



Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Public Hearing
STAFF REPORT TITLE	Ordinance No. 1375- An Ordinance of the City of Folsom Re-Adopting Ordinance 1353 To Amend Chapter 17.52 of the Folsom Municipal Code for the Historic District Relating to Design Review, Sign Permits, Demolitions, and Accessory Buildings (Introduction and First Reading) and Determination that the Action is Not Subject to CEQA
FROM:	Community Development Department

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

1. Comment letter from Bob Delp, dated July 10, 2026
2. Comment letter from Bob Delp, dated July 13, 2026
3. Comment letter from Bob Delp, dated July 14, 2026

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

July 10, 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: July 14, 2026, Agenda Item No. 18 – Ord. No. 1353 Amending FMC Chapter 17.52 – Failure to Comply with FMC Amendment Process

Dear City Councilmembers:

This letter is to express my objection to the City Council's consideration of readopting amendments to Folsom Municipal Code (FMC) Chapter 17.52 in a manner that does not comply with the process for zoning code amendments prescribed by FMC Chapter 17.68.

FMC Chapter 17.68, "Amendments," sets forth the required procedures for amending FMC Title 17, "Zoning." Pursuant to FMC 17.68.030, the Planning Commission is to hold a public hearing on any proposed amendments to Title 17. Then, pursuant to FMC 17.68.040, following the hearing **"the planning commission shall submit a report of its findings and a summary of hearings, together with its recommendations with respect to the proposed amendment to the city council."** Then, pursuant to FMC 17.68.050, **"upon receipt of such report from the planning commission, the city council shall set the matter for public hearing"** at which **"the city council may adopt the proposed amendment or any part thereof."**

The City's process for FMC 17.52 amendments in October 2025 did not comply with the requisite FMC 17.68 procedures. The Planning Commission held no hearing on the proposed amendments and the Planning Commission provided no report or recommendation regarding the amendments to the City Council.

Continuing with disregard for FMC 17.68 procedures, the staff report for 7/14/2026 agenda item 18 makes no mention of the FMC 17.68 amendment procedures and does not include or reference a report from the Planning Commission – in fact, by all appearances, no such report has been prepared. Exacerbating the problematic absence of the required Planning Commission report, the staff report mischaracterizes the recommendation passed on motion by the Planning Commission on 6/17/2026. Contrary to the statement in the staff report that the Planning Commission "recommended that the City Council *consider instructing staff to re-consider...excluding all fence types,*" the Planning Commission's motion recommended that **"the City Council reconsider"** the privacy wall/fence exemption. This was a Planning Commission recommendation for reconsideration directly by the City Council prior to making a decision on readopting the amendments, not a recommendation for the Council to instruct staff to reconsider.

In adopting amendments to FMC 17.52 in 2025 the City did not follow the required process and now, in considering readoption and potential modifications, the City is still disregarding the procedures set forth in FMC 17.68. The lack of a Planning Commission report as required by FMC 17.68.040 and the staff report's mischaracterization of the Planning Commission's recommendation taints the information provided for consideration by the City Council and fails to comply with FMC 17.68. Any action by the City Council to readopt amendments to FMC 17.52 must be taken in compliance with the process prescribed by FMC 17.68.

Thank you for considering my comments.

Sincerely,



Bob Delp - Historic District Resident - Folsom, CA 95630 - [REDACTED]

July 13, 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: July 14, 2026, Agenda Item No. 18 – Ord. No. 1353 Amending FMC Chapter 17.52 – Recommended FMC 17.52.300 Revisions

Dear City Councilmembers:

I am the Petitioner in Superior Court of the State of California, County of Sacramento, Case No. 26WM000118 that pertains to the City Council’s October 28, 2025, approval of the Folsom Municipal Code Chapter 17.52 (“FMC 17.52”) amendments that are the subject of the Council’s agenda item 18. However, I am providing these comments as a citizen of Folsom and a resident and property owner in the Historic District interested in the protection, preservation, and enhancement of the Historic District’s character and quality.

Attachment 1 of this letter provides suggested revisions to the FMC 17.52 amendments adopted by the Council in October 2025. As shown, my suggested revisions are limited to section 17.52.300. Margin notes in Attachment 1 provide a brief rationale for each of the suggested revisions.

The October 2025 amendments eliminated design review of all *structures* that do not meet the definition of *building*.¹ The revisions suggested in Attachment 1 reflect minor text changes but important adjustments to FMC 17.52.300 that would restore design review provisions for non-building structures, including walls and fences consistent with the Planning Commission’s June 17, 2026, recommendation. These suggested revisions restore important protections for the character and quality of the Historic District.

The October 2025 amendments made substantial changes throughout FMC 17.52; among other things, shifting much of the design review role to the Director of the Community Development Department (“CDD”). Although I and others have expressed concerns about that shift, the revisions suggested in Attachment 1 retain the City’s intent to allow for the CDD Director to perform design review.

I am opposed to the City Council’s *readoption* of the October 2025 amendments to FMC 17.52 and neither the Council’s decision to adopt the amendments last October nor the currently recommended readoption qualify as exempt from the California Environmental Quality Act (“CEQA”).² Thus, I urge the Council to consider the FMC 17.52.300 revisions recommended in Attachment 1 and suggest that the revisions would likely alleviate much of the concerns related to impacts that the October 2025 amendments would have on the character and quality of the Historic District.

Thank you for considering my comments.

Sincerely,



Bob Delp - Historic District Resident - Folsom, CA 95630 - [REDACTED]

Attachment 1: 17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

¹ Per FMC 17.02.090, “*Building*” means any structure having a roof supported by columns and/or by walls and intended for the housing or shelter of any person, animal or chattel. Per FMC 17.02.400 “*Structure*” means anything constructed or erected upon the ground or attached to a structure having location on the ground.

² See 7/14/2026 Staff Report Att. 3, Bob Delp June 22, 2026, letter to HDC, incorporated here by this reference.

July 13, 2026

Attachment 1

17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

Black text is section 17.52.300 as amended by the Council's October 2025 approval. The underline/strikethrough changes shown in red are recommended additions/deletions that would serve to restore design review for non-building structures and other provisions as explained in margin comments.

17.52.300 Design review.

A. Except as otherwise provided in subsection B of this section, the design and architecture of the following projects shall be submitted to the historic district commission for review and approval under the provisions of this chapter:

1. All new office, industrial, commercial and residential buildings, excluding accessory buildings as defined in Section 17.02.020 and accessory dwelling units as regulated by subsection D of this section;
2. All exterior renovation, remodeling, modification or addition to existing buildings located on properties listed in the city's cultural resources inventory or located on an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines Section 15064.5 or the adopted city of Folsom historic preservation master plan;
3. All additions to existing buildings over twenty-five percent of the total square footage of the existing building or over five hundred square feet, whichever is less, except additions to accessory buildings, as regulated by subsection (B)(3) of this section and additions to accessory dwelling units as regulated by subsection D of this section;
4. Projects which are part of a planned development or a tentative map;
5. Proposed project design guidelines and standards and revisions to existing design guidelines and standards.

B. The design and architecture of the following projects shall be submitted to the community development director for review and approval under the provisions of this chapter:

1. All exterior renovation, remodeling, or modification to existing buildings, except those exempted under subsection C of this section, and those regulated under subsection (A)(2) of this section;
2. All additions to existing buildings under twenty-five percent of the total square footage of the existing building or under five hundred square feet, whichever is less, except additions to accessory buildings, as regulated by subsection (B)(3) of this section and additions to accessory dwelling units, as regulated by subsection D of this section;
3. All new accessory buildings, including but not limited to garages and sheds, and any addition to such buildings, except those regulated under subsections (A)(2) and (D)(1) of this section.

17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

Black text is section 17.52.300 as amended by the Council's October 2025 approval. The underline/strikethrough changes shown in red are recommended additions/deletions that would serve to restore design review for non-building structures and other provisions as explained in margin comments.

4. All new structures and all modifications to existing structures for which design and architectural review is not otherwise provided in subsection (A) or subsections (B)(1) through (B)(3) of this subsection, excepting those structures exempt from design review pursuant to subsection (C) of this section.

Commented [BD1]: This addition ensures that non-building structures that are not otherwise exempt (at "C" below) will be subject to design review, but allows that all such non-building structures may be reviewed by the CDD Director and does not require review by HDC.

C. The following types of projects are exempt from the design review process under this chapter:

1. Minor modifications including:
 - a. ~~In-kind~~ Replacement of existing building and roof materials ~~with similar materials~~;
 - b. ~~In-kind~~ Replacement of existing windows and doors ~~with similar windows and doors~~;
 - c. Changes to exterior colors on residential buildings;
 - d. Patio covers, gazebos, pergolas and trellises under two hundred square feet in size and located outside of the front, side, and street side yards;
 - e. ~~Privacy walls and fencing, excluding chain link, which is not allowed~~;
 - fe. Aboveground spas and hot tubs located outside of the front and street side yards;
 - gf. Solar panels;
 - hg. Outdoor cooking facilities located outside of the front and street side yards; and
 - ih. Other projects that the director ~~through written authorization~~ deems similar in material, design, and scope to those listed, except projects involving buildings or properties on the city's cultural resources inventory or located on an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines Section 15064.5 or the adopted city of Folsom historic preservation master plan, which are subject to historic district commission approval.

Commented [BD2]: The change to "in-kind" here and below is intended to reduce subjectivity associated with interpreting "similar" and reduce the potential for replacements to substantially differ from the original material. On 7/2/2026, CDD Planner Stroud advised HFRA that a re-roofing permit was erroneously issued in March 2026 for a building at 512 Natoma St and that, had CDD staff reviewed the project, CDD would not have allowed black comp shingles and would have required replacement with red Spanish tiles consistent with the Spanish eclectic style of the roofing materials being replaced. Although the term "in-kind replacement" may not fully protect such erroneous building permit issuances, the term provides for more restrictive interpretation than "similar" and offers reduce potential for misinterpretation.

Commented [BD3]: Deletion of this provision reflects the Planning Commission's recommendation and corrects an obvious inconsistency between this category of "minor modifications" and walls/fences that can be 100s of feet in length at any given property. Note that item "h" (as renumbered below) allows the director to deem individual projects exempt; therefore, individual walls/fencing projects could still be deemed exempt from design review by the director but without the unlimited exemption that would exist if walls/fences are retained on the exempt list.

