehouse and Brew project is proposed to be provided by utilizing existing public parking options in the immediate project area including the interconnected Historic Folsom parking structure (318 parking spaces), the Railroad Block public parking lots (50 parking spaces), and on-street surface public parking spaces. In total, there are approximately 455 public parking spaces located in the immediate vicinity of the project site.

On January 1, 2023, Assembly Bill 2097 (AB 2097) went into effect in the State of California. AB 2097 prohibits public agencies such as the City of Folsom from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. As the project is located only 300 feet from the Historic Folsom Light Rail Station, the applicant has requested application of AB 2097 to their proposed project.

FIGURE 1: SITE PLAN



FIGURE 2: PROPOSED BUILDING ELEVATION (SOUTH ELEVATION)

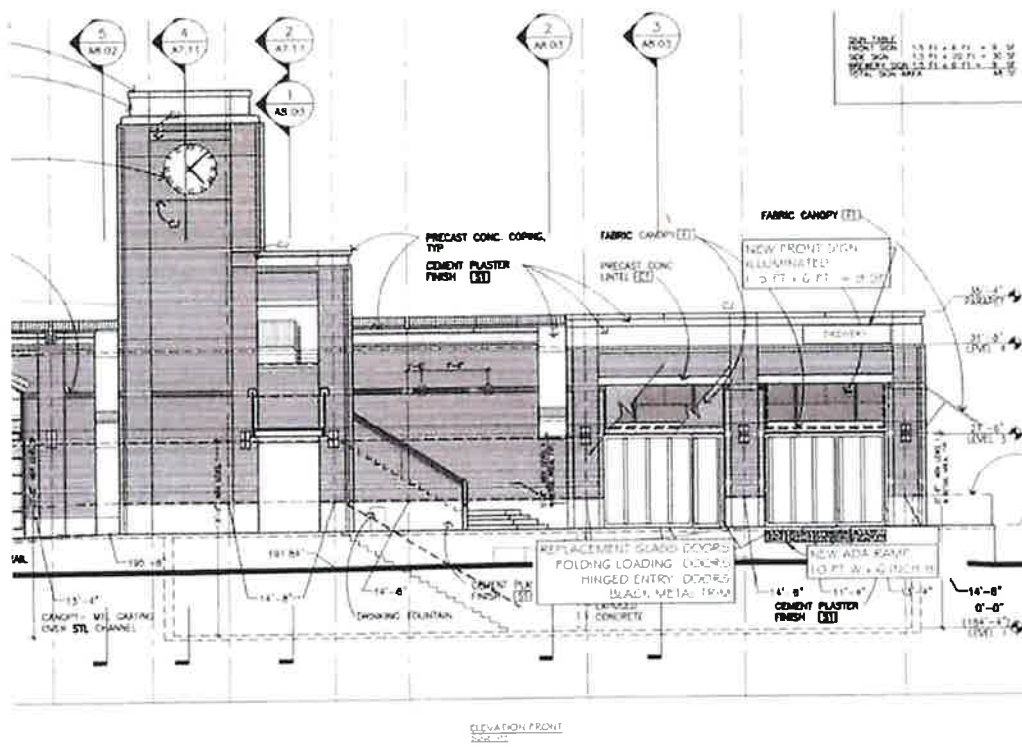


FIGURE 3: PROPOSED BUILDING ELEVATION (EAST ELEVATION)

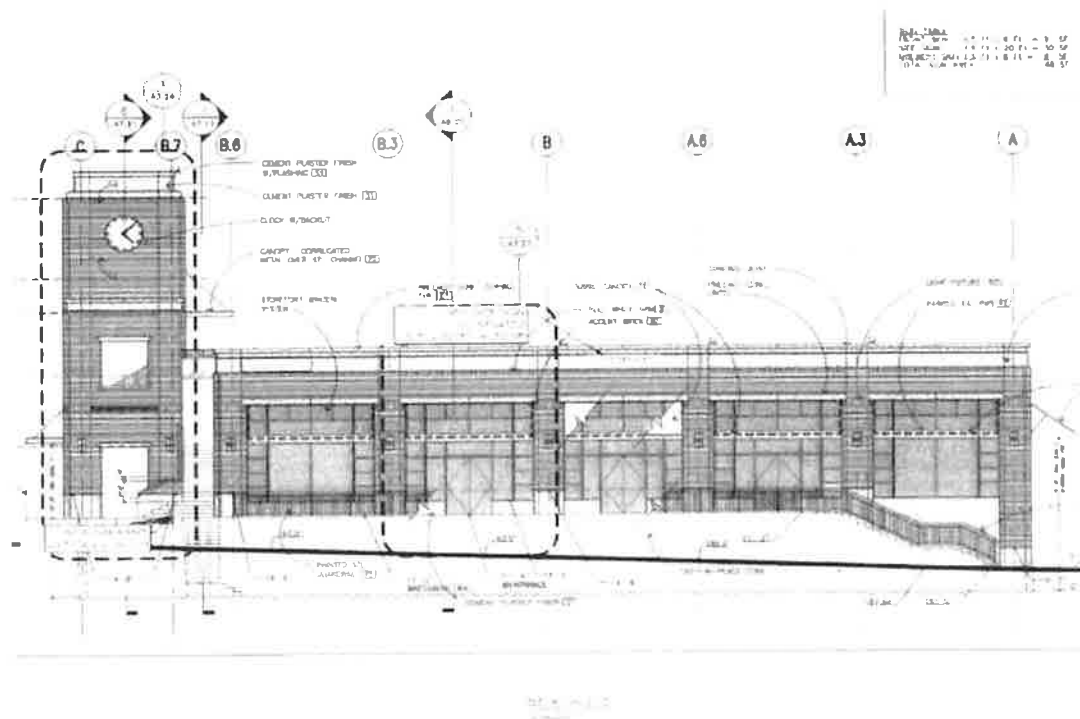
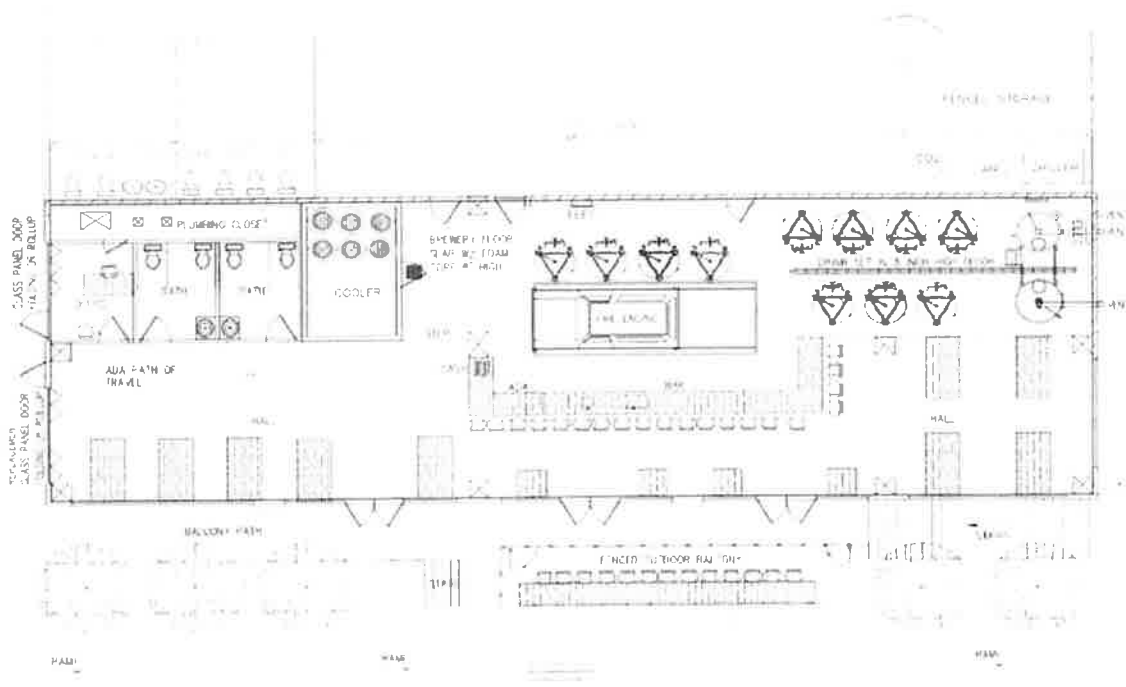


FIGURE 4: PROPOSED FLOOR PLAN



POLICY/RULE

The Folsom Municipal Code (FMC Section 17.52.510(A)(1)(c)) states that bars, taverns, and similar uses are required to obtain approval of a Conditional Use Permit from the Historic District Commission. FMC Section 17.60.040 requires that the findings of the Commission on the Conditional Use Permit shall be that the establishment, maintenance or operation of the use applied for will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the city.

Pursuant to FMC Section 17.52.300, all exterior renovations, remodeling, and modifications to existing structures are subject to design review approval by the Historic District Commission. The Commission shall consider the following criteria in deciding whether to approve, conditionally approve, or deny the design review application:

- A. Project compliance with the general plan and any applicable zoning ordinances;
- B. Conformance with the Historic District Design and Development Guidelines;
- C. Conformance with any project-specific design standards approved through the planned development permit process or similar review process; and
- D. Compatibility of building materials, textures, and colors with surrounding development and consistency with the general design theme of the neighborhood. (FMC § 17.52.330-.340.)

As noted in the project description, Assembly Bill 2097 was signed into law by the Governor on September 22, 2022, and became effective on January 2, 2023, with the main provisions codified in Government Code section 65863.2. AB 2097 prohibits public agencies (City of Folsom in this case) from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. While there is an exception in the law that allows public agencies to apply minimum parking requirements if certain written findings are made, that exception only applies to housing development projects. (Government Code § 65863.2(b).) As this is a commercial project, that exception does not apply and the City is prohibited from imposing parking requirements.

ANALYSIS

General Plan and Zoning Consistency

The General Plan land use designation for the project site is HF (Historic Folsom) and the zoning designation for the project site is HD (Historic District, Sutter Street Subarea of the Commercial Primary Area). Pursuant to Section 17.52.510 of the Folsom Municipal Code, bars, taverns, and similar uses located within the Sutter Street Subarea of the Historic District are required obtain a Conditional Use Permit from the Historic District Commission.

Staff has determined that the proposed project is consistent with the General Plan land use designation and the zoning designation upon approval of a Conditional Use Permit by the Historic District Commission. In addition, staff has determined that the proposed project, which includes only minor exterior alterations to the existing commercial building, meets all applicable development standards (building height, building setbacks, etc.) established for the Sutter Street Subarea of the Historic District.

Land Use Compatibility

The Uncle Charlie's Firehouse and Brew project site, which is comprised of a single 4.41-acre parcel, is located at 905 Leidesdorff. The project site is bounded by Leidesdorff Street to the North with commercial development beyond, Sutter Street to the south with commercial and residential development beyond, Reading Street and Folsom Boulevard to the west with residential development beyond, and Wool Street to the east with commercial development beyond.

As described above, the project site is located within an area that is predominantly commercial in nature, with numerous restaurants, bars, and retail businesses located adjacent and in close proximity to the project site. In particular, there are seven restaurants and bars located within the 800 and 900 blocks of Sutter Street including Fat Rabbit, Hop Sing Palace, Merlo Family Vineyards, Naan Tikka, Scott's Seafood, Willamette Wineworks, and Wine @815. The closest residential land use to the project site are eight multi-family apartment units (Whiskey Row Lofts) located approximately 260 feet to the south of the project site across the Railroad Block Plaza and Sutter Street. Based on this information, staff has determined that proposed project is compatible with the surrounding land uses. Detailed discussions regarding parking, pedestrian circulation, patio fencing, lighting, trash/recycling, signage, and noise are contained within subsequent sections of this staff report.

Conditional Use Permit

As previously stated within this report, the Folsom Municipal Code, (Section 17.52.510) requires that bars, taverns, and similar uses obtain a Conditional Use Permit if the use is located within the Sutter Street Subarea of the Historic District. In this particular case, the applicant is requesting approval of a Conditional Use Permit to operate Uncle Charlie's Firehouse and Brew within an existing commercial tenant space located at 905 Leidesdorff Street.

In order to approve this request for a Conditional Use Permit, the Commission must find that the "establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood, or to the general welfare of the City".

In evaluating the Conditional Use Permit for Uncle Charlie's Firehouse and Brew, staff considered implications of the proposed project relative to parking, pedestrian circulation, patio fencing, lighting, trash/recycling, signage, and noise.

Parking

As noted in the project description, Assembly Bill 2097 was signed into law by the Governor on September 22, 2022 and became effective on January 2, 2023. AB 2097 prohibits public agencies (City of Folsom) in this case) from imposing minimum parking requirements on residential, commercial, or other development projects located within a half-mile of public transit. As the proposed project is located within a half-mile of public transit (approximately 300 feet from Historic Folsom Light Rail Station), staff has determined that the project is eligible for exemption from the minimum parking requirements established by the Folsom Municipal Code for projects located within the Sutter Street Subarea and, since it is a commercial project, the exception to the new rules does not apply. Therefore, staff has determined that the proposed project is not required to provide any on-site parking spaces.

Even so, as mentioned in the project description, parking available to serve the proposed project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 parking spaces in a nearby Railroad Block public parking lot. In addition, there are approximately 90 on-street surface public parking spaces in close proximity to the project site.

For reference purposes only, the Folsom Municipal Code (FMC, Section 17.52.510) requires that all retail, office, restaurant, museum, and similar uses provide one parking spaces per 350 square feet of building space. Based on the square-footage of the proposed craft brewery (3,322 square feet), the proposed project typically would have been required to provide 9 on-site parking spaces. While the proposed project exceeds the minimum parking requirement by providing 318 permanent parking spaces (Historic Folsom parking structure) whereas 9 on-site parking spaces are required, the applicant is still requesting that the proposed project be considered exempt from any parking requirement based on the implementation of recent State legislation (AB 2097).

Staff does not anticipate significant parking impacts from this project, given its proximity to the public parking garage, other public parking lots, and light rail.

Pedestrian Circulation

Access to the project site is provided by a combination of public sidewalks and public pedestrian walkways. Specifically, public sidewalks are located along the street frontages of Sutter Street, Leidesdorff Street, Reading Street, and Wool Street. In addition, there are a number of pedestrian walkways that provide access from the adjacent public sidewalks to the project site and facilitate circulation in and around the Railroad Block area. No changes or modifications are proposed to the existing pedestrian circulation system.

Patio Fencing

As shown on the submitted site plan, the applicant is proposing to create an approximately 200-square-foot enclosed outdoor patio area on the east of the project site adjacent to the building. The outdoor patio area, which includes 13 bar-style seats positioned along an elevated wood bar, is proposed to be enclosed with 42-inch-tall decorative metal fencing (black finish) with two access gates. Staff recommends that the final location, height, design, materials, and color of the proposed fencing and gates be subject to review and approval by the Community Development Department to ensure consistency with the Historic District Design and Development Guidelines. Condition No. 26-5 is included to reflect this requirement.

Lighting

As shown on the submitted building elevations (Attachment 8) and site photographs (Attachment 11), decorative building-attached light fixtures are located on the existing building at various locations to provide illumination for pedestrians and customers sitting in the outdoor patio area. No changes or modifications are proposed with respect to the existing building-attached light fixtures.

Trash/Recycling

There are currently multiple existing public trash and recycling enclosures located within the Historic District parking structure that is adjacent to the project site to the west. The applicant is proposing to utilize the existing trash and recycle enclosures to dispose of trash and recycling products generated by the proposed project. The City's Solid Waste Division has determined that the existing trash/recycling enclosures have sufficient capacity to accommodate the demand created by the proposed project. In addition, the proposed project will be working with a private contractor for removal of any waste (spent grain, hot trub, residual yeast, etc.) generated during the brewing process.

Signage

The applicant is proposing to install three wall-mounted signs to provide identification for the proposed craft brewery. The proposed wall signs, which will be located on the north, south, and east building elevations respectively, will feature text that reads "Brewery" and "Firehouse and Brew". The "Firehouse and Brew" sign copy, which will be located on the east building elevation, is 25 square feet in size. The "Brewery" sign copy, which will be located on the north and south building elevations, is a combined 25 square feet in size. Each of the proposed wall signs will include individual "stud-mounted" black metal letters.

All three signs are proposed to utilize backlit lighting to create a halo-type of illumination, similar to the signage on the nearby Roundhouse Building (Scott's Seafood).

The Historic District Design and Development Guidelines (DDGs) provide sign allowances based on the longest frontage width of the business. In this particular case, the proposed project has a longest frontage width of approximately 108 feet, thus the project is permitted a maximum of 50 square feet of sign area. Staff has determined that the proposed sign area is consistent with the maximum allowable sign area established by the Design and Development Guidelines by providing 48 square feet of sign area whereas 50 square feet of sign area are allowed.

With respect to sign design, the Design and Development Guidelines state that sign materials may be wood, metal, or other historically appropriate combination of materials. The Guidelines also state the sign styles and lettering should be compatible with the period in which the building was built, but that simple contemporary graphic styles may be appropriate as well. In addition, the Guidelines indicate that sign illumination must be subdued and indirect and may not create excessive glare. Staff has determined that the proposed wall signs are consistent with the design, material, and illumination recommendations of the Design and Development Guidelines. Staff recommends that the owner/applicant obtain a sign permit prior to installation of the three wall signs. Condition No. 27 is included to reflect this requirement.

