



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

HISTORIC DISTRICT COMMISSION AGENDA

May 18, 2022

5:00 p.m.

50 Natoma Street

Folsom, California 95630

Members of the public wishing to participate in this meeting via teleconference may participate either online or by telephone via WebEx.

Meeting Number: 2554 867 1902

Meeting Password: 05 18 2022

Join the meeting by WebEx online:

<https://cityoffolsom.my.webex.com/cityoffolsom.my/j.php?MTID=m63356db68f3be470592d071b94482c56>

To make a public comment using the WebEx online platform, please use the "raise hand" feature at the bottom center of the screen. Please make sure to enable audio controls once access has been given by the Commission Clerk to speak. Please wait to be called upon by the Commission Clerk.

Join the meeting by WebEx telephone: Dial 1-415-655-0001

To make a public comment by phone, please press *3 to raise your hand. Please make sure to enable audio controls by pressing *6 once access has been given by the Commission Clerk to speak. Please wait to be called upon by the Commission Clerk.

CALL TO ORDER HISTORIC DISTRICT COMMISSION: Daniel West, John Lane, Mickey Ankhelyi, Justin Raithel, John Felts, Mark Dascallos, Kathy Cole

Any documents produced by the City and distributed to the Historic District Commission regarding any item on this agenda will be made available at the Community Development Counter at City Hall located at 50 Natoma Street, Folsom, California and at the table to the left as you enter the Council Chambers.

PLEDGE OF ALLEGIANCE

CITIZEN COMMUNICATION: The Historic District Commission welcomes and encourages participation in City Historic District Commission meetings, and will allow up to five minutes for expression on a non-agenda item. Matters under the jurisdiction of the Commission, and not on the posted agenda, may be addressed by the general public; however, California law prohibits the Commission from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Commission.

MINUTES

The minutes of the February 16, 2022 meeting will be presented for approval.

NEW BUSINESS

1. DRCL22-00105, 506 1/2 Mormon Street Residential Structure Demolition and Determination that the Project is Exempt from CEQA

A Public Meeting to consider a request from Tom Moore for approval of an application for demolition of an existing residential structure located at 506 1/2 Mormon Street. The proposed project was previously approved by the Historic District Commission on February 20, 2019 (PN18-415) but the approval expired. The zoning classification for the site is CEN (R-2), while the General Plan land-use designation is MLD. The project is exempt from the California Environmental Quality Act in accordance with Section 15301 of the CEQA Guidelines. (Project Planner: Brianna Gustafson/Applicant: Tom Moore)

2. PN 19-051, Zoning Code Update - Home Occupations Ordinance Revisions and Determination that the Project is Exempt from CEQA

A Public Hearing to consider changes to the City’s Home Occupations Ordinance (Chapter 17.61 of the Folsom Municipal Code), which regulates home-based businesses in Folsom. On March 8, 2022, the City Council reviewed the ordinance and directed staff to present it to the Historic District Commission in order to determine whether any changes were needed to the regulations to address any unique issues that might be present in the Historic District. Staff is seeking input on those issues in the Historic District that may warrant changes to the draft ordinance. Staff also requests that the Commission recommend to the Council the repeal and replacement of Chapter 17.61 of the FMC with the new Home Occupations Ordinance along with any changes proposed by the Commission. Under Section 15061(b)(3) of the California Public Resources Code, this activity will not have a significant effect on the environment and as such the project is exempt from environmental review under CEQA.

HISTORIC DISTRICT COMMISSION / PRINCIPAL PLANNER REPORT

The next Historic District Commission meeting is scheduled for **June 1, 2022**. Additional non-public hearing items may be added to the agenda; any such additions will be posted on the bulletin board in the foyer at City Hall at least 72 hours prior to the meeting. Persons having questions on any of these items can visit the Community Development Department during normal business hours (8:00 a.m. to 5:00 p.m.) at City Hall, 2nd Floor, 50 Natoma Street, Folsom, California, prior to the meeting. The phone number is (916) 461-6200 and fax number is (916) 355-7274.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in the meeting, please contact the Community Development Department at (916) 461-6203, (916) 355-7274 (fax) or ksanabria@folsom.ca.us. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

NOTICE REGARDING CHALLENGES TO DECISIONS

The appeal period for Historic District Commission Action: Pursuant to all applicable laws and regulations, including without limitation, California Government Code, Section 65009 and/or California Public Resources Code, Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning, and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, this public hearing. Any appeal of a Historic District Commission action must be filed, in writing with the City Clerk’s Office no later than ten (10) days from the date of the action pursuant to Resolution No. 8081.



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

HISTORIC DISTRICT COMMISSION MINUTES
February 16, 2022
ZOOM VIRTUAL MEETING
5:00 p.m.
50 Natoma Street
Folsom, California 95630

CALL TO ORDER HISTORIC DISTRICT COMMISSION: Mark Dascalos, Daniel West, John Lane, Mickey Ankhelyi, Justin Raithel, John Felts, Kathy Cole

ABSENT: None

PLEDGE OF ALLEGIANCE

CITIZEN COMMUNICATION: Loretta Hettinger addressed the Historic District Commission regarding the Zoning Code Update Home Occupations item going forward to the City Council on March 8, 2022.

MINUTES: The amended minutes of the January 19, 2022 meeting were approved.

Oath of Office Administered to John Lane

NEW BUSINESS

1. PN 19-182, Lakeside Memorial Lawn Crematorium Conditional Use Permit, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program

A Public Hearing to consider a request from Igor Semenyuk for approval of a Conditional Use Permit to allow for a crematory to operate in an existing metal structure situated within the Lakeside Memorial Lawn cemetery located at 1201 Forrest Street. The zoning classification for the site is OS/P, while the General Plan land-use designation is OS. An Initial Study and Mitigated Negative Declaration have been prepared in accordance with the requirements of the California Environmental Quality Act. **(Project Planner: Josh Kinkade / Applicant: Igor Semenyuk)**

1. Beth Kelly addressed the Historic District Commission in opposition to the proposed project.
2. Steve addressed the Historic District Commission in opposition to the proposed project.
3. Loretta Hettinger addressed the Historic District Commission in opposition to the proposed project.
4. Janice B. addressed the Historic District Commission in opposition to the proposed project.
5. Deborah Grassl addressed the Historic District Commission in opposition to the proposed project.
6. Nicole Gates addressed the Historic District Commission in opposition to the proposed project.
7. Mariko McGarry addressed the Historic District Commission in opposition to the proposed project.
8. Sharon Kindel addressed the Historic District Commission in opposition to the proposed project.
9. Daniel & Ashley Martinez addressed the Historic District Commission in opposition to the

- proposed project.
10. Tracy Wetzel addressed the Historic District Commission in opposition to the proposed project.
 11. Helen Walsh addressed the Historic District Commission in opposition to the proposed project.
 12. Stephanie Kadle addressed the Historic District Commission in opposition to the proposed project.
 13. Marie Gonzales addressed the Historic District Commission in opposition to the proposed project.
 14. Sean Gates addressed the Historic District Commission in opposition to the proposed project.
 15. Marie Sims Rice addressed the Historic District Commission in opposition to the proposed project.
 16. Mary addressed the Historic District Commission in opposition to the proposed project.
 17. Greg addressed the Historic District Commission in opposition to the proposed project.
 18. Victoria Foster addressed the Historic District Commission in opposition to the proposed project.
 19. Dennis Kasbian addressed the Historic District Commission in opposition to the proposed project.
 20. Joy addressed the Historic District Commission in opposition to the proposed project.
 21. Laura Fisher addressed the Historic District Commission in opposition to the proposed project.
 22. Kim Higgins addressed the Historic District Commission in opposition to the proposed project.
 23. Kyle & Breanne Higgins addressed the Historic District Commission in opposition to the proposed project.
 24. Peter Lucyga addressed the Historic District Commission in opposition to the proposed project.
 25. Tim McGarry addressed the Historic District Commission in opposition to the proposed project.
 26. Isaac addressed the Historic District Commission in opposition to the proposed project.
 27. Owen addressed the Historic District Commission in opposition to the proposed project.
 28. Erika Hamer addressed the Historic District Commission in opposition to the proposed project.
 29. Jennifer Lane addressed the Historic District Commission in opposition to the proposed project.
 30. June Chan addressed the Historic District Commission in opposition to the proposed project.
 31. Charles Noble addressed the Historic District Commission in opposition to the proposed project.
 32. Daron Bracht addressed the Historic District Commission commending Commissioners and City Staff.
 33. Steve Walsh addressed the Historic District Commission in opposition to the proposed project.
 34. Brian Pacciotti addressed the Historic District Commission in opposition to the proposed project.
 35. Jill Hamer addressed the Historic District Commission in opposition to the proposed project.
 36. Pat Binley addressed the Historic District Commission in opposition to the proposed project.

COMMISSIONER RAITHEL MOVED TO ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LAKESIDE MEMORIAL LAWN CREMATORIUM, PER ATTACHMENT 11; AND MOVED TO APPROVE THE CONDITIONAL USE PERMIT (PN 19-182) FOR OPERATION OF A CREMATORIUM WITHIN AN EXISTING 1,071-SQUARE FOOT METAL STRUCTURE LOCATED AT 1201 FORREST STREET, WITHIN THE LAKESIDE MEMORIAL LAWN CEMETARY AS ILLUSTRATED IN ATTACHMENTS 5 AND 6, WITH THE FINDINGS (A-K) AND CONDITIONS (NOS. 1-30)

COMMISSIONER ANKHELYI SECONDED THE MOTION.

COMMISSIONER LANE RECOMMENDED A FRIENDLY AMENDMENT TO INCLUDE THE FOLLOWING CONDITION UNDER "MISCELLANEOUS CONDITIONS":

“31. A Davis Instruments Vantage Vue, Vantage Pro2 or similar weather station shall be installed on the shed on which the crematory machine is proposed prior to installation of the crematorium to the satisfaction of the Community Development Department.”

COMMISSIONER WEST RECOMMENDED A FRIENDLY AMENDMENT TO INCLUDE THE FOLLOWING CONDITION UNDER “MISCELLANEOUS CONDITIONS”:

“32. The proposed stack shall be subject to Design Review approval subsequent to obtaining a permit from the Sacramento Metropolitan Air Quality Management District (SMAQMD).”

COMMISSIONER RAITHEL AND COMMISSIONER ANKHELYI ACCEPTED THE FRIENDLY AMENDMENTS TO THE MOTION, WHICH LEAD TO THE FOLLOWING VOTE:

AYES: RAITHEL
NOES: DASCALLOS, WEST, LANE, ANKHELYI, FELTS, COLE
RECUSED: NONE
ABSENT: NONE

MOTION FAILED.

COMMISSIONER WEST MOVED TO DENY THE PROJECT WITH THE FOLLOWING FINDING:

“The use applied for is detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood, detrimental or injurious to property and improvements in the neighborhood and the general welfare of the City because introduction of this use will impact the historical character of the existing cemetery and historical use of the area.”