Commented [BD4]: Documentation of any CDD Director project-specific exemption is needed both for the City/public record and as evidence of the exemption for the person/property owner obtaining the project-specific exemption.

D. Final approval authority relating to the design and architecture of accessory dwelling units and additions to such buildings within the historic district boundaries shall be as follows:

17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

Black text is section 17.52.300 as amended by the Council's October 2025 approval. The underline/strikethrough changes shown in red are recommended additions/deletions that would serve to restore design review for non-building structures and other provisions as explained in margin comments.

1. The historic district commission shall have final approval authority relating to the design and architecture of proposed attached or detached accessory dwelling units not exempt from design review by California Government Code Section 66321 based on height, and any new garage or other attached conditioned or unconditioned space proposed along with such an accessory dwelling unit.
2. The historic district commission shall have final approval authority relating to the design and architecture of proposed additions to existing accessory dwelling units that result in the unit no longer being exempt from design review by California Government Code Section 66321 based on height.
3. The community development director shall have final approval authority relating to the design and architecture of proposed attached or detached accessory dwelling units not exempt from design review by California Government Code Section 66321 based on square footage, and any other attached space proposed along with such an accessory dwelling unit.
4. The community development director shall have final approval authority relating to the design and architecture of proposed additions to existing accessory dwelling units that result in the unit no longer being exempt from design review by California Government Code Section 66321 based on square footage. (Ord. 1353 § 3, 2025; Ord. 890 § 2 (part), 1998)

Bob Delp – 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: July 14, 2026, Agenda Item No. 18 – Ord. No. 1353 Amending FMC Chapter 17.52 – Non-Compliance with CEQA and City Charter

To Folsom City Council:

I am the Petitioner in Superior Court of the State of California, County of Sacramento, Case No. 26WM000118 that, as discussed further in section 3 of this letter, pertains to the City Council's October 28, 2025, approval of the Folsom Municipal Code Chapter 17.52 ("FMC 17.52") amendments ("Project") the readoption of which is the subject of this City Council agenda item. However, I am providing these comments as a citizen of Folsom and a resident and property owner in the Historic District interested in the protection, preservation, and enhancement of the Historic District's character and quality. I am opposed to the City's readoption of Ord. No. 1353 and its amendments to FMC 17.52. Such a decision is a "project" under the California Environmental Quality Act ("CEQA") and the Project does not qualify for one or any combination of CEQA exemptions.

The obvious catalyst for the Council's consideration of readopting the FMC 17.52 amendments is that the City decided to attempt to bolster its arguments for why the Project is not subject to the CEQA. As explained further in this letter, even with that intended purpose, your staff report's arguments to excuse the Project from CEQA review fail. Most obviously absent is any discussion the Project's elimination of design review for all *structures* that do not meet the definition of *building*. Staff's "Environmental Review" discussion (CC 7/14/26 pkt. pgs. 268-271) fail to address this significant aspect of the Project. Staff's discussion clings to the faulty notion that the Project is limited to procedures and administration and exempts from design review only "very small projects." Yet, for the readoption to serve its purpose of proving a basis for exempting the Project from CEQA review, the City must demonstrate that it has considered the whole of the Project – including the fact that the Project changes to FMC section 17.52.300 eliminate a design review process for *all* non-building structures. As further explained in this letter, elimination of design review of privacy walls, fences, and all other non-building structures has the potential for significant adverse impacts to the character of the Historic District and its historic resources.

A responsible City Council interested in resolving CEQA litigation would candidly discuss the facts of eliminating design review for all non-building structures at tonight's hearing. If the Council then determines that the elimination of design review for all non-building structures has no potential for significant impacts to the Historic District, the Council should then ensure that substantial evidence to that effect is documented in the record. I believe the City Council cannot make that finding, and in my July 13, 2026, letter to the Council I have urged the Council to consider minor text revisions to FMC 17.52.300 that would restore design review for non-building structures, including privacy walls and fences.

In the 1990s, the City undertook a substantial effort in considering ways to protect and preserve the Historic District that culminated in the adoption of a re-written Folsom Municipal Code Chapter 17.52 ("FMC 17.52") and accompanying Historic District Design and Development Guidelines ("DDGs"). Many thoughtful people worked very hard to create a process defining objective standards and a design review process applicable to all *structures* in the Historic

District. The process may not be perfect and in recent years has been confronted by state laws that, while attempting to achieve commendable aims, have limited the City's ability to exercise design review to the extent envisioned in 1998. Nevertheless, the design review provisions of FMC 17.52 and the DDGs still serve a vital function in preservation and protection of the Historic District. Amending the processes they prescribe should not be taken lightly and the effects of any amendments should be fully understood before their approval.

The FMC 17.52 amendments effectively eliminate design review for all *structures* that do not meet the definition of *building* by establishing in FMC 17.52.300 that the HDC and CDD design reviews only apply to *buildings*. The distinction between these two terms and the resulting change in design review provisions resulting from the FMC 17.52 amendments focus on “buildings” are important for understanding the implications of the FMC 17.52 amendments. These definitions may have been overlooked by staff, the HDC, and the City Council in adopting the amendments last year and certainly warrant further consideration now.¹ The staff reports argue that only certain “very small” structures will be exempt from design review, however, the amendments establish no person and no commission to perform design review of any structures that are not buildings and therefore effectively eliminate all design review authority for all non-building structures. The City's claim that design review is only limited to certain “very small” structures cannot be reconciled with the actual effect that the amendments have in eliminating design review authority for all non-building structures. If this is an *unintended* aspect of the amendments, then now is the time for correction by ensuring that 17.52.300 is revised to establish a design reviewer for non-building structures.

Although the City Council is considering simply readopting the amendments, I urge the Council to more thoroughly consider amendments that achieve the City's efficiency goals while not eliminating important design review provisions that protect the Historic District's character and quality. I suggest the amendments to FMC 17.52.300 presented in my July 13, 2026, letter would help achieve that.

The Project amendments go too far in relaxing and eliminating important provisions of FMC 17.52 that were carefully developed through a rigorous process in the 1990s leading the 1998 rewrite and adoption of FMC 17.52 and its companion DDGs. In addition to eliminating design review of non-building structures, the Project amendments wrest far too much of the remaining design review role from the HDC and reassign that role to the CDD Director. Although I have disagreed with certain decisions made by the HDC in recent years, design review performed by a *commission* through a public hearing provides for a more comprehensive perspective on design considerations, allows for a more formal and visible public noticing and public comment process, eliminates one-on-one influence, and improves design review decision-making. Often, the HDC considers staff recommendations, discusses design adjustments with staff and

¹ The importance of not ignoring the FMC's definitions of terms is highlighted in an October 31, 2025, Sacramento County Superior Court decision pertaining to the 603 Sutter Street Mixed-Use project (Case No. 23WM000125) where the Court ruled that at the City did not comply with the California Environmental Quality Act (“CEQA”) in approving that project. For that project, the City had determined that the project's parapet wall could be excluded when calculating the building height. To my knowledge, nowhere in the record had staff ever advised the HDC or City Council that the FMC definition of “building height” specifically establishes that building height is to include measurement to the highest point of any parapet wall. After two years of costly litigation, the Court concluded that “...the City's interpretation is foreclosed by section 17.02.110, which specifically includes a building's parapet wall in the definition of 'Building height.' While the City is permitted to reasonably interpret its own codes and ordinances where they are unclear or conflicting, it is not permitted to ignore directly applicable provisions of such codes.”

applicants, and modifies staff's recommendations to ensure design is more appropriate for the Historic District.

This is the very mechanism that, in 1998, City decision-makers decided was appropriate for the Historic District – with a *commission* performing design review not only for properties specifically identified on the City's list of historic properties, but for all properties, buildings, and other structures throughout the Historic District – where all properties contribute to the historic character of the entire Historic District that FMC 17.52 and the DDGs are intended to protect.

1. FMC 17.52 and DDG Background

Several of the Project amendments to FMC 17.52 either omit or alter design review and demolition review responsibilities. The amendments create internal inconsistencies within FMC 17.52 with regard to the scope and responsibilities for design review and create inconsistencies between FMC 17.52 and the DDGs. The purpose and intent of FMC 17.52 and the DDGs are important for understanding the baseline conditions to which any amendments to FMC 17.52 must be compared to understand the effects of any amendments.

On July 14, 1998, the City Council adopted Ordinance No. 890 which, among other things, rewrote FMC Chapter 17.52, established the HDC, and established Historic District primary and subarea boundaries in which specialized use and development standards apply. As stated in FMC 17.52.010,² "Purpose and intent," among the express purposes of FMC Chapter 17.52 are,

1. To preserve and enhance the historic, small-town atmosphere of the Historic District as it developed between the years 1850 and 1950;
2. To maintain, restore, and reconstruct historic structures and sites within the Historic District;
5. To ensure that new residential and commercial development is consistent with the historical character of the Historic District as it developed between the years 1850 and 1950; and
6. To increase the awareness, understanding, and appreciation of the history of the City.

As adopted in 1998, FMC 17.52.120(G) establishes that the HDC is to "[r]eview the design and architecture of any new structure, or alteration to any existing structures within the historic district," and FMC 17.52.330(B) anticipates that as part of the HDC's design review the HDC would consider criteria including "conformance with any...historic District design and development guidelines adopted by the city council." Three months later, on October 13, 1998, the City Council adopted the *City of Folsom Historic District Design and Development Guidelines* (Resolution No. 5757) ("DDGs")³ to provide a comprehensive document to assist with the implementation of the regulations and standards contained in FMC 17.52.

² The attachment to your staff report includes only excerpts of the amended sections of FMC 17.52, but I urge the Council to obtain and consider the full chapter since several unamended sections are also important for understanding the amendments. An online version, as amended, is here:

<https://www.codepublishing.com/CA/Folsom/#!/Folsom17/Folsom1752.html#17.52>

³ The 1998 "Historic District Design and Development Guidelines" ("DDGs") are incorporated by this reference in their entirety. At the time of preparation of this letter, the DDGs are available to the public on the City of Folsom website at:

Main Document: <https://www.folsom.ca.us/home/showpublisheddocument/23554/639038904142800000>

Appendix A, Historic Resources: <https://www.folsom.ca.us/home/showpublisheddocument/23556/639038904870370000>

Appendix B, Visual Resources: <https://www.folsom.ca.us/home/showpublisheddocument/23558/639038904877770000>

Appendix C, Environmental Resources: <https://www.folsom.ca.us/home/showpublisheddocument/23560/639038904884700000>

The DDGs are not perfect, but they offer extensive and beneficial guidance for development in the Historic District.

Section 1.01, “Intent,” of the DDGs explains,

the City Council elected to adopt Historic District Design and Development Guidelines (hereafter the “Design and Development Guidelines”) in conjunction with amendments to Chapter 17.52 of the Folsom Municipal Code (hereafter “Chapter 17.52”). By adopting the Design and Development Guidelines, the City Council intends to provide a comprehensive policy manual to assist with the implementation of the regulations contained in Chapter 17.52 of the Folsom Municipal Code. The goals, policies, and programs which have guided the preparation of this document and which are to be used in implementing Chapter 17.52 are enumerated in detail in Section 2.01 of this document. In addition to providing design review standards, the City Council intends to set forth in this document criteria that will guide further development within the Historic District. These Design and Development Guidelines provide policy direction concerning private and public development within the Historic District, as well as policy direction concerning public infrastructure and circulation improvements.

(DDGs, p. 1-1.)

The DDGs further explain the City Council’s purpose and intent for FMC 17.52 and the DDGs to work in combination for protection of the historical character of the entirety of the Historic District and not solely focused on protection of certain individual properties deemed historically significant,

Historic Folsom is also a representative example of the development of many small towns across the American West, and this legacy is likewise worthy of preservation, interpretation, and re-creation. While modern developments consist of carefully integrated architecture, materials, and site plans, protected by Design and Development Guidelines and CC&R's against discordant future construction, traditional development was more varied and occurred on a lot-by-lot basis. In conjunction with the regulations imposed by Chapter 17.52 of the Folsom Municipal Code, the Design and Development Guidelines limit future construction in Historic Folsom to the architectural styles extant in California from 1850 to 1950, a limitation intended to encourage the diversity which is the charm of old Folsom while preventing construction of modern buildings which would be discordant. While there are only a few structures within Historic Folsom which are individual architectural stand-outs, the homes and buildings, when taken together, evoke the feeling of life in small-town America, an aspect often ignored by history books and preservation efforts. By the adoption of Chapter 17.52 and these Design and Development Guidelines, the City Council seeks to preserve that image.

(DDGs, Section 1.01, pg. 1-2.)

The DDGs include goals and policies pertaining to Historic District design review including,

GOAL 1: Community Identity: To preserve and enhance the historic, small-town atmosphere of the 98-block Historic District area.

Policy 1.4: Since the Historic District plays a central role in determining the character of the City of Folsom, **every project within the Historic District, at every stage of approval and construction**, should be marked by an attention to quality which will serve as a benchmark to the rest of the community.

GOAL 6: New Development: To ensure that new residential and commercial development is consistent with and enhances the historical character of the historic district.

Policy 6.1: New development shall conform to architectural and infrastructure standards of Chapter 17.52 of the Folsom Municipal Code and these Design and Development Guidelines.

Additionally, the DDGs assign demolition review for all existing structures in the Historic District to the HDC, stating,

Policy 6.3: Demolition of existing structures located in the Historic District shall require approval of the Historic District Commission, which shall consider 1) whether the public health, safety and/or welfare warrant the demolition; 2) what accommodation can be provided to the owner of the property to make it feasible to preserve the property or structure; 3) whether the owner of the property is willing to sell the property or structure to a buyer who wishes to preserve it; and 4) whether a public entity wishes to acquire the property or structure in order to preserve it.

The DDGs are not simply an afterthought of niceties, they were developed as an integral part of the vision established by the City Council in 1998 for the preservation and protection of the Historic District.

As described section 1.03, “CEQA Compliance,” of the DDG’s,

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.

Thus, the 1998 FMC 17.52 and DDGs were intended not simply as preferred land use regulations for the Historic District, but also incorporated provisions and mitigation identified through the California Environmental Quality Act (“CEQA”) process as necessary to protect the character and quality of the Historic District. The City has all but ignored the fact that a comprehensive CEQA process was conducted prior to the adoption of FMC 17.52 and the DDGs.

Through that process, the City not only included provisions in FMC 17.52 and the DDGs to avoid or minimize adverse effects of development in the Historic District, but also identified

several mitigation measures, including the following pertaining to inadvertent discovery of cultural resources:

Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Folsom shall be notified. The City shall consult with a qualified archaeologist to determine if the encountered resources are "important" cultural resources within the definition of CEQA Appendix K. The consulting archaeologist shall develop, if necessary, further mitigation measures consistent with CEQA Appendix K to reduce any cultural resource impact less than a significant level.

(Folsom Historic District Specific Plan, Mitigation Monitoring Program, January 21, 1998. State Clearinghouse Number: 95032066, pg. 9.)

The City has consistently included inadvertent cultural resources discovery provisions as conditions of approval for design review projects that involve ground disturbance in the Historic District that have undergone review by the HDC. However, staff-level design reviews have omitted provisions for inadvertent discovery of cultural resources.^{4,5,6} Without provisions for inadvertent cultural resources discovery for all ground disturbance projects in the Historic District, the potential for inadvertent discovery and damage or destruction of significant cultural resources exists. The previously required HDC design review of all structures provided a mechanism for imposition of inadvertent discovery protocols through conditions of approval. With the Project amendments shifting much of the design review role to staff and eliminating design review for non-building structures, the mechanism for requiring inadvertent discovery protocols and protection of currently unknown cultural resources is disrupted and eliminated. The City provides no explanation of how projects involving ground disturbance in the Historic District that will now be exempt from design review will still somehow be required to implement inadvertent cultural resources discovery protocols or, if such projects will not be required to implement these protocols, how impacts to cultural resources that may be present within a development footprint will be avoided or otherwise mitigated.

2. The Project Eliminates Design Review for All Non-Building Structures

Prior to the FMC 17.52 amendments approved by the City Council in October 2025, FMC 17.52.300 specified that the HDC was to perform design review of all proposed new or modified *structures* in the Historic District. Since there was no other design reviewer identified, it was very clear that any design review requirement discussed in any section of FMC 17.52 fell squarely on the HDC.

⁴ See letter Attachment 1, January 10, 2024, HDC design review conditions of approval pertaining to 403 Riley Street external staircase with condition of approval 5 requiring, *"If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides recommendations to the City. The City shall determine and require implementation of the appropriate mitigation as recommended by the consulting archaeologist. The City may also consult with individuals that meet the Secretary of the Interior's Professional Qualifications Standards before implementation of any recommendation. If agreement cannot be reached between the project applicant and the City, the Historic District Commission shall determine the appropriate implementation method."*

⁵ See letter Attachment 2, September 11, 2018, staff design review approval for patio at 614 Sutter Street with no provisions for inadvertent discovery of cultural resources.

⁶ See letter Attachment 3, May 8, 2026, staff design review approval for a deck at 405 Sutter Street with no provisions for inadvertent discovery of cultural resources.

However, under the amended FMC 17.52.300, design review function is divided between the HDC and the CDD Director with each of their design review roles prescribed for only various types of *buildings*, such that any *structure* that does not also fit the definition of *building* is no longer subject to design review by either the HDC or CDD Director. (See CC 7/14/26 Packet pages 284-286 where FMC 17.52.300(A) provides for HDC design review of certain projects in which all previous references to “structures” are stricken and replaced with the more limited term “buildings” and FMC 17.52.300(B) provides for CDD Director design review of all other renovations, additions, and accessory *buildings* without assigning design review authority for review of non-building *structures*.)

FMC Chapter 17.02 “Definitions,” defines these terms:

17.02.090 Building. “**Building**” means any structure having a roof supported by columns and/or by walls and intended for the housing or shelter of any person, animal or chattel.

17.02.400 Structure. “**Structure**” means anything constructed or erected upon the ground or attached to a structure having location on the ground.

The FMC definition of “structure” is very broad while the definition of “building” is much narrower. All buildings are structures, but many structures are not buildings.

The Project’s elimination of design review of non-building structures is a substantial reduction in the design review provisions of FMC 17.52. Staff describe that the amendments exempt only “certain very small projects from design review,” (see CC 7/14/26 pkt. pgs. 268, 269, 270) yet staff’s analysis fails to recognize that *all* non-building structures, regardless of size, is not subject to design review under the amended language. The amended FMC 17.52.300 establishes that certain new or modified *buildings* are subject to HDC review and that other new or modified *buildings* are subject to CDD review, but contains no provisions for any design review of non-building structures neither by the HDC nor the CDD Director.⁷

Moreover, the FMC 17.52.300 amendments conflict with other sections of FMC 17.52 not amended by the Project. For instance, FMC 17.52.120 specifies duties of the HDC which include, “G. Review the design and architecture of any new *structure*, or alteration to any existing *structures* within the historic district, as further defined in this chapter,” yet, with the FMC 17.52.300 amendment, neither the HDC nor the CDD Director has authority to review any new or altered non-building structure. Additionally, FMC 17.52.400 specifies that “design review is required for all new *structures* and alterations to existing *structures*,” yet, as amended, FMC 17.52.300 no longer provides any role for either the HDC or CDD to perform design review for non-building structures.

In considering readoption of the FMC 17.52 amendments, it is critical that the Council fully understand and disclose the implications of the elimination of design review for non-building structures. Staff’s incorrect premise that only “certain very small projects” would be exempt from design review cannot be reconciled with the actual language and effects of the amendments that eliminate design review authority for all non-building structures.

The City needs to either restore design review of non-building structures or the City’s analysis of the Project and its potential effects on the character of the Historic District and individual

⁷ The CDD website identifies that design review is required for certain types of non-building structures (e.g., landscape features depending on size/location, pools and spas depending on location), however, the amended FMC 17.52 provides no authority for any such design review since these features are not *buildings* and the CDD exceeds its authority if it exercises design review over non-building structures.

historic properties must include consideration of the effects of eliminating design review for all non-building structures.

3. CEQA Compliance

On October 28, 2025, when the City Council adopted Ord. 1353 amending FMC 17.52, the Council determined the Project was exempt from CEQA review because the Project was “process related and administrative in nature” and therefore qualified for the CEQA Guidelines § 15061(B)(3) “commonsense” exemption.

