



Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Election Related Items
STAFF REPORT TITLE	1. Resolution No. 11666 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.07 to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure 2. Ordinance No. 1372 - An Ordinance of the People of the City of Folsom Amending Section 4.07, "Boards and Commissions," of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance (Second Reading and Approval of Submission to Voters)
FROM:	City Manager's Office

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

July 11, 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. 15 – Resolution for Ballot Measure and Ordinance Amending Charter Section 4.07

Dear City Councilmembers:

I continue to urge the City Council to forgo pursuit of a ballot measure to amend City Charter section 4.07 and stop wasting City time and money on this effort. Your 7/14/2026 staff report for this item claims that decisions by boards and commissions *will remain appealable to those who feel aggrieved*. The staff report fails to acknowledge the restrictive Folsom Municipal Code (FMC) section 17.52.700 appeal provisions for decisions made by the Historic District Commission (HDC). It is those restrictive FMC 17.52.700 appeal provisions that ultimately led to a lawsuit in which the HDC's final approval authority was deemed invalid as conflicting with the City Charter. Were the City Council to focus its efforts on addressing the FMC 17.52.700 appeal procedures (a step that could be initiated during consideration of FMC 17.52 amendments per item 18 of your July 14, 2026, agenda) you might remedy FMC 17.52.700 in a manner that could resolve concerns about the HDC's approval authority and avoid continuing the wild goose chase of amending the Charter.

The staff report states (emphasis added),

If the ballot measure is approved, ... [a]ny decision made by a City Board or Commission **will remain appealable to the City Council**, providing accountability for the Boards and Commissions **and an avenue for relief to those who feel aggrieved by such a decision**.

That sounds pretty good, but it is incorrect.

In fact, as pertains to appeals of Historic District Commission (HDC) decisions, FMC 17.52.700 states (emphasis added),

If a permit applicant, permittee, **or other person whose property rights may be affected** is dissatisfied with any determination made by the historic district commission, such person(s) may appeal to the city council.

Far from an avenue for relief to those aggrieved as asserted in the staff report, the FMC 17.52.700 appeal provisions create a potentially insurmountable barrier to appeals of HDC decisions for many Folsom property owners, residents, and organizations. Any person or organization that cannot make an express showing that their "property rights may be affected" might be denied standing to appeal an HDC decision to the Council.

This FMC 17.52.700 provision is the problem that the City Council still refuses to address. Instead, the Council is focusing on amending Charter section 4.07 with an apparent aim by at least some councilmembers to have the ability to deny standing to persons seeking to appeal HDC decisions.

On June 13, 2023, I came before the City Council to appeal an HDC demolition approval for a log cabin located at 608 Bridge Street. My appeal was largely driven by the revelation during the HDC hearing that, in deciding to recommend approval of the demolition, City staff had mistakenly identified the estimated age of the log cabin and actually did not know the age of the cabin and did not have information about its history.

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An HDC commissioner urged his fellow commissioners to allow additional time to assess the actual age of the structure before approving the demolition, yet the rest of the commissioners voted to approve the demolition. I appealed the HDC's approval to the City Council.

At the appeal hearing, Community Development Department (CDD) staff and the then-City Attorney advised the Council that before hearing my appeal the Council needed to determine if I had standing to appeal. (See **Attachment 1** of this letter for a transcript of the June 13, 2023, appeal hearing discussion of standing.)

CDD staff advised the Council,

One thing that I did want to go over with you at the beginning of the hearing is that it was not stated in the appeal letter, kind of the how the appellant, Mr. Delp, would who how his property rights would be affected as a result of the demolition. So the code states in 17.52.710 that a permit applicant, a permittee or another person whose property rights may be affected is dissatisfied with the decision made by the Historic District, such persons may appeal to the City Council.

So before we proceed with the hearing, the question before you is whether Mr. Delp has standing to file an appeal on this matter. Again, the letter did not state how he's -- his -- he or his property is material affect affected by this. He's not a neighbor. He's approximately 0.2 miles away from the cabin. So I wanted to bring that issue to your attention and ask you how you wish to proceed on this.

With the then-City Attorney adding,

So I think this is a jurisdictional question, whether Mr. Delp is qualified to even file this appeal. And this question is raised by the project applicant. So the project applicant, to be fair, follows what the municipal code says as well and raised the issue that Mr. Delp is not qualified to even file an appeal because his property rights may not even be affected by the Commission's decision to allow this structure to be demolished.

For example, if he's able to demonstrate that demolishing this structure would cause him not to be able to use this property, rent it out or, you know, access it because somehow the easement goes away -- I don't know. I don't know where he lives -- then perhaps. But it is entirely up to him to demonstrate that to the council. He doesn't say that in the appeal, but he may have a legitimate interest in appealing the Commission's decision to the council.