COMMISSIONER LANE SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: DASCALLOS, WEST, LANE, ANKHELYI, FELTS, COLE
NOES: RAITHEL
RECUSED: NONE
ABSENT: NONE

MOTION PASSED.

PRINCIPAL PLANNER REPORT

The next Historic District Commission meeting is tentatively scheduled for March 16, 2022.

RESPECTFULLY SUBMITTED,

Karen Sanabria, ADMINISTRATIVE ASSISTANT

APPROVED:

Kathy Cole, CHAIR



CITY OF
FOLSOM
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AGENDA ITEM NO. 1
Type: Public Hearing
Date: May 18, 2022

Historic District Commission Staff Report

50 Natoma Street, Council Chambers
Folsom, CA 95630

Project: 506 ½ Mormon Street Building Demolition
File #: DRCL22-00105
Request: Building Demolition
Location: 506 ½ Mormon Street
Parcel(s): 070-0114-011
Staff Contact: Brianna Gustafson, Associate Planner, 916-461-6238
bgustafson@folsom.ca.us

Property Owner

Name: Tom Moore
Address: 818 Sibley St.
Folsom, CA 95630

Applicant

(same)

Recommendation: Approval of an application to demolish a 1,663-square-foot residential structure located at 506 ½ Mormon Street (DRCL22-00105) based on the findings included in this report (Findings A-G) and subject to the attached conditions of approval (Conditions 1-6).

Project Summary: The proposed project was previously approved by the Historic District Commission on February 20, 2019 (PN18-415) for the demolition of a 1,415-square-foot residential structure and attached 248-square-foot garage. The conditions of approval stated that the approval was in effect for two years from final date of approval and failure to obtain the relevant demolition permit within the time, without an extension, would result in the termination of the approval. A demolition permit was not obtained within that time period. Therefore, the applicant must reapply for approval for the demolition of the structure. The structure is not historically significant and contains no historically significant building materials. The structure is not listed on the City of Folsom’s Historical Properties Inventory list. Therefore, staff supports the demolition of the structure.

Table of Contents:

- 1 - Description/Analysis
- 2 - Background
- 3 - Proposed Conditions of Approval
- 4 - Vicinity Map
- 5 - Existing Site Plan



CITY OF
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AGENDA ITEM NO. 1
Type: Public Hearing
Date: May 18, 2022

- 6 - Project Information and Photographs of Project Site
- 7 - Previously Approved Staff Report (PN18-415)

Submitted,

PAM JOHNS
Community Development Director

ATTACHMENT 1 DESCRIPTION/ANALYSIS

APPLICANT'S PROPOSAL

The applicant, Tom Moore, is proposing to demolish the 1,663-square foot building at the rear of the property with the address 506 ½ Mormon Street.

POLICY/RULE

Section 17.52.660 of the FMC states that the demolition of a structure located in the Historic District is subject to the review and approval of the Historic District Commission. Before demolition is authorized, the applicant must provide documentation of the structure for the historical record, to the extent that the history of the structure is known to, or reasonably obtainable by, the applicant. If the structure is considered historically significant, the Historic District Commission shall consider several factors before authorizing the demolition. Section 4.13 of the Historic District Design and Development Guidelines (DDGs) makes clear that demolition may be more readily approved for structures that do not comply with the goals, policies, and regulations of FMC Chapter 17.52 and the DDGs themselves.

ANALYSIS

Section 4.13 of the Historic District Design and Development Guidelines (DDGs) explains that demolition of structures with historic value should be approved only when all other options have been exhausted by the property owner and the City. On the other hand, Section 4.13 also makes clear that demolition may be more readily approved for structures which do not comply with the goals, policies, and regulations of FMC Chapter 17.52 and the DDGs themselves.

The demolition had been approved previously by the Historic District Commission on February 20, 2019 (PN PN18-415), shown in Attachment 7, but the conditions of approval stated that approval for the structure demolition was in effect for two years from final date of approval and failure to obtain the relevant demolition permit within the time, without the subsequent extension of the approval, would result in the termination. The approval has since expired, and applicant is now reapplying for approval to demolish the building.

The existing 1,663-square foot structure proposed to be demolished (shown in the photographs in Attachment 6) consists of several disparate types of siding, including vertical board and batten, tear drop, stucco, and two sizes of v-rustic board. Window types are also inconsistently applied throughout the building. It was estimated to be built prior to when the family had purchased the property in 1936. Building Permit activity indicates that the structure had gone through several additions and remodels, with the last major improvements occurring in the 1970's. The structure sits on the side and rear property lines of the lot, as shown in Attachment 5, and the parcel contains two additional residences, a detached garage and a detached shed. The structure is not historically

significant and contains no historically significant building materials. The structure is not listed on the City of Folsom's Historical Properties Inventory list. Furthermore, it is in poor structural condition, as there are cracks in the foundation and flooring, roof leaks, and dry rot on the structure. Therefore, staff supports the demolition of the existing structure.

PUBLIC COMMENTS

A notice was posted on the project site five days prior to the Historic District Commission meeting of May 18, 2022 that met the requirements of FMC Section 17.52.320. The reapplied application was also routed to the Folsom Heritage Preservation League and Historic Folsom Residents Association. Staff did not receive any comments from these organizations relative to the proposed project as of the publication of this staff report.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA). Based on staff's analysis of this project, none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemption(s) in this case.

RECOMMENDATION

Staff recommends approval of the proposed project, subject to the conditions of approval included with the report.

HISTORIC DISTRICT COMMISSION ACTION

Move to approve the demolition of a 1,663-square-foot structure located at 506 1/2 Mormon Street (DRCL22-00105), based on the findings below (Findings A-G) and subject to the attached conditions of approval (Conditions 1-6).

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN AND THE ZONING CODE OF THE CITY.

CEQA FINDINGS

- C. THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15301 EXISTING FACILITIES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

- D. THE CUMULATIVE IMPACT OF SUCCESSIVE PROJECTS OF THE SAME TYPE IN THE SAME PLACE, OVER TIME IS NOT SIGNIFICANT IN THIS CASE.
- E. NO UNUSUAL CIRCUMSTANCES EXIST TO DISTINGUISH THE PROPOSED PROJECT FROM OTHERS IN THE EXEMPT CLASS.
- F. THE PROPOSED PROJECT WILL NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE.

DEMOLITION FINDING

- G. THE STRUCTURE PROPOSED TO BE DEMOLISHED IS NOT CONSIDERED HISTORICALLY SIGNIFICANT.

**ATTACHMENT 2
BACKGROUND**

BACKGROUND

The 1,663-square-foot structure at 506 ½ Mormon Street was likely first constructed sometime before 1936 (when the current owner’s family first purchased the lot). Building Permit activity indicates that the structure had gone through several additions and remodels, with the last major improvements occurring in the 1970’s.

The applicant wished to modify and update the existing structure, but due to setback issues, as well as several issues regarding foundation, roof, dry rot and insulation issues, this was not deemed feasible. As such, the applicant is proposing to demolish the existing building to build a new unit in the future that meets Folsom Municipal Code setback standards, as well as the design standards of the Design and Development Guidelines.

The applicant had previously obtained approval from the Historic District Commission on February 20, 2019 (PN18-415), but the approval has since expired.

GENERAL PLAN DESIGNATION MLD (Multi-family Low Density) within the Historic District

ZONING R-2/CEN, (Two-Family Residential/Central Subarea of the Historic Residential Primary Area)

ADJACENT LAND USES/ZONING

North: Figueroa Street/Mormon Street alley with residences beyond in the Figueroa subarea (R-1-M/FIG)

South: Mormon Street with residences beyond (R-2/CEN)

East: Existing residences (R-2/CEN)

West: Existing residences (R-2/CEN)

SITE CHARACTERISTICS

The 24,500-square-foot project site contains three residential structures, a detached garage, a detached shed, a pool and a parking court.

APPLICABLE CODES

FMC Chapter 15.52; HD, Historic District
FMC section 17.52.660, Demolition
Historic District Design and Development
Guidelines

Attachment 3

Proposed Conditions of Approval

**CONDITIONS OF APPROVAL FOR
 506 ½ MORMON STREET BUILDING DEMOLITION
 (DRCL22-00105)**

Cond. No.	Mitigation Measure	GENERAL REQUIREMENTS	When Required	Responsible Department
1.		Issuance of demolition permit is required.	B	CD (B)
2.		Compliance with all local, state and federal regulations pertaining to building and demolition is required.	OG	CD (B)
3.		The project approval granted under this staff report shall remain in effect for two years from final date of approval (May 18, 2024). Failure to obtain the relevant demolition permit within this time, without the subsequent extension of this approval, shall result in the termination of this approval.	B	CD (P)
4.		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. In addition, construction equipment shall be muffled and shrouded to minimize noise levels.	I, B	CD (P)(E)
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)

RESPONSIBLE DEPARTMENT		WHEN REQUIRED	
CD (P) (E) (B) (F)	Community Development Department	I	Prior to approval of Improvement Plans
	Planning Division	M	Prior to approval of Final Map
	Engineering Division	B	Prior to issuance of first Building Permit
	Building Division	O	Prior to approval of Occupancy Permit
	Fire Division	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		

