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Preserving Folsom's History

June 8, 2026

Folsom City Council
50 Natoma Street
Folsom, CA 95630
Via e-mail to cfreemantle@folsom.ca.us

Re: Folsom Municipal Code Chapter 17.52

On June 9, 2026, the City Council's closed session agenda includes conference with legal counsel regarding existing litigation in *Delp vs. City of Folsom* in relation to the amendments made to FMC 17.52 by Ordinance 1353. The Heritage Preservation League (HPL) views this as an opportunity to express our hope that this lawsuit will bring about reconsideration of provisions of Ordinance 1353. HPL concurs with the lawsuit's contention that the CEQA exemption used in the ordinance adoption is not appropriate, based on our opinion that the ordinance goes beyond a simple switch of approval responsibilities from the Historic District Commission to staff. HPL sees consequences of applying the ordinance that will result in negative impacts to the City's goal of preserving a historic small town and negative impacts to the historical significance of the Historic District.

We do believe it would be possible to amend FMC 17.52 in a way that retains protection of Folsom's Historic District while also accomplishing the City's goal of more efficiency for staff. Many of the substantial concerns expressed by our vice president, Loretta Hettinger, during the adoption process for Ordinance 1353 remain. Other concerns have arisen since adoption of the ordinance, most notably the fact that the ordinance delegates authority to the Community Development Department without requiring any expertise to perform such review. It is our opinion that Ordinance 1353 substantially reduces protection of the Historic District and needs to be reconsidered to avoid significant and substantial impacts to the Historic District aesthetic and historic quality.

None of the current Council members participated in the initial adoption of FMC 17.52 and Design and Development Guidelines (DDG's) in 1998, and so a brief review of circumstances at that time is appropriate. The 1988 General Plan directed that a Specific Plan be prepared to include the entire Theodore Judah mapped area in an expanded Historic District. Under the

auspices of the historic residents association a citizens committee, staffed by HPL's Loretta Hettinger (Folsom planner at that time) and with consultant support, a four-year, grass-roots process resulted in a draft Specific Plan. As described in Section 1.03, "CEQA Compliance," of the DDG's adopted by the City,

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The City conducted environmental review of a proposed Historic District Specific Plan. Due to the nature and complexity of the Plan and the projects which will follow under it, a Master Environmental Impact Report (MEIR) was prepared. The City Council ultimately elected to implement zoning changes to Chapter 17.52 of the Folsom Municipal Code and design standards through the adoption of these Design and Development Guidelines. Many of the provisions of the proposed Historic District Specific Plan and the amendments to Chapter 17.52 are contained within these guidelines. Accordingly, the City Council relied upon the MEIR for evaluation and consideration of environmental impacts.

It is not clear that the MEIR played a part in the preparation and adoption of Ordinance 1353. Review of its provisions might have had a beneficial effect on the process, as it underscores the overall importance of FMC 17.52's and the DDG's provisions in order to carry out the City's goal of preserving this historic small town. In addition, when considering relaxing the Historic District protections of FMC 17.52 design review provisions, the City should be aware of and consider the effects of state laws restricting or prohibiting discretionary review for certain types of projects in the Historic District. Any relaxation of design review protections made by the City would combine cumulatively with state laws restricting design review, to the detriment of the Historic District character.

It is important that the Council consider the potential impacts of amendments to FMC 17.52. HPL is providing an explanation of our concerns, and we would welcome an opportunity for additional input and collaboration with the City on considering a modified set of FMC 17.52 amendments as an alternative to the amendments of Ordinance 1353.

HPL's mission from its formation in 2003 has always been to advocate for preservation and protection of Folsom's remarkable history. Our intention has always been to be part of the solution of how best to preserve and protect, not simply object. In keeping with that goal and in recognition that a closed session is not the forum to discuss specific recommendations, we will conclude with a brief summary of some of the potential revisions we would propose.

PROBLEMS

Structures are not protected.

