



Folsom City Council Staff Report

MEETING DATE:	9/27/2022
AGENDA SECTION:	Old Business
SUBJECT:	Resolution No. 10922 – A Resolution Rescinding the Approval of PN 19-182: Lakeside Memorial Lawn Crematorium Conditional Use Permit and Mitigated Negative Declaration
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council adopt Resolution No. 10922, A Resolution rescinding the approval of PN 19-182: Lakeside Memorial Lawn Crematorium Conditional Use Permit and Mitigated Negative Declaration.

BACKGROUND / ISSUE

On February 16, 2022, the Historic District Commission voted to deny a Conditional Use Permit (CUP) for the proposed Lakeside Memorial Lawn Crematorium project. That decision was appealed to City Council by the project applicant, Igor Semenyuk,

On May 10, 2022, Council heard the appeal. After the public hearing, Council voted to grant the appeal, issue the proposed CUP, and approve the associated Initial Study and Mitigated Negative Declaration (IS/MND).

On June 10, 2022, Friends of Folsom Preservation, Deborah Grassl, Terry Sorensen, and Stephen Walsh (Petitioners) filed a Petition for Writ of Mandate and a Complaint for Declaratory and Injunctive Relief in Sacramento County Superior Court, seeking to overturn the project approval based on alleged violations of the California Environmental Quality Act (CEQA), as well as alleged inconsistencies with the Folsom Municipal Code and the Historic District Design and Development Guidelines. Suit was filed against the City of Folsom and the City Council, as well as Caring Services Group (owner of Lakeside Memorial Lawn) and Igor Semenyuk. The City tendered the lawsuit to the project applicant to defend.

On or about August 19, 2022, the Petitioners and the project applicant reached an agreement to settle the case. The settlement was conditioned upon the project applicant requesting that the City rescind the issuance of the CUP and approval of the IS/MND for the Lakeside Memorial Lawn Crematorium project by no later than September 30, 2022. This item is agendized to request recission of the CUP and the associated IS/MND at the applicant's request.

POLICY / RULE

City Council has the authority to rescind the approvals it issued for the Lakeside Memorial Lawn Crematorium project pursuant to section 2.02 of the Adopted Charter of the City of Folsom.

ANALYSIS

Through early negotiations, the project applicant and the Petitioners reached a settlement agreement in exchange for dismissal of the lawsuit without prejudice. The project applicant independently negotiated the settlement, and the settlement terms do not negatively affect the City's resources or the City Council's discretion with respect to any possible future review or action on the proposed project.

FINANCIAL IMPACT

Recission of the project approvals described in this report will have no financial impact on the City.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment or to activities that are not otherwise considered a "project" as defined by Public Resources Code § 21065. (CEQA Guidelines § 15061(c)(3) and § 15378.) The Council's decision to rescind the project approval and environmental document for the Lakeside Memorial Lawn Crematorium project meets the above criteria and is not subject to CEQA. No environmental review of the proposed recission is required.

ATTACHMENTS

1. Resolution No. 10922 - A Resolution Rescinding the Approval of PN 19-182: Lakeside Memorial Lawn Crematorium Conditional Use Permit and Mitigated Negative Declaration.

Submitted,

Pam Johns, Community Development Director

RESOLUTION NO. 10922

A RESOLUTION RESCINDING THE APPROVAL OF PN 19-182: LAKESIDE MEMORIAL LAWN CREMATORIUM CONDITIONAL USE PERMIT AND MITIGATED NEGATIVE DECLARATION

WHEREAS, on February 16, 2022, the Historic District Commission voted to deny a Conditional Use Permit (CUP) for the proposed Lakeside Memorial Lawn Crematorium project; and

WHEREAS, that decision was appealed to City Council by the project applicant, Igor Semenyuk; and

WHEREAS, on May 10, 2022, City Council heard the appeal and, after the public hearing, voted to grant the appeal, issue the proposed CUP, and approve the associated Initial Study and Mitigated Negative Declaration (IS/MND); and

WHEREAS, on June 10, 2022, Friends of Folsom Preservation, Deborah Grassl, Terry Sorensen, and Stephen Walsh (Petitioners) filed a Petition for Writ of Mandate and a Complaint for Declaratory and Injunctive Relief in Sacramento County Superior Court, seeking to overturn the project approval based on alleged violations of the California Environmental Quality Act (CEQA), as well as alleged inconsistencies with the Folsom Municipal Code and the Historic District Design and Development Guidelines, with suit being filed against the City of Folsom and the City Council, as well as Caring Services Group and Igor Semenyuk; and

WHEREAS, on or about August 19, 2022, the Petitioners and the project applicant reached an agreement to settle the case. The settlement was conditioned upon the project applicant requesting that the City rescind the issuance of the CUP and approval of the IS/MND for the project by no later than September 30, 2022; and

WHEREAS, the project applicant has requested that the Council rescind issuance of the CUP and approval of the IS/MND for the Lakeside Memorial Lawn Crematorium project:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom hereby rescinds issuance of the Conditional Use Permit and approval of the Initial Study and Mitigated Negative Declaration for the Lakeside Memorial Lawn Crematorium project, PN 19-182.

PASSED AND ADOPTED this 27th day of September 2022, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK