

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
STAFF REPORT TITLE	Resolution No. 11673 - A Resolution Finding the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25
FROM:	Public Works Department

Staff is providing the attached additional information for the above-referenced agenda item.

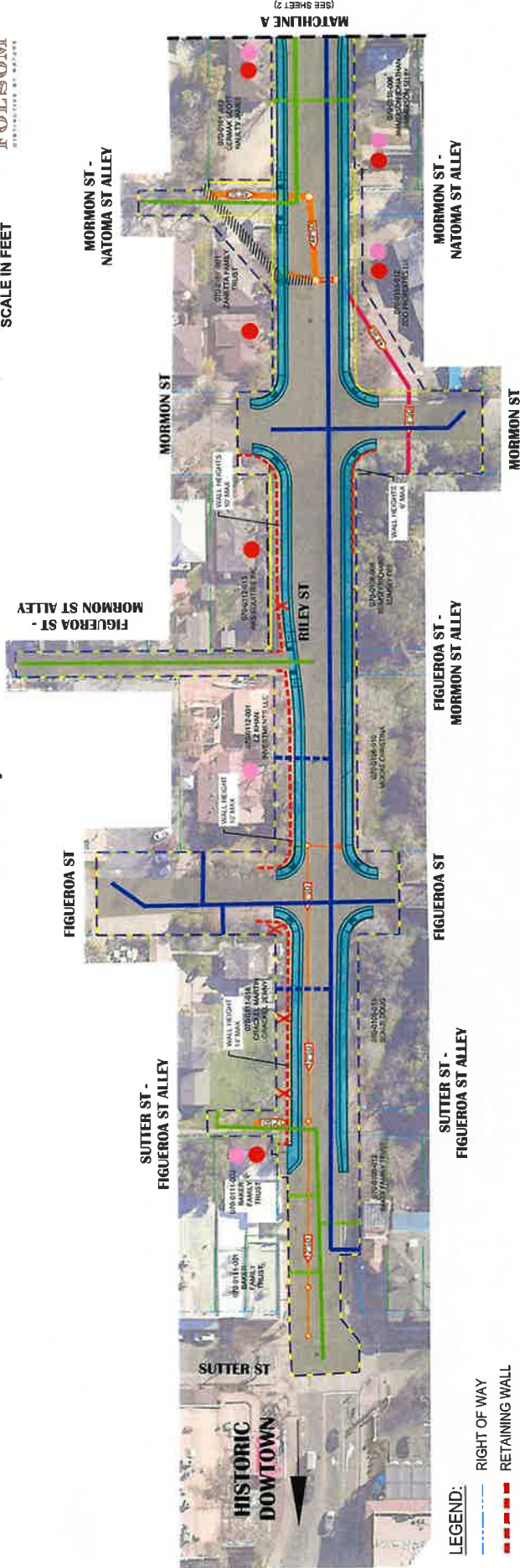
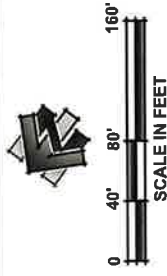
Instructions to staff: Deliver original and 30 stapled/double-sided copies to the City Clerk's Department; City Clerk's Department will distribute via email and hardcopy to City Council, City Manager, City Attorney, and City Clerk.

Updated: Jan 2026



RILEY STREET SAFETY IMPROVEMENT PROJECT

APE MAP
February 2026



LEGEND:

- RIGHT OF WAY
- RETAINING WALL
- WATER IMPROVEMENTS (OPEN TRENCH)
- SEWER IMPROVEMENTS (OPEN TRENCH)
- STORM DRAIN IMPROVEMENTS (OPEN TRENCH)
- STORM DRAIN IMPROVEMENTS (NON DESTRUCTIVE CIPP LINING)
- (E)STORM DRAIN TO BE ABANDONED