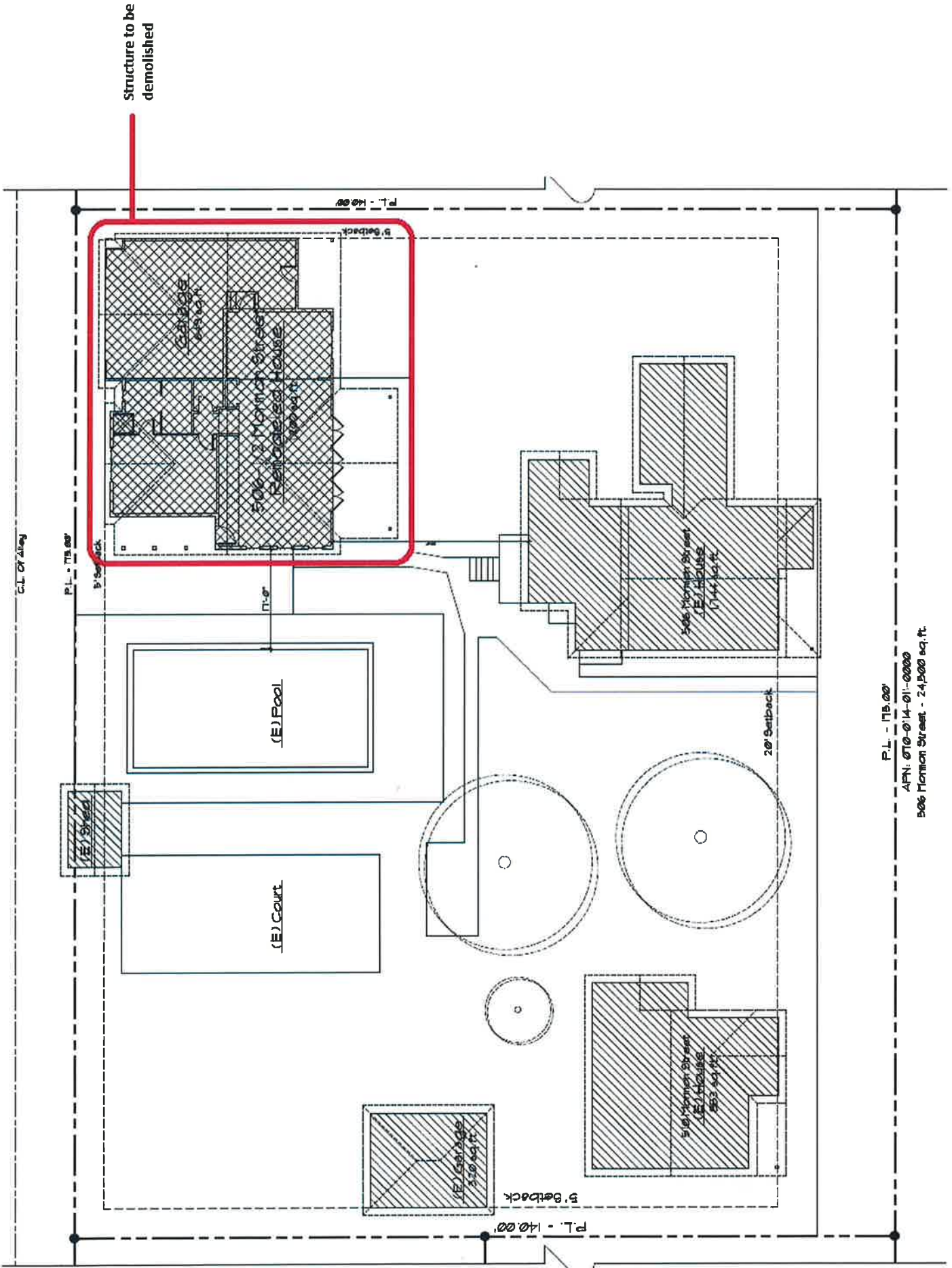
Historic District Commission
506 ½ Mormon Street Building Demolition (DRCL22-00105)
May 18, 2022

Attachment 4 Vicinity Map



Historic District Commission
506 ½ Mormon Street Building Demolition (DRCL22-00105)
May 18, 2022

Attachment 5 Existing Site Plan



P.L. - 175.00'
 APN: 070-014-01-0000
 506 Mormon Street - 24,500 sq. ft.

Historic District Commission
506 ½ Mormon Street Building Demolition (DRCL22-00105)
May 18, 2022

Attachment 6
Project Information and Photographs of Project
Site

- The main house at 506 Mormon.
- The property consists of 3 ½ Theodore Judah lots.
- There are 3 houses on the property. (506, 506 ½ & 510)
- Both 506 & 510 face Mormon St.
- 506 ½ faces the alley.



- This property view is from Mormon St. looking Southwest.
- 506 is in the center of the frame and 510 is barely visible down the street.



- This view from Mormon St. looks North
- 510 is on the left and 506 is under the trees on the right.



- This is a view of the back of 506 looking Southeast.
- This building has been added on to multiple times. All of these add-ons occurred before any of the living family members were born.



- This building is 510.
- We believe it was built in the late 1930's.
- The siding is stucco.



- This is the garage behind 510.
- This building is a replacement of the original garage and was built in the 1970's
- It has stucco siding matching the house.



- This is the swimming pool pump house or equipment room.
- This building was built in 1952 when the pool was constructed.
- The siding is stucco.



- This view of 506 ½ is from the Mormon St. property line looking West.
- This is the structure that propose to replace.
- From this view one can see it sits low, which makes it prone to flooding.



- This is a view of 506 ½ looking almost due North.
- In the early 1970's, the screened in eating area was enclosed in glass and an entirely new roof structure was installed over the West side of the building.
- Multiple styles of siding are visible in this photo.



- This view is along the Northeast property line looking towards the alley.
- The space between the 506 ½ building and property line (fence) narrows to 18 inches.
- Three styles of siding are visible in this view.



- This is the alley view of 506 1/2.
- Evidence of numerous remodels and additions can be seen.
- The styles of siding from this view include vertical board and bat, tear drop, stucco, and 2 sizes of v-rustic.
- Also various window types are visible.
- The original part of the structure is the garage on the right.
- We believe the garage was built before our grandmother purchased the property in 1936.



506 1/2 from the alley

506 ½ Mormon St. Remodel Project

- The 506 ½ building has become a challenge to maintain and the challenges continue to increase over time.
- There are many floor and foundation issues:
 - The slab floors have cracked and heaved.
 - During the wet seasons ground water seeps up through the cracks and floods the living space.
 - The heaves are a tripping hazard.
 - The slabs were poured over many remodels and are at different levels presenting additional tripping hazards.
- There is a horizontal valley in the roof that is prone to leak
- Dry rot all around.
- Poorly insulated.
- The internal layout is bad.
 - No hallways, just walk through rooms

Attachment 7
Previously Approved Staff Report (PN18-415)



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

AGENDA ITEM NO. 1
Type: Public Hearing
Date: February 20, 2019

Historic District Commission Staff Report

50 Natoma Street, Council Chambers
Folsom, CA 95630

Project: 506 ½ Mormon Street Building Demolition
File #: PN-18-415
Request: Building Demolition
Location: 506 ½ Mormon Street
Parcel(s): 070-0114-011
Staff Contact: Josh Kinkade, Assistant Planner, 916-461-6209
jkinkade@folsom.ca.us

Property Owner

Name: Tom Moore
Address: 818 Sibley St.
Folsom, CA 95630

Applicant

(same)

Recommendation: Conduct a public hearing and upon conclusion recommend approval of an application to demolish a 1,663-square-foot residential structure located at 506 ½ Mormon Street (PN 18-415) subject to the findings included in this report and attached conditions of approval.

Project Summary: The proposed project includes demolition of a 1,415-square-foot residential structure and attached 248-square-foot garage. The structure is built on the rear property line of a parcel that contains two additional residences, a detached garage and a detached shed. The structure does not meet current side and rear setback requirements, and has several structural and architectural issues. The structure is not historically significant and contains no historically significant building materials. The structure is not listed on the City of Folsom's Historical Properties Inventory list. Therefore, staff supports the demolition of the structure.

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CITY OF
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AGENDA ITEM NO. 1
Type: Public Hearing
Date: February 20, 2019

Submitted,

A handwritten signature in blue ink, appearing to read "Pam Johns", with a long horizontal flourish extending to the right.

PAM JOHNS
Community Development Director

ATTACHMENT 1 DESCRIPTION/ANALYSIS

APPLICANT'S PROPOSAL

The applicant, Tom Moore, is proposing to demolish the 1,663-square foot building at the rear of the property with the address 506 ½ Mormon Street. The applicant plans to build a structure in the future at this location that conforms to existing setback and size regulations.

POLICY/RULE

Demolition of structures located in the Historic District is subject to review by the Historic District Commission, per Section 17.52.660 of the Folsom Municipal Code.

ANALYSIS

In order to approve a request for demolition of a structure considered historically significant, per FMC Section 17.52.660, the Commission must consider the following:

1. Whether the public health, safety and/or welfare warrant the demolition;
2. What accommodations can be provided to the owner of the property to make it feasible for the owner to preserve the property;
3. Whether the owner of the property is willing to sell the property to a buyer who wishes to preserve the property; and
4. Whether a public entity wishes to acquire the property through exercise of the power of eminent domain in order to preserve the property.

Section 4.13 of the Historic District Design and Development Guidelines (DDGs) explains that demolition of structures with historic value should be approved only when all other options have been exhausted by the property owner and the City. On the other hand, Section 4.13 also makes clear that demolition may be more readily approved for structures which do not comply with the goals, policies, and regulations of FMC Chapter 17.52 and the DDGs themselves.

This structure is not historically significant and contains no historically significant building materials. The structure is not listed on the City of Folsom's Historical Properties Inventory list. The structure is built to the side and rear property lines (as shown in Attachment 5) and is in poor structural condition. Furthermore, the disparate uses of siding and windows show no particular architectural style. Therefore, staff supports the demolition of the existing structure.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA). Based on staff's analysis of this project, none of the exceptions in Section 15300.2 of the CEQA Guidelines apply to the use of the categorical exemption(s) in this case.

RECOMMENDATION/HISTORIC DISTRICT COMMISSION ACTION

Move to approve the building demolition (PN 18-415) located at 506 ½ Mormon Street, with the below findings and the conditions of approval included as Attachment 3 to this report.

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.
- B. THE PROJECT IS CONSISTENT WITH THE GENERAL PLAN AND THE ZONING CODE OF THE CITY.

CEQA FINDINGS

- C. THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15301 EXISTING FACILITIES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).
- D. THE CUMULATIVE IMPACT OF SUCCESSIVE PROJECTS OF THE SAME TYPE IN THE SAME PLACE, OVER TIME IS NOT SIGNIFICANT IN THIS CASE.
- E. NO UNUSUAL CIRCUMSTANCES EXIST TO DISTINGUISH THE PROPOSED PROJECT FROM OTHERS IN THE EXEMPT CLASS.
- F. THE PROPOSED PROJECT WILL NOT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE.

DEMOLITION FINDING

- G. THE STRUCTURE PROPOSED TO BE DEMOLISHED IS NOT CONSIDERED HISTORICALLY SIGNIFICANT.

**ATTACHMENT 2
BACKGROUND**

BACKGROUND

The 1,663-square-foot structure at 506 ½ Mormon Street was likely first constructed sometime before 1936 (when the current owner's family first purchased the lot). Building Permit activity indicates that the structure had gone through several additions and remodels, with the last major improvements occurring in the 1970's. The structure sits on the side and rear property lines of the lot, as shown in Attachment 5. The building includes several disparate types of siding, including vertical board and batten, tear drop, stucco, and two sizes of v-rustic board. Window types are also inconsistently applied throughout the building. The applicant has provided a narrative and images of the buildings on the lot, including the building proposed to be demolished, included here as Attachment 6.

The applicant wished to modify and update the existing structure, but due to setback issues, as well as several issues regarding foundation, roof, dry rot and insulation issues, this was not deemed feasible. As such, the applicant is proposing to demolish the existing building to build a new unit in the future that meets Folsom Municipal Code setback standards, as well as the design standards of the Design and Development Guidelines.

GENERAL PLAN DESIGNATION	MLD, Multifamily, Low Density
ZONING	CEN, Central Subarea of the Historic Residential Primary Area
ADJACENT LAND USES/ZONING	North: Figueroa Street/Mormon Street alley with residences beyond in the Figueroa subarea (FIG) South: Mormon Street with residences beyond (CEN) East: Existing residences (CEN) West: Existing residences (CEN)
SITE CHARACTERISTICS	The 24,500-square-foot project site contains three residential structures, a detached garage, a detached shed, a pool and a parking court.