The Commission is sitting as a judge -- I'm sorry. The City Council is sitting as a judge in this quasi judicial proceeding. So it's your decision to make. It's your -- it is within your authority to determine whether he has standing or not to file an appeal.

After nearly 35 minutes of questioning, two of five council members voted *against* my standing to appeal. Although the appeal hearing proceeded on a 3-2 vote, the incident revealed the substantial constraint on standing that might be applied by the Council in rejecting a person's or organization's standing to appeal an HDC decision given the restrictive section 17.52.700 appeal provisions.

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That June 2023 appeal hearing statements made by the City Attorney and the vote of two council members to deny standing are clearly contradictory to your 7/14/2026 staff report claims that decisions by boards and commissions *will remain appealable to those who feel aggrieved*, and undermine confidence that persons seeking to appeal an HDC decision will be able to demonstrate standing and have matters heard by the Council. Without amending section 17.52.700 to allow for broader standing to appeal HDC decisions, the Charter amendment now under consideration by the City Council will allow the City Council to disenfranchise nearly all residents and organizations from having standing to appeal HDC decisions.¹

In fact, it is the barriers to appeal that ultimately influenced my decision to include this matter as a cause of action in the *Delp vs. City of Folsom, et al.* (Sac. Superior Court case no. 23WM000125, re: 603 Sutter Street Mixed-Use Project) and it is the barriers to appeal that also influenced the Court's ruling as pertains to the 603 Sutter Street project that the HDC's approval authority conflicts with the City Charter where the Court found (emphasis added),

...although in this case the City Council did review the Project approval because Petitioner appealed the decision of the Historic District Commission to the Council, **Petitioner pointed out that he had to comply with the City's procedures for bringing the appeal, which included payment of a substantial fee and satisfaction of certain standing requirements.**

I urge the Council to reverse course, leave the Charter alone and focus on remedying the restrictive FMC 17.52.700 appeal provisions that create a substantial barrier for persons and organizations who may from time to time and for good reason seek to appeal certain matters to the City Council.

Thank you for considering my comments.

Sincerely,



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

Attachments

Attachment 1. Audio Transcription of Portion (3h:33m:54s to 4h:07m:14s) of June 13, 2023, City of Folsom City Council discussion and decision regarding Bob Delp standing to appeal Historic District Commission decision to approval 608 Bridge Street log cabin demolition.

¹ Excepting appeals pertaining to the California Environmental Quality Act (CEQA) per CEQA section 21151(c) which expressly allows for appeals to an elected decision-making body, stating, "If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."

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Attachment 1

Audio Transcription of Portion (3h:33m:54s to 4h:07m:14s) of June 13, 2023, City of Folsom City Council discussion and decision regarding Bob Delp standing to appeal Historic District Commission decision to approval 608 Bridge Street log cabin demolition.

Audio Transcription of
City Council Meeting
June 13, 2023

City of Folsom



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1 In Re:)
2 City of Folsom City)
3 Council Meeting,)
4 June 13, 2023)
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AUDIO TRANSCRIPTION OF

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City Council MEETING

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Transcribed by:
JOSIE C. GONZALEZ
CSR No. 13435
Job No. 10173709

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1 In Re:)
2 City of Folsom City)
3 Council Meeting,)
4 June 13, 2023)
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22 Audio Transcription of City Council Meeting,
23 transcribed on September 24th, 2025 in San Diego,
24 California, by JOSIE C. GONZALEZ, Certified Shorthand
25 Reporter No. 13435, in and for the State of California.

1 * * *

2 Start of Audio

3 * * *

4 MAYOR RODRIGUEZ: Will the clerk please call the
5 next item.

6 CITY CLERK KONOPKA: Next item is public hearing
7 Item Number 14 appeal by Bob Delp for decisions by the
8 Historic District Commission approving the demolition of
9 the cabin at 608 Bridge Street and determination that
10 the project is exempt from CEQA.

11 MAYOR RODRIGUEZ: Good evening, Desmond.

12 CITY PLANNER PARRINGTON: Good evening, Mayor
13 Rodriguez and members of the City Council. I'm Desmond
14 Parrington. I'm Desmond Parrington, planning manager
15 with the Community Development Department.

16 Tonight we're hearing the appeal of the Historic
17 District Commission's approval of the demolition of a
18 cabin located on the property at 608 Bridge Street.
19 Just wanted to go over the appeal hearing protocol with
20 you. So the mayor will open the hearing. Staff will
21 give our presentation, which I'm about to do, then the
22 appellant has ten minutes to give their presentation.
23 The project applicant has ten minutes as well, and then
24 public comments are three minutes per person. The
25 applicant has -- or the appellant, I'm sorry, has five

1 minutes for their remarks, and then the project
2 applicant has five minutes for their closing remarks.
3 City staff can then ask any questions of staff or either
4 the appellant or the project applicant, then the hearing
5 is closed. And then the council will deliberate and
6 make a decision.