Noise Impacts

Based on the relatively close proximity of the project site to 8 multi-family apartment units (Whisky Row Lofts) located on the south side of Sutter Street (approximately 260 feet to the south), staff evaluated potential noise impacts associated with the proposed project. Potential new noise sources associated with the proposed project may include noise generated inside Uncle Charlie's Firehouse and Brew, noise generated by rooftop mechanical equipment, and noise generated in the patio area the craft brewery. As described in the project narrative (Attachment 10), Uncle Charlie's Firehouse and Brew House has proposed serving craft beers and food, with the food products mainly being provided by off-site local vendors. No live entertainment is proposed with the subject application; however, televisions and a sound system will be installed on the interior of the building solely for the enjoyment of customers within the craft brewery.

Proposed hours of operation are Wednesday to Sunday, 12:00 p.m. to 10:00 p.m. The following table shows the Uncle Charlie's Firehouse and Brew proposed closing times as compared to other restaurants and bars located along Sutter Street:

TABLE 1: CLOSING TIME COMPARISON TABLE

	M	TU	W	TH	F	S	SU
Uncle Charlie's Firehouse and Brew	Closed	Closed	10 pm	10pm	10 pm	10 pm	10 pm
Barley Barn Tap House	10 pm	10 pm	10 pm	12:30 am	12:30 am	12:30 am	10 pm
Powerhouse Pub	2 am	2 am	2 am	2 am	2 am	2 am	2 am
Scarlett's Saloon	2 am	2 am	2 am	2 am	2 am	2 am	2 am
Citizen Vine	9 pm	9 pm	9 pm	9 pm	10 pm	10 pm	7 pm
Fat Rabbit	9 pm	9 pm	10 pm	12 am	11 pm	11 pm	9 pm
Willamette Wineworks	Closed	Closed	9 pm	9 pm	9 pm	9 pm	6 pm
Sutter Street Steakhouse	Closed	9 pm	9 pm	9 pm	9 pm	9 pm	9 pm
J. Wilds Livery & Feed	9 pm	9 pm	9 pm	9 pm	10 pm	10 pm	9 pm

As described in the project narrative and shown in the Closing Time Comparison Table above, the applicant is proposing hours of operation in which the closing time for the business extends into the mid evening Wednesday thru Sunday, with the craft brewery being closed on Monday and Tuesday. Staff has determined that the proposed hours of operation are compatible with the hours of operation for other restaurant/bar businesses currently located along Sutter Street. However, to ensure that the proposed project does not result in significant noise-related impacts, staff recommends that the following measures be implemented to the satisfaction of the Community Development Department (Condition Nos. 15-24).

- Current occupancy loads shall be posted at all times, and the owner/applicant shall have an effective system to keep count of the number of occupants present at any given time. This information shall be provided to public safety personnel upon request. Applicant shall ensure that occupancy does not exceed the maximum allowed.
- A Conditional Use Permit Modification shall be required if the operation of the business deviates from the Historic District Commission's approval. No approvals are granted in this Conditional Use Permit except as provided. Any intensification or expansion of the use approved and conditioned herein will require a Conditional Use Permit Modification by the Historic District Commission. In any case where the conditions to the granting of a Conditional Use Permit have not been, or are not, complied with, the Historic District Commission shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. Following such hearing the Historic District Commission may revoke such permit.
- The owner/applicant shall maintain full compliance with all applicable laws ABC laws, ordinances, and state conditions. In the event that a conflict arises between the requirements of this Conditional Use Permit and the ABC license,

the more stringent regulation shall apply.

- All entertainment (as defined in Chapter 5.90 of the Folsom Municipal Code) shall be subject to an Entertainment Permit.
- Compliance with the City of Folsom's Noise Control Ordinance (Folsom Municipal Code Chapter 8.42) and General Plan Noise Element shall be required.
- Hours of operation (including private parties) shall be limited as follows:
 - Wednesday-Sunday: 12:00 p.m. to 10:00 p.m.

No expansion of business hours beyond what is stated above shall be permitted without prior approval being obtained from the Historic District Commission through a Conditional Use Permit Modification.

- Uncle Charlie's Firehouse and Brew shall be limited to the sale and consumption of beer, seltzers, non-alcoholic beverages, and food products. No sale or consumption of spirits shall be permitted.
- Doors and windows to the outdoor patio area shall be closed at all times when music is being played.
- No audio speakers, music, televisions, or screens shall be permitted on the outdoor patio, the building exterior walls, windows, or any other exterior architectural elements.
- No dancing shall be permitted anywhere on the premises including the outdoor patio area.

Odor Impacts

As mentioned in the project description, the proposed craft brewery will include installation of a ten-barrel brewing system which will be housed within a raised brewing area. The brewing system will be utilized for the production of craft beers and seltzers for on-site consumption. A ventilation system will be installed to allow for the release of steam and other byproducts created during the brewing process into the air, with the outside vent being located on the northern portion of the building roof. Based on recommendations provided by the Sacramento Metropolitan Air Quality Management District (SMSQMD), the applicant is proposing to implement a number of measures to minimize the potential for any odor-related impacts including the following:

- Installing a ventilation system in the designated brewing area.
- Scheduling brewing times on Mondays and Tuesdays only.
- Limiting brewing activity to daytime hours for greater odor dispersion.
- Proper disposal of spent grains.
- Use of eco-friendly cleaning agents/caustics in brewing/sanitation process.

- Regular monitoring and replacement of air filters.

To ensure that the project will not result in any odor-related impacts to nearby businesses and residences, staff recommends that the aforementioned odor-related measures be included as a condition of approval on the project (Condition No. 25).

Architecture/Design

As described in the project narratives, the applicant is requesting Design Review approval for minor exterior modifications to an existing 3,322-square-foot commercial building located at 905 Leidesdorff Street. The minor exterior modifications include replacement of an existing exterior door and windows on the south building elevation with two glass bi-fold doors and replacement of the existing canvas window awnings with new black-colored canvas awnings. The proposed glass bi-fold doors, which are modeled after doors utilized on historic fire station buildings, feature rectangular windowpanes and aluminum frames. In addition, the proposed project includes the replacement of the existing brown canvas window awnings with black canvas window awnings of the same proportions. A photographic example of the proposed bi-fold entry doors is shown in Figure 5 below.

FIGURE 5: PHOTOGRAPH EXAMPLE OF BI-FOLD DOORS



In reviewing the design of the proposed project, staff took into consideration the recommendations of the Historic District Design and Development Guidelines (Design Guidelines) relative to architectural design and features, building materials, and building colors. With respect to architectural design and features, the proposed project is maintaining all of the existing building shapes and forms with exception of replacing an existing rectangular door and rectangular windows on the south elevation with two aluminum-framed bi-fold glass entry doors and replacing the existing canvas window awnings with new black-colored canvas windows awnings. The Design Guidelines indicate that glass entry doors are encouraged to increase transparency and that rectangular glass panes are an appropriate shape. The aluminum frames proposed for the bi-fold doors are intended to match and material and color of the existing doors and windows on the building. The Design Guidelines also encourage the use of window awnings in order to create a pleasing pedestrian environment in the Sutter Street Subarea. The applicant is proposing to replace the existing brown canvas window awnings, which are fairly weathered and worn out, with new black-colored canvas window awning of the same proportions.

With respect to color changes, the proposed project includes the replacement of an existing, black-framed glass entry door and black-framed windows on the south building elevation with two black-framed glass bi-fold doors. The proposed project also includes the replacement of all existing, brown-colored canvas window awnings with black-colored window awnings. Staff has determined that the proposed color modifications for window awnings are compatible with the overall color scheme (red brick, tan cement black, and black-framed windows and doors) of the existing building and also consistent with the general color recommendations of the Design Guidelines which simply encourage avoiding bland color schemes where the color values are all the same of similar.

In summary, staff has determined that the proposed project has successfully met the architectural and design recommendations for remodeling of existing structures in the Historic District as suggested by the Historic District Design and Development Guidelines. In addition, staff has determined that the proposed building design, building materials, and building colors are also consistent with the recommendations of the Design and Development Guidelines. Staff forwards the following design recommendations to the Commission for consideration:

1. This approval is for exterior and interior modifications associated with the Uncle Charlie's Firehouse and Brew project. The applicant shall submit building plans that comply with this approval, the attached site plan, building elevations, photographic examples, floor plans, and signage exhibits dated February 17, 2023.
2. The design, materials, and colors of the proposed Uncle Charlie's Firehouse and Brew project shall be consistent with the submitted building elevations and photographic examples to the satisfaction of the Community Development Department.

3. Roof-mounted mechanical equipment, including satellite dish antennas, shall not extend above the height of the parapet walls. Ground-mounted mechanical equipment shall be shielded by landscaping or trellis type features.
4. All Conditions of Approval as outlined herein shall be made as a note or separate sheet on the Construction Drawings.
5. The final location, design, height, materials, and colors of the fencing and gates associated with the outdoor patio area shall be subject to review and approval by the Community Development Department.

These recommendations are included in the conditions of approval presented for consideration by the Historic District Commission (Condition No. 26).

PUBLIC COMMENT

The Community Development Department received a letter (Attachment 13) from the Historic Folsom Residents Association (HFRA) expressing support for the proposed craft brewery. In particular, HFRA indicated they were pleased that the proposed project was located in close proximity to the Historic District parking structure and they were also approving of proposed neighborhood-friendly hours of operation for the craft brewery. The Community Development Department also received numerous letters of support (Attachment 14) for the proposed project from local businesses.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15301 Existing Facilities and Section 15303 New Construction or Conversion of Small Structures of the California Environmental Quality Act (CEQA) Guidelines. Based on staff's analysis of this project, none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemptions in this case.

The exceptions listed within Section 15300.2 include; (a) Location, (b) Cumulative Impact, (c) Significant Effect (d) Scenic Highway (e) Hazardous Waste Sites, and (f) Historical Resources. A description of the most applicable of these exceptions is listed below with a brief response as to why each of these exceptions do not apply to the proposed project.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

In analyzing whether this exception applies, both the "same type" and the "same place" limitations should be considered. When analyzing this exception with respect to the proposed project, the City considered projects of the "same type" to be other projects with similar uses, such as those projects listed on the hours of operation chart that appears in

the noise impacts section of this report. The City considered projects in the "same place" to be projects within the Sutter Street Subarea.

City staff has determined that the cumulative impact of the proposed project is not significant in that the project will not result in any adverse impacts with respect building design, site design, lighting, odor, and noise. With respect to building architecture and site design, the proposed project involves minor modifications to the exterior of an existing commercial building and the use of an existing outdoor patio area, both of which have been designed to comply with the Historic District Design and Development Guidelines. In relation to noise, odor, and light, standard and project-specific conditions of approval have been placed on the proposed project to minimize any potential noise, odor, and light impacts. With respect to any other potential impacts caused by the proposed use, the conditions imposed on the project in the Conditional Use Permit are designed to minimize or eliminate any negative effects on the environment created by the proposed use.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

CEQA Guidelines section 15300.2(c) states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. This is commonly referred to as the "unusual circumstances exception."

The unusual circumstances exception to the use of a categorical exemption applies only when both unusual circumstances exist and there is a reasonable possibility that the project will have a significant effect on the environment due to those unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1104.)

Whether unusual circumstances exist to distinguish this project from others in the exempt class is a factual question. The answer to that factual question must be supported by substantial evidence.

In making this decision, the Commission should consider whether the proposed project's circumstances differ significantly from the circumstances typical of the type of projects covered by the exemption, namely, other existing structures in the Historic District that are converted from one use to another. The exception applies only if the claimed unusual circumstance relates to the proposed action under consideration; it does not apply if the unusual circumstances are part of the existing conditions baseline. (*Bottini v. City of San Diego* 27 Cal.App.5th 281; *World Business Academy v. State Lands Commission* (2018)

24 Cal.App.5th 476, 498; *North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4th 832, 872.)

Another consideration is whether there is a reasonable possibility of a significant effect on the environment due to the unusual circumstances. (*Berkeley Hillside Preservation*, 60 Cal.4th at p. 1115.) The Commission answers this question by determining if there is any substantial evidence before it that would support a fair argument that a significant impact on the environment may occur as a result of the proposed project. (*Id.*) A reasonable possibility of a significant impact may be found only if the proposed project will have an impact on the physical environment. If there is no change from existing baseline physical conditions, the exception does not apply. (*North Coast Rivers Alliance v. Westlands Water District* (2014) 227 Cal.App.4th 832, 872.) The exception also does not apply if the project will have only a social impact and will not result in a potentially significant change to the physical environment. (*Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, 801; *City of Pasadena v. State* (1993) 14 Cal.App.4th 810, 826.)

The question is not whether the project will have an adverse impact on some persons, but whether it will adversely affect the environment of persons in general due to unusual circumstances. (*San Lorenzo Valley Community Advocates for Responsible Education v. San Lorenzo Valley Unified School District* (2006) 139 Cal.App.4th 1356, 1392.

After analyzing the unusual circumstances exception in association with this project, the City determined that no unusual circumstances exist to distinguish this project from others in the exempt class. The presence of bars and restaurants in the Sutter Street Subarea is not uncommon, so any impacts associated with the proposed use itself are not unusual. Additionally, in this case, the location of the proposed project site adjacent to the parking structure and very close to light rail, serves to lessen the potential environmental impacts and makes the unusual circumstances exception particularly inapplicable to this project.

The City also determined that there is not a reasonable possibility of a significant effect on the environment due to any claimed unusual circumstances for this project. Any possibility of a significant impact on the physical environment allegedly caused by proposed project would not be the result of any claimed unusual circumstances. As mentioned above, the proposed use is not unusual, so any possible significant effects associated with that use are not sufficient to support the exception in this case.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The subject property, which is located at 905 Leidesdorff Street (APN: 070-0052-023), is developed with an existing 3,322-square-foot commercial building which was built in 2008. The existing building is constructed of brick veneer, smooth cement plaster, and an aluminum door and window system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. In addition, the existing building is not listed on the City's Cultural Resource Inventory List nor any other State or Federal historic or cultural resource inventory or list. As a result, staff has determined that the Historical Resources exception does not apply in this case.

RECOMMENDATION

Staff recommends approval of the proposed project, subject to the conditions of approval included in this report.

HISTORIC DISTRICT COMMISSION ACTION

Move to approve a Conditional Use Permit and Design Review (PN 22-158) for Uncle Charlie's Firehouse and Brew, which includes development and operation of a craft brewery within an existing 3,322-square-foot commercial building located at 905 Leidesdorff Street based on the findings (Findings A-I) and subject to the conditions of approval attached to this report (Conditions 1-27).

GENERAL FINDINGS

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

CEQA FINDINGS

- C. THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15301, EXISTING FACILITIES, AND SECTION 15303 NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES, OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.
- D. THE CUMULATIVE IMPACT OF SUCCESSIVE PROJECTS OF THE SAME TYPE IN THE SAME PLACE, OVER TIME IS NOT SIGNIFICANT IN THIS CASE.
- E. NO UNUSUAL CIRCUMSTANCES EXIST TO DISTINGUISH THE PROPOSED PROJECT FROM OTHERS IN THE EXEMPT CLASS.

- F. THE PROPOSED PROJECT WILL NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE.

CONDITIONAL USE PERMIT FINDING

- G. AS CONDITIONED, THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF THE USE APPLIED FOR WILL NOT, UNDER THE CIRCUMSTANCES OF THIS PARTICULAR CASE, BE DETRIMENTAL TO THE HEALTH, SAFETY, PEACE, MORALS, COMFORT, AND GENERAL WELFARE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD, OR BE DETRIMENTAL OR INJURIOUS TO PROPERTY AND IMPROVEMENTS IN THE NEIGHBORHOOD OR TO THE GENERAL WELFARE OF THE CITY, SINCE THE PROPOSED USE IS COMPATIBLE WITH SIMILAR COMMERCIAL USES IN THE SURROUNDING NEIGHBORHOOD.

DESIGN REVIEW FINDINGS

- H. THE BUILDING MATERIALS, TEXTURES AND COLORS USED IN THE PROPOSED PROJECT ARE COMPATIBLE WITH SURROUNDING DEVELOPMENT AND ARE CONSISTENT WITH THE GENERAL DESIGN THEME OF THE NEIGHBORHOOD.
- I. THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE HISTORIC DISTRICT DESIGN AND DEVELOPMENT GUIDELINES ADOPTED BY CITY COUNCIL.

ATTACHMENT 2 BACKGROUND

BACKGROUND

The existing 3,322-square-foot commercial retail tenant space, which was constructed along with the Historic District parking structure in 2008, is constructed of smooth cement plaster, brick veneer, canvas awnings, and an aluminum storefront system. The existing building is not considered a historically significant structure and does not include building materials that would be considered historically significant. In addition, the existing building is not listed on the City's Cultural Resource Inventory List.