Prior to the Council’s approval of the Project, I submitted comments opposing the Project and providing explanation and evidence that the Project would have the potential to result in significant impacts to the historic character of the Historic District and that the Project did not qualify for a CEQA exemption.⁸ Others, including those involved in developing FMC 17.52 and the DDGs in the 1990s, also expressed concerns and provided comments to staff, the HDC, and the City Council prior to approval of the Project.

After requesting in November 2025 that the Council rescind Ord. 1353 and after allowing nearly six months for the Council to do so, on April 23, 2026, I filed a petition for writ of mandate with the Superior Court of the State of California, County of Sacramento (Case No. 26WM000118), challenging the City’s approval of the Project with a CEQA exemption. That lawsuit is the obvious catalyst for the City’s current effort to re-approve the Project and assert additional grounds for exempting the Project from CEQA review. Yet, the CEQA arguments that the staff report now presents to the Council (CC 7/14/26 pkt, pgs. 268-261) misconstrue the Project and do not provide substantial evidence that the Project qualifies for one or some combination of CEQA exemptions.

The staff report also asserts that the Council might find that the Project is actually not a project at all under CEQA. But the Project is a project under CEQA as, among other things, the elimination of design review that would otherwise be performed for all non-building structures has the obvious potential to cause an indirect physical change in the environment as compared to circumstances in which all buildings and structures are subject to design review, as discussed further herein.

To argue that the Project is not a project under CEQA requires one to take the unfounded position that the design review process has no influence on the character or quality of non-building structures constructed, modified, and/or demolished in the Historic District. Instead of addressing that fact, the staff report claims the Project is not a project under CEQA “[b]ecause changing which body (HDC or City staff) will process the minor approvals covered under the proposed amendments does not have the potential to cause a physical change in the environment directly or indirectly.” Even were the staff report correct that changing the body performing design review has no potential to result in physical changes, this argument fails to address other aspects of the Project that modify and eliminate design review of all non-building structures. Staff’s attempt to claim the Project is not a project under CEQA falls short of even attempting to address the whole of the Project and fails to account for the indirect physical changes to the

⁸ See Bob Delp October 14, 2025, letter subject *Comments to City Council re: October 14, 2025, Agenda Item No. 6 – Ord. No. 1353 Amending FMC Chapter 17.52*, and Bob Delp October 28, 2025, letter subject *Comments to City Council re: October 28, 2025, Agenda Item No. 3 – Ord. No. 1353 Amending FMC Chapter 17.52* previously submitted and included in the City’s records of HDC and Planning Commission meetings for the proposed readoption of the subject amendments. These letters are incorporated in their entirety herein by this reference.

environment that will occur as a result of the Project's elimination of non-building structure design review.

In fact, the obvious physical effect of the design review process is demonstrated in a recent communication from City Planner Nathan Stroud.⁹ Stroud explains that a permit for a replacement of the roof at 512 Natoma Street in the Historic District was erroneously issued and that, had the reroof undergone design review (as it should have but did not) the CDD design review process "would not have allowed black comp shingles and would have required they stay with the red Spanish tiles, as is consistent with the Spanish eclectic style" of the building. Obviously, the design review process influences and effects the ultimate physical appearance of buildings and formerly non-building structures, and changes to the design review process, requirements, and projects subject to design review as results from the Project amendments to FMC 17.52. Staff's assertion that the Project amendments to FMC 17.52 "does not have the potential to cause a physical change in the environment directly or indirectly, the amendments are not a project subject to CEQA" is without merit.

In contrast to staff's new claim that the Project is not a project under CEQA, the staff report also argues that the Project is eligible for the CEQA Guidelines 15061(b)(3) "commonsense" exemption and also attempts to overlay or incorporate other CEQA exemptions in arguing that environmental review of the Project is not required. As discussed below, the Project does not qualify for the 15061(b)(3) exemption and the City's attempt to bolster its rationale fails.

Moreover, with or without application of additional CEQA exemptions, the Project does not qualify for the 15061(b)(3) exemption. Additionally, the staff report's attempt to assign a CEQA exemption to certain aspects of the Project as ministerial is misguided. The Project clearly involves discretionary decision-making and CEQA Guidelines expressly state, "[w]here a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA." Also, the staff report's attempt to assign categorical exemptions to the Project or portions of the Project is also misguided. The Class 1 and Class 3 categorical exemptions asserted in the staff report might be applicable to certain discretionary approvals in the Historic District, but they are inapplicable to the City's consideration and approval of the Project because the Project is a zoning ordinance amendment and is not a decision to approve modifications to existing facilities, small structures, or any other facilities or structures. Moreover, after introducing these two irrelevant categorical exemptions, the staff report attempts to discuss whether any *exceptions* to these exemptions apply. Yet, because the Project does not involve any specific development and the Class 1 and 3 exemptions cannot be applied to the Project, there is neither current relevance nor a basis to conclude that the exceptions to the exemptions would not apply to specific development subject to FMC 17.52.

3.1 The Project does Not Qualify for the Commonsense Exemption

The CEQA Guidelines 15061(b)(3) exemption can be applied only, "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." In claiming this exemption, the City must provide substantial evidence for how the proposed FMC 17.52 amendments would have no possibility of a significant impact. The City Council's October 2025 approval of the Project rested on the assertion that "the proposed code amendment is *process related and administrative in nature* and therefore will not have a significant effect on the environment," and does not consider the implications of

⁹ See letter Attachment 4, July 2, 2026, email from Nathan Stroud subject, *Re: 512 Natoma St. Folsom Reroof Project*.

eliminating certain projects from design review and other changes in design and demolition review processes that would result from the Project amendments.

In attempting now to substantiate the Project's qualification for the 15061(b)(3) exemption, the staff report asserts that, "[t]he ordinance amendments discussed in this report do not have the potential to cause a significant effect on the environment," and that the Project's exemption of "certain very small projects from design review" would not have potential to cause any significant impacts on the environment. The staff report also discusses that "several of the project types exempted from design review are required to be located in side or rear yards for the exemption to apply." (CC 7/14/26 pkt. pgs. 268-269.)

The staff report's arguments do not address substantial evidence indicating the potential for significant impacts and do not provide substantial evidence that the Project would have no possibility of a significant impact precluding the Project from the 15061(b)(3) exemption.

3.1.1 Elimination of Design Review for All Non-Building Structures

As discussed above in Section 2 of this letter, prior to the Project amendments, FMC 17.52.300 specified that the HDC was to have final authority over all new office, industrial, commercial, and residential *structures*, and all exterior renovations, remodeling, modification or addition to existing *structures*. Under the amended FMC 17.52.300, design review function is divided between the HDC and the CDD Director with each of their design review roles prescribed only various types of *buildings*, such that any *structure* that does not also fit the definition of *building* is no longer subject to design review by either the HDC or CDD Director.

Without a designated body and process, design review of non-building structures is effectively eliminated from FMC 17.52. With the Project amendments, the list of exempt non-building structures in FMC 17.52.300(C) represents only a small subset of the types of non-building structures for which design review will not be performed as a result of the Project.

The staff report and staff's assessment of potential impacts of the Project does not mention or assess the impacts of eliminating design review of all non-building structures and, thus, fails to provide evidence that the Project's elimination of design review for all non-building structures would have no possibility of a significant impact.

The elimination of design review for all non-building structures eliminates design review of many types of new and modified structures (e.g., privacy walls, retaining walls, fences, decks, pools/spas, play equipment, courtyards, exterior street-to-sidewalk stairways and railings, amphitheaters, bridges, public restrooms, mechanical equipment, roads, bike paths, sidewalks... all of which meet the definition of "structures" under the FMC 17.02.400) and any of which would have the potential to be inconsistent with the Historic District character if developed without going through the FMC 17.52 design review process.

The elimination of design review of non-building structures would also eliminate any discretionary review of many such structures, and would provide no mechanism for the City to impose standard conditions of approval that are used mitigate impacts, including the standard condition pertaining to inadvertent cultural resources discovery discussed above in this letter.

3.1.2 Exempting Privacy Walls and Fences

Even if design review were restored for most structures, the exemption of privacy walls and fences would still have the potential for adverse effects on the Historic District character and quality and its individual historical and contributing resources.

The staff report asserts that, “[s]everal of the very small projects, including like-for-like structural replacements, residential re-painting, privacy walls/fences, and solar panels were already not going through design review based on the City’s consistent past practice and thus, would not result in any change from baseline conditions for those projects.” (CC 7/14/26 pkt. pg. 269.)

Regardless of how baseline conditions might be defined for future review of a particular proposed structure, such as a privacy wall or fence, the relevant CEQA baseline for consideration of the potential environmental effects of the Project is the specifications and design review requirements of FMC 17.52 as it existed prior to the Project amendments. Under that appropriate baseline condition, FMC 17.52 provided for HDC design review of fences and all other new and alterations to existing structures, stating in FMC 17.52.400, “Design standards,” (emphasis added),

A. The design standards specified in Sections 17.52.410 through 17.52.590 shall be applicable to all new structures and alterations to existing structures within the historic district. ***Design review is required for all new structures and alterations to existing structures, unless otherwise specified in this chapter.***

FMC 17.52.430 – 17.52.480 provide objective standards for certain types of non-building structures¹⁰ and specify when certain sizes and/or locations of structures are not subject to design review. For instance, FMC 17.52.460 specifies objective standards for play equipment and exempts play equipment smaller than 120 square feet or below fence height from design review; whereas FMC 17.52.440, “Fences,” specifies objective design standards for fence height without providing an exemption from design review. By a plain read of the text it is undeniable that, prior to the Project amendments, FMC 17.52 required design review for all structures, including fences. The Project amendments to FMC 17.52 that include “privacy walls and fences” on a list of features exempt from design review must be compared to the existing condition baseline under which design review was required by FMC 17.52.

The staff report’s assertion that fences and other types of structures “were already not going through design review based on the City’s consistent past practice” might reveal some deficiency of the City to actively implement FMC 17.52’s design review provisions for fences, but does not establish the relevant baseline for consideration the Project’s potential effects. Even an unenforced design review provision still creates an incentive for compliance with the general intent of the design review and design character aims of the DDGs.

The City Police Department, from time to time and for various reasons, may not always actively enforce speed limits on City streets, but that does not negate the beneficial effect and value of maintaining posted speed limits on City streets, nor does it mean that speed limits could be abolished with no effect on driver behavior. Similarly, that any given time the CDD may not be actively performing/enforcing the required design review for certain types of projects does not negate the benefits of maintaining design review requirements in FMC 17.52.