7 One thing that I did want to go over with you at
8 the beginning of the hearing is that it was not stated
9 in the appeal letter, kind of the how the appellant,
10 Mr. Delp, would who how his property rights would be
11 affected as a result of the demolition. So the code
12 states in 17.52.710 that a permit applicant, a permittee
13 or another person whose property rights may be affected
14 is dissatisfied with the decision made by the Historic
15 District, such persons may appeal to the City Council.

16 So before we proceed with the hearing, the
17 question before you is whether Mr. Delp has standing to
18 file an appeal on this matter. Again, the letter did
19 not state how he's -- his -- he or his property is
20 material affect affected by this. He's not a neighbor.
21 He's approximately 0.2 miles away from the cabin. So I
22 wanted to bring that issue to your attention and ask you
23 how you wish to proceed on this.

24 MAYOR RODRIGUEZ: All right. So before you go
25 you proceed with your presentation, we will now open the

1 public hearing. Okay.

2 CITY ATTORNEY WANG: Yeah. If I may, Madam
3 Mayor. So I think this is a jurisdictional question,
4 whether Mr. Delp is qualified to even file this appeal.
5 And this question is raised by the project applicant.
6 So the project applicant, to be fair, follows what the
7 municipal code says as well and raised the issue that
8 Mr. Delp is not qualified to even file an appeal because
9 his property rights may not even be affected by the
10 Commission's decision to allow this structure to be
11 demolished.

12 So that's the question. If I can be a little
13 bit more helpful, the -- the term property rights
14 pertains to a person's legal authority to use his or her
15 property. And that can be manifested in many ways, such
16 as using property -- using a property, renting it out,
17 remodeling or do nothing at all. It's -- it's difficult
18 to -- to picture without Mr. Delp explaining how his
19 property rights are affected to make this kind of
20 determination because I want to also give him the
21 benefit of the doubt that he may actually have a
22 legitimate property right at stake due to the
23 Commission's approval to demolish this structure.

24 For example, if he's able to demonstrate that
25 demolishing this structure would cause him not to be

1 able to use this property, rent it out or, you know,
2 access it because somehow the easement goes away -- I
3 don't know. I don't know where he lives -- then
4 perhaps. But it is entirely up to him to demonstrate
5 that to the council. He doesn't say that in the appeal,
6 but he may have a legitimate interest in appealing the
7 Commission's decision to the council.

8 The Commission is sitting as a judge -- I'm
9 sorry. The City Council is sitting as a judge in this
10 quasi judicial proceeding. So it's your decision to
11 make. It's your -- it is within your authority to
12 determine whether he has standing or not to file an
13 appeal. So that's -- this is the initial jurisdictional
14 question the council has to answer to be fair to both
15 sides so that we're not ignoring his appeal in case he
16 does have standing or the applicant's objection to his
17 ability to file an appeal.

18 MAYOR RODRIGUEZ: Okay. So since this is the
19 first time, do we now at this point ask Mr. Bob Delp to
20 --

21 CITY ATTORNEY WANG: I believe so. Yes, ma'am.

22 MAYOR RODRIGUEZ: -- come up to the podium and
23 answer the question.

24 CITY ATTORNEY WANG: Yes, ma'am. It is his
25 appeal after all. Yes, ma'am.

1 MAYOR RODRIGUEZ: Okay. Good evening, Bob.

2 MR. DELP: Good evening, Mayor and members of
3 the council. My name is Bob Delp. Thank you for this
4 opportunity to express my concerns as a property owner
5 and resident of the city of Folsom.

6 The applicant's May 30th e-mail to the City
7 Council stated "Mr. Delp's appeal of the Historic
8 District Commission's decision should be dismissed
9 outright because he does not meet the fundamental
10 requirement in the city's municipal code of having a
11 property right that may be affected by the HDC's
12 decision." I'm a citizen of the city of Folsom. I
13 reside and own property in the Historic District. My
14 right to use and enjoy and profit and benefit from my
15 property is substantially influenced by the laws of the
16 city of Folsom, and in particular, Title 17 of the
17 Folsom Zoning Code, especially Section 17.52 that
18 pertains to the Historic District. Decisions that are
19 made by the Historic District Commission and the City
20 Council related to implementing the Folsom municipal
21 code and affecting the historic character and quality of
22 the Historic District and its resources affect my right
23 and my ability to use my property and to benefit from
24 the property that I own in the city.

25 And I prepared these remarks and was going to

1 submit them, but then I decided, I don't need to do that
2 as part of tonight's hearing. This will be more
3 efficient and focused on whether this cabin deserves to
4 be demolished or not at this time. And I -- I
5 appreciate the question. I think it's a fair --
6 arguably fair issue to raise. If the council were to
7 decide that I don't have standing to bring this appeal,
8 one, we will end up in a discussion of whether the
9 Historic District Commission has the authority to even
10 make a final approval decision, which I've raised before
11 and I won't go into now. But we would also be putting
12 the rest of the city's -- the rest of the Historic
13 District residents in a situation where they also have
14 no right to appeal many things that happen in the
15 Historic District and the Historic District Commission
16 decides on. I think -- I think you need to make a
17 responsible decision on this matter, and I'll stop
18 there. Thank you.

19 COUNCILMEMBER KOZLOWSKI: Can I ask a question?

20 MAYOR RODRIGUEZ: Yes.

21 COUNCILMEMBER KOZLOWSKI: Just extending the
22 logic of your statement just now, couldn't you make the
23 argument that all residents of Folsom draw value and
24 enjoyment of their property because of the existence of
25 our Historic District, and thus, the argument you just

1 made would apply to anybody that lives next door to
2 Vista Del Lago or in Natoma Station?

3 MR. DELP: Absolutely. I would support the
4 right of any resident of the city of Folsom to appeal
5 the decisions of the Historic District Commission to the
6 City Council.

7 COUNCILMEMBER KOZLOWSKI: Okay. So then to the
8 city attorney, we generally speaking, have noticing
9 provisions that have distance or proximity requirements
10 to them that are, I'm guessing, based on some state law
11 or standard practice. How does -- if you overlay those
12 concepts, what is the -- what is the outer limit of the
13 boundary of interest? Because -- because you can be
14 pretty far from the cabin location and still actually be
15 in the Historic District, and then you could be very far
16 and still be Folsom.

17 CITY ATTORNEY WANG: There is a -- that's a good
18 question, Councilmember Kozlowski. There's a
19 difference, however, between property rights and
20 property values. We're not talking about property
21 values here. We're talking about property rights, which
22 is somebody's ability to use or not use his or her
23 property not whether some decision could diminish or
24 enhance the value of his or -- his or her property.
25 The --

1 COUNCILMEMBER KOZLOWSKI: So the literal -- so
2 the literal --

3 CITY ATTORNEY WANG: It's the local rule that
4 the City Council adopted. If the City Council wished to
5 have everybody be able to appeal the Historic District
6 Commission's decision, the City Council can do that, but
7 the City Council hasn't done it. What the City Council
8 did was to allow three categories of people be able to
9 appeal as read by Desmond earlier. The project
10 applicant, permittee or other person whose property
11 rights, not values, property rights may be affected. So
12 those are the three categories of people that can
13 appeal. It's a jurisdictional issue. So everybody else
14 who may wish to file an appeal, such as somebody outside
15 this Historic District, may not even be qualified, may
16 not have legal standing to appeal. That's the question.

17 You, however, as the City Council can change the
18 law because this is a local rule. Tonight you can also
19 make a finding that Mr. Delp does have standing to bring
20 his appeal if you're satisfied that his property rights
21 are somehow affected either positively or negatively by
22 the Commission's decision, and that relates to his
23 ability to use his property. And the question we ask is
24 whether the Commission's decision approving this
25 structure to be demolished would affect his ability to

1 use or not use his property, not regarding property
2 value, but regarding his use of the property.

3 MR. DELP: May I -- I don't know if I'd be
4 addressing that or not, speak to that issue.

5 COUNCILMEMBER KOZLOWSKI: If you can provide
6 some clarity as to how your use of your property will be
7 infringed, then yes.

8 MR. DELP: I -- the property that I own in
9 Folsom, I own -- I own two parcels. One of them has a
10 structure on it that was built in 1895. It has -- I
11 have tenants in that. I rent that. There are two other
12 cabin structures on that property. They're not log
13 cabins. I -- I exercise my right as a citizen of -- of
14 Folsom to rely on Folsom Municipal Code and the
15 protection and preservation of the Historic District
16 values. As a property owner, that directly goes to my
17 right to use and enjoy my property and to lease my
18 property and to profit from my property. I have the
19 right to do that and the right to do it with the
20 protection of the Folsom Municipal Code that preserves
21 the Historic District or is intended to preserve the
22 Historic District in a way that's clearly outlined in
23 the city law.

24 And so I assert to you that I have the right to
25 bring this to you with my concerns about the city

1 council's or the Historic District Commission's decision
2 that affects the quality of the Historic District where
3 my property is located, and I have the right to expect
4 that the city will uphold its laws to protect my
5 property and the Historic District.

