

# CITY OF FOLSOM

FOLSOM CITY CLERK'S DEPT  
3 DEC '21 PM 4:00

## NOTICE OF APPEAL

NAME OF APPELLANT:

Michael J. Reynolds HFRA President

MAILING ADDRESS:

[REDACTED]

[REDACTED]

INTEREST IN MATTER:

President of Historic Folsom Residents Assoc

DAYTIME TELEPHONE:

[REDACTED]

APN/PROJECT REF. NO.

PN 19-174 Bankley Barn Tap House

ACTION BEING APPEALED:

HDC Granting of Conditional Use Permit

DATE OF DECISION OR DATE PROJECT HEARD:

Nov 18, 2021 HDC

REASON FOR APPEAL:

See Attached

Michael J. Reynolds

APPELLANT'S SIGNATURE

12/3/2021

DATE FILED

### STAFF USE ONLY:

Date/Time Received: 12/3/2021

Fee Paid: n/a Res. 10297

#### Admin. (staff decision) Appeal

Owner Occupied \$233

Other (deposit) \$468

#### Planning Comm. Decision Appeal

Owner Occupied/Single Family Dwelling \$238

Developer/other \$479

Tentative Hearing Date: 1/11/2022

Time Limit Waived: \_\_\_\_\_

Copies to: Community Development Director (2)

City Manager (2)

City Attorney (2)

City Clerk

Received by:

Lydia Konopka

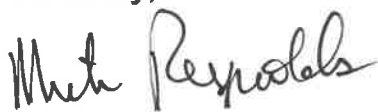
Per Folsom Municipal Code Section 17.52.510, the Historic District Commission, before issuing a conditional use permit, must find that the “establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental or injurious 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.” Almost all of the public comments on this project from both neighbors and nearby businesses identified parking as an issue that would be “detrimental or injurious” to them if this conditional use permit were approved, yet this detrimental effect was not debated under the code section.

The Historic District Commission was prevented from fully evaluating if the proposed project would or would not be detrimental or injurious to others. The Barley Barn project would convert the business type from retail business to an entertainment business which should trigger an analysis per city definition. The three parking studies sponsored by the city in 2008, 2013 and 2018 already demonstrate there is a lack of parking relative to the existing businesses but those studies were not submitted as a part of the staff report, nor did the applicant submit a parking impacts analysis.

City staff relied on past practice regarding issuance of conditional use permits repeatedly throughout the report in discussing this project. Past practice can serve as a guide, but cannot be a response in and of itself. City staff did not augment the past practices claim with any specific examples of application of past practices. Providing the Historic District Commissioners with specific examples would have allowed the Commissioners to put this particular project in context with those stated past practices in order to make an independent determination as to whether or not this particular request for a conditional use permit aligned with those past practices.

In addition to the above, we reserve the right to bring additional information and arguments forward in the de novo hearing before Folsom City Council.

Sincerely,



**Mike Reynolds**  
President  
HFRA



**Cindy Pharis**  
Board Member  
HFRA



**Laura Fisher**  
Board Member  
HFRA



**Jennifer Lane**  
Board Member  
HFRA



**Bonnie Darrah**  
Board Member  
HFRA



**Carrie Lane**  
Board Member  
HFRA