



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	1/13/2026
<b>AGENDA SECTION:</b>	Consent Calendar
<b>ITEM TITLE:</b>	Resolution No. 11531 - A Resolution Setting Aside Approval and CEQA Determination for the 603 Sutter Street Mixed Use Project (PN 17-145) and All Associated Approvals
<b>FROM:</b>	City Attorney's Office

## **RECOMMENDATION / CITY COUNCIL ACTION**

Adopt Resolution No. 11531 - A Resolution Setting Aside the Approval and CEQA Determination for the 603 Sutter Street Mixed Use Project (PN-17-145) and All Associated Approvals.

## **BACKGROUND / ISSUE**

On September 6, 2023, the Historic District Commission approved a design review application (PN 17-145) for development of a three-story, 12,177-square-foot mixed-use building on a 0.17-acre site located at 603 Sutter Street (the Project). Approval of the Project was based on a determination that the Project was exempt from environmental review pursuant to the Class 32 Infill Exemption found in CEQA Guidelines section 15332 and that none of the potential exceptions to use of the categorical exemption applied. A Folsom resident appealed the decision of the Historic District Commission to City Council and on October 10, 2023, City Council denied the appeal and approved the Project.

On or about December 4, 2023, the resident filed suit against the City and Cedrus Holdings Limited Partnership (the Project Applicant) in Sacramento County Superior Court, Case No. 23WM000125, challenging approval of the Project and alleging generally that the Project was not exempt from CEQA, in addition to other claims.

After the administrative record was certified, the matter was briefed and argued before the Court. The City was represented by outside counsel selected, retained and paid for by the Project Applicant, consistent with a standard condition of approval.

On or about November 21, 2025, the Court issued a Judgment Granting Peremptory Writ of Mandate ordering the City to set aside the approval and CEQA determination for the Project and to set aside any other permit, license, or approval issued or granted for the Project in reliance thereon (the Judgment). To comply with the Judgment, the City must take affirmative steps to set aside approval of the Project and all associated approvals.

**POLICY / RULE**

California Code of Civil Procedure section 1087 requires compliance with a peremptory writ of mandate. Code of Civil Procedure section 1097 imposes penalties for disobedience to such a writ, including the issuance of fines and other relief necessary and proper for the complete enforcement of the writ.

**ANALYSIS**

In this case, the Judgment includes issuance of a peremptory writ of mandate from the Sacramento County Superior Court directing the City to take the actions described in this report and the accompanying City Council Resolution, and then to file and serve a return to the writ no later than 90 days after entry of judgment. The return must specify the actions taken to comply with the terms of the writ.

Compliance with the peremptory writ of mandate is required by law. Resolution No. 11531 is intended to accomplish the actions required by the Court and to document the City’s compliance with the terms of the writ of mandate.

**FINANCIAL IMPACT**

None.

**ENVIRONMENTAL REVIEW**

CEQA applies only to projects that the City proposes to carry out, support, or approve. Projects that the City rejects or disapproves are exempt from CEQA pursuant to Public Resources Code section 21080(b)(5) and CEQA Guidelines section 15270(a). Because the action proposed in this report is to set aside approval of the Project and all associated approvals, it is exempt from CEQA.

**ATTACHMENTS**

1. Resolution No. 11531 - A Resolution Setting Aside Approval and CEQA Determination for the 603 Sutter Street Mixed Use Project (PN-17-145) and All Associated Approvals
2. Judgment Granting Peremptory Writ of Mandate, Sacramento County Superior Court Case No. 23WM000125

Submitted,

Steven Wang  
City Attorney

## Attachment 1

**RESOLUTION NO. 11531**

**A RESOLUTION SETTING ASIDE APPROVAL AND CEQA DETERMINATION FOR THE 603 SUTTER STREET MIXED USE PROJECT (PN 17-145) AND ALL ASSOCIATED APPROVALS**

**WHEREAS**, on September 6, 2023, the Historic District Commission approved a design review application (PN 17-145) for development of a three-story, 12,177-square-foot mixed-use building on a 0.17-acre site located at 603 Sutter Street (the Project); and

**WHEREAS**, approval of the Project was based on a determination that the Project was exempt from environmental review pursuant to the Class 32 Infill Exemption found in CEQA Guidelines section 15332 and that none of the potential exceptions to use of the categorical exemption applied; and