- CONCRETE IMPROVEMENTS
- PAVEMENT IMPROVEMENTS
- REMOVE TREE
- AFFECTED PARCEL (PERMANENT ACQUISITION)
- AFFECTED PARCEL (TCE OR PTEC)
- AREA OF DIRECT EFFECT (ADE)
- AREA OF POTENTIAL EFFECT (APE)

CITY OF FOLSOM PROJECT MANAGER

DATE

CALTRANS DISTRICT 3 PRINCIPAL INVESTIGATOR POS

DATE

CALTRANS DISTRICT 3 LOCAL ASSISTANCE ENGINEER,

DATE

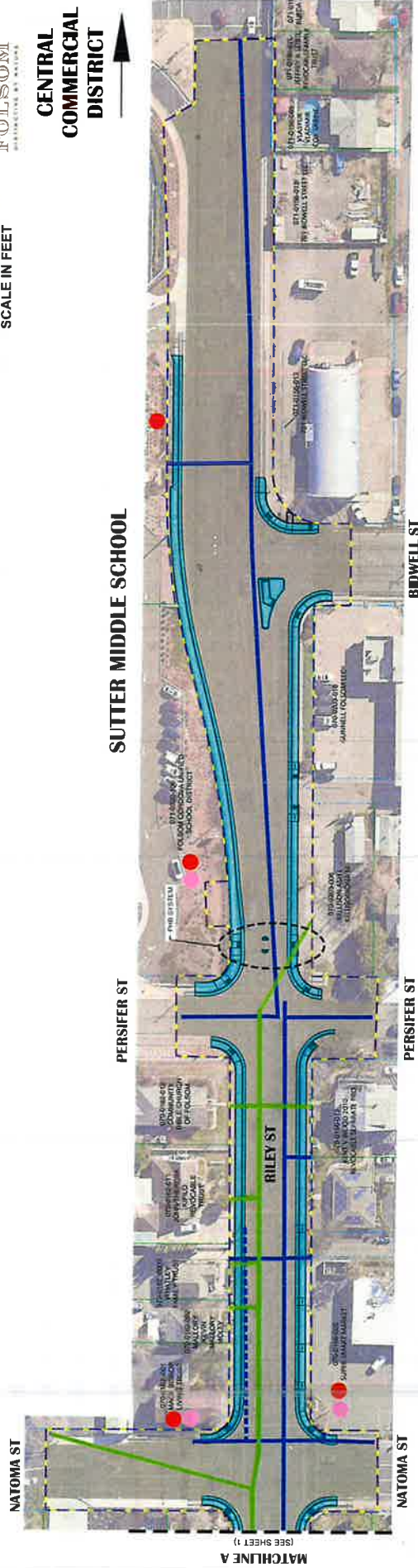


APE MAP
February 2026



FOILSOMI

**CENTRAL
COMMERCIAL
DISTRICT**



- LEGEND:**
- RIGHT OF WAY
 - RETAINING WALL
 - WATER IMPROVEMENTS (OPEN TRENCH)
 - SEWER IMPROVEMENTS (OPEN TRENCH)
 - STORM DRAIN IMPROVEMENTS (OPEN TRENCH)
 - STORM DRAIN IMPROVEMENTS (NON DESTRUCTIVE CIPP Lining)
 - (E)STORM DRAIN TO BE ABANDONED
 - CONCRETE IMPROVEMENTS
 - PAVEMENT IMPROVEMENTS
 - REMOVE TREE
 - AFFECTED PARCEL (PERMANENT ACQUISITION)
 - AFFECTED PARCEL (TCE OR PTEC)
 - AREA OF DIRECT EFFECT (ADE)
 - AREA OF POTENTIAL EFFECT (APE)

July 14, 2026

City of Folsom City Council
50 Natoma Street
Folsom, CA 95630

via email to: cfreemantle@folsom.ca.us for distribution to City Council

SUBJECT: Comments to City Council re: Resolution No. 11673 - Riley Street Safety Improvement Project CEQA Exemptions

Dear City Councilmembers:

The City Council 7/14/2026 Agenda Item No. 12 asks the Council to pass and adopt Resolution No. 11673 – A Resolution Finding the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25.