On March 23, 2021, the City Council provided direction to City staff to move forward with requesting proposals for lease of the 3,322-square-foot retail tenant space located within the Historic District parking structure, with preferential status given to food service and retail uses. Subsequently, Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure. On November 9, 2021, the City Council instructed the owners of Uncle Charlie's Firehouse and Brew to obtain approval of a Conditional Use Permit and Design Review from the Historic District Commission before the lease for the retail tenant space can be finalized. A photograph of the existing commercial tenant space is shown in Figure 4 below:

FIGURE 6: COMMERCIAL BUILDING 905 LEIDESDORFF STREET



GENERAL PLAN DESIGNATION	HF, Historic Folsom
ZONING	HD, Sutter Street Subarea of the Commercial Primary Area
ADJACENT LAND USES/ZONING	North: Leidesdorff Street with Private Parking Lot (HD) and Folsom Boulevard Beyond South: Railroad Block Public Plaza (HD) with Sutter Street a Mix of Commercial and Residential Development Beyond East: Railroad Block Public Plaza (HD) with Woold Street and Commercial Development Beyond West: Historic District Parking Structure (HD) with Reading Street and the Historic Folsom Light Rail Station Beyond
SITE CHARACTERISTICS	The rectangular shaped project site, which is approximately 4.41-acres in size, is partially developed a parking structure, parking lots, a restaurant, an office building, a public plaza, an amphitheater, a railroad museum, and various site improvements.
APPLICABLE CODES	<u>AB 2097</u> , Residential, Commercial, or Other Development Types: Parking Requirements <u>FMC</u> Chapter 17.52; HD, Historic District <u>FMC</u> Section 17.52.300, Design Review <u>FMC</u> Chapter 17.57, Parking Requirements <u>FMC</u> Chapter 17.60, Use Permits Historic District Design and Development Guidelines

Attachment 3

Conditions of Approval

CONDITIONS OF APPROVAL FOR UNCLE CHARLIE'S FIREHOUSE AND BREW CONDITIONAL USE PERMIT AND DESIGN REVIEW 905 LEIDESDORFF (PN 22-158)			
Cond. No.	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> <ol style="list-style-type: none"> 1. Site Plan, dated February 17, 2023 2. Garage Plan, dated February 17, 2023 3. Patio Plan, dated February 17, 2023 4. Floor Plan, dated February 17, 2023 5. Building Elevations, dated February 17, 2023 6. Signage Program <p>The project is approved for the development and operation of the 3,322-square-foot Uncle Charlie's Firehouse and Brew project. Implementation of the project shall be consistent with the above-referenced items as modified by these conditions of approval.</p>	B	CD (P)(E)
2.	<p>Building plans, and all applicable civil engineering and landscape plans, shall be submitted to the Community Development Department for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Folsom.</p>	B	CD (P)(E)(B)
3.	<p>The project approvals (Conditional Use Permit and Design Review) granted under this staff report shall remain in effect for one year from final date of approval (March 1, 2024). If the Conditional Use Permit has not been exercised within the identified time frame prior to the expiration date and the applicant has not demonstrated substantial progress towards the development of the project, respectively, these approvals shall be considered null and void without further action. The owner/applicant may file an application with the Community Development Department for a permit extension not less than 30 days prior to the expiration date of the permit, along with appropriate fees and necessary submittal materials pursuant to <u>Chapter 17.60</u> of the Folsom Municipal Code.</p>	B	CD (P)

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4.	<p>If the Community Development Director finds evidence that conditions of approval for Uncle Charlie's Firehouse and Brew have not been fulfilled or that the use has resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or has a substantial adverse impact on public facilities or services, the Director will refer the use permit to the Historic District Commission for review. If, upon such review, the Historic District Commission finds that any of the above-stated results have occurred, the Commission may modify or revoke the Conditional Use Permit.</p>	OG	CD (P)
5.	<p>This Conditional Use Permit shall be deemed revoked without further action by the Historic District Commission if the operation of the facility in the manner described in the Conditional Use Permit ceases for any consecutive period of six (6) months.</p>	OG	CD
6.	<p>The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> • 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
7.	<p>Compliance with all local, state and federal regulations pertaining to building construction and demolition is required.</p>	OG	CD (B)
DEVELOPMENT COSTS AND FEE REQUIREMENTS			
8.	<p>The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.</p>	B	CD (P)(E)

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9.	<p>The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.</p>	B	CD (P)(E)
10.	<p>If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the applicant shall reimburse the City for actual costs it incurs in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the improvement plans or beginning inspection, whichever is applicable.</p>	B	CD (P)(E)
11.	<p>This project shall be subject to all City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all City-wide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Quimby, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project has begun. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.</p>	B	CD (P)(E), PW, PK
12.	<p>The owner/applicant agrees to pay to the Folsom-Cordova Unified School District the maximum fee authorized by law for the construction and/or reconstruction of school facilities. The applicable fee shall be the fee established by the School District that is in effect at the time of the issuance of a building permit. Specifically, the owner/applicant agrees to pay any and all fees and charges and comply with any and all dedications or other requirements authorized under Section 17620 of the Education Code; Chapter 4.7 (commencing with Section 65970) of the Government Code; and Sections 65995, 65995.5 and 65995.7 of the Government Code.</p>	B	CD (P)

LIGHTING REQUIREMENT		
13.	Final exterior building and site lighting plans shall be submitted for review and approval by Community Development Department for location, height, aesthetics, level of illumination, glare and trespass prior to the issuance of any building permits. In addition, all lighting shall be designed to be shielded and directed downward onto the project site and away from adjacent properties and public rights-of-way.	B CD (P)
NOISE REQUIREMENT		
14.	Compliance with Noise Control Ordinance and General Plan Noise Element shall be required. Hours of construction operation shall be limited from 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. Construction equipment shall be muffled and shrouded to minimize noise levels.	B CD (P)(E)
CONDITIONAL USE PERMIT REQUIREMENTS		
15.	Current occupancy loads shall be posted at all times, and the owner/applicant shall have an effective system to keep count of the number of occupants present at any given time. This information shall be provided to public safety personnel upon request. Applicant shall ensure that occupancy does not exceed the maximum allowed.	B, OG FD NS (B)
16.	A Conditional Use Permit Modification shall be required if the operation of the business deviates from the Historic District Commission's approval. No approvals are granted in this Conditional Use Permit except as provided. Any intensification or expansion of the use approved and conditioned herein will require a Conditional Use Permit Modification by the Historic District Commission. In any case where the conditions to the granting of a Conditional Use Permit have not been, or are not, complied with, the Historic District Commission shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. Following such hearing the Historic District Commission may revoke such permit.	OG CD, PD
17.	The owner/applicant shall maintain full compliance with all applicable laws ABC laws, ordinances, and state conditions. In the event that a conflict arises between the requirements of this Conditional Use Permit and the ABC license, the more stringent regulation shall apply.	OG CD (P)
18.	All entertainment (as defined in Chapter 5.90 of the Folsom Municipal Code) shall be subject to an Entertainment Permit.	OG CD (P)
19.	Compliance with the City of Folsom's Noise Control Ordinance (Folsom Municipal Code Chapter 8.42) and General Plan Noise Element shall be required.	OG CD (P)

Historic District Commission
 Uncle Charlie's Firehouse and Brew (PN 22-158)
 March 1, 2023

20.	<p>Hours of operation (including private parties) shall be limited as follows:</p> <ul style="list-style-type: none"> o Wednesday-Sunday: 12:00 p.m. to 10:00 p.m. <p>No expansion of business hours beyond what is stated above shall be permitted without prior approval being obtained from the Historic District Commission through a discretionary Conditional Use Permit Modification.</p>	OG	CD (P)
21.	<p>Uncle Charlie's Firehouse and Brew shall be limited to the sale and consumption of beer, seltzers, non-alcoholic beverages, and food products. No sale or consumption of spirits shall be permitted.</p>	OG	CD (P)
22.	<p>Doors and windows to the outdoor patio area shall be closed at all times when music is being played.</p>	OG	CD (P)
23.	<p>No audio speakers, music, televisions, or screens shall be permitted on the outdoor patio, the building exterior walls, windows, or any other exterior architectural elements.</p>	OG	CD (P)
24.	<p>No dancing shall be permitted anywhere on the premises including the outdoor patio area.</p>	OG	CD (P)
25.	<p>Based on recommendations provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD), the applicant shall implement the following measures to minimize the potential for any odor-related impacts:</p> <ul style="list-style-type: none"> • A ventilation system shall be installed in the designated brewing area. • Scheduling brewing times shall be limited to Mondays and Tuesdays only. • Brewing activity shall be limited to the daytime hours of 8:00 a.m. to 6:00 p.m. • Spent grains shall be disposed of on a daily basis. • Eco-friendly cleaning agents/caustics shall be used in the brewing/sanitation process. • The owner/applicant shall monitor and replace the air filters on a regular basis. 	OG	CD (P)

ARCHITECTURE/SITE DESIGN REQUIREMENTS		
26.	<p>The project shall comply with the following architecture and design requirements:</p> <ol style="list-style-type: none"> 1. This approval is for exterior and interior modifications associated with the Uncle Charlie's Firehouse and Brew project. The applicant shall submit building plans that comply with this approval, the attached site plan, building elevations, photographic examples, floor plans, and signage exhibits dated February 17, 2023. 2. The design, materials, and colors of the proposed Uncle Charlie's Firehouse and Brew project shall be consistent with the submitted building elevations and photographic examples to the satisfaction of the Community Development Department. 3. Roof-mounted mechanical equipment, including satellite dish antennas, shall not extend above the height of the parapet walls. Ground-mounted mechanical equipment shall be shielded by landscaping or trellis type features. 4. All Conditions of Approval as outlined herein shall be made as a note or separate sheet on the Construction Drawings. 5. The final location, design, height, materials, and colors of the fencing and gates associated with the outdoor patio area shall be subject to review and approval by the Community Development Department. 	I, B CD (P)
SIGN REQUIREMENT		
27.	The owner/applicant shall obtain a sign permit prior to installation of the three wall signs.	B CD (P)

Historic District Commission
 Uncle Charlie's Firehouse and Brew (PN 22-158)
 March 1, 2023

RESPONSIBLE DEPARTMENT		WHEN REQUIRED
CD	Community Development Department Planning Division Engineering Division Building Division Fire Division	I
(P)		M
(E)		B
(B)		O
(F)		G
PW		Public Works Department
PR	Park and Recreation Department	OG
PD	Police Department	

Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 4

Vicinity Map

Vicinity Map



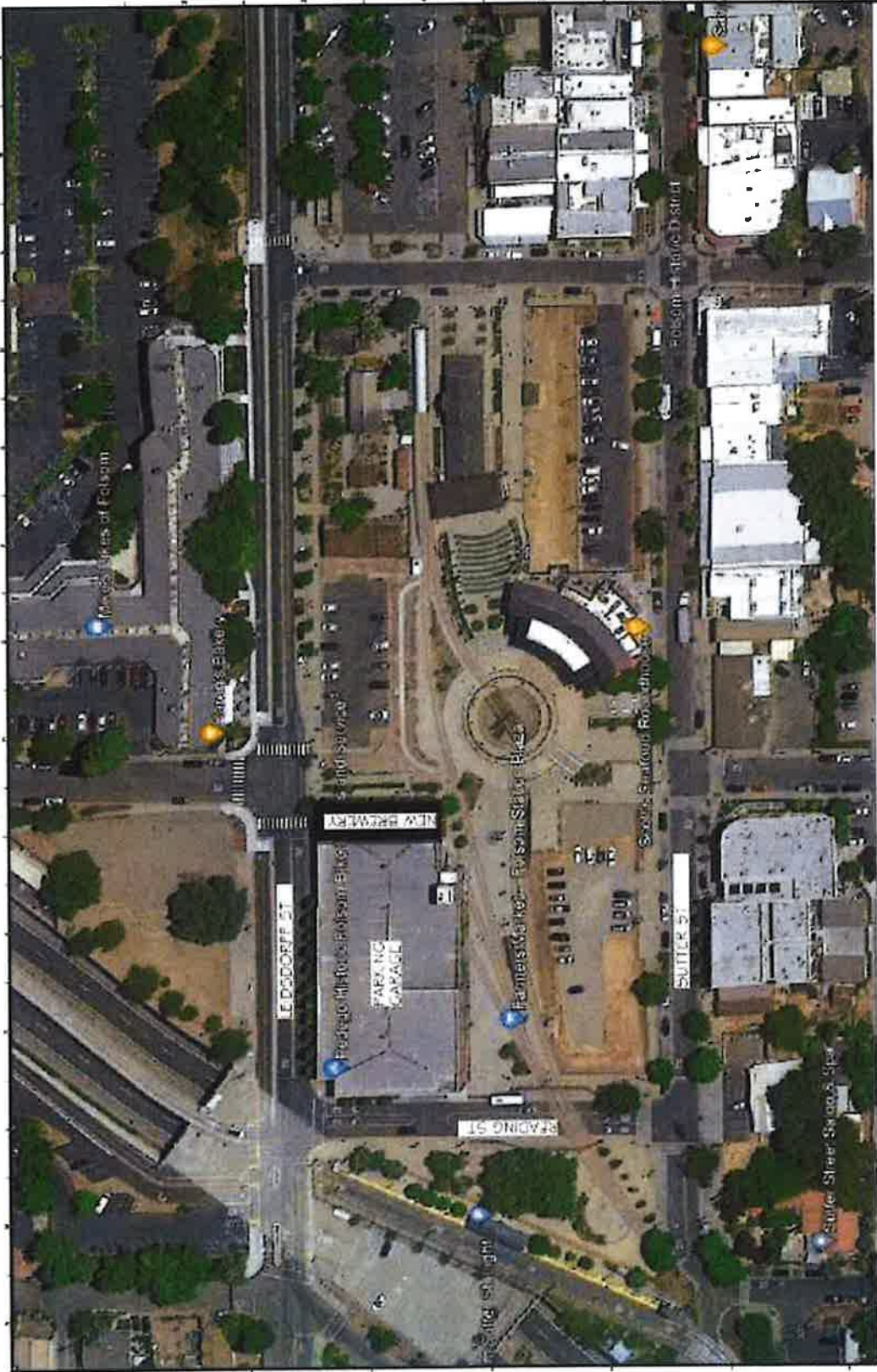
CITY OF
FOLSOM



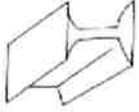
Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 5

Site Plan, dated February 17, 2023



CITE PLAN
 25-000002



**INFRASTRUCTURE
 IMPROVEMENT INC**
 3715 S. JAY BLVD
 SUITE 100
 FOLSOM, CA 95630
 (916) 438-1100
 WWW.IIINC.COM

PROJECT
 25-000002
 PROJECT LOCATION
 3715 S. JAY BLVD
 FOLSOM, CA 95630



No.	Date	Revised

**UNCLE CHARLIE'S
 FIREHOUSE
 AND BREW**
 1000 Independence Dr
 Folsom, CA 95630

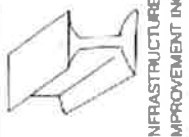
DATE	BY	FOR

SITE PLAN
 25-000002
 C-1

Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 6

Garage Plan, dated February 17, 2023



**INFRASTRUCTURE
IMPROVEMENT INC**

12500 14th Street, Suite 100
Folsom, CA 95630
Tel: 916.439.1111
Fax: 916.439.1112
www.iiinc.com

DBP
100% FULLY EXECUTED
100% PERMITS
100% CONSTRUCTION
100% COMPLETION



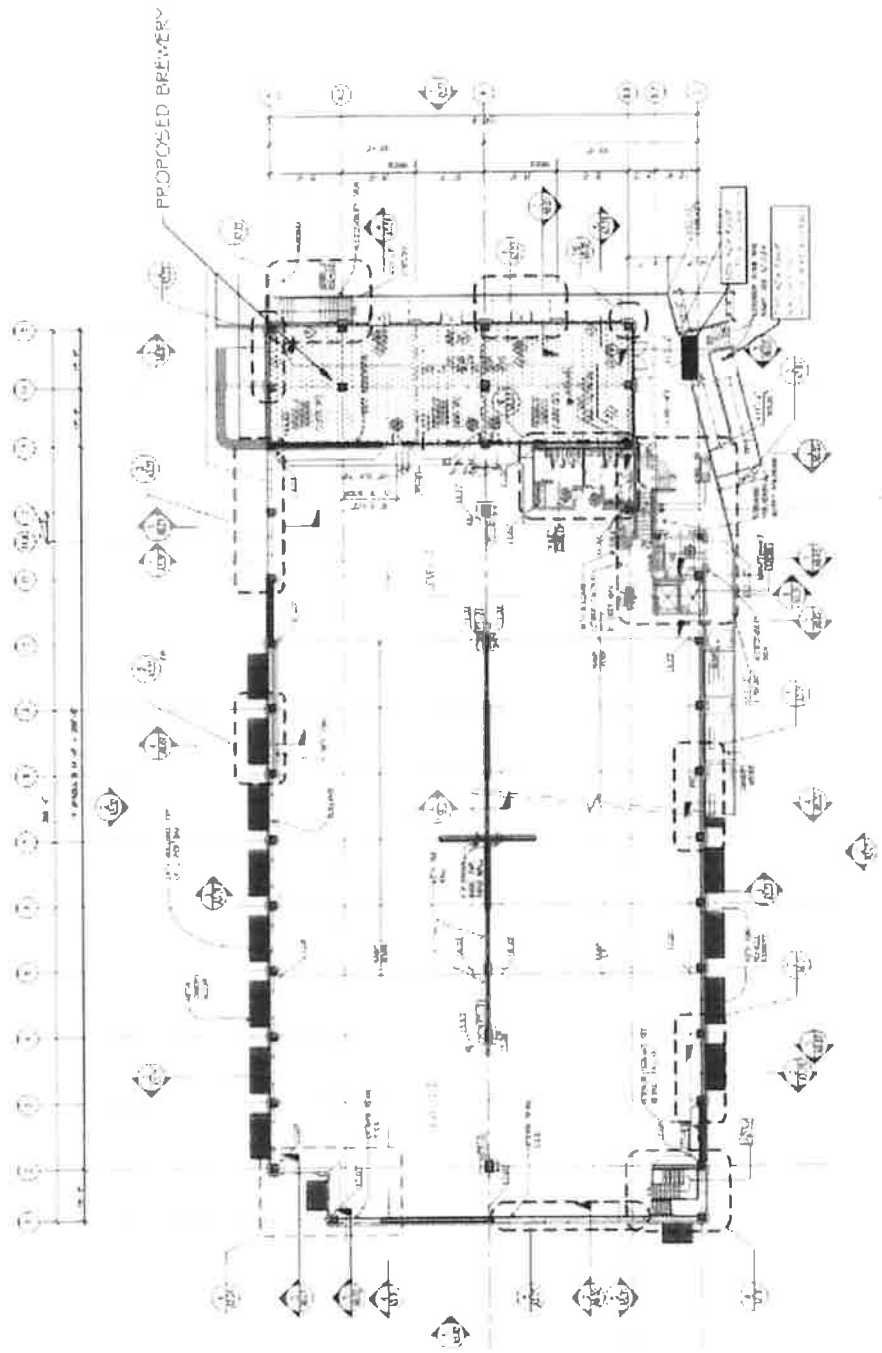
Project No.	10000000000000000000
Client Name	UNCLE CHARLIE'S FIREHOUSE AND BREW
Project Location	10000000000000000000
Project Description	10000000000000000000
Project Status	10000000000000000000
Project Start Date	10000000000000000000
Project End Date	10000000000000000000

**UNCLE CHARLIE'S
FIREHOUSE
AND BREW**

10000000000000000000
Folsom, CA 95630

Sheet No.	A-1
Scale	1/8" = 1'-0"
Date	10/17/2023
Author	JDK
Checker	
Approver	

CARAGE PLAN

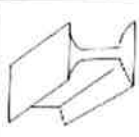


BUILDING PLAN

Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 7

Patio Plan, dated February 14, 2023



**INFRASTRUCTURE
IMPROVEMENT INC.**
11111 W. 10TH AVE.
SUITE 100
DENVER, CO 80202
TEL: 303.733.1111
WWW.IIINC.COM

CLIENT: UNCLE CHARLIE'S FIREHOUSE AND BREW
PROJECT: RENOVATION OF EXISTING BUILDING
DATE: 11/15/2023



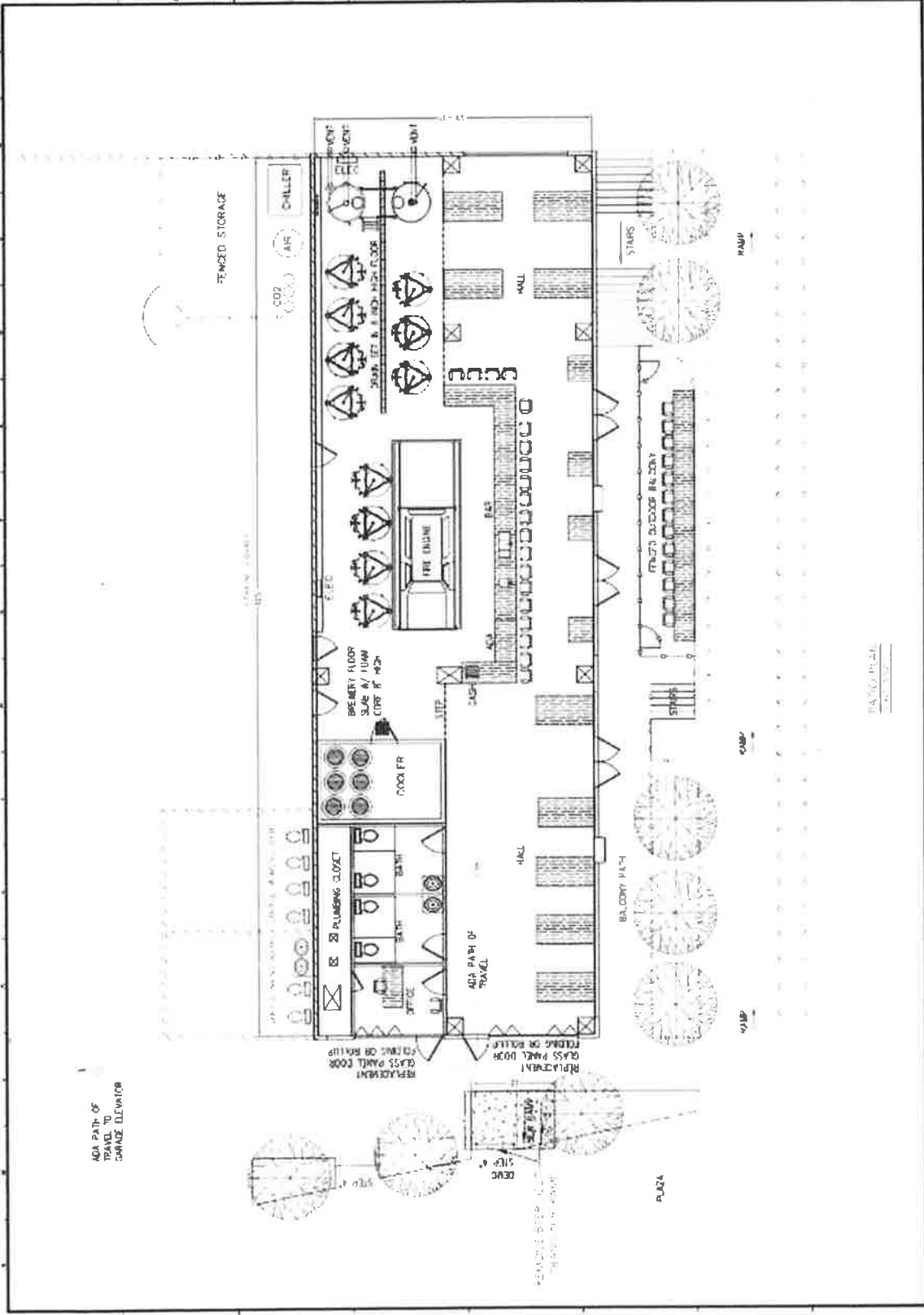
No.	Date	Description

Project: **UNCLE CHARLIE'S
FIREHOUSE
AND BREW**
Owner: **Uncle Charlie's
Firehouse & Brew**
2148 100th
St., Denver, CO 80230

Discipline	Author	Check	Date

Sheet No: **PATIO PLAN**

Revision	Date	Description



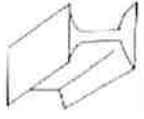
DATE: 11/15/2023

A-2

Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 8

Floor Plan, dated February 17, 2023



**INFRASTRUCTURE
IMPROVEMENT INC.**

11111 1st St. S.
Burien, WA 98148
Phone: 206-835-1111
Fax: 206-835-1112
www.iiinc.com

Client
J&L Construction
11111 1st St. S.
Burien, WA 98148
Phone: 206-835-1111
Fax: 206-835-1112



Author	
By Date	
Checked	
By Date	
Drawn	
By Date	
Scale	
Notes	

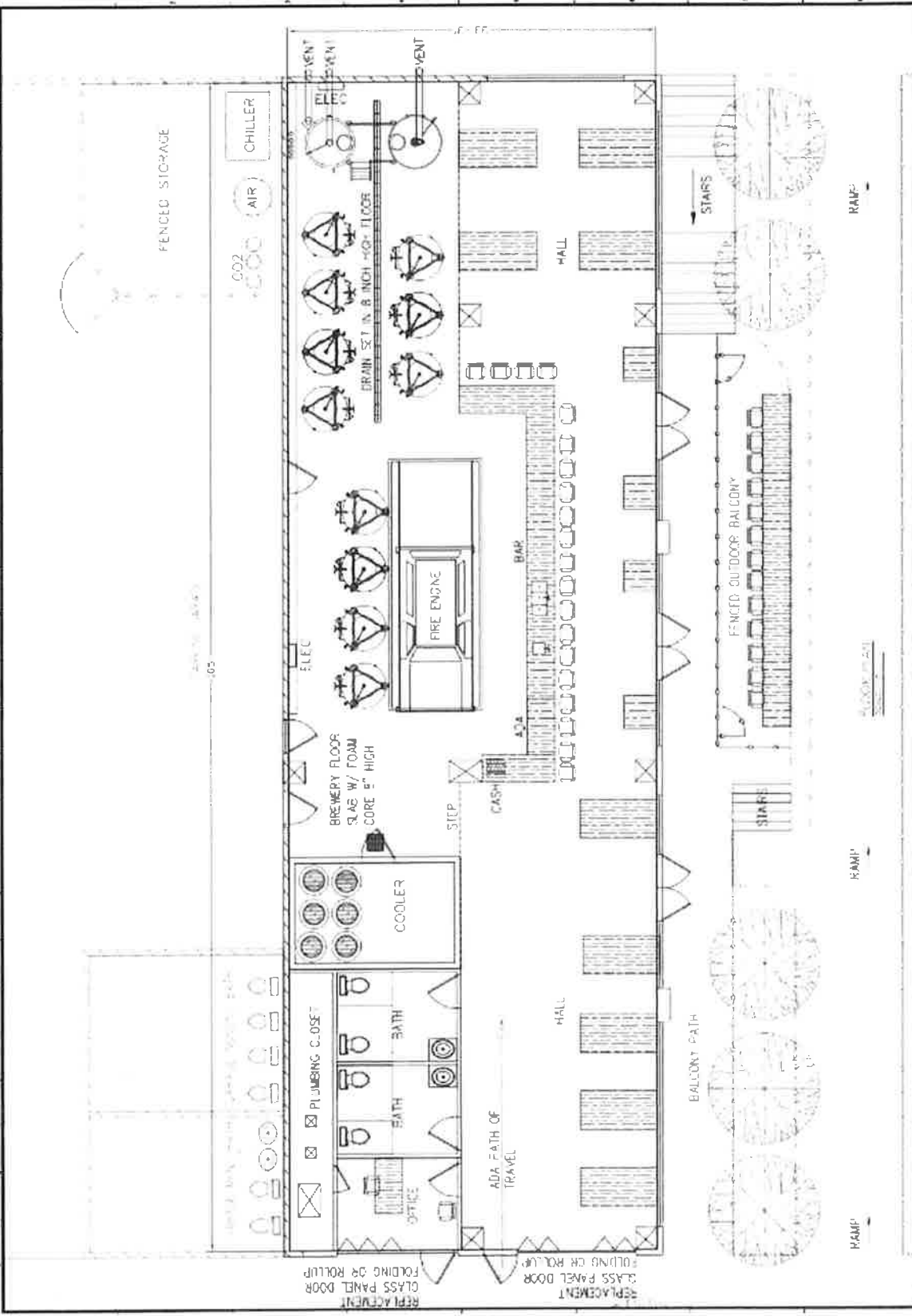
Project
**UNCLE CHARLIE'S
FIREHOUSE
AND BREW**

Location
505 Washington St.
Burien, WA 98148

Sheet No.	
Project No.	
Revision	
Date	

File Number	2-17-1003
Drawn	DEC
Checked	
Date	

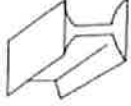

A-3

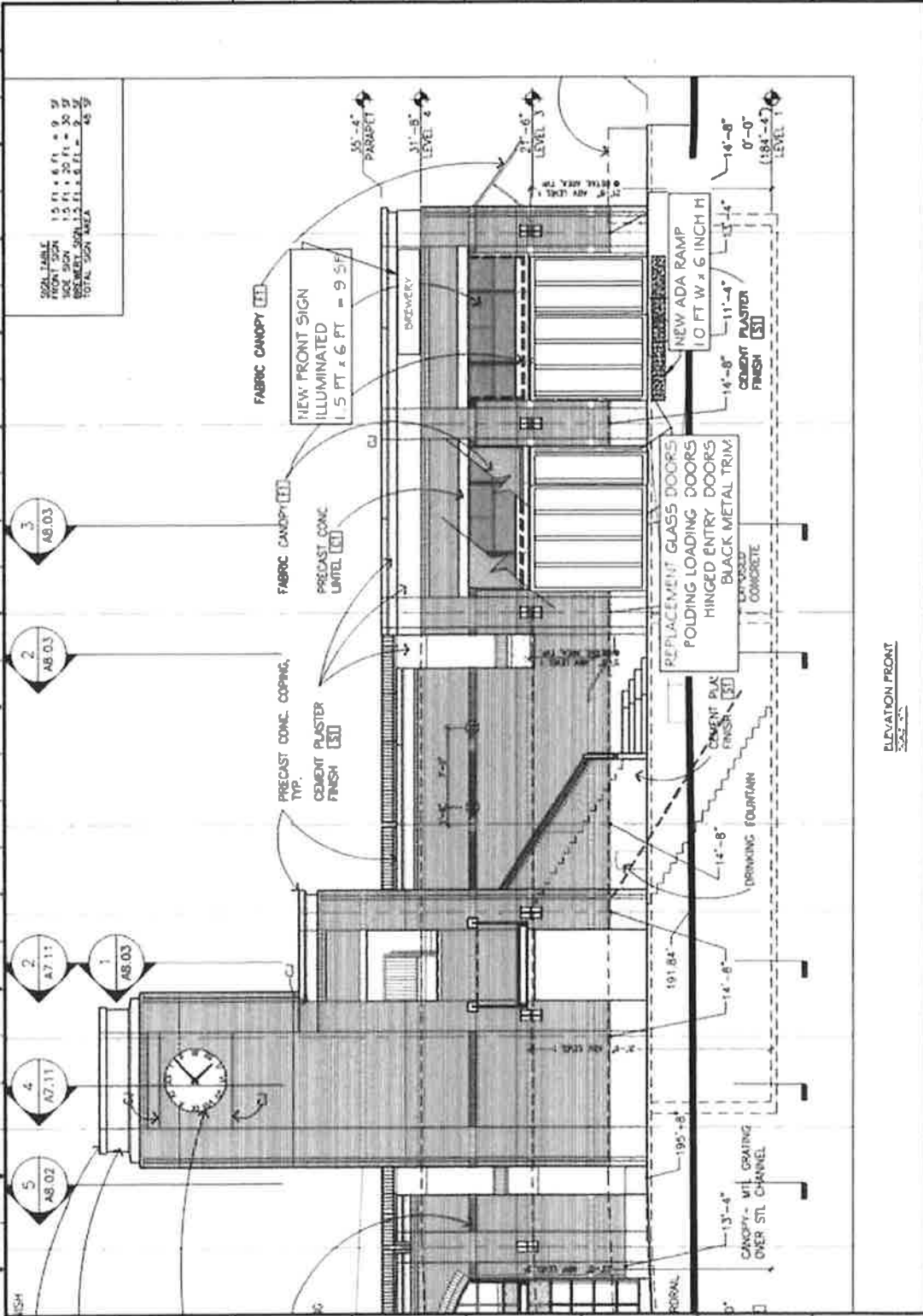


Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

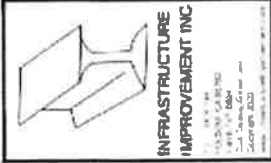
Attachment 9

**Building Elevations, Renderings, and
Sample Exhibits, dated February 17, 2023**

 <p>INFRASTRUCTURE IMPROVEMENT INC. P.O. BOX 748 1700 N. 11th Street Duluth, GA 30090 www.iiinc.com</p>	<p>CLIENT UNCLE CHARLES BREWERY 1000 Industrial Dr Duluth, GA 30090 404-271-1111</p>		<p>DATE: 11/11/2023</p>
			<p>PROJECT: ELEVATION FRONT</p>



ELEVATION FRONT
 555-111

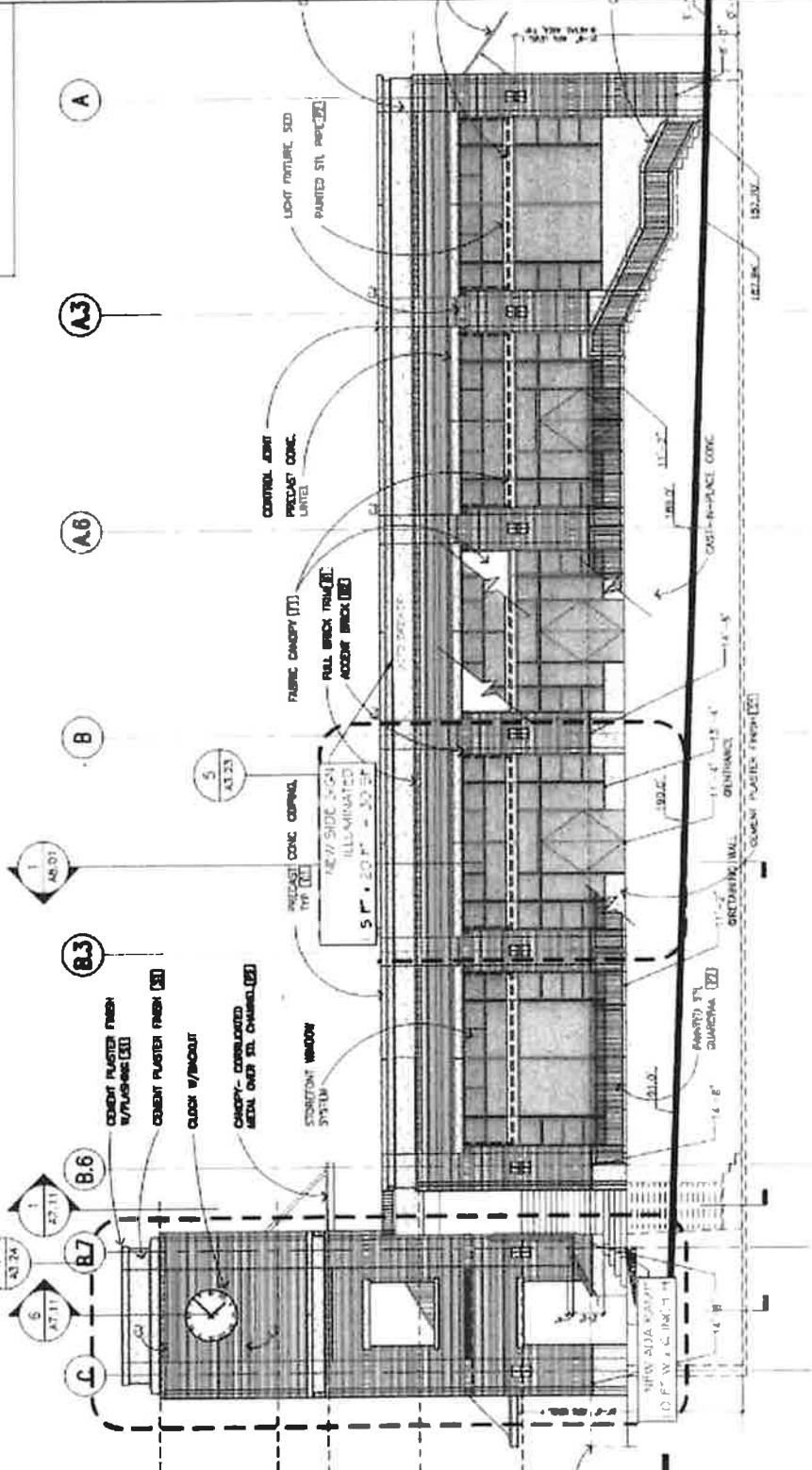


INFRASTRUCTURE IMPROVEMENT INC.
 1515 N. 10TH ST., SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1100
 FAX: 303.733.1101
 WWW.IIINC.COM