Were individual property owners in the Historic District to build privacy walls or fences without first obtaining design review approval, those property owners would nevertheless be influenced by the risk of non-compliance and incentivized to design the structure consistent with Historic District character (akin to a driver heeding speed limits even in the absence of police enforcement). Moreover, the design review requirement for fences provides a mechanism

¹⁰ e.g., 17.52.430 Decks, 17.52.440 Fences, 17.52.450 Landscape features, 17.52.460 Play Equipment, 17.52.470 Swimming Pools and Spas, 17.52.480 Accessory Structures.

through which the City could take enforcement action for a property owner's failure to obtain a design review approval and remedy an inappropriate fence design. Without a design review requirement, the City has no mechanism or ability to enforce restrictions on inappropriate fence design.

Section C of Appendix D of the DDGs provides Historic Residential Design Criteria, and specifies the following design provisions for walls and fences:

Walls and fences. Materials of walls and fences shall reflect the style and character of the building and its site. Where large expanses of blank building wall, retaining wall or fencing are unavoidably exposed, they should be screened with upright shrubs or trellised vines. Trellises are to be constructed of substantial, durable materials, but may incorporate redwood lath lattice. Inappropriate materials such as chainlink, split rail, and other non-historic fencing materials are not permitted.

(DDGs, Appendix D, p. 55.)

Without establishing specific design requirements for fence design, the DDGs section above provides guidance for the City's design review of walls and fences. Thus, the Project's elimination of design review of walls and fences effectively eliminates all regulation and related incentives for individual property owners to achieve wall and fence design compatible with the Historic District character.

Exempting, "privacy walls and fencing" from any design review requirements would have the potential to be detrimental to the historical character of the Historic District. Even attractively designed privacy walls or fencing could be substantially inconsistent with, and diminish the historical character of, the Historic District. The development of unregulated out-of-character walls and fences would have the potential to result in – in individual instances and cumulatively over time - a significant adverse impact on the historical character of the Historic District.

The City-adopted DDGs explain as pertains to "Fences, Landscape Features, and Play Equipment,"

Besides safety, the City's purpose in regulating fences and landscape features is primarily to inform property owners of the impact such construction has on the historical and aesthetic character of a home or neighborhood and to seek voluntary support of the community goal of preserving and enhancing the character of the Historic District. Preference in any required review will be toward granting the property owner's request unless it is unsafe or the effect on the character of the Historic District would be notably deleterious. (DDGs section 4.04.)

Pertaining specifically to "Fences" the DDGs explain the City's 1998 affirmation that, "[f]ences are a significant contributing factor to a home's or neighborhood's character." (DDGs section 4.04.01.) Notwithstanding the documented importance of design review for walls and fences as expressed in the DDGs adopted by the City Council in 1998, during the Project review process, the City has yet to directly acknowledge the adverse effects that incompatible fence design could have on the historical quality and character of the Historic District.

When adopting the Project's list of "minor modifications" to be exempt from design review, the City included, "e. privacy walls and fencing, *excluding chain link, which is not allowed.*"

If the City’s position is that fence design does not have the potential to adversely affect the character of the Historic District, it is unclear why the City would attempt to *mitigate* the wall and fence exemption by including a prohibition of chain link fence. Moreover, the DDGs establish “appropriate” and “inappropriate” fence and wall/retaining wall types (DDGs, Appendix D, Attachment 2, “Building Materials Palette.”). These lists in the City’s adopted DDGs do not allow or prohibit particular fence or walls types and, instead, they provided guidance intended for consideration during the design review process. With elimination of design review for privacy walls and fences, the mechanism for the City’s regulation of appropriate wall and fence types is eliminated.

The CDD has attempted to list “appropriate” and “inappropriate” fence types for the Historic District on the City’s Historic District Resources website which identifies 12 types of fences as “Inappropriate” for the Historic District and lists 10 types of fence types as “Appropriate” with 3 of the “Appropriate” types noted as “Except for Historic Properties.”

City of Folsom, Historic District Resources Website List of <i>Appropriate</i> and <i>Inappropriate</i> Fence Types	
Appropriate Fence Types	Inappropriate Fence Types
Wood Picket Fences	Chain Link
Vertical or Horizontal Board Fences (Min. 30% opening, or Staggered Boards)	Chicken Wire
Classic Wire Mesh (3” x 6”)	Barbed Wire
Solid Wood (Rear Yard Only)	Plywood
Brick and Mortar	Masonite
Stone and Mortar	Cedar Post and Rail
Treated Wood	Grape Stake
Cinderblock Wall (Except for Historic Properties)	Split Rail
Railroad Tie Fencing (Except for Historic Properties)	Cyclone
Poured or Finished Concrete Wall (Except for Historic Properties)	Snow Fence
	Bamboo or Matting
	Plastic or Vinyl
Source: City of Folsom, Historic District Resources website, “Residential Fencing” dropdown at: https://www.folsom.ca.us/government/community-development/planning-services/historic-district-resources/ . June 9, 2026.	

Staff’s assessment of the Project does not address the DDGs Building Materials Palette lists for fences and walls/retaining walls or explain why, with a dozen specific fence types considered “inappropriate” for the Historic District and an additional 3 types inappropriate for historic properties, only *chain link* fence warrants a prohibition in FMC 17.52 while design review of all privacy walls and fences is eliminated. Yet, with a dozen identified by CDD as “Inappropriate Fence Types,” in adopting the Project amendments to FMC 17.52, staff and the City Council somehow determined that only chain link need to be prohibited.

Even were a prohibition on chain link fence sufficient to *mitigate* the impact of exempting privacy walls and fences from design review, such a mitigation would run afoul of CEQA case law establishing that,

[r]eliance upon mitigation measures (whether included in the application or later adopted) involves an evaluative process of assessing those mitigation measures and weighing them against potential environmental impacts, and that process must be conducted under established CEQA standards and procedures for EIRs or negative declarations.

(*Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098)

Thus, if the prohibition on chain link fence was necessary to *mitigate* the impacts of exempting fences from design review or if the City thinks the impact can be mitigated by providing an advisory list of inappropriate fence types on its website, the Project is disqualified from any CEQA categorical exemption.

Given the Project's elimination of design review for all non-building structures, including but not limited to the express exemption from design review of fences and other structures having the potential for deleterious effects on the quality and character of the Historic District, the Project does not qualify for the CEQA Guidelines 15061(b)(3) exemption and no combination of additional CEQA exemptions or mitigation measures can intervene to exempt the Project from CEQA review.

3.2 *The Project does Not Qualify for a Ministerial Exemption*

The staff report quotes CEQA Guidelines § 15268(a) stating, "Ministerial projects are exempt from the requirements of CEQA" and the staff report then argues that "the solar panel exemption from design review is ministerial and exempt from the requirements of CEQA," that "the design review exemption for certain ADUs [accessory dwelling units] is ministerial and exempt from the requirements of CEQA," and that, "to the extent that a building permit is required for installation of a fence or any of the other minor modifications exempt from design review under FMC Section 17.52.300(C)(1), such approvals are ministerial in nature and as such are exempt from the requirements of CEQA." (CC 7/14/26 pkt. pg. 269.)

In making these arguments the staff report confuses potential future activities and actions with the current Project. The Project involves a *discretionary* action by the City which is the amendment of FMC Chapter 17.52. The Project is not approval of a solar facility, nor approval of an ADU, nor the issuance of a building permit for installation of a fence or other structure. That future activities or projects may or may not be limited to ministerial decision-making at such time as each is proposed is irrelevant to assessing whether the Project qualifies for a ministerial project exemption.

Moreover, even if there were some element of ministerial decision-making involved in the Project, CEQA Guidelines § 15268, "Ministerial Projects," at subd. (d) definitely establishes,

(d) Where a project involves an approval that contains elements of *both* a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

Although state law may limit or preclude the City from performing discretionary design review of certain future individual development projects or other activities, the Ministerial Projects exemption is unavailable to the Project.

3.3 *The Project does Not Qualify for a Class 1 Categorical Exemption*

The staff report discusses the Class 1 Categorical Exemption of CEQA Guidelines 15301, describing that, "[u]nder Section 15301 of the CEQA Guidelines, the Class 1 exemption 'consists of 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 argues that, "[t]his proposed ordinance's exemption for very small projects falls under this Class 1 CEQA exemption." (CC 7/14/26 pkt. pg. 269-270.)

In making this argument the staff report confuses potential future approvals for some unidentified existing facility with the current Project. The Project is the amendment of

FMC 17.52. The Project does not involve an approval associated with an existing facility and the Class 1, “Existing Facilities,” categorical exemption is inapplicable to the Project.

The City will undoubtedly consider future discretionary approvals for many types of existing facilities in the Historic District and will likely make valid determinations that some of those approvals are exempt from CEQA under the Class 1 exemption. However, whether such projects may or may not qualify for the Class 1 exemption is a matter to be determined when such a project is proposed and, at that time, will require assessment of the particular factors of the project. Moreover, as part of that assessment, the City needs to consider whether any of the CEQA Guidelines 15300.2 *exceptions* apply and preclude the use of a Class 1 exemption, and such an assessment cannot be performed until a potentially eligible Class 1 project is proposed (see *Exceptions to the Exemptions* section below for additional discussion).

Additionally, the staff report seemingly confuses the two separate factors of: 1) whether a proposed new or modified structure in the Historic District can be *exempt from design review* without resulting in or contributing to degradation of the Historic District character and quality and 2) whether that project might be *exempt from CEQA*. The vast majority of design reviews performed in the Historic District are for projects that the City determines are exempt from CEQA. But those projects are not – or at least in the past have not been – exempt from design review. Design review of all structures as required by FMC 17.52 prior to the Project amendments serves the purpose established by FMC 17.52 and detailed in the DDGs. In fact, performing design review for a particular new or modified structure in the Historic District is a key step that often enables City decision-makers to determine that the new or modified structure, as conditioned through the design review process, qualifies for a CEQA categorical exemption without triggering the Historical Resources exception to the exemption.

3.4 The Project does Not Qualify for a Class 3 Categorical Exemption

The staff report discusses the Class 3 Categorical Exemption of CEQA Guidelines 15303, describing that, “[u]nder section 15303 of the CEQA Guidelines, projects consisting of “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures...”, and argues that, “the ordinance amendment’s exemption of fences, hot tubs, outdoor kitchens, and patios qualify for the Class 3 Categorical Exemption.” (CC 7/14/26 pkt. pg. 270.)