**WHEREAS**, Folsom resident Robert Delp appealed the decision of the Historic District Commission to City Council; and

**WHEREAS**, on October 10, 2023, City Council denied the appeal and approved the Project; and

**WHEREAS**, on or about December 4, 2023, Mr. Delp filed suit against the City and Cedrus Holdings Limited Partnership (the Project Applicant) in Sacramento County Superior Court, Case No. 23WM000125, challenging approval of the Project and alleging generally that the Project was not exempt from CEQA, in addition to other claims; and

**WHEREAS**, on or about November 21, 2025, the Court issued a Judgment Granting Peremptory Writ of Mandate ordering the City to set aside the approval and CEQA determination for the Project and to set aside any other permit, license, or approval issued or granted for the Project in reliance thereon (the Judgment).

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Folsom hereby sets aside the approval and CEQA determination for the Project based on the Judgment in Case No. 23WM000125; and

**BE IT FURTHER RESOLVED** that any and all permits, licenses, or approvals issued or granted for the Project in reliance on approval of the Project are hereby set aside, consistent with the Judgment in Case No. 23WM000125.

**PASSED AND ADOPTED** this 13th day of January, 2026, by the following roll-call vote:

**AYES:** Councilmember(s):  
**NOES:** Councilmember(s):  
**ABSENT:** Councilmember(s):  
**ABSTAIN:** Councilmember(s):

\_\_\_\_\_  
Justin Raitel, MAYOR

ATTEST:

\_\_\_\_\_  
Christa Freemantle, CITY CLERK

## Attachment 2



1 Wang and Sari Dierking of the City of Folsom City Attorney's Office also appeared on behalf of  
2 the City of Folsom.

3 After hearing oral argument, the Court took the matter under submission. Having  
4 considered all briefs, pleadings, motions, evidence, and arguments submitted by the parties, the  
5 Court issued its FINAL RULING ON SUBMITTED MATTER on October 31, 2025, attached  
6 hereto as Exhibit A.

7 IT IS HEREBY ADJUDGED, ORDERED, AND DECREED THAT:

8 1. Judgement shall be entered in favor of Petitioner in this proceeding on Petitioner's First  
9 Cause of Action for Violations of CEQA.

10 2. A peremptory writ of mandate directed to Respondents issued under seal of this Court,  
11 shall direct Respondents to:

- 12 i. Set aside the approval and CEQA determination for the 603 Sutter Street Mixed-  
13 Use Project, PN 17-145, located at 603 Sutter Street in the City of Folsom and set  
14 aside any other permit, license, or approval issued or granted for the Project, PN  
15 17-145, located at 603 Sutter Street in reliance thereupon.
- 16 ii. File and serve a return to the writ no later than 90 days after the entry of judgment  
17 in this proceeding. The return shall specify the actions taken to comply with the  
18 terms of this writ. Any objections to the return shall be filed not later than the  
19 sixtieth day after the service of the return.

20 3. Pursuant to Public Resources Code section 21168.9(c), the Court does not direct the  
21 Respondents to exercise their discretion in any particular way.

22 IT IS HEREGY FURTHER ADJUDGED, ORDERED, AND DECREED THAT:

23 4. Judgement shall be entered in favor of Petitioner on Petitioner's Second Cause of Action  
24 for Declaratory Relief.

25 5. Respondent City's delegation of "final authority" to the Historic District Commission to  
26 approve the 603 Sutter Street Mixed-Use Project, including acting as the lead agency for purposes  
27 of CEQA, is void as inconsistent with the City Charter.

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6. As the prevailing party, Petitioner shall recover costs of suit, and the Court retains jurisdiction to determine the amount of such costs pursuant to applicable law and rules of court.

7. The Court shall, upon noticed motion pursuant to Rule 3.1702 of the California Rules of Court, separately determine any claim by Petitioner for recovery of attorneys' fees.

8. The Court retains jurisdiction to oversee the compliance with this Judgment and the Peremptory Writ of Mandate issued.

DATED: Nov 21, 2025



*Jennifer K. Rockwell*

JENNIFER K. ROCKWELL

**APPROVAL AS TO FORM:**

DATED: \_\_\_\_\_

STOEL RIVES LLP

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KRISTEN TROY CASTANOS  
Attorneys for Respondents and Real Party in Interest