APPLICABLE CODES

FMC Chapter 15.52; HD, Historic District
FMC section 17.52.660, Demolition
Historic District Design and Development
Guidelines

ATTACHMENT 3

Proposed Conditions of Approval

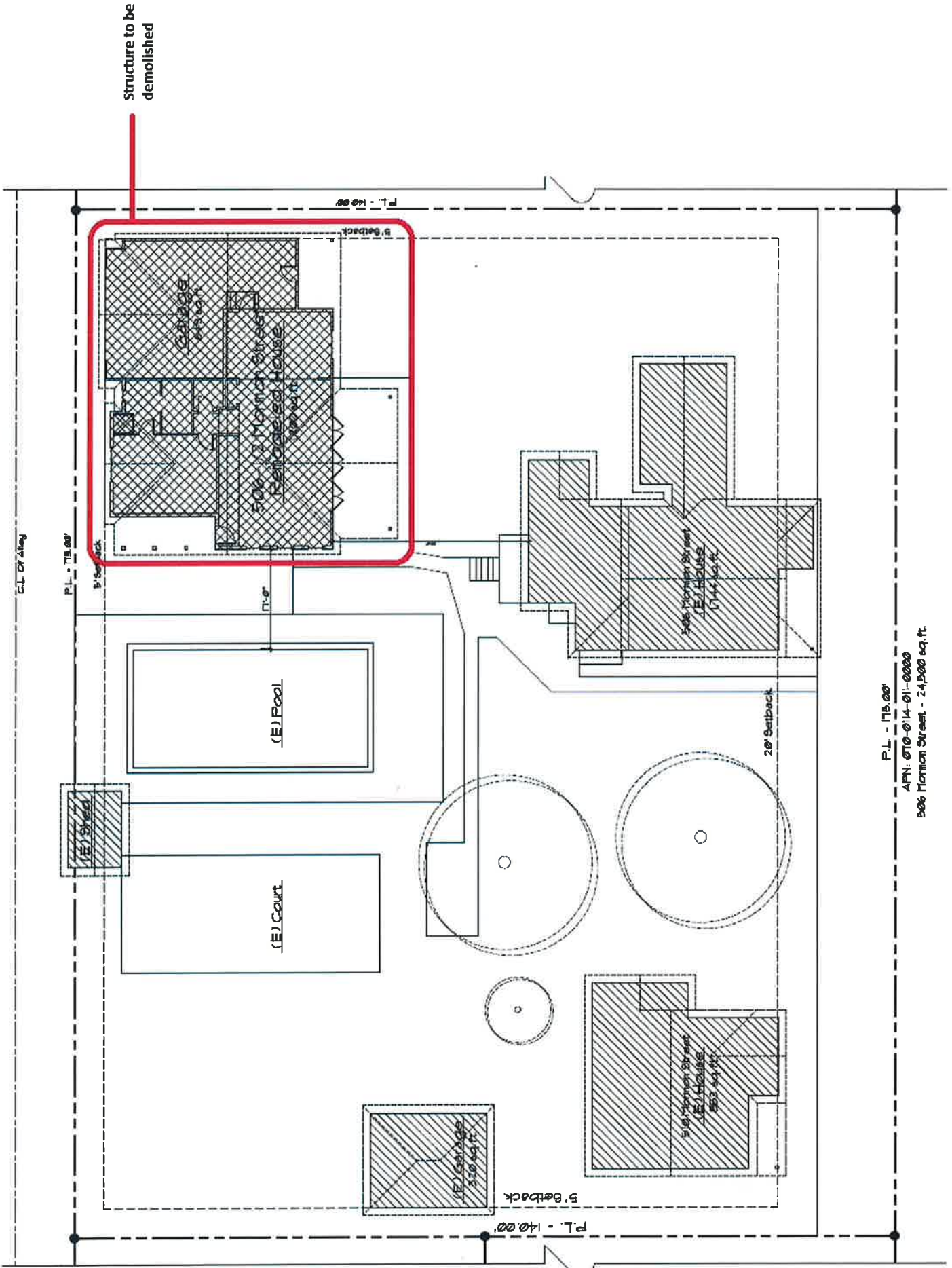
CONDITIONS OF APPROVAL FOR 506 ½ MORMON STREET BUILDING DEMOLITION (PN 18-415)			
GENERAL REQUIREMENTS			
Cond. No.	Mitigation Measure	When Required	Responsible Department
1.	Issuance of demolition permit is required.	B	CD (B)
2.	Compliance with all local, state and federal regulations pertaining to building and demolition is required.	OG	CD (B)
3.	The project approval granted under this staff report shall remain in effect for two years from final date of approval (February 20, 2021). Failure to obtain the relevant building, demolition, or other permits within this time period, without the subsequent extension of this approval, shall result in the termination of this approval.	B	CD (P)

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

Attachment 4 Vicinity Map



Attachment 5 Existing Site Plan



P.L. - 175.00'
 APN: 070-014-01-0000
 506 Mormon Street - 24,500 sq. ft.

Attachment 6
Project Information and Photographs of Project
Site

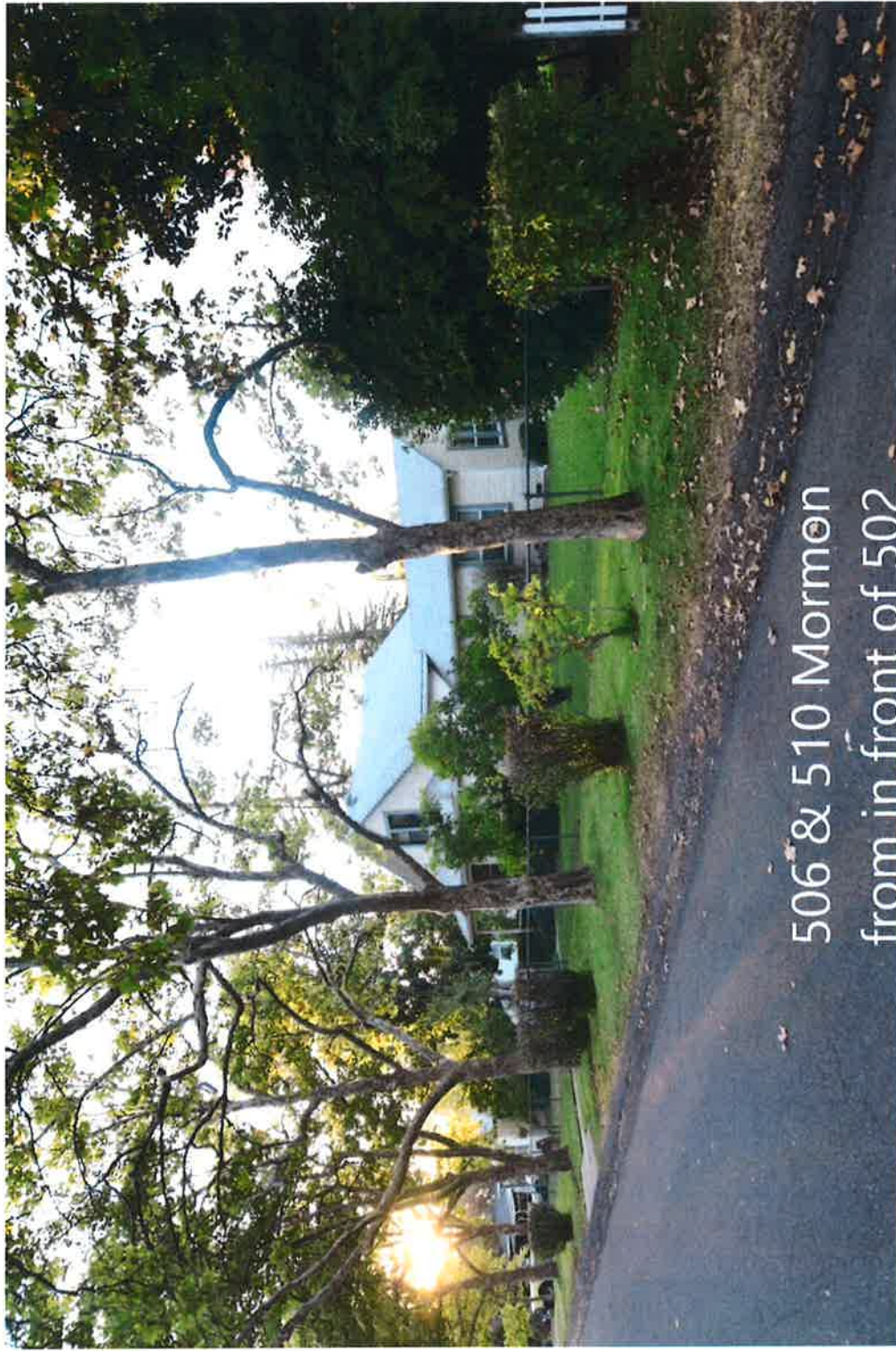
506 ½ Mormon St. Remodel Project

- The 506 ½ building has become a challenge to maintain and the challenges continue to increase over time.
- There are many floor and foundation issues:
 - The slab floors have cracked and heaved.
 - During the wet seasons ground water seeps up through the cracks and floods the living space.
 - The heaves are a tripping hazard.
 - The slabs were poured over many remodels and are at different levels presenting additional tripping hazards.
- There is a horizontal valley in the roof that is prone to leak
- Dry rot all around.
- Poorly insulated.
- The internal layout is bad.
 - No hallways, just walk through rooms