PROJECT: UNCLE CHARLIE'S FIREHOUSE AND BREW
 ADDRESS: 885 W. 17TH ST., DENVER, CO 80202
 DRAWING NO.: ELEVATION SIDE
 SHEET NO.: A-5

SIGN TABLE
 FRONT SIGN 15 FT. x 8 FT. = 0 SF
 SIDE SIGN 15 FT. x 20 FT. = 30 SF
 PRELIMINARY SIGN 15 FT. x 5 FT. x 4 FT. = 0 SF
 TOTAL SIGN AREA



ELEVATION SIDE
 30x42



UNCLE CHARLIE'S FIREHOUSE & BREW
PROPOSED DOOR EXAMPLES



MANUFACTURERS
SacDoors.Com
IndustrialDoorCompany.Com

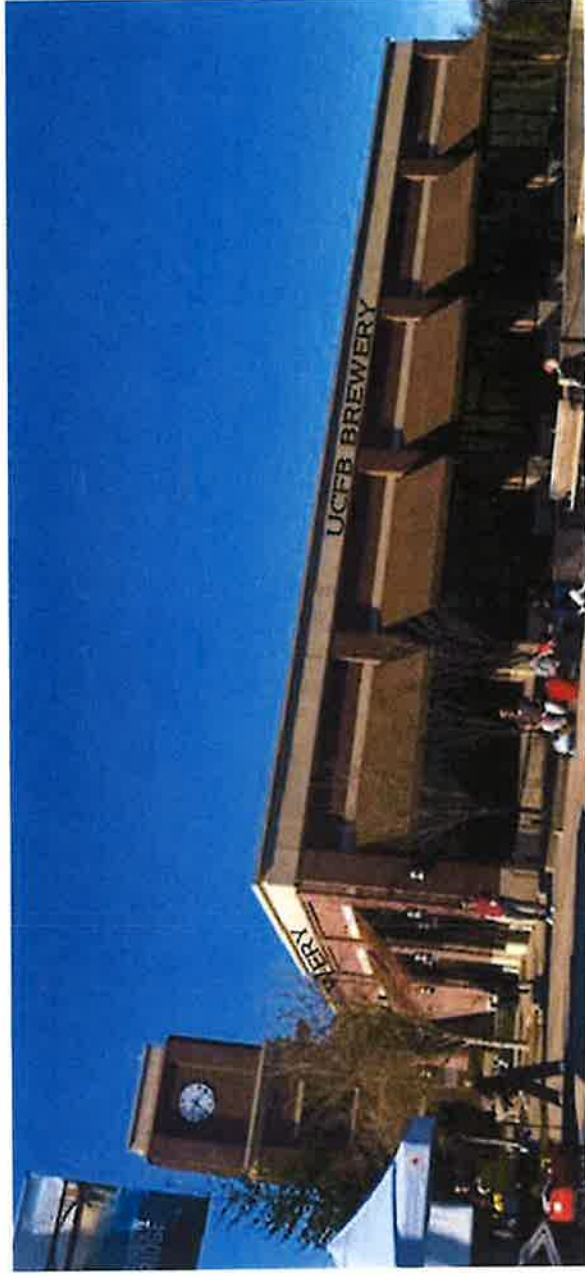
Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 10

Signage Program

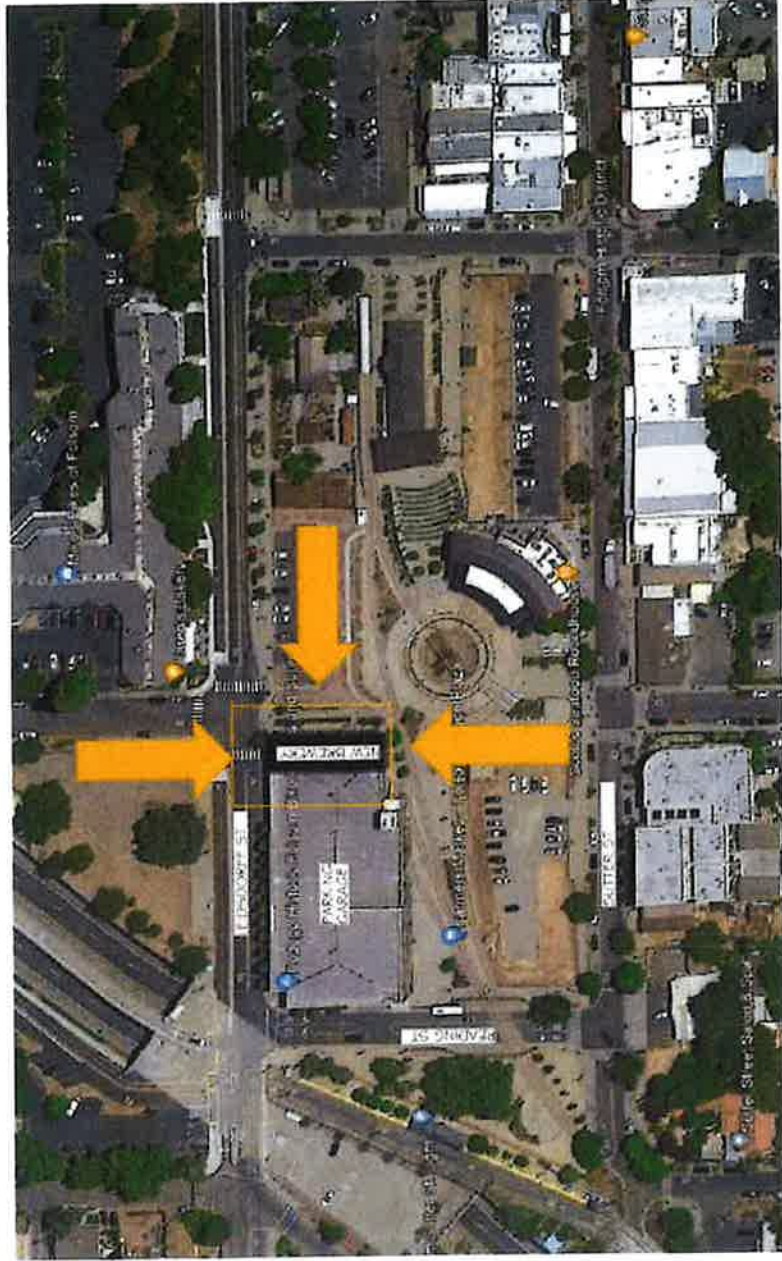
**905 Leidesdorff
St Ste. 100**

**Signage Plan
Proposal**



905 Leidesdorff St Ste. 100

Location for Signage

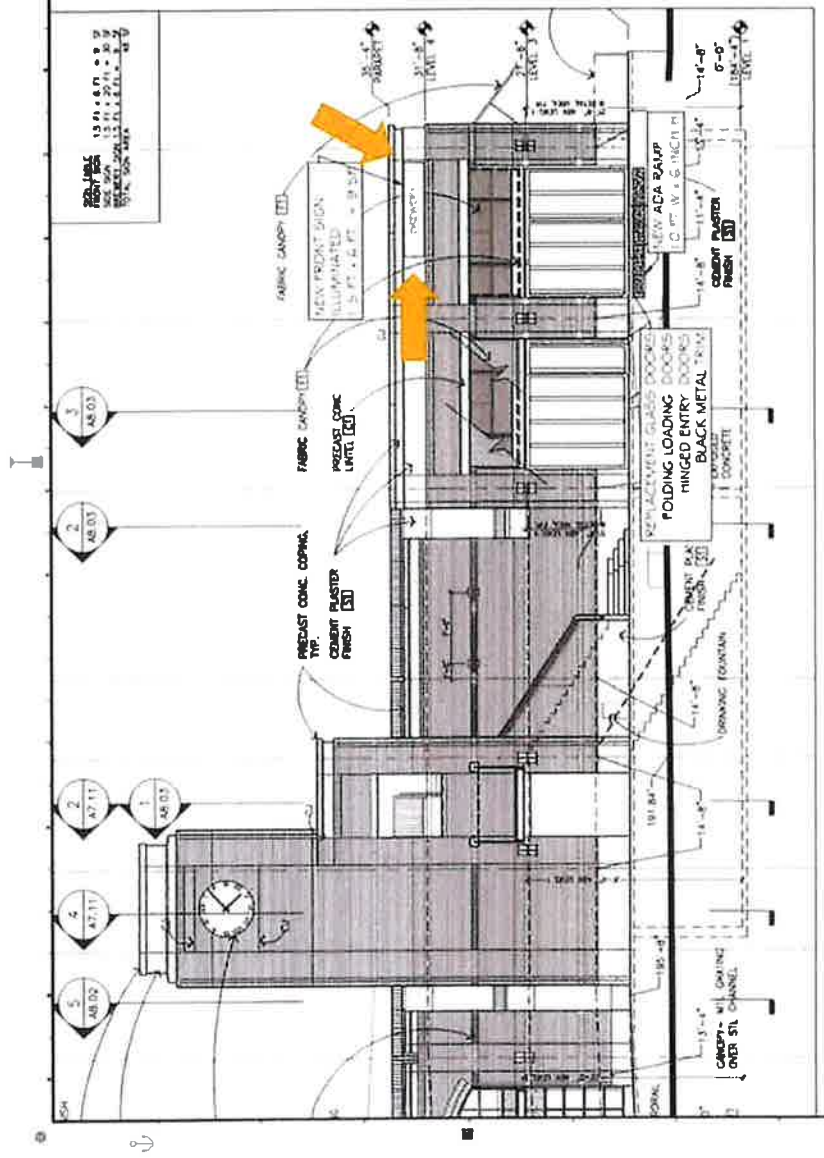


905 Leidesdorff St Ste. 100

Proposed Signage- EAST Side of the Building

"BREWERY"

New backlit signage with
metal letters
1.5ft X 6ft = 9 SF

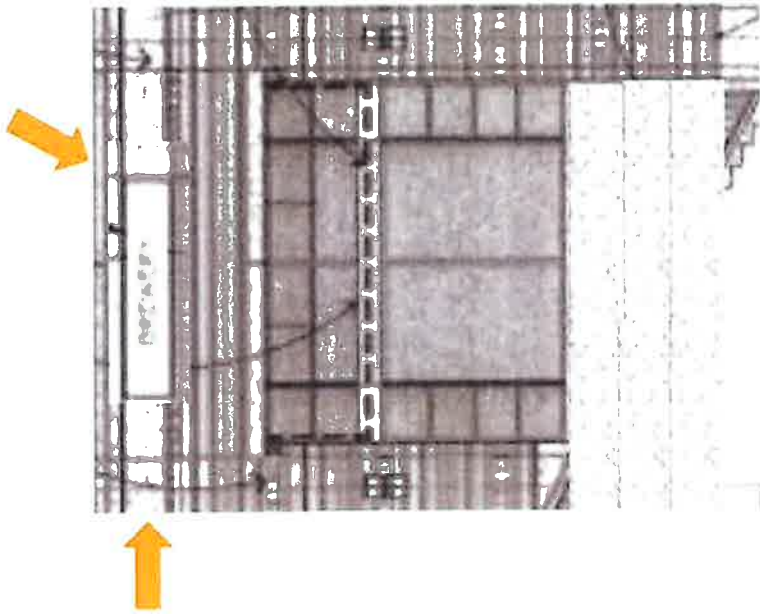


905 Leidesdorff St Ste. 100

Proposed Signage- *WEST* Side of the Building

“BREWERY”

New backlit signage with
metal letters
1.5ft X 6ft = 9 SF

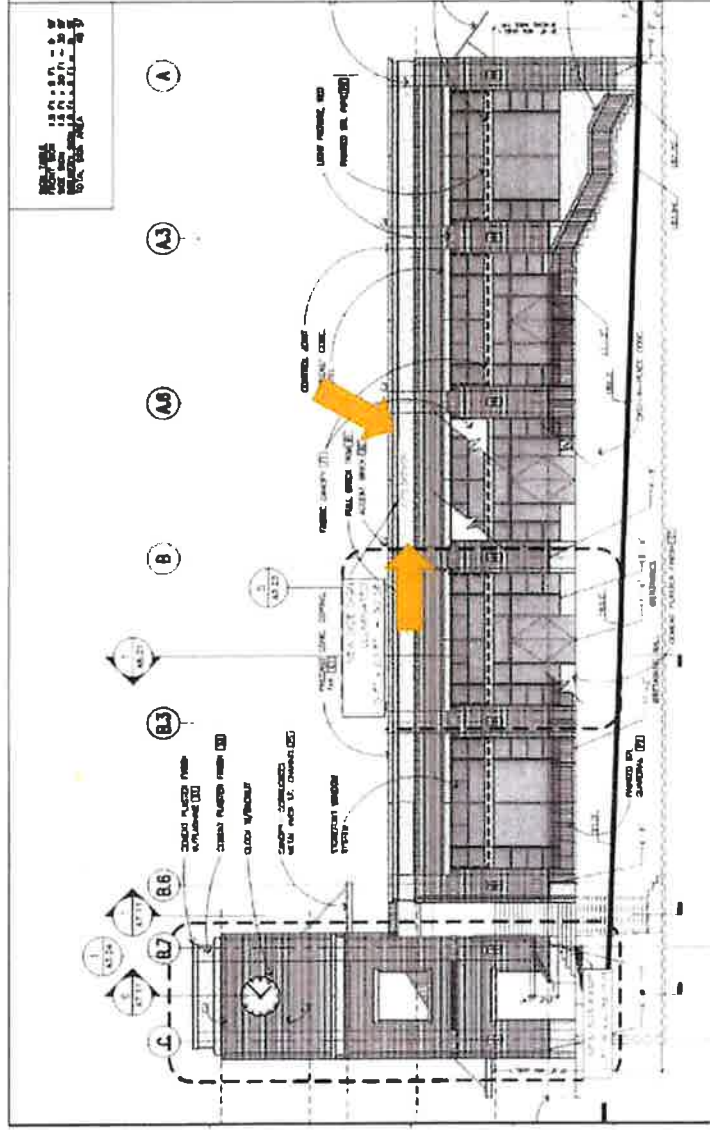


905 Leidesdorff St Ste. 100

Proposed Signage- NORTH Side of the Building

"UCFB BREWERY"

New backlit signage with
metal letters
1.5ft X 20ft = 30 SF

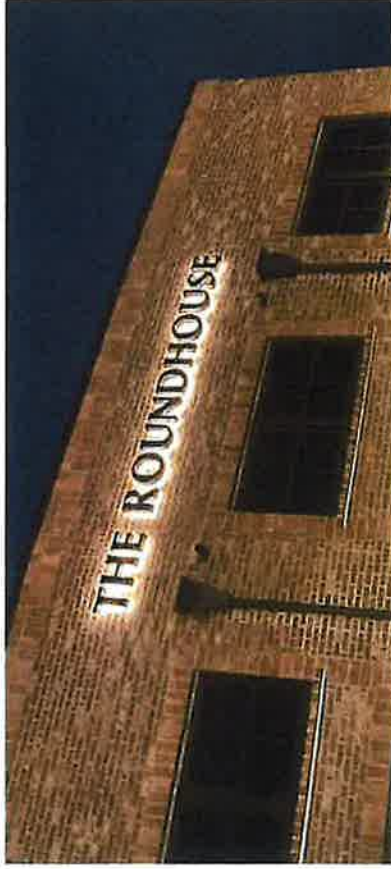


Proposed EAST Facing Signage- LED Backlit Example

TYPE: Stud mounted individual metal letters

ILLUMINATION: LED Backlit (3000k or less)

TOTAL SQUARE FOOTAGE: 1.5ft X 6ft = 9 Square Feet



In accordance with the Historic District sign ordinance, Uncle Charlie's Firehouse & Brew would like to emulate signage similar in the existing area. "The Roundhouse" with backlit 3000k or less wattage and "Old Standard" style font would be most similar.