In making this argument the staff report confuses potential future approvals for some unidentified new construction or conversion of a small structure with the current Project. The Project is the amendment of FMC 17.52. The Project does not involve an approval associated with a new or proposed conversion of a small structure, thus, the Class 3, “New Construction or Conversion of Small Structures,” categorical exemption is inapplicable to the Project.

The City will undoubtedly consider future discretionary approvals for many types of small structures in the Historic District and will likely make valid determinations that some of those approvals are exempt from CEQA under the Class 3 exemption. However, whether such projects may or may not qualify for the Class 3 exemption is a matter to be determined when such a project is proposed and requires assessment of the particular factors of the project. Moreover, as part of that assessment, the City would need to consider whether any of the CEQA Guidelines 15300.2 *exceptions* apply and preclude the use of a Class 3 exemption, an assessment that cannot be performed until a potentially

eligible Class 3 project is proposed (see *Exceptions to the Exemptions* section below for additional discussion).

Additionally, the staff report seemingly confuses the two separate factors of: 1) whether a proposed new or converted small structure in the Historic District can be *exempt from design review* without resulting in or contributing to degradation of the Historic District character and quality and 2) whether that project might be *exempt from CEQA*. The vast majority of design reviews performed in the Historic District are for projects that the City determines are exempt from CEQA. But those projects are not – or at least in the past have not been – exempt from design review. Design review of all structures as required by FMC 17.52 prior to the Project amendments serves the purpose established by FMC 17.52 and detailed in the DDGs. In fact, performance of design review for a particular new or modified structure in the Historic District is a key factor that then enables City decision-makers to determine that the new or modified structure, as conditioned through the design review process, qualifies for a CEQA categorical exemption without triggering the Historical Resources exception to the exemption.

3.5 The Question of Exceptions to Categorical Exemptions is Moot and Staff's Conclusion is Not Supported by Substantial Evidence

The staff report asks the City Council, among other things, to find that none of the CEQA Guidelines 15300.2 *exceptions* to categorical exemptions apply. However, neither the Class 1 nor the Class 3 categorical exemptions identified in the staff report can be applied to the Project for reasons explained above, and the question of whether any exceptions to the exemptions is therefore moot. Nevertheless, additional discussion is provided here in response to the staff report.

3.5.1 Unusual Circumstances

CEQA Guidelines §15300.2(c) provides, “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 does not define the term “unusual circumstances,” but case law has held that an *unusual circumstance* refers to “some feature of the project that distinguishes it” from others in the exempt class. (*Fairbank v. City of Mill Valley*, (1999) 75 Cal. App. 4th 1243, 1259.)

The staff report states that “the ordinance amendments do not involve any unusual circumstances, because creating different levels of design review within a municipality’s administrative processes is a common-place feature of municipal government, and as explained above, these changes will not have any significant effects on the environment.” (CC 7/14/26 pkt. pg. 270.) This discussion in the staff report further emphasizes the fact that the Project does not fit within either the Class 1 or Class 3 exemption.

The staff report’s statement that “creating different levels of design review within a municipality’s administrative processes is a common-place feature of municipal government” may be accurate but has nothing to do with a comparison of the Project to the circumstances of a typical Class 1 or Class 3 project. In fact, the Project’s circumstances are inherently *unusual* as judged relative to the typical circumstances of projects fitting either the Class 1 or Class 3 exemption, because the Project is an amendment to a zoning ordinance applicable to the entirety of Folsom Historic District.

If the unusual circumstances tail needs to be chased even further, then it is also worth noting that Project’s unusual circumstance as compared to Class 1 and Class 3 projects

does create the potential for significant impacts that would not be typical of the types of impacts associated with a Class 1 or Class 3 project, because the Project involves amendment of a zoning code regulating development and demolitions in a Historic District whereas the typical Class 1 and Class 3 project does not create or amend a zoning ordinance pertaining to a historic district.

Thus, even if through some abstract theory the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the unusual circumstances exception whereby the Project's unusual circumstance do result in the Project having the potential to result in adverse effects on the character of the Historic District by relaxing or eliminating design review requirements creating the potential for adverse impacts as discussed in this letter.

3.5.2 *Historical Resources and Cumulative Impacts*

CEQA Guidelines §15300.2(f) provides, "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." Regarding the CEQA Guidelines § 15300.2(f) historical resources exception to the exemption, in *Hillside* the Supreme Court cited *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039 affirming the holding that once a resource is recognized as historic, "the fair argument standard applies to the question of whether the proposed project 'may cause a substantial adverse change in the significance of an historical resource' and thereby have a significant effect on the environment." (*Hillside*, supra, 60 Cal.4th at 1117.)

The staff report states that, "[t]he ordinance amendments would not result in any significant cumulative environmental impact, because there is no substantial evidence in the City's record demonstrating that the amendments would result in any significant increase in impacts in the Historic District by virtue of *just changing the design review process*, which still protects listed and potentially eligible historic resources." (CC 7/14/26 pkt. pg. 270, emphasis added.)

The staff report's assertions fail to recognize the Project provisions that eliminate design review of non-building structures and eliminate design review of privacy walls and fences, both of which if unregulated pose the potential to result in a substantial adverse change in the significance of individual historic resources within the Historic District and the overall quality and character of the Historic District. Thus, even if the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the historical resources exception.

CEQA Guidelines 15300.2(b) provides, "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."

Although the staff report asserts that the project would not result in any significant cumulative environmental impact, such a notion fails to recognize the breadth of the Project and the staff report's discussion does not provide any basis for cumulative circumstances that were considered in making its conclusion.

The Project amendments to FMC 17.52 alter and reduce the design review and other roles of the HDC, eliminate design review provisions for all non-building structures, and expressly exempt certain features from any design review. FMC 17.52 applies to the 98-block of Folsom's Historic District that contains federal, state, and locally recognized

historic resources and properties, commercial areas with high tourism, recreational and cultural resources access, and the Historic District is a locally important historical resource. Elimination of design review provisions for all types of non-building structures that might be developed throughout the Historic District has the potential to result in significant adverse cumulative impacts when the Project (amendments to FMC 17.52) is considered in combination with future development within the Historic District.

Moreover, as discussed throughout the staff report, there are several types of individual future projects that may be developed in the Historic District – such as solar facilities, ADUs, multi-family housing – that will be exempt from CEQA and may also be exempt from design review whether by state law or by the City’s own doing. Any consideration of cumulative effects of FMC 17.52 amendments must account for the potential for such developments to occur without design review and reflect the expanded importance of design review.

Thus, even if the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the cumulative impacts exception and the City has provided no meaningful evidence or assessment of these potential cumulative impacts.

3.6 Public Resources Code section 21080.35 Exemption

The staff report states that, “[t]he ordinance amendments are statutorily exempt from CEQA review under Public Resources Code section 21080.35, which states in pertinent part that CEQA ‘...does not apply to the installation of a solar energy system on the roof of an existing building or at an existing parking lot.’” ... “To the extent the ordinance amendments apply to solar panels on the roof of an existing building or at an existing parking lot, they are exempt from CEQA under this statute. Staff has not seen and does not anticipate receiving applications for the installation of solar panels on property within the Historic District that include a proposal to install solar panels anywhere other than the roof of an existing building or at an existing parking lot.” (CC 7/14/26 pkt. pg. 271.)

The Project does not involve development or approval of a solar energy system and this statutory exemption is inapplicable as an exemption for the Project.

4. Readopting Amendments to Chapter 17.52 will Restart a 90-Day Statute of Limitations for a Challenge of Provisions that Purport to Give Final Approval Decision to the HDC in Conflict with the City Charter

When the City Council adopted the FMC 17.52 amendments on October 28, 2025, a final ruling was pending in a separate matter, *Delp v. City of Folsom, et al.* (Superior Court of California, County of Sacramento, Case No. 23WM000125) involving two causes of action, the second of which involved Delp’s request for declaratory relief pertaining to Folsom City Charter Section 4.07’s limitation on the authority of the Historic District Commission as pertains to the 603 Sutter Street Mixed-Use project that was subject to that litigation. On October 31, 2025, the Court issued its final ruling. With regard to the HDC approval authority, as pertains to the 603 Sutter Street project design review, the Court found that the City’s interpretation of Charter Section 4.07 was “entirely unreasonable,” and that,

As the plain language of Section 4.07 provides, the City’s authority to prescribe the “powers and duties” of other boards and commissions, like the Historic District Commission, is limited by the provision that “All boards and commissions only shall be advisory to the Council.”

and that,

the City exceeded the limitations of its Charter to the degree it authorized the Historic District Commission to exercise final approval authority over the Project. The FMC purports to grant the Historic District Commission “final authority relating to the design and architecture” of “[a]ll new office, industrial, commercial and residential structures,” which includes the Project. (Pet. RJN Exh. C [RJN000060, FMC § 17.52.300.]) The FMC also purports to authorize the Historic District Commission to carry out the City’s CEQA compliance with regard to the Project, directing that the Commission “shall not approve applications prior to considering the applicable environmental document and complying with the requirements of CEQA[.]” (Id. at RJN000062, FMC § 17.52.390.) Approvals by the Historic District Commission may be appealed to the City Council, as the Project was here, but the Council is not required to review them. (Id. at RJN000083-83, FMC §§ 17.52.700-720.) These provisions purport to vest the Historic District Commission with the power to act on behalf of the City, without oversight or ratification by the City Council. They therefore cannot be squared with the Charter’s limitation that the Commission’s power is “only advisory.” The City offers no authority or argument that the Historic District Commission acted in an “advisory” capacity when it approved the Project at issue here. **Thus, the provisions of the FMC which purport to delegate final approval authority to the Historic District Commission, as applied to the Project, conflict with the City Charter.**

(Superior Court of California, County of Sacramento, Case No. 23WM000125; *Final Ruling on Submitted Matter*, October 31, 2025. Emphasis added.)

In my comments to the City Council on October 14, 2025, I urged the Council to recognize that, “any revisions to FMC 17.52 that modify or expand the purported final authority of the HDC would exacerbate the existing FMC 17.52 conflict with City Charter section 4.07,” noting the proposed amendments to 17.52.360 expanding the HDC’s final authority role to include “expiration and extension of [conditional use] permits,” FMC 17.52.370 expanding the HDC’s final authority role to include “expiration and extension of [variance] requests,” and expanding the HDC’s final authority role in acting as the appeal hearing body pursuant to FMC 17.52.700 for the proposed new design review authority of the CDD Director established by FMC 17.52.300(B).