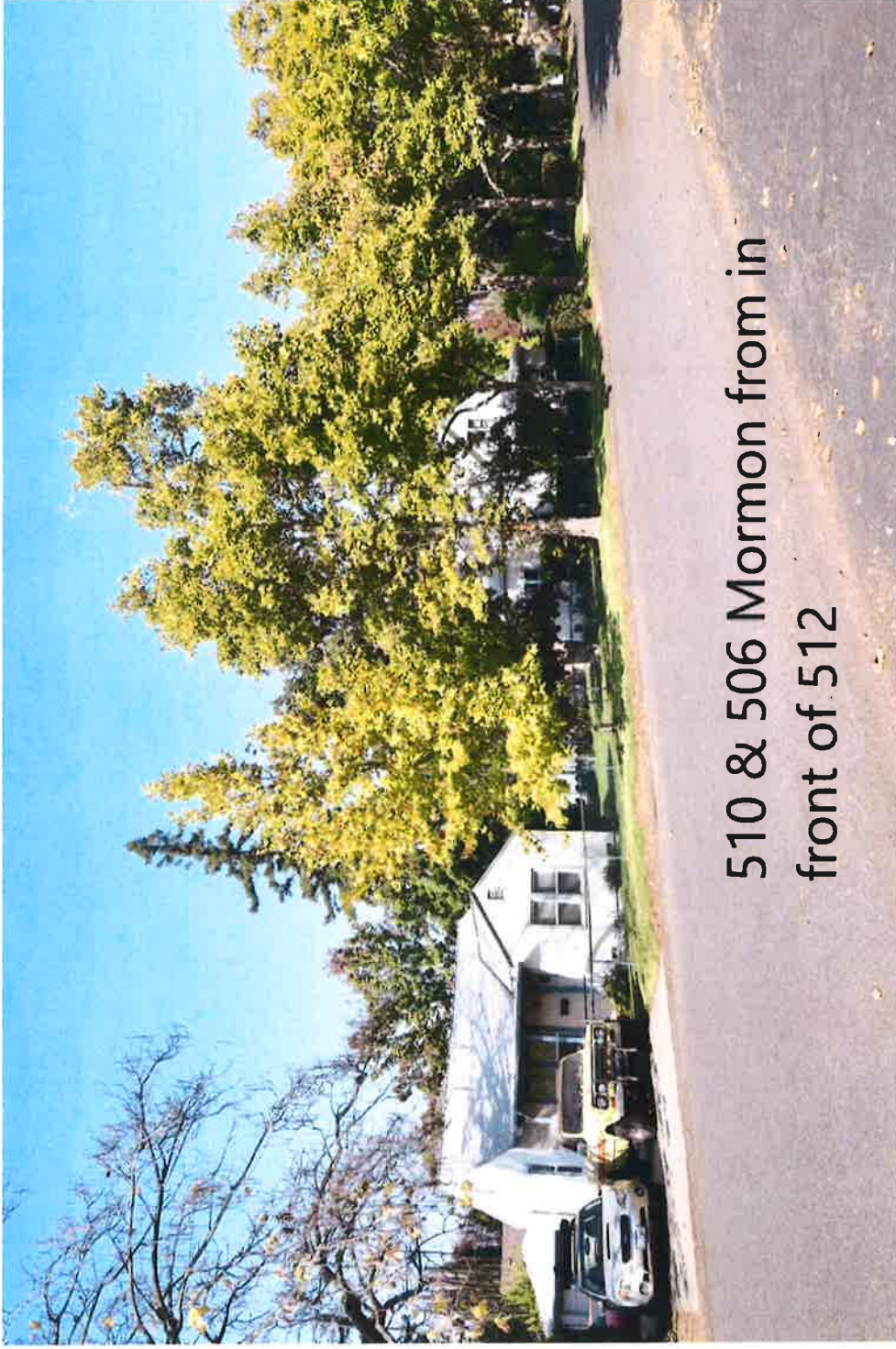
- The main house at 506 Mormon.
- The property consists of 3 ½ Theodore Judah lots.
- There are 3 houses on the property. (506, 506 ½ & 510)
- Both 506 & 510 face Mormon St.
- 506 ½ faces the alley.



- This property view is from Mormon St. looking Southwest.
- 506 is in the center of the frame and 510 is barely visible down the street.



- This view from Mormon St. looks North
- 510 is on the left and 506 is under the trees on the right.



510 & 506 Mormon from in front of 512

- This is a view of the back of 506 looking Southeast.
- This building has been added on to multiple times. All of these add-ons occurred before any of the living family members were born.



- This building is 510.
- We believe it was built in the late 1930's.
- The siding is stucco.



- This is the garage behind 510.
- This building is a replacement of the original garage and was built in the 1970's
- It has stucco siding matching the house.



510 Mormon Garage

- This is the swimming pool pump house or equipment room.
- This building was built in 1952 when the pool was constructed.
- The siding is stucco.



- This view of 506 1/2 is from the Mormon St. property line looking West.
- This is the structure that propose to replace.
- From this view one can see it sits low, which makes it prone to flooding.



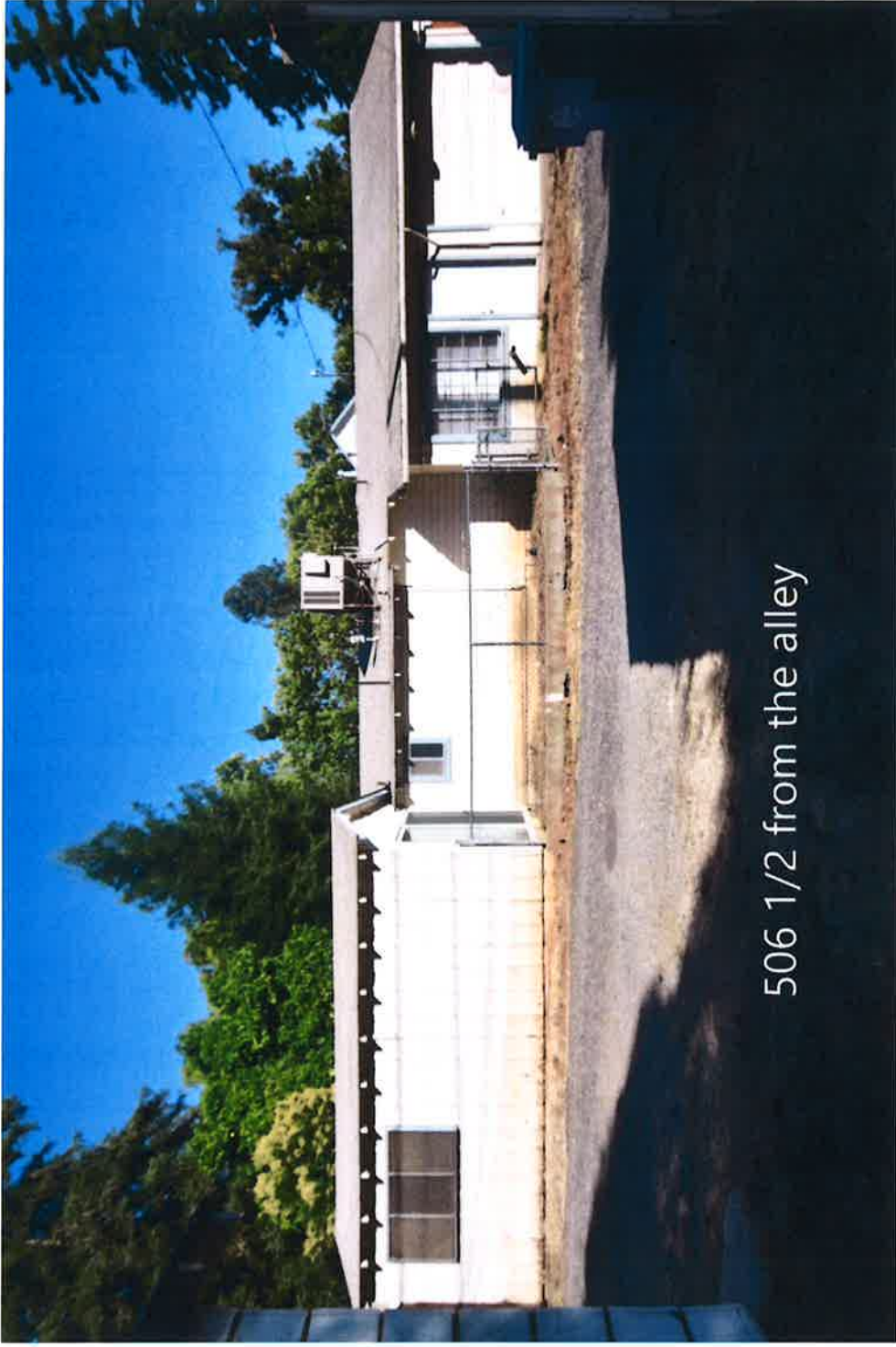
- This is a view of 506 1/2 looking almost due North.
- In the early 1970's, the screened in eating area was enclosed in glass and an entirely new roof structure was installed over the West side of the building.
- Multiple styles of siding are visible in this photo.



- This view is along the Northeast property line looking towards the alley.
- The space between the 506 ½ building and property line (fence) narrows to 18 inches.
- Three styles of siding are visible in this view.



- This is the alley view of 506 1/2.
- Evidence of numerous remodels and additions can be seen.
- The styles of siding from this view include vertical board and bat, tear drop, stucco, and 2 sizes of v-rustic.
- Also various window types are visible.
- The original part of the structure is the garage on the right.
- We believe the garage was built before our grandmother purchased the property in 1936.



506 1/2 from the alley



Historic District Commission Staff Report

50 Natoma Street, Council Chambers
Folsom, CA 95630

Project: Zoning Code Update – Home Occupations Ordinance Revision
File #: PN 19-051
Request: Recommend repeal and replacement of Home Occupations Ordinance
Location: Citywide
Parcel(s): N/A
Staff Contact: Desmond Parrington, AICP, Principal Planner, 916-461-6233
dparrington@folsom.ca.us

Recommendation: Recommend to the City Council the repeal and replacement of Chapter 17.61 (Home Occupations) of the Folsom Municipal Code (FMC) with Ordinance No. 1325 along with any changes proposed by the Commission.

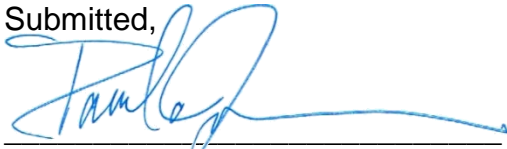
Project Summary: On March 8, 2022, the City Council directed staff to present Ordinance No. 1325 to the Historic District Commission so that the Commission could review the ordinance and recommend to the Council whether any changes to the Ordinance would be needed given the unique development characteristics of the Historic District. Ordinance No. 1325 would replace Chapter 17.61 of the Folsom Municipal Code (FMC) with revised rules covering the home occupation permit process and the operation of home-based businesses.

The Council wanted the Commission’s input on those issues in the Historic District that might require changes to the ordinance as opposed to larger citywide home-based business issues such as the application process or the regulations of firearm businesses. While the Council directed staff to amend the draft ordinance to add ammunition manufacture to the prohibited uses list, no other changes were made other than a minor clarification to Section 17.61.040(I) (Storage or Display of Materials).

Staff is seeking input from the Commission as to whether there should be changes made to the ordinance due to conditions in the Historic District. Staff also requests that the Commission recommend to the Council the repeal and replacement of Chapter 17.61 of the FMC with the new Home Occupations Ordinance along with any changes proposed by the Commission.

Historic District Commission
Zoning Code Update – Home Occupations Ordinance Revisions
May 18, 2022

Submitted,



PAM JOHNS
Community Development Director

DESCRIPTION/ANALYSIS

Issue: Are there conditions in the Historic District that create a need for changes to the proposed regulations or different regulations for home-based businesses in the Historic District?

There are a number of unique issues affecting the Historic District. These include:

- Limited parking
- Narrower streets and alleys
- Lack of sidewalks in many residential areas
- Older infrastructure
- Historic structures
- More entertainment uses and events
- More accessory dwelling units than other areas
- Residences adjacent to commercial businesses
- Some lots with smaller, non-conforming setbacks

The central question for the Historic District Commission is: *Do any of these issues warrant changes to the proposed Home Occupations Ordinance?*

The City does not currently have separate rules for home-based businesses in the Historic District. There are 40 active home-based businesses with home occupation permits in the District. Of those, more than half provide professional services such as attorneys, architects, consultants, event planners, fitness instructors, and contractors. The remainder are involved in retail, food service, or personal service (cosmetics, massage, etc.). Based on staff's review of development issues in the Historic District and discussions with City Code Enforcement staff, there do not appear to be many issues associated with home-based business activity that are unique to the Historic District except for parking.