As modified by Ordinance 1353, FMC 17.52 now provides for design review of new or modified *buildings* (defined in FMC 17.02.090), eliminating design review of all other new *structures* (defined in FMC 17.02.400) and modifications to existing non-building structures. This change eliminates design review of many types of new structures and existing structures.

There is no requirement for staff expertise in historic architecture and historic preservation.

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The Community Development Director is tasked with deciding whether an application is heard by staff or the Historic District Commission. Per the ordinance, the decision relies on whether a building is already listed or is potentially listed as a historic resource. The CEQA Guidelines section referenced in the ordinance and the City's Historic Preservation Master Plan (HPMP) both describe proper methodology for placing a site on a list, a process that HPL has experience with, a process that requires more time than staff can devote without negating the time-saving goal of the ordinance. Thus, in effect, unless a building has already been evaluated for a list or potential listing, it is not appropriate for a staff decision unless City staff has the expertise and time to follow the methodologies of CEQA and/or the HPMP. The great majority of buildings and structures in the Historic District have not been evaluated beyond the fact of their location within the 98 blocks of the Judah map.

Qualified staff could decide whether an application must be reviewed by the HDC or is appropriate for staff decision if a different standard is adopted. Historic preservation and architecture is not a typical part of a planning degree, nor is it a requirement for being a Community Development Director. The ordinance puts a responsibility on the Director without assuring decisions are based on expertise.

A standard that protects only buildings at least 50 years old is inadequate.

Regarding demolition, the ordinance inserts a provision that buildings at least 50 years old have protection. This is a flawed standard. Of course buildings that are at least 50 years old deserve special review. However age should not be the only determinant if Folsom's goals are to be met.

It's important to take a moment here to compare Folsom's goals with the usual means of protecting a city's heritage. Most historic protections are geared toward preserving a specific structure that is valuable due either to its architecture or to its association with persons or events that are historically significant. Likewise, groupings of structures that are valuable for the same reasons are protected.

In contrast, Folsom's goal is to protect an entire historic small town, not parts of it, for a similar but different reason. It's not because of amazing architecture (we don't have much), or because of a "George Washington slept here" thought process or simply because it's old (we do have a very significant overall history). Instead Folsom's goal is to preserve something that is fast disappearing across the nation: a small town as it existed between 1850 and 1950, before the postwar construction boom changed the basic structure of town design. Today it seems that every small town has its Walmart, McDonalds, Starbucks, Target, etc. Many times they're located on Main Street, making the old buildings ready candidates for demolition because they look so "old" in comparison and there's nothing special about them. Preserving those ordinary buildings has created a Folsom Historic District that is greater than the sum of its parts.

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The Historic District exemplifies a unique California small town, and protection of its historic character will become increasingly valuable to the history of our region, even the history of the nation.

Exemptions allowed in the ordinance open the door for non-contributing work done by unaware property owners relying on the ordinance.

We appreciate that the ordinance was revised to exclude chain link fences when HPL cited their inappropriateness to the era. Chain link isn't the only material inappropriate in the Historic District, but the average property owner doesn't know what is and isn't appropriate.

Appeal provisions exclude most appeals.

As written in FMC 17.52 and not amended by Ordinance 1353, most potential appeals are foreclosed. History organizations like HPL have keen interest in decisions regarding the Historic District and should be afforded the right to appeal.

RECOMMENDATIONS

We have considered and will continue to consider possible effects of Ordinance 1353, and we have proposals to address the problems cited above, including 1) replacing the word *building(s)* with the word *structure(s)*, 2) specifying procedure in the ordinance to address absence of staff trained in historic preservation/architecture, 3) two alternates to assure historic design, 4) replacing the list of exempt projects with a performance standard, and 5) including revision of appeal procedure in any amendment of FMC 17.52 ensuing.

HPL is committed to preservation and protection of the City's historic resources, and we would welcome an opportunity to work with City staff and provide input to the City Council to ensure that amendments to FMC 17.52 balance the Council's current interests while retaining provisions for protection of the Historic District.

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