I am in favor of bicycle and pedestrian facility improvements to improve safety along routes between schools and residential areas, and I support the *portion* of the Riley Street Improvement Project (“Project”) components south of Natoma Street and at the intersection of Riley and Natoma Streets. However, I am opposed to the expenditure of public funds for improvements to Riley Street between Mormon and Sutter streets when those funds could be much more effectively used for bicycle and pedestrian improvements on streets that provide connections between schools and surrounding residential areas. With or without sidewalks, Riley Street between Mormon and Sutter streets will not be a comfortable or safe pedestrian route for children or others. Moreover, funding under any premise of a routes-to-school program should not be used for sidewalks leading to and from bars and restaurants on Sutter Street when there are sidewalk deficiencies on so many *residential* streets surrounding Sutter Middle School along which streets the installation of sidewalks would provide actual connectivity between schools and residences.

Assuming the Council will not eliminate portion of the Project between Mormon and Sutter streets, then the Council and your design team should recognize that the Project modifications to Riley Street between Mormon and Sutter streets would substantially alter the historic character of this segment of Riley Street and would be inconsistent with and alter the historic character of adjacent residential streets and properties, in particular, along the 600 and 700 blocks of Figueroa Street where properties make a unique contribution to the Historic District character and stand to be adversely affected by changes – including the installation of massive retaining walls – to the this segment of the Riley Street corridor. Design measures to minimize these effects should be carefully considered and incorporated to the Project. Yet, the City’s environmental analysis is based on the faulty premise eligibility for a CEQA *statutory* exemption means the Project would not have the potential for adverse effects – yet, a project’s qualification for a statutory exemption does not mean the project would not have adverse effects and instead simply means the legislature has determined that such projects do not require CEQA review despite their significant effects.

For reasons discussed below, it is premature for the City to determine that the Project qualifies for a CEQA *statutory* exemption and the Project does not qualify for a CEQA *categorical* exemption. The City Council can and should postpone a determination of whether the Project qualifies for a CEQA statutory exemption until sufficient design and right-of-way information is available to make that determination. In the meantime, the Council should advise the City’s design team that the Project will substantially alter the historic character of this segment of Riley Street and that the design team should implement all feasible design measures to minimize those effects. The design team should consult with and incorporate recommendations of The Heritage

July 14, 2026

Preservation League of Folsom (“HPL”) throughout the final design phase. HPL board members have demonstrated local knowledge and interest in preserving and protecting the character and quality of the Historic District and can likely provide recommendations that would serve to reduce the effects the Project will have on the character of this area of the Historic District.

1. A CEQA Statutory Exemption Determination is Premature

The notice of exemption document explains, “PRC Section 21080.25(b)(1) states that CEQA shall not apply to ‘pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, *within the public right-of-way.*’” (Council 7/14/2026 pkt. pg. 176, emphasis added.) Thus, a determination of whether the Project qualifies for the CEQA 21080.25(b)(1) statutory exemption requires an assessment of whether and to what extent the Project would involve modifications outside of the existing right-of-way. Without a Project design presented to the public or the City Council for approval and without demonstration of the Project’s right-of-way requirements, it cannot presently be determined whether or to what extent the Project may involve components outside of the existing right-of-way.

The notice of exemption document acknowledges that,

The proposed project would be constructed *primarily* within the existing City right-of-way (ROW); however, permanent acquisitions, temporary construction easements, and/or permission to enter and construct would be required in portions of the project alignment. *Permanent ROW acquisition would be required for the construction of retaining walls and ADA-compliant ramps.* Drainage easements, dedications, temporary construction easements (TCE), and/or permits to enter and construct would be required for the proposed drainage improvements, utility and signage relocation, retaining walls, and frontage improvements/driveway conforms.

(Council 7/14/2026 pkt. pg. 162., emphasis added.)