6 COUNCILMEMBER KOZLOWSKI: Okay. If I can -- if
7 you don't mind, I'd like to separate the two concepts
8 right there just for argument's sake. So there's -- and
9 just once again to clarify, there isn't a provision in
10 our code that is specific to protecting property value.
11 Okay. And my experience in many, many communities
12 looking for visiting zoning Boards of Appeals and
13 Planning Commissions, is that they dismiss out of hand
14 the discussion of property value. That can't be a
15 purpose for getting a zoning exception, right? So
16 that's not pertinent here, per se, but it is a standard
17 practice across many, many communities when you're
18 talking about deviating from the code that is used for
19 planning purposes. So those two things kind of go hand
20 in hand.

21 Then the second piece of what you said, which I
22 tend to agree with, is that your reliance on the fair
23 application of the zoning code is something that has
24 some value relative to your enjoyment of your property.
25 Okay. I'll grant you that, but in this particular

1 instance, the -- the provisions of the code seem to be
2 in favor of the demolition of this building. And there
3 isn't a protection in place that really, you know -- I
4 guess -- I guess if you had a fear that the structures
5 that you own the city would demand that you demolish
6 them, that would be different than what we're talking
7 about tonight. You are -- I mean -- I mean, is that
8 what we're talking about?

9 MR. DELP: No, and I don't have that fear.

10 COUNCILMEMBER KOZLOWSKI: Okay.

11 MR. DELP: My concern is that I -- I think it's
12 exactly what you said, is that my concern is that a
13 decision hasn't -- the code doesn't allow for the
14 demolition of this structure with the current state of
15 information and analysis that's been prepared for it.
16 That's the whole crux of my appeal. That is -- that is
17 what I hope we will discuss once we get beyond this
18 important issue.

19 COUNCILMEMBER KOZLOWSKI: Uh-huh. Okay. I
20 don't have other questions. I just wanted to try and
21 tease that out a little bit.

22 MAYOR RODRIGUEZ: Okay. Any other questions?
23 Councilmember Rohrbough?

24 COUNCILMEMBER ROHRBOUGH: No.

25 MAYOR RODRIGUEZ: Vice Mayor Chalamcherla? No.

1 Okay.

2 So -- So -- so we need to answer the question.

3 Does Mr. Delp have standing to --

4 CITY ATTORNEY WANG: That's the key question
5 that the council has to answer first, and I do believe
6 the applicant should be able to express her belief why
7 Mr. Delp does not have standing.

8 MAYOR RODRIGUEZ: Okay. So at this point just
9 to keep me honest, City Attorney, can I have -- can I
10 have the -- the --

11 COUNCILMEMBER KOZLOWSKI: Applicant.

12 MAYOR RODRIGUEZ: -- applicant -- yeah, come and
13 speak. All right.

14 MS. JENNINGS: Thank you, Mayor, and members of
15 the City Council. My name is Jennifer Jennings. What
16 you're addressing here is a fundamental standing issue
17 for Mr. Delp. In his appeal he should have alleged what
18 property rights he thought were impacted. You have
19 established the Historic District Commission to hear the
20 details of these kinds of projects. He was at the
21 Historic District Commission. He said nothing, and yet
22 he wants to come here and appeal. And so those are -- I
23 find that fundamentally unfair. And he had that forum
24 in which to discuss these details about the historic
25 significance of this building. And for him just to use

1 this appeal process, contrary to what the code says, to
2 just get a second bite at the apple and really just
3 simply inconvenience us as far as we're concerned, is --
4 is inappropriate. And I do not believe that he has --
5 he can supplement his argument from what he stated in
6 his written appeal. And I don't think what he said
7 tonight indicates that there's any grounds for him to
8 appeal. Thank you. I'm happy to address any questions.

9 MAYOR RODRIGUEZ: Thank you. Did you want to
10 make a comment?

11 MR. DELP: I would. I would like to address
12 that comment briefly. To the extent that this is --
13 this question has anything to do with what I did or
14 didn't speak to at the Historic District Commission
15 meeting, I would like to make a few points on that.

16 My wife and I both attended that meeting. And
17 when we read the staff report -- I should speak for
18 myself. When I read the staff report, the second
19 paragraph on the first page of the staff report said the
20 building was constructed in the 1950s.

21 CITY ATTORNEY WANG: Madam Mayor, I'm so sorry.
22 Yes. I just want to make sure we focus on the question,
23 not the appeal right now.

24 MAYOR RODRIGUEZ: Okay.

25 CITY ATTORNEY WANG: The question of whether he

1 has standing to even file this appeal.