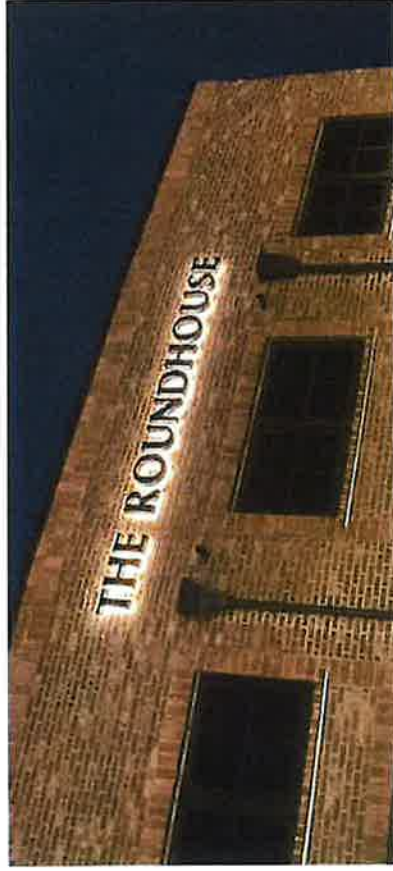
Proposed WEST Facing Signage- LED Backlit Example

TYPE: Stud mounted individual metal letters

ILLUMINATION: LED Backlit (3000k or less)

BREWERY

TOTAL SQUARE FOOTAGE: 1.5ft X 6ft = 9 Square Feet



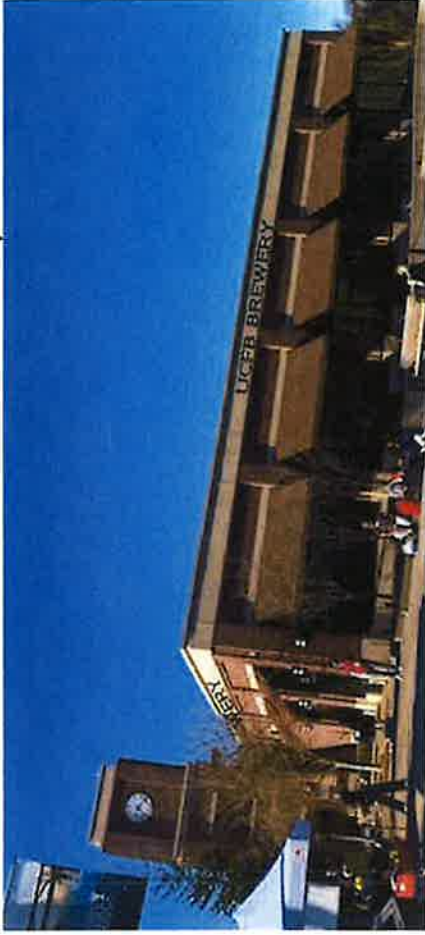
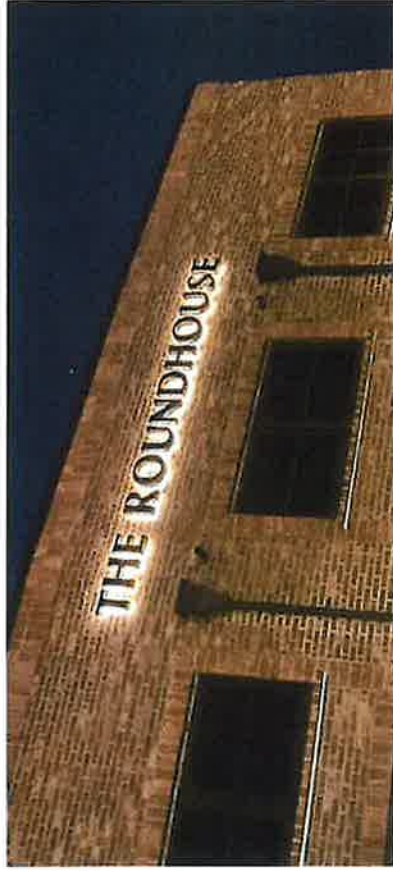
In accordance with the Historic District sign ordinance, Uncle Charlie's Firehouse & Brew would like to emulate signage similar in the existing area. "The Roundhouse" with backlit 3000k or less wattage and "Old Standard" style font would be most similar.

Proposed NORTH Facing Signage- LED Backlit Example

TYPE: Stud mounted individual metal letters

ILLUMINATION: LED Backlit (3000k or less)

TOTAL SQUARE FOOTAGE: 1.5t X 20ft = 30 Square Feet



In accordance with the Historic District sign ordinance, Uncle Charlie's Firehouse & Brew would like to emulate signage similar in the existing area. "The Roundhouse" with backlit 3000k or less wattage and "Old Standard" style font would be most similar.

Total Proposed Signage

LOCATION #1 and #2: East and West sides of the building facing Sutter Street and Leidesdorff respectively, will feature metal letters on white stucco above brick and below roofline

TYPE: Stud mounted individual metal letters

ILLUMINATION: LED Backlit (3000k or less)

MATERIAL: Powder coated, Painted or anodized metal

COLOR: Black or Graphite metal

LETTER HEIGHT: 1.5 foot

SIGNAGE LENGTH: 6 feet

TOTAL SQUARE FOOTAGE: 1.5ft X 6ft = 9 Square Feet

LOCATION: North side of the building facing Sutter Street on white stucco above brick and below roofline

TYPE: Stud mounted individual metal letters

ILLUMINATION: LED Backlit (3000k or less)

MATERIAL: Powder coated, Painted or anodized metal

COLOR: Black or Graphite metal

LETTER HEIGHT: 1.5 foot approx

SIGNAGE LENGTH: 20 feet

TOTAL SQUARE FOOTAGE: 1.5ft X 20ft = 30 Square Feet

TOTAL SQUARE FOOTAGE FOR THREE SIDES OF THE BUILDING: 48 Square Feet

Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 11

Project Narrative, dated January 3, 2023

Uncle Charlie's Firehouse & Brew
Project Narrative

Uncle Charlie's Firehouse & Brew is a firefighter/ first responder themed craft brewery with a desire to find its home in the heart of Historic Folsom. Our mission will be to provide an approachable and community focused space, featuring craft beer and seltzer with limited light bites on site. The breadth of the food component of the business will champion supporting local area restaurants by allowing for outside food. Our team's core mission, will be to make quality craft beer and seltzer while fostering and cultivating a welcoming space for people of all walks of life, while engaging in a multitude of philanthropic endeavors related to giving back to Folsom and the first responder communities.

The Uncle Charlie's Firehouse & Brew (UCFB) team, is comprised of Co-founder Charlie Grows, who has been a resident of the Folsom and surrounding area since 1956. Charlie began a 50+ year long and lucrative career in the fire service starting with Folsom Fire Department before moving onto a firefighter in the Airforce, then at UC Davis Fire, and finally retiring as a Captain from Yocha Dehe Fire. On the days Charlie is not homebrewing or commercially brewing, you can find him supporting many businesses around town as a longstanding Rotarian and lead volunteer of the Folsom Pro Rodeo.

Co-founder, Taryn Grows found a passion for craft beer back in 2004, as an opening team member of BJ's Restaurant & Brewhouse here in Folsom, spending four years of service to the company as a corporate trainer, responsible for opening many of their other California restaurants. Taryn took a job with Choose Folsom (formerly the Greater Folsom Partnership; home of the Folsom Chamber, Folsom Tourism Bureau and Economic Development) spending the last six years+ forging great relationships supporting other business owners in Folsom. Taryn was also tasked with handling all logistics of several brew fests both in Folsom and the surrounding areas by establishing relationships with local breweries and managing all logistics.

Uncle Charlie's Firehouse & Brew's initial operating hours will be Wednesday- Sunday from 12pm-10pm with a staff comprised of a head brewer, assistant brewer, tap room manager and three "Fire BEERgade" team members.

The tap room space will be comprised of a 10barrel brew system, while the bar area itself will include the beer taps being poured off an original 1952 Val Pelt Fire Engine owned back in the 1950's and 1960's by the Folsom Fire Dept. ADA compliant bathrooms will be installed inside the space, adjacent to the bathrooms inside the parking garage through piping into existing plumbing infrastructure as to keep architectural integrity in the building intact. Ample indoor and outdoor seating (based on the city's approval of our encroachment permit) which will allow for patrons to enjoy the scenic views and brews of Historic Folsom. Parking for our brewhouse will be supported by **AB2097** which stipulates there does NOT need to be a parking minimum within a half-mile of public transit. We feel with a vibrant and strong community space such as Uncle Charlie's Firehouse & Brew, this will mitigate the congregation of that group. **CHEERS!**

Thank you in advance for your support and consideration,

_____ & _____

Charlie Grows and Taryn Grows, Founders of Uncle Charlie's Firehouse & Brew

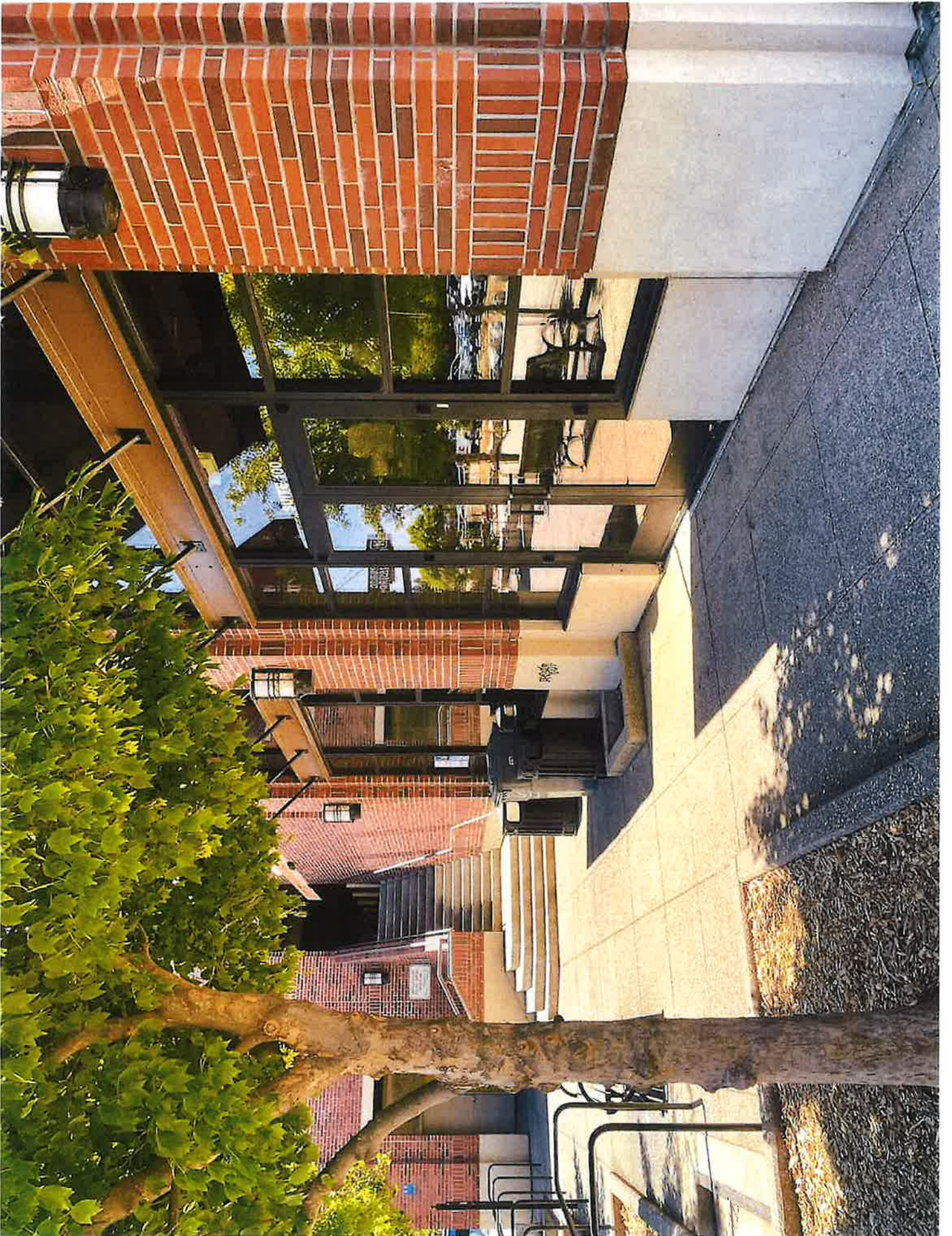
01/03/2023

Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 12

Site Photographs









Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 13

**Letter from Historic Folsom Residents
Association, dated July 8, 2022**

Steven Banks

From: Joan Walter [REDACTED]
Sent: Friday, July 8, 2022 7:35 AM
To: Steven Banks
Cc: Christina Kelley; Michael Reynolds; The Hfra
Subject: Re: Request for Comments for Uncle Charlie's Firehouse and Brew Project (PN 22-158)

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

Steve,

The Historic Folsom Residents Association (HFRA) appreciates the opportunity to provide input on the proposed conditional use permit for Uncle Charlie's Firehouse and Brew Project. The HFRA supports the neighborhood-friendly hours of operation, location near the parking garage and if approved, hope it will draw foot traffic to the West end of Sutter Street.

Thank you.

Joan Walter, AICP
HFRA Board Member

On Jul 7, 2022, at 10:58 AM, Steven Banks <sbanks@folsom.ca.us> wrote:

Good morning Joan,

The proposed project requires approval of a Conditional Use Permit as the Folsom Municipal Code (FMC, Section 17.22.030) dictates that a Conditional Use Permit is necessary for operation of a Microbrewery within the C-2 zoning district. I have reached out to the applicant regarding your question about the storage of hazardous materials, will let you know when I hear back.

Best regards,

Steve

Steven Banks
Principal Planner
City of Folsom
(916) 461-6207
sbanks@folsom.ca.us

From: Joan Walter [REDACTED]
Sent: Thursday, July 7, 2022 10:43 AM
To: Steven Banks <sbanks@folsom.ca.us>
Cc: Christina Kelley <ckelly@folsom.ca.us>; Michael Reynolds [REDACTED] The Hfra

Historic District Commission
Uncle Charlie's Firehouse and Brew (PN 22-158)
March 1, 2023

Attachment 14

Letters of Support



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1/27/23

BUSINESS NAME: Falcon Eyes LLC

BUSINESS ADDRESS:



CONTACT NAME:

Tom Kazarian

CONTACT EMAIL:



To the Planning Department at the City of Folsom,

I, Tom Kazarian (with signature) as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: Jan 27, 2023

BUSINESS NAME: OKTA (operating remotely out of Granite City (concording))

BUSINESS ADDRESS: 100 1st St 6th floor, San Francisco, CA 94103
operating out of ~~350~~ 705 Gold Lake Dr. Ste. 250, Folsom, CA

CONTACT NAME: Jackie Cooper 95630

CONTACT EMAIL: [REDACTED]

To the Planning Department at the City of Folsom,

Jackie Cooper, operating remotely out of
1 Granite City Concord, CA as a current business
owner/representative of a Historic Folsom business, am in support of the addition of
Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in
joining the geographic area AND culture of the Folsom Historic District; which is
dedicated to fostering community engagement and providing economic vitality to the
area.

ADDITIONAL COMMENTS:

Tanya would like to open a brewery that would
greatly contribute to economic development
and tourism in Folsom bringing more awesome
people to the area and serving the community
please allow her to bring this awesome business to
Folsom and also improve Cal RT light-rail!

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1/27/23

BUSINESS NAME: Total 90 Training

BUSINESS ADDRESS: [Redacted]

CONTACT NAME: Kudy Duff

CONTACT EMAIL: [Redacted]

To the Planning Department at the City of Folsom.

I, Kudy Duff as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:
This could add a much-needed element to the historic district that adds to the experience of Old Folsom.

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE:

11/27/2023

BUSINESS NAME:

Wicket, Peckers - Sierra Pacific Group

BUSINESS ADDRESS:

705 Gold Lake Drive, Ste 250, Folsom CA 95630

CONTACT NAME:

Nicholas Muggione

CONTACT EMAIL:



To the Planning Department at the City of Folsom.

I, Nicholas Muggione as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

Blank lines for additional comments.

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1/27/2023

BUSINESS NAME: Mathews Capital Management

BUSINESS ADDRESS: 705 Gold Lake Dr. STE 258 Folsom CA 95630

CONTACT NAME: Jess Mathews

CONTACT EMAIL: [REDACTED]

To the Planning Department at the City of Folsom,

I, Jess Mathews as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

We need an awesome place we can go to after work. It would revitalize the Sutter Street Corridor area. It has my full support.

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1-27-23

BUSINESS NAME: Folsom Telegraph

BUSINESS ADDRESS: 921 South St.

CONTACT NAME: Bill Silver

CONTACT EMAIL:



To the Planning Department at the City of Folsom,

I, Bill Silver as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

Write Letter of P.S.S. TO The Company!

CHEERS!



LETTER OF SUPPORT FOR UNCLE CHARLIE'S FIREHOUSE AND BREW

DATE: 1-27-2023

BUSINESS NAME: Garrett Kiesz - sole proprietor

BUSINESS ADDRESS: Granite City

CONTACT NAME: Garrett Kiesz

CONTACT EMAIL: [REDACTED]

To the Planning Department at the City of Folsom,

I, Garrett Kiesz as a current business owner/representative of a Historic Folsom business, am in support of the addition of Uncle Charlie's Firehouse & Brew looking to open at 905 Leidesdorff St, Suite 100, in joining the geographic area AND culture of the Folsom Historic District; which is dedicated to fostering community engagement and providing economic vitality to the area.

ADDITIONAL COMMENTS:

CHEERS!

ATTACHMENT 3

February 27, 2023

City of Folsom Community Development Department
Ms. Pam Johns, Director
50 Natoma Street
Folsom, CA 95630
via email to: pjohns@folsom.ca.us

SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information

Dear Ms. Johns:

Item 3 of the Historic District Commission's March 1, 2023, meeting is "Uncle Charlie's Firehouse and Brew" (PN 22-158). To my knowledge, the Community Development Department's "Pending Development Applications" has never included and, as of 11am this morning (screenshot at end of letter), still does not include Uncle Charlie's as a pending development application.