The extent to which the Project components are outside of the public right-of-way must be fully understood and assessed in considering whether the Project might qualify for the CEQA 21080.25(b)(1) statutory exemption, and that information is either unknown or at least is not presented to the public or the Council in your staff report packet.¹ Unless and until the Project right-of-way requirements are demonstrated and assessed, neither the public nor the Council can assess the Project’s qualification for the CEQA 21080.25(b)(1) statutory exemption and the record does not demonstrate substantial evidence that the Project qualifies for the exemption.

The notice of exemption document does not explain how the Project’s right-of-way requirements relate to the Project eligibility for the statutory exemption and seemingly wants to claim that some portion of the Project might not be eligible for the statutory exemption. The City needs to provide substantial evidence for how the Project qualifies for the statutory exemption and the present documentation does not do so.

2. Qualifying for a Statutory Exemption does not mean the Project would not have Significant Impacts

The notice of exemption documentation states that the “list of projects established in PRC Section 21080.25(b) have been determined not to have a significant effect on the environment

¹ At 8 a.m. on July 10, 2026, I noted in an email to Public Works that the staff report referenced but did not include map(s) or other exhibits illustrating the project’s design and right-of-way requirements and as preparing this letter at 1 p.m. on July 14, 2026, exhibits have not been made available.

July 14, 2026

and, as a result, are exempt from further review under CEQA” (Council 7/14/2026 pkt. pg. 176) and “[d]ue to its nature, the project qualifies for a Statutory Exemption under PRC Section 21080.25(b)(1) and, as a result, would not have a significant effect on the environment.”

These statements reflect a fundamental misunderstanding of CEQA statutory exemptions. In fact, as explained by the California Supreme Court in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086 (emphasis added),

The statutory exemptions *are not based on any determination that the exempt projects will not have significant environmental effects*. Instead, they are based on the Legislature’s determination that each of the exemptions — promote[s] an interest important enough to justify forgoing the benefits of environmental review.

This distinction matters. A determination that the Project qualifies for a CEQA statutory exemption is no evidence whatsoever that the Project will not result in environmental impacts. Instead, the project might very well have significant environmental impacts – here, impacts to the character and quality of Folsom’s Historic District and its historic resources – but the provisions of CEQA will provide no protections to avoid or lessen those impacts because the Project will not be subject to CEQA review or mitigation. What that means is that it is left to the City, outside of the CEQA process, to consider and reduce impacts to the locally important Historic District despite the lack of any protection that might otherwise be identified if the Project were to undergo CEQA review.

Here, *if* the statutory 21080.25(b)(1) exemption does apply, then the City need not perform further CEQA review, but that *does not mean* that a responsible City Council and City design engineers and planners need not take measures to assess and minimize the Project’s effects on the historicity of the Historic District.

Between Mormon and Sutter Streets, the Project segment of Riley Street carves along an embankment and through the intersection of Figueroa Street. The Project involves substantial retaining walls along the east side of Riley Street and would remove the existing earthen and vegetated slope cuts that presently exist. The Project retaining walls and landscaping might be consistent with similar features elsewhere in Folsom outside of the Historic District, but they represent a substantial change to the existing historic condition of this segment of Riley Street.

Moreover, although roadway modifications anywhere in the Historic District warrant careful design considerations, Figueroa Street intersected by this segment of the Project is particularly sensitive. As described in a January 10, 2024, staff report involving 403 Riley Street which is located at the southeast corner of the Riley/Figueroa intersection,

[403 Riley Street] is located within the Figueroa Subarea of the City of Folsom’s Historic District. The Figueroa Subarea is one of the four Subareas that comprise the Historic Residential Primary Area. Many of the oldest and most significant homes in Folsom, both architecturally and historically, are concentrated in the Subarea. Given that this Subarea is readily accessible by tourists, the intent of this Subarea is to maintain pre-1910 appearance standards and provide facilities which enhance visitor and resident appreciation of the City’s early residential lifestyle. Adherence to historic authenticity is of great importance in this Subarea.