Should parking standards be different for home-based businesses in the Historic District? Are there other issues that warrant changing the standards in the proposed ordinance in Attachment 2? Given the age and type of residential development in the District many homes lack two-car garages and some lack garages altogether. Furthermore, the proximity of commercial businesses along Sutter Street to residential areas has meant that there is often spillover parking in residential areas particularly on nights and weekends. As a result, there is a greater demand for on-street parking in the Historic District in the evenings and weekends than elsewhere in Folsom, where new homes are required to have two-car garages and are located further from commercial centers.

At its September 1, 2021 hearing, the Planning Commission recommended increasing the number of allowed visitors from two (2) at one time to four (4). In addition, the Planning Commission also recommended increasing the total number of visitors per day from eight (8) to ten (10). As a result of this increase, the proposed increase in the number of allowed visitors at one time and increasing the number of visitors per day could affect the availability of on-street parking. However, based on discussions with City Public Works staff, there is less demand and more available parking in the Historic District during the day on weekdays compared to weekends and evenings.

Background: Home-based businesses are regulated by the City in the Folsom Municipal Code (FMC). The owner and operator of a home-based business must obtain a City business license as set forth in Chapter 5.04 of the FMC. In addition, home-based businesses are subject to the requirements of Chapter 17.61 of the FMC through the home occupation permit process. Chapter 17.52, which regulates development in the Historic District, refers to the citywide standards in Chapter 17.61 for the requirements for home-based businesses in the District. The intent of Chapter 17.61 as well the General Plan policy is to allow home-based businesses while maintaining the residential character of the neighborhood and preventing undesirable impacts to nearby residences often associated with commercial business activity.

The existing standards set forth in Section 17.61.070 of the FMC currently require that home-based businesses must meet the following criteria:

- Size: The business, including storage or equipment, cannot take up more than 25% of the floor area of the dwelling unit.
- Number of Employees: Employment is limited to the residents and no more than two (2) non-resident employees on-site.
- Clients: Clients are limited to no more than two (2) at one time and no more than eight (8) clients per day. Clients are permitted between the hours of 7:00 am to 10:00 pm on weekdays and 8:00 am to 6:00 pm on weekends.
- Vehicles: Only one (1) commercial vehicle up to one-ton is allowed.
- Parking: Off-street parking must be provided for any commercial vehicle associated with the home occupation (i.e., company car, truck or trailer).
- Deliveries: No more deliveries than is normal for a residence (i.e., no more than 1 per day).
- Signage: Signage is limited to one attached, suspended or projecting sign no more than one (1) square foot in size.
- Nuisances: No activity that produces noise, smoke, odors, glare, electrical interference, or vibrations that can be detected beyond the site is allowed.

- Other Conditions: Additional conditions may be imposed as deemed necessary by the Community Development Director consistent with the intent of the ordinance.

The Planning Division of the Community Development Department reviews all home occupation permit applications. Any home occupation permit application that could involve flammable or combustible materials is routed to the Fire Department for review, while applications involving the sales of firearms or massage therapy are routed to the Police Department for review. Planning staff then makes a determination on behalf of the Community Development Director about whether the permit should be approved or denied based on the criteria listed above and input from the Police or Fire Departments. Renewals are handled by the Finance Department. Complaints related to home-business activities are handled by the Code Enforcement Division in the Community Development Department.

The issuance or denial of a home occupation permit may be appealed to the Planning Commission or the Historic District Commission depending on the location. The Commission may attach additional conditions to the permit that are necessary to ensure compliance with the intent. The decision of the Commission can also be appealed to the City Council. Once granted, the permit is valid for one year.

Staff analyzed the following issues based on feedback from the public and staff's own experience with the current home occupation regulations including code enforcement complaints. The issue areas included:

- When a home occupation permit should be required
- Hours of operation
- Number of deliveries
- Signage
- Parking
- Number of clients/customers per hour and per day
- On-site versus off-site activities
- Manufacturing and technology businesses
- Inconsistencies between City commercial business regulations and home-base regulations
- Exterior modifications for home-based businesses
- Inappropriate business types for home-based businesses
- Administration

On May 5, 2021, Planning staff held a workshop with the Planning Commission to get input on the current home occupation regulations and areas for potential change. While the Commission was supportive of changes to the ordinance to encourage flexibility, they also wanted some clarifications and restrictions. The input that staff received at the workshop included:

- Support for a prohibited uses list
- Need to clarify when a home occupation permit is required
- Need to increase number of allowed deliveries
- Need to reduce nighttime hours from 10 pm to 8 pm
- Did not want to allow lighted signage
- Wanted to increase the number of clients/customers at one time and per day
- Did not want to allow uses prohibited in commercial zones as home occupations

A detailed analysis of these issues, current City regulations, and the proposed changes in the new ordinance are included as Attachment 1 to this staff report.

Based on the Planning Commission input and direction, staff prepared a draft ordinance, which was presented to that Commission for consideration on September 1, 2021. Staff was directed to make additional changes and staff returned on November 17, 2021 with a revised ordinance for consideration. The Planning Commission directed additional changes to the draft Ordinance and, then with those changes included, recommended, by a vote of 6 to 1 that the City Council repeal and re-enact Chapter 17.61 of the Folsom Municipal Code (FMC) related to home occupations.

As a result of the changes, the new ordinance should provide more clarity and flexibility. Some of the key changes include:

- Increased number of deliveries/pickups per day (from 1 to 4).
- Clarified that a home occupation permit is only needed when the activity involves the sale or storage of goods or providing services to customers on or from the property.
- Established the same hours for every day of the week – 8 am to 8 pm.
- Created a prohibited uses list to make clear what uses are not appropriate in residential areas.
- Increased number of clients/customers allowed at one time from 2 to 4 and increased the total number of clients/customers from 8 to 10 per day.
- Made sure that if a federal or state license is required for operation that proof of the license is presented to the City before the home occupation permit is issued.
- Added strict conditions for the sale of firearms and ammunition but increased the number of firearms sold at one time from two to four.

On the issue of retail store fronts in residential areas, most of the Planning Commission members felt that modifications to the exterior of a residence to make it appear as a commercial business was not compatible with General Plan policy LU 6.1.8, which states that the City should allow home occupations and home-based businesses that are “compatible with the character of the residential unit and do not significantly impact

the neighborhood.” For instance, in a situation where one-third of the homes on a street had home occupation permits and altered the exterior of the home or garage to look like a business then the character of that residential street would change to more of a mixed-use environment.

Overall, the Planning Commission wanted to be supportive of home-based businesses and the changes the Commission directed were done because most members felt that many of these uses were already subject to licensing and oversight from either state or federal agencies or both. In addition, the nuisance prohibitions that existed in the ordinance along with the City noise ordinance (Chapter 8.42 of the FMC) were sufficient to avoid issues with these uses that negatively impact the residential character of neighborhoods. These revisions removed the following activities from the prohibited uses list:

- Sale and storage of ammunition
- Manufacture, reload and sale of ammunition
- Assembly and manufacturing uses
- Tattoo or body art

As noted earlier in this report, the Commission also voted to increase the number of clients/customers present at one time from two (2) to four (4) and increase the number of daily clients/customers from eight (8) to ten (10). The Commission also voted to increase the number of firearms that can be sold to a customer at one time from two to four.

These changes allow for a greater range of home-based businesses and provide more flexibility. However, one area where some inconsistency between the Home Occupations Ordinance and the rest of the Zoning Code remains is that some commercial uses, such as tattoo parlors, firearm sellers, and manufacturing that are allowed as home occupations are either not allowed or only allowed with a conditional use permit in the City’s commercial zones. This makes the City of Folsom unique in terms of the type of business activities that are allowed at the home. (For more information on the issue of home-based businesses involved in the sale of firearms as well as public comments on this issue, please refer to the [staff report](#) from the March 8, 2022 City Council meeting).

Overall, the City’s current home occupation regulations and permit process in Folsom’s Zoning Code are typical of those in most other jurisdictions. Folsom’s regulations are more lenient in several cases compared to many of its neighbors. For example, Folsom allows a greater percentage of the home to be used for the business and allows for signage. One of the major differences between Folsom’s current rules and those of other jurisdictions is that some list those uses that are allowed and/or those that are prohibited as home-based businesses. Folsom’s ordinance currently does not do this.

However, the new ordinance does include a list of prohibited home-based businesses to reduce confusion about small businesses that are not suitable in a residential environment (e.g., on-site alcohol sales, on-site automotive repair, animal kennels, etc.).

Given the General Plan policy and the input received from the community and individual Planning Commissioners, staff believes these revisions provide a balance between supporting the home-based business needs of residents, while preventing home-based businesses that could negatively impact a neighborhood. Based on the Planning Commission recommended revisions, the one exception to this is the remaining issue of the inconsistency between commercial uses allowed as home occupations but prohibited or subject to conditional use permits in commercial zones. All other changes to the existing ordinance were minor and related to organization and formatting.

Finally, at its public hearing on March 8, 2022, the City Council directed staff to present the draft ordinance to the Historic District Commission for their review and input before returning to the City Council for final consideration and adoption. In particular, the Council wanted to ensure that the Commission had an opportunity to provide input on the ordinance given the unique character of the Historic District.

Community Outreach: At least a week prior to this meeting, staff sent an email with information about the upcoming Commission meeting to over 500 persons consisting of residents, businesses, homeowners' associations, community and religious groups, developers, preservationists, etc. In addition, staff also emailed approximately 1,000 home-based businesses active in Folsom. Finally, a public hearing notice was published in the Sacramento Bee 10 days prior to this meeting.

POLICY/RULE

There are two important policies from the City's 2035 General Plan that relate either directly or indirectly to the issue of home-based business and home occupations. These policies are:

- LU 1.1.1 Zoning Ordinance: Ensure that the Folsom Zoning Ordinance is consistent with the 2035 General Plan.
- LU 6.1.8 Home-Based Businesses: With issuance of a home occupation permit, allow home offices and home-based businesses that are compatible with the character of the residential unit and do not significantly impact the neighborhood.

In addition, the current Zoning Code provides the intent behind the original regulation of home-based businesses through the home occupation permit process and defines a home occupation:

- 17.61.010 Statement of purpose. It is the purpose of this chapter to recognize the residence as a viable location for certain types of occupations and to ensure the compatibility of home occupations with principal residential uses, protecting the integrity and character of the neighborhood by minimizing negative impacts of commercial uses being conducted in residential areas.
- 17.61.020 Home occupation defined. “Home occupation” means any business-related use carried on within a residential structure or accessory structure thereto, primarily by the residents thereof, which use is secondary to the residential use of the structure. The home occupation must not substantially or materially change the residential character of the surrounding neighborhood.