As stated on the CDD webpage, the webpage is to include "those pending applications for discretionary planning entitlements that require a public meeting or hearing with the Planning Commission or Historic District Commission". A CUP and design review for the Uncle Charlie's project fits squarely into that category of projects. Yet, project information was not made available to the general public until release of CDD's staff report to the HDC dated March 1, 2023 (I saw it last night, Feb 26th, for the first time by checking the HDC's March 1 meeting agenda packet; posted on Feb 23rd or 24th, in any case, just a few days ago). Even with the recent availability of the staff report, the staff report does not provide the complete application nor does it include fully legible information that ostensibly defines much of what the HDC is being asked to approve (for example, see illegible graphics in staff report at Figures 2, 3, 4 and Attachment 6).

To allow for fully informed public review and input on the project, I am requesting that you postpone the HDC hearing on this item to allow CDD to post the complete application and fully legible materials on the Pending Development Applications webpage in advance of scheduling this item on a future HDC agenda.

On initial review of the staff report, I have the following questions for which I am hoping you can provide feedback; ideally, by addressing them in a revised staff report and allowing ample time for public review prior to an HDC hearing.

1. Can you please provide, or post to the Pending Development Applications webpage, the complete application, including all information required for CUP and design review applications (title report, notification map, etc.)?
2. Can you please provide information/records for when the public was notified that that City Council made the discretionary decision to lease the space to Uncle Charlies for use as a brewery? (According to the recent staff report, that discretionary decision was made by the Council on Nov 9, 2021, when "Uncle Charlie's Firehouse and Brew was selected as the business to occupy the aforementioned retail tenant space in the parking structure." That November 9, 2021, Council meeting was a Closed Session meeting with no minutes recorded and no announcement following the session pertaining to the Uncle Charlie's lease decision. I am aware of no public announcement or notice since that time of the Council's close session decision, nor of any CEQA document or notice of exemption filed for the discretionary Council decision that was made in closed session and never

announced to the public. To my knowledge, the first time that a member of the general public was notified and could have been aware of the Council's decision was publication of the CDD staff report dated March 1, 2023.)

3. Did all of the then-councilmembers participate in the Nov 9, 2021, discussion and the discretionary decision made by the Council to enter into a lease with Uncle Charlie's or did any councilmembers recuse themselves due to potential conflicts of interest (for instance, due to owning a business nearby that might benefit financially from leasing the space for use as a brewery)? Did the City Attorney during the closed session provide any guidance to Councilmembers present regarding whether they should recuse themselves due to potential conflicts?
4. Can you provide the square footage of the existing parking structure that would be modified by this proposal? (The staff report references an "existing 3,322-square-foot building" located within the first floor of the parking structure. This seems akin to referring to a portion of my house, say, my living room, as a building. The staff report should be corrected to reflect that the project is proposed to be located within a 3,322 sf portion of the larger parking structure building and the total square footage of the parking structure should be identified.)
5. Can you explain by what provision in the Folsom Municipal Code the HDC obtains the authority to 1) approve a private entity to make modifications to existing City-owned buildings and 2) approve use of an existing City-owned building by a private entity? (The staff report and recommendation that the HDC approve design review and a CUP to a private party seemingly disregards the fact that this project would be on City-owned property – both within a City-owned building and on what Sacramento County assessor's office identifies as a nearly 4.5-acre parcel. Both of these items would fit squarely within the HDC's role authorized by the FMC as "advisory" to the Council, whereby the HDC might properly review the proposed project and provide a recommendation to the City Council and the City Council would then make a final decision regarding building modifications, a CUP, and a lease for City-owned property. This would allow, for example, the CUP and lease to be linked by permitted use and duration which are important terms for both a CUP and a lease that should not be separately decided by two different decision-making bodies. The CUP as currently recommended by staff has no duration or relationship to lease terms established, or that may be established, by the City Council. Additionally, without understanding the lease terms that have been or will be established by the Council, the HDC has no basis on which to understand whether the building modifications would be acceptable to the City Council. The City Council should make the final decision regarding modifications to City-owned buildings; not the HDC.)
6. Can you please produce a staff report with legible figures and labels so the public and decisionmakers can understand what changes are proposed to the building? (Figures 2, 3, and 4, and Attachment 6 sheet A-1 are impossible to decipher in terms of existing structure and proposed modifications, and yet these figures would serve as the basis for illustrating and defining the recommended approval, so they need to be fully legible.)
7. Can you clarify CDD's interpretation of "parking available to serve the project"? (The staff report states, "parking available to serve the project includes 318 parking spaces in the adjacent Historic Folsom parking structure, 25 parking spaces in an adjacent Railroad Block public parking lot, and another 25 spaced in a nearby Railroad Block public parking lot." These 368 public parking spaces are available for use by existing business employees, light-rail users, Historic District visitors, etc., under existing conditions.

Unless these spaces are specifically allocated “to serve the” project, the staff report should be revised to clarify that these are shared spaces available on a first-come/first-served basis that “may be available” when not occupied by others.)

8. Can you please clarify how many parking spaces the project would provide? (If the answer is “zero,” the staff report should clearly state that. As currently written the staff report misleadingly states that, “the project exceeds the minimum parking requirement by providing 318 permanent parking spaces.” If the project proposes to provide 318 parking spaces, please describe where these spaces will be located.)
9. Can you please clarify the proposed hours of operation – both in terms of when the business would be open to serve the public and when the business would operate for the production of beer. Page 12 of the staff report (HDC packet page 124) discusses that one of the mitigating factors for potential odor impacts is that brewing times would be scheduled for Mondays and Tuesdays only. Yet, the “hours of operation” for the project (on that same page) are listed as 12pm to 10pm Wednesday through Sunday implying no operations on Mondays and Tuesdays. It appears that references to operations Wednesday through Sunday is intended to mean when the brewery would be open to the public; and that operations for brewing beer would be permitted to occur on Mondays and Tuesdays (during “daytime hours for greater odor dispersion” – a less-than-clear definition of permitted brewing hours). Clarification of the actual proposed hours of operation is needed with differentiation between hours when open to the public and hours when brewing is allowed.
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11. Can you provide copies of all comments from public agencies received on the project? The staff report references “recommendations provided by the Sacramento Air Quality Management District”, but the staff report does not provide documentation of any comments provided by SMAQMD. It is also unclear as to when and how agency review and input on the project was solicited.

February 27, 2023

12. Has the CDD fully assessed the City obligations and liabilities associated with leasing this portion of the building to a private entity and for selling alcohol at a City-owned property? For air permits and possibly other regulatory permits, would the City, as the building/property owner have obligations or liabilities associated with compliance? Also, Banks' email to Joan Walter (packet pg. 175) references that he will follow-up regarding potential storage of hazardous materials, but I do not see follow-up or resolution of that issue in the staff report. Are hazardous materials – or even just obnoxious/nuisance materials (e.g., odor-causing byproducts) – associated with the project and, if so, what is the City's liability associated with such use? Issues of liability would appear to be well outside of the purview of the HDC, yet very relevant in a decision of whether or not to approve a CUP for the project. So, again, I question whether the HDC should be asked to approve or simply asked to serve in its more appropriate advisory function to the Council.

Sincerely,



Bob Delp
Historic District Resident
Folsom, CA 95630
bdelp@live.com

**Community Development Department "Pending Development Applications" Webpage List
of Projects as of 11am, Feb 27, 2023**

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AT&T Livermore Park Monopline Cellular Site	>
Kaiser Medical Office Building	>
311 Coloma Street	>

March 1, 2023

City of Folsom Historic District Commission
50 Natoma Street
Folsom, CA 95630
via email to: pjohns@folsom.ca.us

SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Comments to HDC for March 1, 2023 Hearing

Dear Historic District Commissioners:

On February 26, 2023, I became aware of a staff report issued for the subject project. On February 27th, I submitted a list of questions and concerns to the Community Development Department (Attachment 1) and on February 28th, after CDD made certain application materials available that had not been previously available, I provided additional questions about the application to CDD. As of 11 a.m. today, the day you are scheduled to conduct a hearing on the project, I have received no feedback from CDD on my questions (with the exception of Ms. John's advisory that the application materials were now available on CDD webpage and advising that her staff would respond to my questions).

Please understand that although the staff report has a section "Public Comments," to my knowledge the project as currently proposed was never circulated for public review and comment prior to publication of the staff report. While my comments may seem late in coming, I have previously been given no opportunity to comment until publication of the staff report dated March 1, 2023, which I saw for the first time on February 26th.

To allow for fully informed public review and input on the project, I am requesting that the HDC Chair postpone a hearing on this item to allow time for staff to address important issues associated with this project that are currently not addressed in the staff report. In the event that the hearing proceeds tonight, my attached questions and comments to Ms. Johns are now provided for the HDC's consideration to the extent the HDC feels they may be relevant to your deliberations. Furthermore, I reserve the right to submit additional comments on any future hearing conducted by the HDC or any future appeal or other hearing conducted by the City Council on this project.

In addition to the attached, I have the following comments for your consideration:

1. As presented by staff, the CUP approval in the absence of any reference to a lease would appear to provide an entitlement and commit the City to allowing the use and essentially requiring the City to lease the site to Uncle Charlie's with little or no negotiation. I suggest that a condition of approval be added to avoid that and ensure that the CUP is contingent on, and subordinate to, any lease that the City Council may choose to execute. Something like: "*The entitlements granted by this approval shall be contingent on, and subordinate to all terms and conditions of, a lease for use of the space between the City Council and the permittee. The duration of the CUP granted by this approval shall be limited to the duration of any lease, or extension thereof, approved by the City Council and may be revoked for any reason at the discretion of the City Council.*"
2. Staff's discussion of parking issues fails to identify an actual predicted parking demand for the project. Regardless of whether the City has the ability to impose minimum parking standards (a limitation asserted in staff's analysis), an understanding of the project's actual parking demand is essential to understanding the project's effect on vehicle and pedestrian circulation and safety within the Historic District and is, therefore,

essential to the decisionmakers ability to make the findings required for issuance of a CUP. Please do not make an approval decision for this project without a clear understanding of the project's parking demand.

3. Staff's assertion that the City is limited in its ability to impose minimum parking standards fails to acknowledge that the space to be occupied by the project is City-owned and the City has full exercise of discretion of how that space is used and the terms of any lease that may be executed for the space. Surely, the City has the authority to decline to enter into a lease if the applicant is unwilling or unable to meet any requirement that the City seeks to impose, including providing parking. I do not assert that the project needs to provide parking or that the City Council should require the project to provide parking; and only assert that staff appears to be improperly limiting the City's authority over the use of City-owned property. Councilmember Kozlowski recently engaged in discussion with the City Attorney during a City Council meeting asking the City Attorney to think about creative ways that parking could be addressed in the Historic District in light of the restrictions imposed by state law. Staff's approach to imposing state law parking restrictions on a freely negotiated lease of City property appears to be about as uncreative as one could imagine.
4. Condition of Approval 20 states: "*Hours of operation (including private parties) shall be limited as follows: Wednesday-Sunday: 12:00 p.m. to 10:00 p.m. No expansion of business hours beyond what is stated above shall be permitted without prior approval being obtained from the Historic District Commission through a discretionary Conditional Use Permit Modification.*" Yet the staff report discusses that brewing would occur on Mondays and Tuesdays. Brewing is a component of the operation, therefore, there needs to be a condition of approval specifying allowing brewing days. Furthermore, the staff report provides no basis for limiting the days of customer visitation to Wednesday-Sunday. If the owner wants to avoid subjecting customers to brewing odors, the owner should be left to decide whether or not to be open on Mondays and Tuesdays.
5. The staff report acknowledges that the project has the potential to result in significant odors and, without any analysis, provides mitigation ostensibly intended to address odor impacts. The surrounding land uses both on the remainder of the City-owned property and nearby involve a substantial number of people (e.g., amphitheater, seasonal skating rink and City Christmas tree, farmers market, outdoor dining, residences with balconies) that would be affected by any objectionable odors emitted by the project brewing operations and waste systems. The staff report provides no analysis of the degree of anticipated impact nor the effectiveness of mitigation measures recommended by staff. An evaluation of potential odor impacts is needed. Given staff's (and perhaps also the Sac Metro Air District in comments that have not been shared with the public) acknowledgement of potential odor impacts and imposition of mitigation, the project does not qualify for a CEQA exemption.
6. By the applicant's acknowledgement on the application form, the project would result in "substantial change in demand for municipal services (police, fire, water, sewage, etc.)" but without any additional explanation by the applicant or evaluation by staff. For compliance with CEQA, and evaluation of the project's demand for municipal services must be provided.
7. According to the application, "[t]he subject property is listed on the Hazardous Waste and Substances Sites List" per Gov Code 65962.5. CEQA statute 21084(d) expressly

March 1, 2023

prohibits using a categorical exemption on "*d) A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a).*" CEQA Guidelines 15300.2, Exceptions, subdivision "e" reiterates that a "*categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*" Given the application's statement that the project is on a Gov Code 65962.5 site and no information presented to the contrary, the project ineligible for a CEQA exemption.

Sincerely,



Bob Delp
Historic District Resident
Folsom, CA 95630
bdelp@live.com

March 1, 2023

Attachment 1

Questions to Community Development Department Feb 27, 2023

February 27, 2023

City of Folsom Community Development Department
Ms. Pam Johns, Director
50 Natoma Street
Folsom, CA 95630
via email to: pjohns@folsom.ca.us

SUBJECT: Uncle Charlie's Firehouse and Brew (PN 22-158) Request for Additional Information

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February 27, 2023

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Sincerely,



Bob Delp
Historic District Resident
Folsom, CA 95630
bdelp@live.com

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of Projects as of 11am, Feb 27, 2023**

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311 Coloma Street	>

March 1, 2023

Attachment 2

Additional Questions to Community Development Department Feb 28, 2023

Re: Uncle Charlies

Bob Delp <bdelp@live.com>

Tue 2/28/2023 6:03 PM

To: Pam Johns <pjohns@folsom.ca.us>

Cc: Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; danwestmit@yahoo.com <danwestmit@yahoo.com>; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john_carrie_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>

Thank you, Pam. Per review of the application materials now on the Pending Development Projects webpage, I have a few additional questions that I'm hoping can also be answered:

The application notes that the project is requesting a zone change from HD/C2 to M2. The General Info page also identifies "Rezone" as one of the requested entitlements. That's not discussed in the staff report, but is the project requesting to change the zoning of the parcel?

The application is to include the Property Owner's Signature, but that portion of the application is left blank. Isn't it necessary to have the property owner's signature for a building modification and CUP?

The question "Change in dust, ash, smoke, fumes, or odors in vicinity" is marked **YES** on the application, in which case additional explanation is to be provided with the application. I do not see that in the posted materials; where can I find that information?

The question "Substantial change in demand for municipal services (police, fire, water, sewage, etc.)" is marked **YES**, in which case additional explanation is to be provided with the application. I don't doubt that the answer is correctly identified as yes. There are likely additional police and fire protections needed for this operation, and I expect also increased water supply and wastewater conveyance utilities that weren't installed for the parking garage. However, notwithstanding the application's acknowledgement that the project would result in a substantial change in demand for services, I do not see any information about public services or utilities in the posted materials nor any attempt in the staff report to identify or evaluate the increased demand; where can I find that information?

The HazWaste Disclosure marks that "The subject property **IS** listed on the Hazardous Waste and Substances Sites List" per Gov Code 65962.5. CEQA statute 21084(d) expressly prohibits using a categorical exemption on "d) A project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code shall not be exempted from this division pursuant to subdivision (a)." CEQA Guidelines 15300.2, Exceptions, subdivision "e" reiterates that a "categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code." The application specifically states that the project **IS** on a Gov Code 65962.5 site. Why then is staff recommending that the project is exempt from CEQA?

Thank you,
-Bob

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

From: Pam Johns <pjohns@folsom.ca.us>
Sent: Tuesday, February 28, 2023 1:24 PM
To: Bob Delp <bdelp@LIVE.COM>
Cc: Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com <kcolepolicy@gmail.com>; danwestmit@yahoo.com <danwestmit@yahoo.com>; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john_carrie_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>
Subject: RE: Uncle Charlies

Hi Bob,

Thank you for your comments. As always, we'll be sure to include your letter as part of the public comments received and will be prepared to address comments and questions at the Commission meeting on Wednesday.

We have posted the project information to the City's website under pending applications, which is not a requirement but is our practice. The project was previously posted and we're not sure when or how it was removed but we have re-posted the application materials.

Steve Banks will follow up to provide the additional information you requested.

Pam



Pam Johns

Community Development Director

City of Folsom

50 Natoma Street, Folsom, CA 95630

pjohns@folsom.ca.us

o: 916-461-6205 c: 916-764-0106

www.folsom.ca.us

From: Bob Delp <bdelp@LIVE.COM>
Sent: Monday, February 27, 2023 12:17 PM
To: Pam Johns <pjohns@folsom.ca.us>
Cc: Rosario Rodriguez <rrodriguez@folsom.ca.us>; Karen Sanabria <ksanabria@folsom.ca.us>; kcolepolicy@gmail.com; danwestmit@yahoo.com; Karen Sanabria <ksanabria@folsom.ca.us>; John Felts <john.felts@motivps.com>; John Lane <john_carrie_lane@sbcglobal.net>; Mark Dascallos <m.dascallos@yahoo.com>; Sari Dierking <sdierking@folsom.ca.us>; Elaine Andersen <eandersen@folsom.ca.us>; Steven Wang <swang@folsom.ca.us>
Subject: Uncle Charlies

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

Ms. Johns:

Please see attached letter requesting additional information regarding Uncle Charlie's Firehouse and Brew (PN 22-158) and requesting postponement of an HDC hearing on the project until sufficient information and time for public review is provided.