Although a 90-day statute of limitations to challenge the expanded HDC final authority of the amendments adopted by the Council on October 28, 2025, has expired, and the ruling in Case #23WM000125 pertained to that particular project, any re-adoption of amendments to FMC 17.52 that involve a modification or expansion of HDC authority that cannot be squared with the Charter’s limitation that the HDC’s power is only advisory may be subject to legal challenge for a 90-day period pursuant to Gov. Code, § 65009, subd. (c)(1). I expect that the Project amendments could be *rescinded* to restore FMC 17.52 to its pre-2026 language without subjecting the code to potential challenge under Gov. Code, § 65009, subd. (c)(1).

Any amendments to FMC 17.52 should include changes to ensure that the roles allocated to the HDC are in accordance with the limitations imposed by Charter Section 4.07. Alternatively, the city should consider amending the FMC 17.52 appeal procedures in a manner to alleviate the issues associated with granting final authority to the HDC.

Given that the City Council is presently pursuing a ballot measure attempting to modify Charter Section 4.07, the outcome of which will be known in November of this year, it would seem prudent for the City to rescind Ord. 1353 and reinstall the pre-2026 FMC 17.52 until such time

Bob Delp – July 14, 2026

as the Council either abandons the ballot measure or until the election determines whether the Charter will be amended by the voters and what amendments to FMC 17.52 may or may not be then warranted.

5. Conclusion

I encourage the City Council rescind Ord. 1353, restore FMC 17.52 to its prior content. Short of that, I encourage the City Council to consider amending FMC 17.52.300 as suggested in my 7/13/2026 letter in an effort to resolve key CEQA concerns.

Thank you for considering my comments.

Sincerely,



Bob Delp
Historic District - Folsom, CA 95630 - [REDACTED]

Attachment 1: January 10, 2024, HDC Design Review Conditions of Approval for 403 Riley Street External Staircase

Attachment 2: September 11, 2018, Staff Design Review Approval for Patio at 614 Sutter Street

Attachment 3: May 8, 2026, Staff Design Review Approval for Deck at 405 Sutter Street

Attachment 4: July 2, 2026, email from Nathan Stroud Subject, *Re: 512 Natoma St. Folsom Reroof Project*

Bob Delp – July 14, 2026

Attachment 1

January 10, 2024, HDC Design Review Approval of 403 Riley Street External Staircase

CONDITIONS OF APPROVAL FOR THE 403 RILEY STREET STAIRCASE PROJECT (DRCL23-00168)				
Cond. No.	Mitigation Measure	GENERAL REQUIREMENTS	When Required	Responsible Department
1.		Issuance of a Building Permit is required. The applicant shall submit final site and building plans to the Community Development Department that substantially conform to the Proposed Site Plan, Floor Plan, and Elevations dated 11-8-23, included in Attachment 5. Implementation of this project shall be consistent with the above referenced items as modified by these conditions of approval.	B	CD (B)
2.		Compliance with all local, state and federal regulations pertaining to building construction and demolition is required.	OG	CD (B)
3.		This approval is for a new rear staircase on an existing residential structure located at 403 Riley Street. The applicant shall submit building plans that comply with this approval and the Proposed Site Plan, Floor Plan, and Elevations dated 11-8-23 included in Attachment 5.	B	CD (P)
4.		Include in the construction documents the design and details of the rated separation between the units or other means to mitigate the limited existing separation to the satisfaction of the Building Official. The construction proposed on the drawings shall be completed prior to the final inspection of the building.	O	CD (B)
5.		If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides recommendations to the City. The City shall determine and require implementation of the appropriate mitigation as recommended by the consulting archaeologist. The City may also consult with individuals that meet the Secretary of the Interior's Professional Qualifications Standards before implementation of any recommendation. If agreement cannot be reached between the project applicant and the City, the Historic District Commission shall determine the appropriate implementation method.	G, I, B	CD (P)(E)(B)

6.		In the event human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American Origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely decedent. The decedent will then recommend to the landowner or landowner's representative appropriate disposition of the remains and any grave goods.	G, I, B	CD (P)(E)(B)
7.		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.	B	CD (P)(E)
8.		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.	B	CD (P)(E)
9.		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.	B	CD (P)(E)
10.		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.	B	CD (P)(E), PW, PK

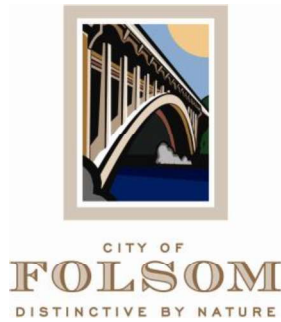
11.		The owner/applicant agrees to pay to the Folsom-Cordova Unified School District the maximum fee authorized by law for the construction and/or reconstruction of school facilities. The applicable fee shall be the fee established by the School District that is in effect at the time of the issuance 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.	B	CD (P)
12.		The project approval granted under this staff report shall remain in effect for one year from final date of approval (January 10, 2024). If a building permit is not issued within the identified time frame and/or the applicant has not demonstrated substantial progress towards completion of the project, this approval shall be considered null and void. The owner/applicant may file an application with the Community Development Department for an extension not less than 60 days prior to the expiration date of the approval, along with appropriate fees and necessary submittal materials pursuant to Section 17.52.350 of the <u>Folsom Municipal Code</u> . If after approval of this project, a lawsuit is filed which seeks to invalidate any approval, entitlement, demolition permit, or other construction permit required in connection with any of the activities or construction authorized by the project approvals, or to enjoin the project contemplated herein, or to challenge the issuance by any governmental agency of any environmental document or exemption determination, the one year period for submitting a complete permit application referenced in <u>FMC</u> section 17.52.350(A) shall be tolled during the time that any litigation is pending, including any appeals.	B	CD (P)

RESPONSIBLE DEPARTMENT		WHEN REQUIRED	
CD (P) (E) (B) (F)	Community Development Department Planning Division Engineering Division Building Division Fire Division	I	Prior to approval of Improvement Plans
		M	Prior to approval of Final Map
		B	Prior to issuance of first Building Permit
		O	Prior to approval of Occupancy Permit
		G	Prior to issuance of Grading Permit
PW	Public Works Department	DC	During construction
PR	Park and Recreation Department	OG	On-going requirement
PD	Police Department		

Bob Delp – July 14, 2026

Attachment 2

September 11, 2018, Staff Design Review Approval for Patio at 614 Sutter Street



September 11, 2018

Murray Weaver
614 Sutter Street
Folsom CA 95630

SUBJECT: Approval Letter: Site Design Review Approval for an excavated landscaped patio at 614 Sutter Street (PN18-219)

Dear Mr. Weaver:

The City of Folsom Community Development Department has reviewed your application (PN 18-219) for an excavated landscaped patio at 614 Sutter Street. The Planning Division has made the decision to conditionally approve the submittal. Listed below are the conditions of approval:

1. A Building Permit and/or Grading Permit will be required.
2. Plans submitted to Building/Engineering shall match those submitted for Site Design Review dated 8-25-18.
3. No alcohol sales or service shall be allowed in the proposed patio area.
4. No cross-lot drainage shall occur as a result of this project.
5. All ADA-accessible paths shall be maintained as part of this project.

Should you have any questions regarding this letter, please do not hesitate to call me at (916) 461-6209 or email me at jkinkade@folsom.ca.us

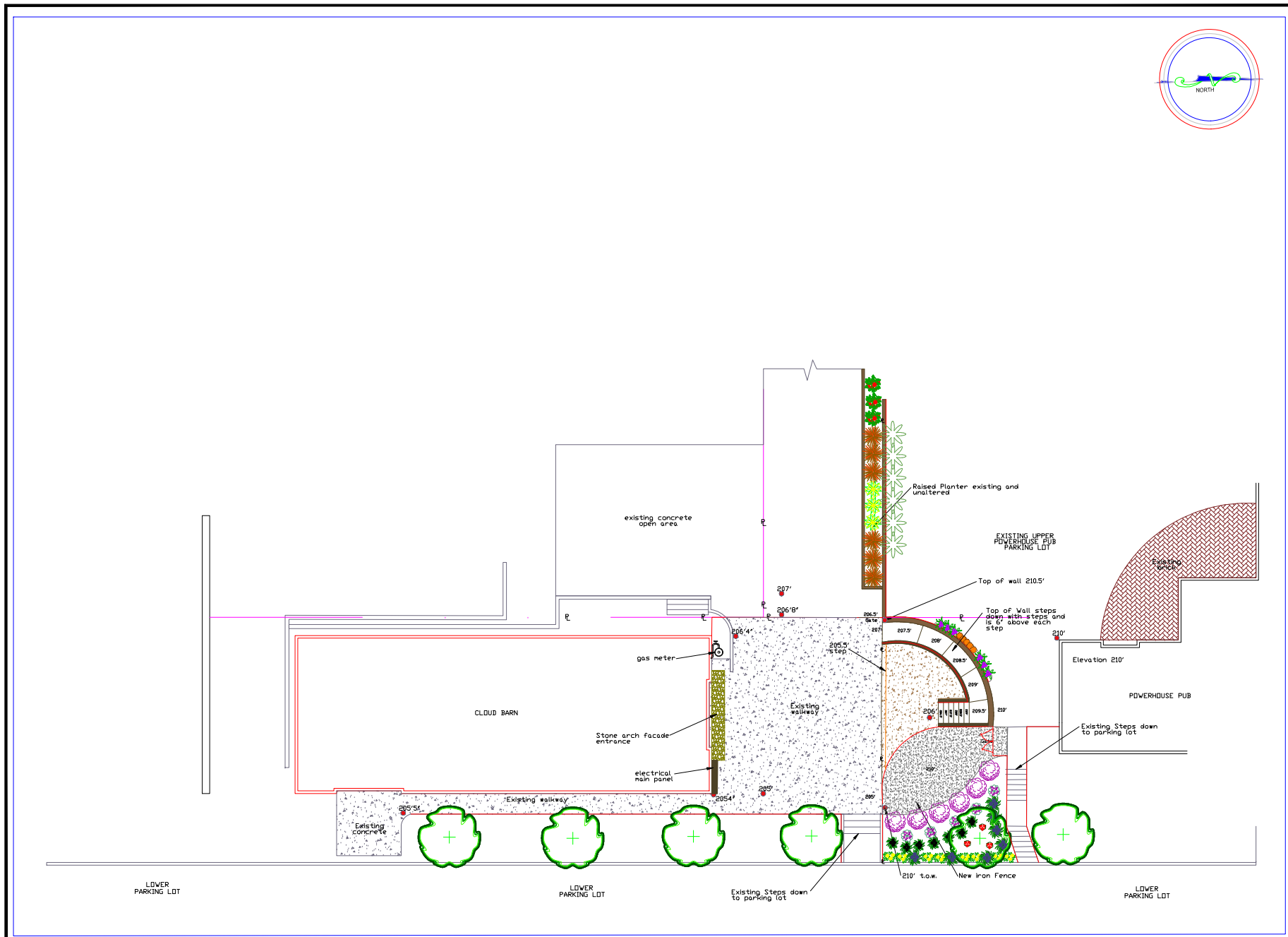
Sincerely,

A handwritten signature in black ink that reads "Josh Kinkade". The signature is fluid and cursive, with the first name "Josh" and last name "Kinkade" clearly distinguishable.