(Community Development Department Staff Report to Historic District Commission, regarding 403 Riley Street. January 10, 2024.)

July 14, 2026

As described and envisioned by the City's Historic District Design and Development Guidelines, the Figueroa Subarea,

includes all parcels on both sides of the entire length of Figueroa Street (between the two alleys on either side of Figueroa) plus parcels on both sides of Sutter Street (between the two alleys on either side of Sutter) from the commercial district boundary to City park property. The oldest homes in Folsom are concentrated in this area, and the goal is, over time, to increase the conformity of this area to pre-1910 styles. Owners who plan major remodeling are encouraged to develop plans which will return homes to their original appearance and reduce the visibility of automobiles. Walking tours of this area will add to a visitor's understanding and appreciation of life in early Folsom.

(City of Folsom Historic District Design and Development Guidelines, October 1, 1998.)

The Project's modification to this segment of Riley Street that bisects the Figueroa Subarea, including the substantial retaining walls that would be required at and adjacent to the Figueroa Street intersection, represents substantial alteration to the existing condition of Riley Street and intersecting side streets and a substantial modification to the Figueroa Subarea which is not addressed in your staff report or notice of exemption document. *If* the Project qualifies for the statutory 21080.25(b)(1) exemption, then this substantial alteration would not be deemed an impact under CEQA, yet the impact would nonetheless occur and the City should seek a design to minimize the effect to the extent feasible even if not required by CEQA to do so.

3. The Project Does not Qualify for Categorical Exemption from CEQA

The notice of exemption documentation argues the Project's qualifications for a CEQA Class 1 *categorical* exemption. It is unclear why, if the Project qualifies for the statutory 21080.25(b)(1) exemption, the City feels the need to also claim a categorical exemption.

As discussed above, the Project would substantially modify Riley Street through the Figueroa Street intersection and would involve construction of retaining walls up to 15 feet in height. The Project location along this segment of Riley Street and within the Figueroa Subarea is a unique circumstance as compared to the typical Class 1 categorically exempt project and would have the potential, unique circumstances or not, to adversely affect the character and quality of the Historic District as well as individual locally recognized historic properties – including 10 residential properties located on the 600 and 700 blocks of Figueroa Street which are the residential blocks immediately east and west of Riley Street and one church located on the 600 block of Figueroa Street (City of Folsom, Cultural Resources Inventory, updated through 2022).

The substantial modifications to this segment of Riley Street as discussed above would create the potential for adverse impacts to historic resources and disqualifies the Project from the Class 1 categorical exemption.

Although the notice of exemption documentation provides a discussion of the historical resource exception (Council 7/14/2026 pkt. pg. 162), the assessment makes no mention of the locally important historic properties along the 600 and 700 blocks of Figueroa Street nor the particular historic sensitivity of the Figueroa Subarea and effects that would be associated with the substantial Project modifications.

For these reasons, the Project does not qualify for the Class 1 nor any other CEQA *categorical* exemption.

July 14, 2026

4. Conclusion

With or without sidewalks, Riley Street between Mormon and Sutter streets will not be a comfortable or safe pedestrian way for school children and funding should instead be directed toward the segments of residential streets surrounding Sutter Middle School that currently lack sidewalks.

Components of the Project between Mormon and Sutter streets should be eliminated. If these components are not eliminated, the Project cannot qualify for a CEQA *categorical* exemption. Moreover, it is premature and sufficient evidence is not available for the City to determine whether or not the Project might ultimately qualify for a CEQA *statutory* exemption.

Since the City is not making any decision pertaining to a Project *approval* at this time and since the Project design and right-of-way requirements are not sufficiently known or demonstrated, it is premature and unnecessary for the Council to make any determination with regard to whether the Project might ultimately be exempt from CEQA through a statutory. Such a determination presently serves no purpose as "the notice [of exemption] shall not be filed ...until the project has been approved" (CEQA Guidelines section 15061).

Thank you for considering my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Delp', followed by a long horizontal line extending to the right.

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