Thank you,
-Bob Delp
916-812-8122
bdelp@live.com

ATTACHMENT 4



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

HISTORIC DISTRICT COMMISSION MINUTES
March 1, 2023
6:30 p.m.
50 Natoma Street
Folsom, California 95630

CALL TO ORDER HISTORIC DISTRICT COMMISSION:

The regular Historic District Commission Meeting was called to order at 6:31 p.m. with Chair Kathy Cole presiding.

ROLL CALL:

Commissioners Present: Daniel West, Commissioner
John Lane, Vice Chair
John Felts, Commissioner
Mark Dascallos, Commissioner
Ralph Peña, Commissioner
Jennifer Cabrera, Commissioner
Kathy Cole, Chair

Commissioners Absent: None

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

CITIZEN COMMUNICATION:

NONE

Oath of Office Administered to Daniel West, John Felts, Ralph Peña and Jennifer Cabrera

Election of Chair and Vice Chair

COMMISSIONER LANE MOVED TO APPROVE COMMISSIONER COLE TO SERVE AS CHAIR FOR 2023.

COMMISSIONER FELTS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA, COLE
NOES: NONE
RECUSED: NONE
ABSENT: NONE

MOTION PASSED

COMMISSIONER DASCALLOS MOVED TO APPROVE COMMISSIONER LANETO SERVE AS VICE CHAIR FOR 2023.

COMMISSIONER WEST SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA, COLE
NOES: NONE
RECUSED: NONE
ABSENT: NONE

MOTION PASSED

MINUTES:

The minutes of the December 7, 2022, meeting were approved.

NEW BUSINESS:

1. DRCL22-00313, 808 Figueroa Street Design Review and Determination that the Project is Exempt from CEQA

A Public Meeting to consider a request from Elemental Buildings Inc. for approval of a Design Review Application for exterior modifications at the existing residence at 808 Figueroa Street. The zoning classification for the site is FIG/R-2, while the General Plan land-use designation is MLD. The project is exempt from the California Environmental Quality Act in accordance with Section 15301 of the CEQA Guidelines. **(Project Planner: Brianna Gustafson/Applicant: Elemental Builders)**

COMMISSIONER WEST MOVED TO APPROVE THE APPLICATION (DRCL22-00313) FOR DESIGN REVIEW OF AN EXTERIOR MODIFICATION OF AN EXISTING RESIDENCE AT 808 FIGUEROA STREET, AS ILLUSTRATED ON ATTACHMENTS 5, 6, AND 7 FOR THE 808 FIGUEROA STREET PROJECT, BASED ON THE FINDINGS BELOW (FINDINGS A-H) AND SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL (CONDITIONS 1- 11) INCLUDED AS ATTACHMENT 3.

COMMISSIONER DASCALLOS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA, COLE
NOES: NONE
RECUSED: NONE
ABSENT: NONE

MOTION PASSED

2. DRCL22-00318, 311 Coloma Street Design Review for New Custom Home and Accessory Dwelling Unit and Determination that the Project is Exempt from CEQA

A Public Meeting to consider a request from Pamela Bohall for approval of a Design Review Application for the construction of a new custom home, garage and accessory dwelling unit at 311 Coloma Street. The project was previously approved by the Historic District Commission on August 4, 2021 (PN21-095) but the approval has since expired. No changes to the previously approved project are proposed. The zoning classification for the site is FIG/R-2, while the General Plan land-use designation is SFHD. The project is exempt from the California Environmental Quality Act in accordance with Section 15303 of the CEQA Guidelines. **(Project Planner: Brianna Gustafson/Applicant: Pamela Bohall)**

COMMISSIONER FELTS MOVED TO APPROVE THE DESIGN REVIEW APPLICATION (DRCL22-00318) FOR AN 1,809-SQUARE- FOOT CUSTOM HOME AND A DETACHED TWO-STORY STRUCTURE WITH A 464-SQUARE-FOOT GARAGE AND A 464-SQUARE-FOOT ACCESSORY DWELLING UNIT ABOVE AT 311 COLOMA STREET AS ILLUSTRATED ON ATTACHMENT 5 FOR THE 311 COLOMA STREET NEW CUSTOM HOME AND GARAGE AND ACCESSORY DWELLING UNIT STRUCTURE PROJECT, SUBJECT TO THE FINDINGS INCLUDED IN THIS REPORT (FINDINGS A- I) AND ATTACHED CONDITIONS OF APPROVAL (CONDITIONS 1-18).

COMMISSIONER DASCALLOS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA,
NOES: NONE
RECUSED: COLE
ABSENT: NONE

MOTION PASSED

3. USPT22-00158: Uncle Charlie's Firehouse and Brew Conditional Use Permit, Design Review, and Determination that the Project is Exempt from CEQA

A Public Hearing to consider a request from Taryn and Charlie Grows for approval of a Conditional Use Permit and Design Review for development and operation of a craft brewery within an existing 3,322-square-foot commercial tenant space located at 905 Leidesdorff Street. The General Plan land use designation for the project site is HF, while the Zoning designation is HD (Sutter Street Subarea). The project is categorically exempt under Section 15301 (Existing Facilities) and Section 15303 (New Construction of Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. **(Project Planner: Steve Banks/Applicant: Taryn and Charlie Grows)**

1. Jacob Rangel addressed the Commission in support of the proposed project.
2. Dean Hyatt addressed the Commission in support of the proposed project.
3. Todd White addressed the Commission in support of the proposed project.
4. Loretta Hettinger addressed the Commission with concerns regarding the selection of the glass doors.
5. Jerry Bernau addressed the Commission in support of the proposed project but requested a change in the condition for the brewing odors.
6. Kimberly Morphis addressed the Commission in support of the proposed project.
7. Colnn Miguelgorry addressed the Commission in support of the proposed project.
8. Monika Reyes addressed the Commission in support of the proposed project.
9. Justin Raithel addressed the Commission in support of the proposed project and requested Condition No. 20 and Condition No. 25 be modified.
10. Quinn Gardner addressed the Commission in support of the proposed project and in support of the modification of Condition No. 20 and Condition No. 25.
11. Stefanie Lindsay addressed the Commission in support of the proposed project.

COMMISSIONER WEST MOVED TO APPROVE A CONDITIONAL USE PERMIT AND DESIGN REVIEW (PN22-158) FOR UNCLE CHARLIE'S FIREHOUSE AND BREW, WHICH INCLUDES DEVELOPMENT AND OPERATION OF A CRAFT BREWERY WITHIN AN EXISTING 3,322-SQUARE-FOOT COMMERCIAL BUILDING LOCATED AT 905 LEIDESDORFF STREET BASED ON THE FINDINGS (FINDINGS A-L) AND SUBJECT TO THE CONDITIONS OF APPROVAL ATTACHED TO THIS REPORT (CONDITIONS 1-27) WITH THE FOLLOWING MODIFICATIONS:

CONDITION NO. 20: THE OPERATING HOURS WILL BE LIMITED TO MONDAY THROUGH SUNDAY, 12PM TO 10PM,

CONDITION NO. 25: TO STRIKE THE 2ND BULLET LIMITING THE BREWING SCHEDULE TO MONDAYS AND TUESDAYS ONLY

CONDITION NO. 26, SUBSECTION 3 (TO INCLUDE): EXTERIOR VENTS MAY BE ALLOWED TO EXTEND ABOVE THE HEIGHT OF THE ROOFTOP PARAPET WALLS IF THE VENTS ARE NOT VISIBLE FROM THE ADJACENT PUBLIC RIGHT-OF-WAY (STREETS, SIDEWALKS, ETC.) TO THE SATISFACTION OF THE COMMUNITY DEVELOPMENT DEPARTMENT

CONDITION NO. 28 (NEW CONDITION): THE BOIL KETTLE SHALL BE EQUIPPED WITH A WATER SPRAY CONDENSER AND THE CONDENSER SHALL BE OPERATED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AT ALL TIMES THAT THE WARP BOILING PROCESS IS CONDUCTED TO CONTROL RELEASES OF BREWING ODORS AND VAPORS TO A LEVEL THAT WOULD NOT ADVERSELY IMPACT ADJACENT PROPERTIES. THE VENTILATION SYSTEM SHALL BE OPERATED AT ALL TIMES WHEN THE BREWERY GENERATES ODORS THAT MAY BE OFFENSIVE TO ADJACENT PROPERTIES. THE SYSTEM SHALL VENT BREWING VAPORS AND ODORS TO THE STACK OPERATED AT A MINIMUM STACK GAS FLOW RATE OF 42 FT PER SECOND WITH AN UNOBSTRUCTIVE DISCHARGE.

COMMISSIONER FELTS SECONDED THE MOTION.

The Motion carried the following roll call vote:

AYES: WEST, LANE, FELTS, DASCALLOS, PEÑA, CABRERA,
NOES: NONE
RECUSED: DASCALLOS
ABSENT: NONE

MOTION PASSED

PRINCIPAL PLANNER REPORT

Principal Planner Steve Banks reported that the next Historic District Commission meeting is tentatively scheduled for April 5, 2023.

There being no further business to come before the Folsom Historic District Commission, Chair Kathy Cole adjourned the meeting at 8:54 p.m.

RESPECTFULLY SUBMITTED,

Karen Sanabria, ADMINISTRATIVE ASSISTANT

APPROVED:

Kathy Cole, CHAIR

ATTACHMENT 5

March 24, 2023

**City of Folsom- Planning Department
Attn: Steve Banks
50 Natoma Street, Folsom CA 95630**

Response to Appeal of PN 22-158 Uncle Charlie's Firehouse & Brew

To the City of Folsom Planning Commission and Council-

As co-founders of Uncle Charlie's Firehouse & Brew, we are responding to Mr. Delp's appeal filed on March 10th, with the City of Folsom's City Clerk's Office, regarding our project Approval of PN 22-158.

Upon initial review of Mr. Delp's 11-page appeal letter, and 34 additional pages of supporting documents, there was some confusion regarding if Mr. Delp's actual concern was with the Uncle Charlie's Firehouse & Brew project itself, or with the City of Folsom's conditional use permit process.

Further confusion ensued regarding Mr. Delp's letter, as page 3 indicates the following:

"This appeal comes with great regret for potentially causing further delay to what generally appears to be a promising business with responsible and enthusiastic business owners, and in a location that would provide direct economic benefit to the City and a nice place for me to walk and enjoy locally brewed beer." -page #3

On page number 11 Mr. Delp then proceeds to indicate:

"I visit restaurants and enjoy dining on outdoor patios near 905 Leidesdorff. Odors, vehicle noise, diminished quality of historic resources, and other potential impacts of the project would have direct and adverse effects on my health, safety and welfare, and on my private property rights" -page #11

Between page number 3 and page number 11, the inferences are both contradicting and confusing as on one hand Mr. Delp indicates he believes the project would yield economic benefit in conjunction with being a nice place for him PERSONALLY to "enjoy a locally brewed beer" and then on the other hand indicates that the project would yield harm to his health.

March 24, 2023

For relevancy's sake, the contents of this letter will focus on the primary points of contention Mr. Delp has with the brewery project itself as opposed to his personal criticisms as outlined in his appeal letter.

Mr. Delp's Appeal Letter- Page. 1

POINT 1. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 2. As outlined in Mr. Delp's letter: Rescind the HDC's approval of UCFB

a. The approval is outside the authority of the HDC

- i. According to *Folsom Municipal Code 17.52.1720 subpoint I* the HDC exists to review applications for sign permits, conditional use permits, variances, land divisions, and mergers within the historic district.
- ii. Additional Commentary: The HDC was well within their rights to make a recommendation regarding their approval of the CUP for UCFB for consideration under City Council.

b. The Project thus far is insufficiently described in terms of its operations and the exterior modifications, and the understanding of exterior modifications was further convoluted, not clarified by the HDC's decision.

- i. UCFB brought forth all elevation drawings and renderings as requested by the planning commission and spoke about the modifications in detail during the HDC proceedings held on 3/2/23.

c. As outlined in Mr. Delp's letter: UCFB's response N/A

d. The Project thus far has insufficiently evaluated for potential impacts associated with aesthetics, air quality/odors, transportation/circulation/parking and related public safety issues, historic resources and noise.

- i. UCFB provided all relevant documentation related to aesthetics as requested by the planning commission with external and internal renderings of the space.
- ii. UCFB provided information as requested by the planning commission regarding air quality and odor impact. Sac Metro Air District requires that boilers with a rated heat input capacity of 1 million British Thermal Units per hour or greater obtain permits to operate from the Sac Metro Air District. The boiler planned for the project DOES

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NOT exceed this threshold, therefore the brewery does NOT require both an Authority to Construct or a Permit to Operate from the Sac Metro Air District.

- iii. UCFB was not subjected to providing additional information regarding transportation/circulation/parking. The initial RFP submitted for public circulation, indicated that due to the proximity of the 905 Leidesdorff Ste 100 space, to both light rail and it's attachment to the parking garage, would not be subject to require any additional consideration.
 - iv. UCFB was not subjected to providing additional information regarding public safety issues, historic resources and noise outside the sanctioned limitations as currently being adhered to for any other business operating in the historic district.
- e. As outlined in Mr. Delp's letter: **UCFB's response N/A**

POINT 3. As outlined in Mr. Delp's letter: CEQA exemption/CDD study

- a. **Design illustrations and accurate renderings for all exterior building modifications, including design and illustrations of proposed doors, awnings, signage and exhaust vents and other utility components of this project.**
 - i. UCFB provided designs/renderings of exterior building modifications of proposed doors, awnings and signage as requested by planning commission. Renderings of exhaust vents and other utility components were not requested at time of submission.
- b. As outlined in Mr. Delp's letter: **UCFB's response N/A**
- c. As outlined in Mr. Delp's letter: **UCFB's response N/A**
- d. **An odor generation and impact analysis prepared by a qualified air quality or other expert and identifying specific ventilation design for all potential odor emitting components of the Project and which identifies and evaluates potential impacts on adjacent existing and approved land uses with occupants that could be impacted by project-generated odors.**
 - i. The Sacramento Metropolitan Air Quality Management District was given ample information regarding the request for UCFB to lease the 905 Leidesdorff space. Upon investigation the Sacramento Metropolitan Air Quality Management District relayed the following: To reduce the potential for the project to create nuisance odors, the City may choose to condition the project with measures that reduce exposure to sensitive receptors. Measures may include venting emissions away from sensitive receptors, pedestrian

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walkways, and gathering places; installing technology solutions; or adding operational restrictions such as limiting boiling to the daytime, which generally results in greater dispersion as compared to nighttime. The Sac Metro Air District requires that **boilers with a rated heat input capacity of 1 million British Thermal Units per hour or greater** obtain permits to operate from the Sac Metro Air District. UCFB has taken all recommendations into consideration and plans to adhere to brewing in the daytime and venting emissions via two ten inch round vents through the roof of the building, up and away from public space. The boiler planned for the project DOES NOT exceed this threshold, therefore the brewery does NOT require both an Authority to Construct or a Permit to Operate from the Sac Metro Air District.

e. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 4. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 5. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 6. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 7. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 8. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 9. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 10. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 11. As outlined in Mr. Delp's letter: UCFB's response N/A

POINT 12. As outlined in Mr. Delp's letter: UCFB's response N/A

UCFB is grateful to the City of Folsom for it's diligence in this conditional use permit process and hopes to reach a resolution quickly for sake of economic posterity.

CHEERS!

Taryn & Charlie Grows, Owners

Uncle Charlie's Firehouse & Brew

UcfbBeer@gmail.com

916-835-8188

UCFB

Technical Brewing Considerations

Anticipated Brew Days: 7 days per week (subject to change based on product consumption)

Anticipated hours to brew: 4-11am + one hour of cleaning. = 8 hours avg

Step 1. 45 minutes – setup, and wait for mash water to warm up

Step 2. 3 hours – triple decoction mash

Step 3. 1 hour– fly sparge

Step 4. 15 minutes – wait for boil

Step 5. 1 hour 30 minute – boil

Step 6. 30 minutes – chill, fill primary, oxygenate, pitch yeast

Step 7. 1 hour – clean up

VENTING: The venting system constantly draws fresh air into the brewery and helps maintain the proper pressure in the brewing equipment. All the steam generated by the brew kettles needs somewhere to go, which is where a brewery-specific venting system comes into play. A flue, vents the steam from the brew kettle. Exhaust flues are also necessary, with the specific location and type of flue depending on the type of system used.

REFERENCE: [Building A Microbrewery | How-To Guide | MBMI Metal Buildings \(mbmisteelbuildings.com\)](#)

VENTING OPTIONS: Based on our work with our brew system manufacturer, BrewBilt, we will be utilizing two venting systems.

VENTILATION SYSTEM #1: Forced ventilation to account for steam off the boil kettle.

Approx 10 inches in diameter. **(see Exhibit A)**

VENTILATION SYSTEM #2: Flue vent for the burner – **NO ODOR**

Approx 10 inches in diameter. **(see Exhibit A)**

Proposed venting: Upward slope (10 - 45 degrees), the stack will run outside and vertically up to or above the roof line.

REFERENCE: [BrewBilt Brewing Company - Independent craft of Grass Valley, CA.](#)

EXHIBIT A

Example of two vents as seen at a brewery in Rancho Cordova, CA



Example of a 10 inch vent