2 MAYOR RODRIGUEZ: Okay.

3 MR. DELP: So if the question relates to my
4 input at the Historic District Commission, my appeal is
5 largely based on discussion that happened after the
6 close of the public comment period about information
7 that I had no ability to have any understanding of
8 because it was presented incorrectly in the staff
9 report.

10 MAYOR RODRIGUEZ: Thank you, Mr. Delp. Okay.
11 So the question -- so then roll call?

12 CITY ATTORNEY WANG: Well, then just make --
13 just for my clarification, just to be sure that were
14 fair to both sides, the appellant and also the project
15 applicant, the question before the council right now,
16 before moving to the appeal, is to determine whether the
17 Commission's decision to allow the applicant structure
18 to be demolished has some way or is somehow affecting
19 Mr. Delp's property rights, somehow affecting his
20 ability to use and enjoy his property or do nothing at
21 all. That's the question. And -- and you have to make
22 a decision. You have to vote on that, whether he has
23 standing to file this appeal.

24 MAYOR RODRIGUEZ: Okay. Any --

25 COUNCILMEMBER KOZLOWSKI: I have one more

1 clarifying question for the city attorney, if that's
2 okay. So given that bar, what is -- who has standing?
3 A neighbor adjacent?

4 CITY ATTORNEY WANG: Not necessarily. So the
5 person who can file -- the persons who can file an
6 appeal under this particular section of Municipal Code
7 is a permit applicant, a permittee or other persons
8 whose property rights may be affected.

9 COUNCILMEMBER KOZLOWSKI: So that's more
10 postured that -- that third category for somebody
11 building something that may disturb your light or air or
12 view or other --

13 CITY ATTORNEY WANG: Or impede --

14 COUNCILMEMBER KOZLOWSKI: -- use, access, things
15 like that. Okay. Okay. So that puts into -- I'm sorry
16 to belabor this, but it puts into question, you know,
17 the appeal process that we have in place as it stands.
18 With that set of restrictions there -- we've heard other
19 appeals that perhaps this consideration should have been
20 taken at the time. Maybe not, but it feels like that
21 may be the case.

22 CITY ATTORNEY WANG: I don't know about the
23 other appeals. All I know is that's what the City
24 Council, before this one, has decided to establish this
25 local rule.

1 COUNCILMEMBER KOZLOWSKI: Right.

2 CITY ATTORNEY WANG: To limit who may appeal a
3 Historic District Commission's decision to the council.
4 You can change that rule as you wish. As -- as of
5 today, those are the rules that we follow. And Mr. Delp
6 and also Ms. Jennings, everybody follows the same rule.

7 COUNCILMEMBER KOZLOWSKI: Okay. Okay. Wow.
8 You're staring at me now, too.

9 COUNCILMEMBER CHALAMCHERLA: Mr. Attorney, based
10 on that third option, Mr. Delp, he has a right to appeal
11 based on his explanation.

12 CITY ATTORNEY WANG: That's what he's saying,
13 yes, sir. That's not what the applicant is saying.

14 COUNCILMEMBER CHALAMCHERLA: Yeah, but the third
15 option is vague in our city code.

16 CITY ATTORNEY WANG: Did you say vague, sir?

17 COUNCILMEMBER CHALAMCHERLA: Yeah.

18 CITY ATTORNEY WANG: It's not vague to me, sir.
19 There are three categories of individuals who may
20 appeal.

21 COUNCILMEMBER CHALAMCHERLA: Yeah.

22 CITY ATTORNEY WANG: A permit applicant, which
23 is the applicant here.

24 COUNCILMEMBER CHALAMCHERLA: Yeah.

25 CITY ATTORNEY WANG: A permittee, somebody who

1 already has a permit or an individual whose probably
2 rights may be affected by the decision, not everybody
3 under the sun.

4 COUNCILMEMBER KOZLOWSKI: So under that strict
5 construct, it would appear that we don't have a valid
6 appellant to this permit in this instance.

7 CITY ATTORNEY WANG: So -- well, not
8 necessarily, sir. After hearing Mr. Delp and also the
9 applicant, you sitting as judges, you decide. You can
10 decide and -- and find that Mr. Delp has standing to
11 bring his appeal to you or you can decide that he does
12 not.