Josh Kinkade
Assistant Planner

POWERHOUSE PATIO PROJECT

PowerHouse and Scarlets service hundreds of customers every week. This project will create a comfortable landscaped patio environment for guests to relax and converse in an existing unused corner of the parking lot.



DISCLOSURES
 Landscape Design concept is diagrammatic.
 Design concept Measurements are
 based on field measurements and are not
 guaranteed to match the plan of an
 engineer's survey.
 Capital Landscape is not responsible for any
 modifications or adjustments of the Design
 concept or measurements made by the
 homeowner or contractor to meet their
 design.

DATE	REVIEW
2/21/18	redesigned steps, sized up structure
3/08/18	redesigned steps, moved structure, changed shape
8/25/18	removed items, labeled existing items

Powerhouse Pub Addition

DATE: 03/01/18
 SCALE: 1/8" = 1'-0"

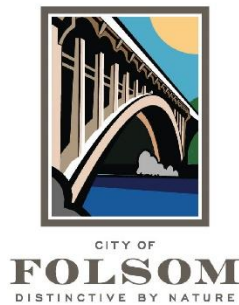
AREA LANDSCAPE
 DESIGNER
 CLAYTON J. WINTER

SHEET NUMBER
 1 of 1

Bob Delp – July 14, 2026

Attachment 3

May 8, 2026, Staff Design Review Approval for Deck at 405 Sutter Street



May 8, 2026

Approval Letter: Design Review of a 198 square-foot new deck and replacement of a window and door at 405 Sutter St. (DRDL26-00062)

The City of Folsom Community Development Department has reviewed an application for Design Review for project reference number: DRDL26-00062. The project involves Design Review of a 198 square-foot new deck and replacement of a window and door at 405 Sutter St. The project is located in the Figueroa Subarea of the Historic District.

The Community Development Department has made the decision to conditionally approve the application based on the following findings:

- The project is compliant with the General Plan, the Zoning Ordinance, and all applicable Specific Plans, including but not limited to standards for the Figueroa Subarea of the Historic District specified in Folsom Municipal Code Chapter 17.52;
- The project is in conformance with all applicable city-wide design guidelines, including but not limited to guidelines for the Figueroa Subarea of the Historic District specified in the Historic District Design and Development Guidelines;
- The project is in conformance with all applicable project-specific design guidelines and standards approved through the Planned Development Permit process or similar review process;
- The project provides compatibility of building materials, textures, and colors with surrounding development and consistency with the general design theme of the neighborhood;
- The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 (Existing Facilities) of the CEQA Guidelines.

The project is subject to the attached condition(s) of approval. The application is subject to a ten-day appeal period which commences on May 8, 2026, and ends on May 18, 2026. The submittal remains subject to review and approval by the following City departments: Building, Structural, Fire, Utilities, Arborist, and Engineering. Should you have any questions regarding this letter, please do not hesitate to contact the Planning Division at (916) 461-6202 or PlanningEPC@folsom.ca.us.

Best regards,

Nathan Stroud
Planning Division
Community Development Department
City of Folsom
PlanningEPC@folsom.ca.us
(916) 461-6202

Attachments:

1. Conditions of Approval

Conditions of Approval for DRDL26-00062

Cond. No.	Mitigation Measure	Requirements	When Required	Responsible Department
General Requirements				
1.		Development Plan The applicant shall submit final site development plans to the Community Development Department that shall substantially conform to the exhibits submitted to and on file with the Community Development Department, as modified by these conditions of approval.	B	CD (P)(B)(E)
2.		Community Development Department Subsequent Review A Building Permit is required. Prior to issuance of a building permit, all proposed encroachment, grading and retaining walls shall be permitted and completed. Building plans, and all civil engineering, improvement, landscape, and irrigation 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.	G, I, B	CD (P)(B)(E)
3.		Substantial Consistency Required Substantial changes to the exterior of the project, including but not limited to changes in colors, materials, style, size, and/or layout of the project, as determined by the Community Development Department, may result in the termination of this approval. Changes to the project are subject to review and approval by the Community Development Department.	OG	CD (P)(B)(E)
4.		Validity (Design Review, Historic District) The project approval granted under this staff report shall remain in effect for two years from final date of approval (Expires May 8, 2028). Failure to obtain the relevant building or other permits within this time period, without the subsequent extension of this approval, shall result in the termination of this approval. The owner/applicant may file an application with the Community Development Department for an extension not less than 60 days prior to the expiration date of the approval, along with appropriate fees and necessary submittal materials pursuant to <u>Folsom Municipal Code</u> Section 17.52.350.	B	CD (P)

Conditions of Approval for DRDL26-00062

Cond. No.	Mitigation Measure	Requirements	When Required	Responsible Department
5.		<i>Applicable Taxes, Fees, and Charges</i> The owner/applicant shall pay all applicable taxes, fees and charges for the project at the rate and amount in effect at the time such taxes, fees and charges become due and payable.	I, B, M	CD (P)(E)
Project-Specific Requirements				
6.		<i>Trim Requirements</i> Trim shall be provided around the doors and windows, and shall substantially match the existing trim of the residence to the satisfaction of the Community Development Department.	O	CD (P)
Legal Requirements				
7.		<i>Indemnity for City</i> 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 which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other applicable statutes of limitation. 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: • The City bears its own attorney's fees and costs; and • The City defends the claim, action or proceeding in good faith 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.	OG	CD (P)(E)(B) PW, PR, FD, PD

Conditions of Approval for DRDL26-00062

Cond. No.	Mitigation Measure	Requirements	When Required	Responsible Department
8.		<i>Tolling on Litigation</i> If after approval of this project, a lawsuit is filed which seeks to invalidate any approval, entitlement, demolition permit, sign permit or other construction permit required in connection with any of the activities or construction authorized by the project approvals, or to enjoin the project contemplated herein, or to challenge the issuance by any governmental agency of any environmental document or exemption determination, the period for submitting a complete permit application shall be tolled during the time that any litigation is pending, including any appeals.		
Miscellaneous Requirements				
9.		<i>Alleyway Parking Restrictions</i> If the property has access to an alleyway, parking for the property shall not impede public service access in the alleyway (e.g., waste collection, emergency vehicle access, etc.).	OG	CD (P)
10.		<i>Noise Requirements (Construction and Operational)</i> 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.	DC	CD (P)

Responsible Department		When Required	
CD	Community Development Department	B	Prior to Issuance of first Building Permit
(P)	Planning Division	G	Prior to Issuance of Grading Permit
(B)	Building Division	I	Prior to Approval of Improvement Plans
(E)	Engineering Division	M	Prior to Approval of Final Map
(A)	Arborist Division	O	Prior to Approval of Occupancy Permit
PW	Public Works Department	DC	During Construction
PR	Parks and Recreation Department	OG	On-Going Requirement
PD	Police Department		
FD	Fire Department		

Bob Delp – July 14, 2026

Attachment 4

July 2, 2026, email from Nathan Stroud Subject, *Re: 512 Natoma St. Folsom Reroof Project*

From: **Nathan Stroud** <nstroud@folsom.ca.us>
Date: Thu, Jul 2, 2026 at 8:17 AM
Subject: RE: 512 Natoma St. Folsom Reroof Project
To: Robert Walter <[REDACTED]>
CC: Michael Reynolds <[REDACTED]>, Desmond Parrington
<dparrington@folsom.ca.us>

Good morning Robert,

To provide some more background regarding this property, the guest house they are referring to (before and after pictures attached) was erroneously issued a permit for the reroof without review by the Planning Division. Had we reviewed the project, we would not have allowed black comp shingles and would have required they stay with the red Spanish tiles, as is consistent with the Spanish eclectic style.

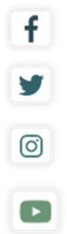
They have now come in for another reroof for the main Miller Funeral Home building, which was routed correctly this time, and have been asked to undergo design review. They have provided the justification that the black shingles are intended to match the, now, two existing black comp shingled buildings on the lot. They have also claimed that underneath the existing roof, there appears to be a layer of comp shingles, likely the original roof before the building was remodeled to match the original Spanish eclectic guest house on the corner. There do appear to also be some examples of a Spanish eclectic houses in the district with comp shingles (two examples attached), although this is not typical with that style.

Staff's position is that red Spanish tile or similar would need to be used on the building, however we have directed the applicant to get feedback or support from HFRA and HPL. If that is your position as well, that would help convince them to go this direction. If you disagree, this will help inform staff for this and future projects of a similar scope.

Regards,
Nathan



FOLSOM
DISTINCTIVE BY NATURE



Nathan R. Stroud

Associate Planner

City of Folsom

[50 Natoma Street, Folsom, CA 95630](https://www.folsom.ca.us)

nstroud@folsom.ca.us

o:916-461-6220

www.folsom.ca.us

ATTENTION: Starting October 20, 2025, all **NEW** permits will be reviewed through eTRAKiT and not through ProjectDox.

All permits submitted prior to October 20, 2025, will remain in ProjectDox until approved. Please visit the [ePermit Center](#) or see Forms [B402](#), [B403](#), and [B404](#) for more information.