Chapter 17.52, which regulates development within the Historic District, does not have home-based business regulations separate from those contained in Chapter 17.61. Instead, Chapter 17.52 refers to Folsom Municipal Code for those regulations. For example, Section 17.52.540 (A)(1) states, “Home occupations are permitted according to regulations of the Folsom Municipal Code except that the body authorized to grant any discretionary permit is the historic district commission.”

ENVIRONMENTAL REVIEW

Under Section 15061(b)(3) of the California Public Resources Code, this activity will not have a significant effect on the environment and as such the project is exempt from environmental review under CEQA.

RECOMMENDATION/HISTORIC DISTRICT COMMISSION ACTION

Staff requests that the Historic District Commission provide input and then recommend to the Council the repeal and replacement of Chapter 17.61 of the FMC with the new Home Occupations Ordinance along with any changes proposed by the Commission.

ATTACHMENT 1
ADDITIONAL BACKGROUND INFORMATION

ATTACHMENT 1 ADDITIONAL BACKGROUND INFORMATION

This attachment provides additional detailed information associated with City staff's analysis of the current regulations as well as new issues considered as part of the update process.

Issues with Existing City Regulations: Over time, City staff have come across certain issues associated with the home occupation regulations and the realities of actual home-based business operations. Several examples are described along with how staff addressed these issues in the new ordinance.

- *Retail Storefronts and Compatibility with Residential Neighborhoods:* Under current regulations as well as General Plan policy, home-based businesses cannot have the appearance of a commercial business. Signage is limited to one non-illuminated one-square foot sign and the home-based business must maintain the residential character of the dwelling. Recently, some businesses have already built, or requested to build, a retail storefront for their home-based business to attract more customers in the neighborhood. Based on General Plan policy LU 6.1.8 and the many other ways that the business can advertise without the need for a retail street presence, staff recommends that no storefront be permitted as commercial storefronts are likely to change the residential character of the surrounding neighborhood.
- *Limitation on Clients:* Current City rules limit clients to no more than two (2) persons at a time and no more than a total of eight (8) clients per day. This affects many types of home-based business activities including swimming lessons, yoga sessions, personal trainers, music lessons, etc. In other situations, such as home-based realtors, property management companies, or massage therapists, they may want or need to have more than 8 clients per day. At the Commission hearings on September 1 and November 17, 2021, Planning Commission members voted to increase this to four (4) persons at a time and no more than ten (10) clients or customers per day.
- *Home-Based Businesses Activity Onsite versus Offsite:* Home-based businesses such as dog walking and dog sitting typically involve activities offsite where dog walkers take dogs to the park or to walk on city sidewalks while dog sitters take care of dogs at others' homes. Yet, these home-based businesses may have multiple visitors onsite during the day as people drop off and pick up dogs, keys or food. In addition, for mobile businesses such as mobile auto or bike repair or mobile animal grooming services, most of the work is done off-site but they may have employees that arrive at the home and may have a larger commercial vehicle parked at the home. This is also the case for home-based contractor and construction businesses. Given the concerns expressed about

traffic and vehicle parking, staff has left the current requirements unchanged regarding business vehicle parking and the number of clients per day. However, the Planning Commission directed staff to increase the number of clients per day. Mobile businesses can continue to operate so long as they comply with the standards in the new ordinance.

- *Home Offices and Storage:* The City has received home occupation permit applications for home-based businesses that involve storage of goods at the home. So long as the home-based business meets the current City home occupation requirements (i.e., not more than 25% of dwelling space used for business activities and storage) then home-based businesses can store materials in the home. The City has not received many complaints about this. As a result, the regulation about the percent of space devoted to the business remains unchanged at 25 percent. However, the City has clarified in the new ordinance that the storage of hazardous materials is prohibited unless approved by the City's Fire Department.
- *Deliveries for Home-Based Businesses:* Current regulations limit home deliveries to one per day, which was seen as typical for most homes at the time. Yet, in recent years (especially during the pandemic given the temporary and permanent closures of many physical stores), some homes receive multiple deliveries per day as more residents shop online. Staff has drafted the new ordinance to allow for up to four (4) pickups or deliveries per day.
- *On-Site Sales and Services:* The City's current rules are silent on whether home-based businesses can sell products or perform services in their home. The only requirement is the limitation on the number of clients. Many home-based businesses sell products or provide services from the home either in-person or online. Given this, the Planning Commission increased the client/customer limits from no more than two persons at a time to four and increased the maximum number of daily clients from eight to 10. The new ordinance also states that any home-based business involving on-site sales and services requires a home occupation permit. In addition, the new ordinance clarifies that no home occupation permit is required for residents who work from home or telecommute as long as they do not provide on-site sales or services from the property.
- *Manufacturing and Technology Businesses:* As mentioned earlier in this report, most people are familiar with the stories of technology companies starting in a home garage. In the past, the City has received applications for businesses that do small-scale manufacturing. Those have been allowed so long as the home-based business meets the home occupation requirements. In the new ordinance, home occupations involving assembly and manufacturing are allowed so long as they do not create any negative off-site effects (e.g., noise, odor, smoke, pollution, etc.).

- *Prohibited and Conditionally Permitted Commercial Uses Allowed as Home Occupations:* Because the City does not have clear prohibitions on certain uses for home occupations, there have been applications for uses that would either be subject to a conditional use permit or would not be allowed at all in one of the City's low-intensity commercial zones (i.e., C-1-Neighborhood Business Zone or BP-Business and Professional Zone). Staff reviewed the list of prohibited or conditionally allowed business in the C-1 or BP zoning districts and in most cases has added those to the list of prohibited businesses; however, changes directed by the Planning Commission removed several of those uses from the prohibited uses list including assembly and manufacturing; ammunition sales and storage; ammunition manufacture and reload; and tattoo parlors.
- *Home-Based Businesses and Signage:* Currently, the City allows one (1) one square foot non-illuminated sign. The sign can be a wall mounted sign, a suspended sign, or a projecting sign. Folsom's home occupation sign requirements are generous compared to many jurisdictions in our region. Staff has left the current requirements in place with no change based on the feedback received and the fact that the City's standards are already more generous than most other jurisdictions in the region.

Proposed Improvements to Home Occupations Ordinance: Allowing greater flexibility for home-based businesses can have benefits as well as drawbacks. On the one hand, home-based businesses can be a local source of innovation and economic development. On the other hand, home-based businesses, if not properly regulated, can have negative impacts on the residential character of the neighborhood. Most zoning codes only allow those home-based businesses that are unlikely to change the residential character of the neighborhood. As described below, staff attempted to find a balance between supporting home-based businesses and protecting the residential character of neighborhoods. The proposed changes to the Home Occupations Ordinance are summarized below while the detailed ordinance is included in Attachment 2:

- *Home Occupation Definition:* The proposed revisions to the ordinance clarify that businesses where the activity involves sales, storage, or in-person services that are provided at the location of the residence would require a home occupation permit (HOP). It also states that employees working from home or self-employed persons working from home would not need a home occupation permit unless there are sales, storage, or in-person services that are provided at the property. Refer to Sections 17.61.015 (Definitions) and 17.61.030(B) (Home Occupation Permit) of the new ordinance in Attachment 2.
- *Prohibited Uses:* As noted earlier, the new ordinance adds a list of prohibited home-based businesses. Refer to Section 17.61.035 (Prohibited Uses) of the new ordinance in Attachment 2.

- *Home Pickup and Deliveries:* This increases the number of home deliveries from one (1) per day to up to four (4) pickups or deliveries per day. Refer to Section 17.61.040 (G) (Pickups and Deliveries) of the new ordinance in Attachment 2.
- *Hours of Operation:* Changes the hours for client/customer visits for home-based businesses to 8 a.m. to 8 p.m. seven days a week from the current standard of 7 a.m. to 10 p.m. weekdays and 8 a.m. to 6 p.m. on weekends. Staff concluded that 10 pm was not an appropriate hour given the General Plan policy noted above. Refer to Section 17.61.040 (E) (Client/Customer Visits) of the new ordinance in Attachment 2.
- *Requirements for the Sale of Firearms:* Since the current ordinance is silent on what types of uses are allowed as home occupations, current practice has been to send all home occupation permit applications involving firearm sales to the Police Department for their review. In the new ordinance, applicants for a home occupation permit involving the sale of firearms and ammunition would be required to meet specific requirements set forth in Section 17.61.040(K) including having a fire-rated gun safe, alarm system with cameras, separate packaging for firearms and ammunition, and compliance with all state and federal requirements.
- *State and Federal Licensing:* For those occupations such as firearms seller, masseuse or barber/hair stylist that require a license or certification from the State of California or the federal government, the new ordinance would require that the license be obtained prior to submittal of an application for home occupation permit. Staff did not want a situation where a City home occupation permit and business license were granted for a business that did not have the necessary state or federal license. Refer to Section 17.61.045(B) of the new ordinance in Attachment 2.
- *Storefronts:* Staff is not proposing any change to the prohibition on retail storefronts. Staff determined that storefronts were not necessary based on the allowed signage and the ability to advertise the business on the internet as well as in the newspaper and in social media (Facebook, Instagram, etc.). A recent search on Google Maps for instance provided information about the location and type of services for many home-based businesses in Folsom. Furthermore, no city or county in our region allows home-based businesses to have a retail storefront. Refer to Section 17.61.040 (A) (Visibility) of the new ordinance in Attachment 2. Finally, staff also determined that a retail storefront was not consistent with General Plan Policy LU 6.1.8.

Attachment 2
Ordinance No. 1325 - An Ordinance Repealing and Re-
Enacting Chapter 17.61 of the Folsom Municipal Code
Pertaining to Home Occupations

ATTACHMENT 2
ORDINANCE NO. 1325
AN ORDINANCE OF THE CITY OF FOLSOM
REPEALING AND RE-ENACTING
CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE
PERTAINING TO HOME OCCUPATIONS

The City Council of the City of Folsom hereby does ordain as follows:

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend the Folsom Municipal Code to update the home occupation permit regulations to clarify the standards for the operation of home-based businesses in residential neighborhoods in Folsom.

SECTION 2 REPEAL AND RE-ENACTMENT TO CODE

Chapter 17.61 of the Folsom Municipal Code is hereby repealed and re-enacted to read as follows:

Chapter 17.61
HOME OCCUPATIONS

Sections:

- 17.61.010 Purpose**
- 17.61.015 Definitions**
- 17.61.020 Applicability**
- 17.61.025 Business License Certificate**
- 17.61.030 Home Occupation Permit**
- 17.61.035 Prohibited Uses**
- 17.61.040 Standards**
- 17.61.045 Permit Application and Procedure**
- 17.61.050 Fees**
- 17.61.055 Appeals**
- 17.61.060 Permit Revocation**
- 17.61.065 Enforcement**
- 17.61.070 Penalties**
- 17.61.075 Enforcement Procedures**
- 17.61.080 Time Limit.**

17.61.010 Purpose

The purpose of this chapter is to recognize the residence as a viable location for certain types of occupations and to ensure the compatibility of home occupations with principal residential uses, protecting the integrity and character of the residential neighborhood by minimizing negative impacts of commercial uses being conducted in residential areas.