13 COUNCILMEMBER ROHRBOUGH: He made an argument
14 against number three that he -- his property rights --
15 wasn't that your argument? I mean, you're using number
16 three as your argument to --

17 MR. DELP: I don't have that code section in
18 front of me. So --

19 COUNCILMEMBER ROHRBOUGH: Yeah. Well, you're
20 not you're not a permit holder. You're not the
21 permittee.

22 MR. DELP: That's correct. I'm neither one of
23 those.

24 COUNCILMEMBER ROHRBOUGH: So it would be the
25 third one --

1 MR. DELP: My property rights --

2 COUNCILMEMBER ROHRBOUGH: -- whose property
3 rights may be affected.

4 MR. DELP: -- may be affected. Yes.

5 COUNCILMEMBER AQUINO: And in what way would
6 they be affected?

7 MR. DELP: Because I am a property owner in the
8 city and especially in the city -- in the Historic
9 District, and the Folsom Municipal Code that provides
10 provisions for the Historic District Commission's and
11 the City Council and staff's review, the city's review
12 and approval of projects in the Historic District that
13 affect the value and the quality of the Historic
14 District where I own property, where I benefit from the
15 use of that property. Decisions that are inconsistent
16 with the protections provided by the municipal code
17 affect my property in that way. If that seems not
18 direct enough for this council, then you'll need to make
19 that decision that the citizens in the Historic District
20 that are concerned about decisions made by this Historic
21 District Commission and want to bring those to the City
22 Council, that they have a much higher bar than has been
23 used in the past to be able to bring appeals.

24 There was a -- there was, I believe it was in
25 2019, an appeal of a resident appealing another

1 residential structure that he had concerns with that I'm
2 confident was more than 0.2 miles from his property.
3 This issue, to my knowledge, has never been raised, but
4 I respect the Folsom Municipal Code, and I respect your
5 ability to apply it and impose it. And if your decision
6 is that I don't have standing based on the discussion
7 that we're having here today, then you need to make that
8 decision.

9 MAYOR RODRIGUEZ: Bob, I have a question. So
10 you believe that this structure, that the demolition of
11 this structure is going to negatively impact your home?

12 MR. DELP: I believe that the deterioration of
13 the quality of the Historic District has a direct effect
14 on my property -- my property, my right to use and enjoy
15 my property under the protection of the Folsom Municipal
16 Code. And that if it's not properly implemented and
17 enforced, that has a direct effect on my property and my
18 property rights and rights to use my property.

19 MAYOR RODRIGUEZ: All right. So the question at
20 hand does Mr. Delp have standing to file an appeal?

21 COUNCILMEMBER CHALAMCHERLA: Mr. Delp, it is 0.2
22 miles from that location to your property?

23 MR. DELP: I -- staff did the measurement. I
24 see it on the slide. I didn't actually -- it's a couple
25 of blocks away down --

1 COUNCILMEMBER CHALAMCHERLA: Okay.

2 MAYOR RODRIGUEZ: The applicant would like to
3 make a comment, and then I think we'll come back and --
4 I think voting. We just vote? Okay.

5 MS. JENNINGS: Yeah. I mean, I think that
6 Mr. Delp is certainly, again, adding to his argument.
7 The appeal has a time frame. It has to be submitted.
8 It was submitted. It did not allege that his property
9 rights were in any way being impacted. If you read it
10 the way he is suggesting that you read it now, I could
11 come and appeal any Historic District Commission
12 decision I want even though I currently live in Truckee.
13 People in Orangeville could appeal any Historic District
14 Commission decision. You have to have some basis of
15 interest, and that's what this code says.

16 If you want to change the code, that's fine.
17 You could be more specific. But I think the way the
18 code is currently written, he does not have standing.
19 Thank you.

20 MAYOR RODRIGUEZ: Okay. Thank you. I think we
21 just do a roll call on it. All right. So will the
22 clerk please call the roll and answer the question does
23 Mr. Delp have standing to file an appeal?

24 COUNCILMEMBER CHALAMCHERLA: Mr. Attorney? One
25 more time, the third option, you can explain one more

1 time the third option.

2 CITY ATTORNEY WANG: Certainly. Thank you, sir.

3 So the third category --

4 COUNCILMEMBER CHALAMCHERLA: The third category.

5 CITY ATTORNEY WANG: Individuals who may appeal
6 Historic District Commission's decision about a project
7 is a permit applicant, permittee or other persons whose
8 property rights may be affected by the decision. And
9 the decision tonight is the approval of a demolition
10 application of the applicant's property in the Historic
11 District. So the question is whether demolishing this
12 property will somehow affect Mr. Delp's property rights,
13 his ability to use or not use his property. Thank you.

14 So if the question before the council is whether
15 Mr. Delp has standing, may I -- may I suggest refining
16 that question? Maybe the question should be Mr. Delp
17 has standing and then vote or Mr. Delp does not have
18 standing and then vote as opposed to each individual
19 council member who say yes, he has or no, he does not.

20 COUNCILMEMBER ROHRBOUGH: Can I ask you a
21 clarifying question? When you said property rights and
22 then you said to use or not use the property, I think
23 property rights go beyond that, too, wouldn't you say?
24 I mean --

25 CITY ATTORNEY WANG: His use or not use -- your

1 -- however you wish to deal with your or dispose of your
2 property including remodeling. You know, you probably
3 make --

4 COUNCILMEMBER ROHRBOUGH: Or selling or --

5 CITY ATTORNEY WANG: Use or not use.

6 COUNCILMEMBER ROHRBOUGH: Okay.

7 CITY ATTORNEY WANG: Or renting it out, that's
8 all within your rights. Nobody can question your
9 ability because you're the legal owner. You have the
10 legal right to do those things for yourself pertaining
11 to your property. And here the question is how is the
12 Commission's approval to allow this structure to be
13 demolished affect Mr. Delp's rights to use this
14 property?

15 MAYOR RODRIGUEZ: I just have one more question.
16 Is this -- are we talking about ish, four blocks?

17 CITY ATTORNEY WANG: Four.

18 MAYOR RODRIGUEZ: So four to five blocks?

19 CITY ATTORNEY WANG: Distance, you mean?

20 MAYOR RODRIGUEZ: Yeah.

21 CITY ATTORNEY WANG: I do not know.

22 MAYOR RODRIGUEZ: A distance from -- from one
23 home to the other.

24 CITY PLANNER PARRINGTON: The -- the 0.2 miles
25 was as the crow flies from the location of the cabin to

1 Mr. Delp's home address.

2 MAYOR RODRIGUEZ: Okay.

3 COUNCILMEMBER AQUINO: I have -- I have a
4 question. Does this -- is there a similar provision for
5 the rest of Folsom outside of the Historic District
6 Commission? Mr. Parrington is shaking his head no.

7 CITY PLANNER PARRINGTON: I don't believe so. I
8 think this is unique to the Historic District.

9 CITY ATTORNEY WANG: Yeah.

10 COUNCILMEMBER AQUINO: Okay. Okay. So --

11 COUNCILMEMBER KOZLOWSKI: Meaning that the bar
12 for appeals outside is lower or higher or silent?
13 Sorry.

14 CITY ATTORNEY WANG: The bar is lower outside
15 the Historic District. It's basically anybody aggrieved
16 by the action of the Planning Commission.

17 COUNCILMEMBER KOZLOWSKI: Aggrieved? Wow.

18 CITY ATTORNEY WANG: Yeah.

19 COUNCILMEMBER CHALAMCHERLA: Mr. Desmond, is the
20 similar kind of structures were demolished in Historic
21 District before based on your past understanding, the
22 similar cabin structures in the past?

23 MR. PARRINGTON: So I'd like to get it -- if you
24 believe that Mr. Delp has standing, that I can discuss
25 that more. That's kind of getting away from the topic

1 of property -- of property rights and standing.

2 COUNCILMEMBER ROHRBOUGH: So I'll make a motion.

3 COUNCILMEMBER KOZLOWSKI: Yeah. Was that what
4 you were going to do? I'll make a motion that Mr. Bob
5 Delp does have the right to appeal this project.

6 COUNCILMEMBER CHALAMCHERLA: I second.

7 MAYOR RODRIGUEZ: Okay. The clerk please
8 call --

9 COUNCILMEMBER ROHRBOUGH: I want to just -- we
10 can discuss that for a second. So I just want to
11 acknowledge the applicant. I think she made some really
12 good points. I think if Mr. Delp did not live in Folsom
13 or not at all near this area, but I do -- you know, I
14 would have a different perspective on this, but you're
15 very active in the Historic District. It shouldn't be
16 about you individually, though, of course. It should be
17 about the precedence we're making. And I think that's
18 why I'm -- I always want people's voices to be heard.

19 MAYOR RODRIGUEZ: Okay. Any other comments?
20 All right. Would the clerk please call the roll.

21 CITY CLERK KONOPKA: Councilmember Rohrbough?

22 COUNCILMEMBER ROHRBOUGH: Yes.

23 CITY CLERK KONOPKA: Aquino?

24 COUNCILMEMBER AQUINO: Yes.

25 CITY CLERK KONOPKA: Chalamcherla?

1 COUNCILMEMBER CHALAMCHERLA: Yes.

2 CITY CLERK KONOPKA: Kozlowski?

3 COUNCILMEMBER KOZLOWSKI: No.

4 CITY CLERK KONOPKA: Rodriguez?

5 MAYOR RODRIGUEZ: No.

6 Okay. So it's yes, he does. And so now we
7 proceed with the appeal. Okay. Okay.

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End of Audio

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REPORTER'S CERTIFICATION

I, Josie C. Gonzalez, a Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing audio file was reported by me stenographically to the best of my ability and later transcribed into typewriting under my direction; that the foregoing is a true record of the audio file.

IN WITNESS WHEREOF, I have subscribed my name this 2nd day of October, 2025.

Josie Gonzalez
JOSIE C. GONZALEZ

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