In support of that purpose, this chapter provides locational, developmental, and operational standards for the conduct of home occupations to ensure that home occupations are compatible with, and do not have an adverse effect on, adjacent residential properties; ensure that public and private services and utilities are not burdened by the home occupation; and preserve the character and livability of residential areas.

17.61.015 Definitions

“Home occupation” means any business-related use carried on within a residential structure or accessory structure by the residents of the property, which use is secondary to the residential use of the structure, and involves the sale or storage of goods or the provision of services on the property. The home occupation must not substantially or materially change the residential character of the surrounding neighborhood.

17.61.020 Applicability

The provisions of this chapter shall apply to home occupations as defined in Section 17.61.015 subject to the issuance of a home occupation permit in compliance with the standards in Section 17.61.040. A home occupation shall only be allowed as an accessory use on a parcel with a residential dwelling unit.

17.61.025 Business License Certificate

If a business license certificate is required for the occupation to operate within the City, the home occupation may not begin operation until a business license certificate has been obtained as required by Chapter 5.04 (Business Licenses).

17.61.030 Home Occupation Permit

A. No person shall conduct a home occupation without first obtaining a permit from the director of the community development department or the director's designee. The home occupation permit is personal to the resident named on the permit and specific to the occupation to be conducted and the location stated on the permit. The permit is not transferable.

B. A home occupation permit is not required for any resident to work at their residence, so long as that work does not involve:

1. The sale or storage of goods; or
2. Providing services to customers on the property.

17.61.035 Prohibited Uses

The following uses and similar activities, as determined by the director of the community development department, are prohibited as home occupations:

- A. Adult entertainment activities/businesses.
- B. Alcohol beverage manufacturing or on-site sales business.
- C. Animal kennels except for pet sitting and training businesses that have no more than three dogs or cats over the age of four months old at the home at any one time.
- D. Automobile/vehicle service, repair or paint shops.
- E. Firearm sales involving the sale of more than four firearms to a customer at one time.

- F. Ammunition manufacturing.
- G. Medical offices, clinics, and laboratories, except that counseling is allowed when no more than one client visit or group session is held at one time.
- H. Metal working or welding shops.
- I. Storage, repair, reconditioning or manufacture of large equipment on-site
- J. Tobacco or electronic cigarette shop involving on-site sales.

17.61.040 Standards

Home occupations shall comply with all of the following standards in order to be granted a home occupation permit:

A. Visibility.

1. No exterior modification to the residential structure or accessory structure that results in a change to the residential character of the home shall be permitted for the home occupation; and

2. Aside from visiting clients and pick-ups or deliveries to the home occupation business, the home occupation activity shall not be conspicuously visible from a public right-of-way or from neighboring residential properties such that it results in a change to the residential character of the home.

B. Maximum Size. The space exclusively devoted to the home occupation (including any associated storage) shall not exceed 25 percent of the residential unit’s floor area. In calculating the amount of space devoted exclusively to the home occupation, all storage and activities associated with the home occupation shall be included. Rooms used for both residential uses and the home occupation shall be considered dedicated to the home occupation for purposes of this calculation.

C. Signage. The operator of a home occupation may display signage with the business name and address at the residence or accessory structure, provided that the signage is less than one square foot in area, is not illuminated, and is attached flat against the building or in the window on the front of the residence or accessory structure facing the street or alley.

D. Employees. Employment is limited to the resident permit holder, other residents in the residence, and no more than two non-resident employees on-site. The home occupation may not have more non-resident employees than resident employees.

E. Client/Customer Visits. No more than four clients shall be present at the home

occupation business at any one time, and no more than ten clients shall visit the home occupation business per day. Clients are allowed at the home occupation business location only from 8:00 a.m. to 8:00 p.m.

F. Vehicles. One commercial vehicle is allowed, not to exceed a one-ton capacity. Regardless of the number of home occupations at a residence, only two additional vehicles (including commercial, employee, and client vehicles) can be present at any one time. One off-street parking space shall be provided for any vehicle associated with the home occupation.

G. Pickups and Deliveries. The home occupation shall not have more than a total of four (4) pickups or deliveries each day. All pickups and deliveries shall occur during the hours of operation of the home occupation identified in Section 17.61.040(E). The type of commercial vehicle(s) used for pickup or delivery of materials to or from the home occupation business location shall be similar in size and type to those typically used for pickup and delivery in residential neighborhoods.

H. Off-Site Effects. No home occupation activity shall create dust, electrical interference, fumes, gas, glare, light, noise, odor, smoke, toxic/hazardous materials, vibration, or other hazards or nuisances.

I. Storage or Display of Materials. Storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation, shall not be visible from outside the residence, with the exception of office equipment and supplies located inside the residential structure.

J. Storage of Hazardous Materials. On-site storage of hazardous materials (including toxic, explosive, combustible or flammable materials) associated with the home occupation is prohibited unless the storage of such materials has been reviewed and approved by the Folsom Fire Department.

K. Storage of Firearms. Unless prohibited by Section 17.61.035(E), a home occupation involving the sale or storage of firearms is subject to review and approval of the Folsom Police Department and shall comply with the following conditions:

1. All firearms and ammunition shall be stored in a locked fireproof safe or vault located on the premises. Under no circumstances shall firearms or ammunition be stored in a structure detached from the main structure of the residence. All windows, doors, and entry points to the location where firearms and ammunition are stored must be securely locked and equipped with an operable alarm and camera. All locks shall be secured, and the alarm shall be activated whenever an individual listed as a responsible person, or an individual authorized by him/her, under the Federal Firearms License is not present.

a. Minimum Safe Requirements: 60 minutes at 1200-degree fire-rating; and a TL-15 security rating

b. Minimum Alarm Requirements: 24 hour/7 days per week monitoring with exterior and interior audible. Smart home alarm systems do not satisfy this requirement.

c. Minimum Camera Requirements: 1080p High Definition (HD) video with at least 7 days (168 hours) of recording capability.

2. No firearms or ammunition shall be delivered to a purchaser or sold from the premises before 8am or after 8pm. Upon sale, all firearms and ammunition shall be packaged separately. All firearms must be delivered to the purchaser unloaded and securely wrapped.

3. No signage advertising the presence of firearms or ammunition shall be displayed on or in the premises if it can be seen from the outside.

4. All authorized employees of the City shall have the right to enter the premises upon reasonable notification to inspect for compliance of these conditions. If these conditions are not met, notification will be given to the Bureau of Alcohol, Tobacco, Firearms and Explosives.

5. Permittee shall comply with all other applicable state and federal law and city ordinances.

6. Permittee shall file a report with the Folsom Police Department within twenty-four (24) hours of any criminal activity that occurs on the premises and provide video recorded during the timeframe of the crime.

7. Violation of these provisions shall constitute grounds for revocation.

L. Storage of Inventory. Rooms used for both residential uses and the home occupation shall be considered dedicated to the home occupation for purposes of the maximum size calculation in Section 17.61.040(B). Storage of inventory shall not occupy any of the parking required in Section 17.61.040(F).

M. Other Conditions. The director of the community development department may place additional conditions on the permit in order to carry out the intent of this chapter.

17.61.045 Permit Application and Procedure

A. Application for a home occupation permit shall be made to the community development department on a form provided by the department. A home occupation permit shall be issued when the director of the community development department or the director's designee finds that the home occupation applied for can be conducted pursuant to this chapter.

B. State and Federal Licenses. When the federal government or the State of California requires a state or federally-issued license, permit or certification in association with

any occupation, such as a masseuse, firearm seller, or a barber/hair stylist, the state or federal license, permit or certification shall be obtained prior to and submitted for verification in conjunction with an application for a home occupation permit. Such state or federally-issued license, permit or certification must be maintained at all times for the home occupation permit to be valid.

17.61.050 Fees

Upon approval of the home occupation permit by the community development department, the applicant shall pay the designated current fee amount established to cover administrative costs, as well as any other applicable fees established by city resolution.

17.61.055 Appeals

The decision of the community development department concerning the issuance or denial of a home occupation permit shall be final unless an appeal is submitted in writing to the community development director accompanied by the current nonrefundable home occupation permit appeal fee and is filed within 10 days of the decision. The appeal shall be heard by the planning commission or historic district commission depending on the location. The commission may attach such conditions as it deems necessary to the issuance of such a permit to ensure compliance with the intent of this chapter. The decision of the commission may be appealed to the city council within 10 days of the decision. The appeal shall be submitted in writing to the city clerk, accompanied by the current non-refundable home occupation permit appeal fee.

17.61.060 Permit Revocation

A home occupation permit may be revoked or modified by the director of the community development department if any of the standards for approval listed in Section 17.61.040 are not met by the home occupation.

17.61.065 Enforcement

A. This chapter shall be enforced pursuant to the provisions of Chapters 1.08 through 1.10, inclusive, of the Folsom Municipal Code.

B. The director of community development and the code enforcement officer shall enforce the provisions of this chapter.

17.61.070 Penalties

The penalties set forth in Section 17.03.020 of this title shall not apply and the following penalties shall be applicable for any violation of this chapter:

A. A violation of this chapter shall be an administrative violation as defined in Section 1.08.020.

B. Each of the sanctions for administrative violations identified in Section 1.09.013 shall be available for enforcement of the provisions of this chapter.

C. Based upon the criteria for the imposition of administrative sanctions set forth in Section 1.09.014, a violation of this chapter shall be deemed a Level C violation, as that term is described in Section 1.09.012. The range of monetary sanctions available for a violation of this chapter shall be as set forth in Section 1.09.012(A)(3).

17.61.075 Enforcement Procedures

A. Prior to the suspension, revocation or denial of any home occupation permit, or the assessment of any monetary sanction, penalty or fine, or the commencement of any other enforcement action pursuant to this chapter, the director of the community development department and the code enforcement officer shall follow the procedures set forth in Sections 1.09.020 through 1.09.048. The rights to judicial review set forth in Sections 1.09.050 through 1.09.052 shall apply.

B. A notice to correct shall be served in accordance with the provisions of Section 1.09.023.

17.61.080 Time Limit

All home occupation permits shall be valid for a period of one (1) year from the date of approval. Requests for renewal shall be submitted to the finance department in writing on a form provided by the finance department, accompanied with the appropriate fee.

SECTION 3 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 4 NO MANDATORY DUTY OF CARE

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 5 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective thirty (30) days from and after its passage and adoption, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on _____, 2022 and the second reading occurred at the regular meeting of the City Council on _____, 2022.

On a motion by Council Member _____ seconded by Council Member _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this _____ day of _____ 2022, by the following roll-call vote:

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

Kerri M. Howell, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK