

**PLANNING COMMISSION AGENDA**  
**September 1, 2021**  
**CITY COUNCIL CHAMBERS**  
**6:30 p.m.**  
**50 Natoma Street**  
**Folsom, California 95630**

**Pursuant to Governor Newsom's Executive Order N-29-20, members of the Folsom Planning Commission and staff may participate in this meeting via teleconference.**

**Due to the coronavirus (COVID-19) public health emergency, the City of Folsom is allowing remote public input during Commission meetings. Members of the public are encouraged to participate by e-mailing comments to [kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us), and if desired, specifically requesting that their comments be read into the record. E-mailed comments must be received no later than thirty minutes before the meeting and will be read aloud at the meeting during the agenda item. Please make your comments brief. Written comments submitted and read into the public record must adhere to the principles of the three-minute speaking time permitted for in-person public comment at Commission meetings. Members of the public wishing to participate in this meeting via teleconference may email [kmullett@folsom.ca.us](mailto:kmullett@folsom.ca.us) no later than thirty minutes before the meeting to obtain call-in information. Each meeting may have different call-in information. Verbal comments via teleconference must adhere to the principles of the three-minute speaking time permitted for in-person public comment at Planning Commission meetings.**

**Members of the public may continue to participate in the meeting in person at Folsom City Hall, 50 Natoma Street, Folsom CA while maintaining appropriate social distancing.**

**CALL TO ORDER PLANNING COMMISSION:** Kevin Duewel, Bill Miklos, Ralph Peña, Barbara Leary, Vice Chair Eileen Reynolds, Daniel West, Chair Justin Raithel

*Any documents produced by the City and distributed to the Planning 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. The meeting is available to view via webcast on the City's website the day after the meeting.*

#### **PLEDGE OF ALLEGIANCE**

**CITIZEN COMMUNICATION:** The Planning Commission welcomes and encourages participation in City Planning 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 August 18, 2021 will be presented for approval.

**PRESENTATIONS**

**1. SMUD Neighborhood Solar Share Program Presentation (SMUD Representatives, Ray Nalangan and Wade Hughes)**

**PUBLIC HEARING**

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

In light of growth of home-based businesses during the COVID-19 pandemic, questions have been raised about whether the City should update its home occupation permit (HOP) regulations. Based on input from the Planning Commission and members of the public from the workshop on May 5, 2021, staff has prepared revisions to the existing Home Occupation Permit Ordinance contained in Chapter 17.61 of the FMC. The project is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines. Staff is seeking the Commission’s review and recommendation to the City Council to approve the proposed minor revisions to the ordinance. **(Principal Planner, Desmond Parrington)**

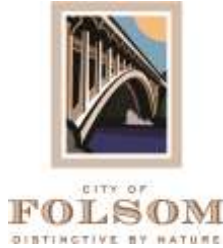
**PLANNING COMMISSION / PLANNING MANAGER REPORT**

The next Planning Commission meeting is scheduled for **September 15, 2021**. 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, 2<sup>nd</sup> Floor, 50 Natoma Street, Folsom, California, prior to the meeting. The phone number is (916) 461-6231 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) 461-6231, (916) 355-7274 (fax) or [kmullett@folsom.ca.us](mailto:kmullett@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 Planning Commission Action: Any appeal of a Planning 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. 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, the public hearing



**PLANNING COMMISSION MINUTES**  
**August 18, 2021**  
**CITY COUNCIL CHAMBERS**  
**6:30 P.M.**  
**50 Natoma Street**  
**Folsom, CA 95630**

**CALL TO ORDER PLANNING COMMISSION:** Bill Miklos, Ralph Peña, Barbara Leary, Vice Chair Eileen Reynolds, Daniel West, Kevin Duewel, Chair Justin Raithel

**ABSENT:** Miklos

**CITIZEN COMMUNICATION:** None

**MINUTES:** The minutes of August 4, 2021 were approved as amended.

**NEW BUSINESS**

**1. PN 21-184 The Nomination of Street Names for Folsom Plan Area Specific Plan (FPASP) Parcels 61 and 77 and Determination that the Project is Exempt from CEQA**

A public meeting to consider a nomination from TK Consulting, Inc. for proposed street names for the previously approved FPASP Parcels 61 and 77 Project. The project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3)(Review for Exemption) of the CEQA Guidelines. **(Project Planner: Senior Planner, Stephanie Henry)**

COMMISSIONER RAITHEL MOVED TO APPROVE THE NOMINATED STREET NAMES LISTED ON THE FINAL MAP ONLY, **AND NOT THE ALTERNATES**, FOR THE FOLSOM PLAN AREA PARCEL 61 AND 77 BASED ON THE FINDINGS INCLUDED IN THIS REPORT (FINDINGS A-C).

COMMISSIONER REYNOLDS SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: PEÑA, LEARY, REYNOLDS, WEST, DUEWEL, RAITHEL  
NOES: NONE  
ABSTAINED: NONE  
ABSENT: MIKLOS

**2. PN 20-279, Mangini Place Apartments Design Review, Minor Administrative Modification, Density Bonus/Development Standard Concessions/Waivers/Reductions and Determination that the Project is Exempt from CEQA**

A public meeting to consider a request for a 152-unit 100 percent affordable apartment community (Mangini Place Apartments) on a 5.2-acre site for approval of Design Review, a Minor Administrative Modification and Density Bonus/Development Standard Concessions/Waivers/Reductions, on a project site located on the northwest corner of Mangini Parkway and Savannah Parkway in the Folsom Plan Area Specific Plan (APN:

072-3370-007). The zoning classification for the site is SP-MU-PD, and the General Plan land use designation is Mixed Use. The project is exempt from the California Environmental Quality Act in accordance with Government Code Section 65457 and Section 15182(c) of the CEQA Guidelines. **(Project Planner: Kathy Pease, Contract Planner/Applicant: St. Anton)**

COMMISSIONER REYNOLDS MOVED TO:

- APPROVE THE CEQA EXEMPTION FOR THE PROPOSED PROJECT PURSUANT TO CEQA GUIDELINES SECTION 15182(C);
- APPROVE DESIGN REVIEW OF THE APPLICANT'S SITE DEVELOPMENT AND ARCHITECTURAL DESIGN DETAILS FOR THE PROPOSED 152-UNIT RESIDENTIAL APARTMENT COMMUNITY;
- APPROVE A MINOR ADMINISTRATIVE MODIFICATION TO TRANSFER TWO ALLOCATED DWELLING UNITS FROM PARCEL 158 WITHIN THE FOLSOM PLAN AREA SPECIFIC PLAN TO THE MANGINI RANCH PLACE APARTMENTS PROJECT SITE (PARCEL 148) PER ATTACHMENT 14; AND
- APPROVE THE DENSITY BONUS AND PROPOSED DEVELOPMENT CONCESSIONS/WAIVERS/REDUCTIONS TO ALLOW THE CONSTRUCTION OF 152 RESIDENTIAL 100-PERCENT AFFORDABLE UNITS, WITH A WAIVER OF THE COVERED PARKING REQUIREMENT, A REDUCTION IN THE REQUIRED NUMBER OF PARKING SPACES TO ALLOW CONSTRUCTION OF 214 PARKING SPACES INSTEAD OF 290 PARKING SPACES, AND A REDUCTION IN THE REQUIRED BICYCLE PARKING TO ALLOW 50 BICYCLE PARKING SPACES INSTEAD OF 150 BICYCLE PARKING SPACES.

THESE APPROVALS ARE SUBJECT TO THE FINDINGS (FINDINGS A-N) AND THE CONDITIONS OF APPROVAL (CONDITIONS 1-45) ATTACHED TO THE REPORT.

COMMISSIONER LEARY SECONDED THE MOTION.

PLANNING MANAGER, SCOTT JOHNSON, RECOMMENDED AMENDMENT TO CONDITION NO. 34 TO ADD SUBSECTION D PER COMMISSIONER COMMENTS TO STATE:

"34. d. Pedestrian connection shall be provided to the Mangini Ranch Phase 1C 4-Pack Project to the satisfaction of the Community Development Department."

COMMISSIONER REYNOLDS ACCEPTED THE AMENDMENT TO THE MOTION.

COMMISSIONER LEARY SECONDED THE AMENDED MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES: PEÑA, LEARY, REYNOLDS, WEST, DUEWEL, RAITHEL

NOES: NONE

ABSTAINED: NONE

ABSENT: MIKLOS

### **PLANNING COMMISSION / PLANNING MANAGER REPORT**

The next regularly scheduled Planning Commission meeting will be held September 1, 2021.

RESPECTFULLY SUBMITTED,

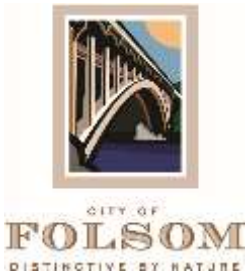
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Kelly Mullett, ADMINISTRATIVE ASSISTANT

**APPROVED:**

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Justin Raithel, CHAIR



**AGENDA ITEM NO. 1**  
**Type: Presentation**  
**Date: September 1, 2021**

## **COMMUNITY DEVELOPMENT**

**DATE:** 9/1/21 Planning Commission Meeting  
**TO:** Chairman and Planning Commissioners  
**FROM:** Community Development Department  
**SUBJECT:** Item #1 – SMUD Neighborhood Solar Shares Program

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SMUD Representatives, Ray Nalangan and Wade Hughes, will come before the Planning Commission to present information on the Neighborhood Solar Shares Program.



CITY OF  
**FOLSOM**  
DISTINCTIVE BY NATURE

**AGENDA ITEM NO. 2**  
**Type: Public Hearing**  
**Date: September 1, 2021**

## **Planning Commission Staff Report**

50 Natoma Street, Council Chambers  
Folsom, CA 95630

**Project:** Zoning Code Update - Home Occupations Ordinance Revisions  
**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 to repeal and replace Chapter 17.61 (Home Occupations) of the Folsom Municipal Code (FMC).

**Project Summary:** In light of the COVID-19-related restrictions during the pandemic, which have had a disproportionate impact on small businesses, as well as the continued growth of home-based businesses, questions have been raised about whether the City should update its home occupation permit (HOP) regulations to provide more flexibility. Based on input from the Planning Commission and members of the public from the workshop on May 5, 2021, staff has prepared revisions to the existing Home Occupation Permit Ordinance contained in Chapter 17.61 of the FMC. Staff recommends that the Commission review the proposed revisions to Chapter 17.61 of the Folsom Municipal Code and recommend to the City Council to repeal and replace Chapter 17.61 of the FMC.

Submitted,

PAM JOHNS  
Community Development Director

## ATTACHMENT 1 DESCRIPTION/ANALYSIS

**Issue:** A home occupation is any business-related use within a residential structure or accessory structure that is secondary to the residential use. As noted previously in staff's report for the workshop on May 5, 2021, 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.

The City's 2035 General Plan, which was adopted unanimously in August 2018, stated in Land Use Policy 6.1.8:

*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.*

The proposed revisions to the home occupation regulations are consistent with the feedback staff received as well as General Plan policy LU 6.1.8.

**Background:** Staff has included in the background section much of the information that was in the May 5, 2021 staff report because it has been several months since this issue was last discussed. In addition, that staff report provided more detailed information on how other communities regulate home-based businesses in our region and that information has been included here again as well.

Home Occupation Permit Process - 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 Title 17 of the FMC, which is commonly referred to as the Zoning Code. Chapter 17.61 provides the regulations associated with home-based businesses through the home occupation permit process. As described in this report, the General Plan policy and the intent of the current chapter in the Zoning Code 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.

To address the intent and purpose of the current ordinance, home occupations (i.e.,

home-based businesses), as currently set forth in Section 17.61.070 of the FMC, 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 or truck).
- 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 issuance or denial of a home occupation permit may be appealed to the Planning Commission so long as the appeal is filed within 10 days of the Director's decision. The Planning Commission may attach additional conditions to the permit that are necessary to ensure compliance with the intent. The decision of the Planning Commission can also be appealed to the City Council within 10 days of the Commission's decision. Once granted, the permit is valid for one year.

The Planning Division of the Community Development Department reviews and issues home occupation permits on behalf of the director, and 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.



Regional Comparison - The home occupation regulations and permit process in Folsom's Zoning Code are typical of those in most other jurisdictions. As shown in Table 1 on the following page, 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. As part of the proposed revisions staff has included 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 ammunition sales, on-site alcohol sales, on-site automotive repair, animal kennels, etc.).

In addition to the City's home occupation permit requirements, some residential neighborhoods in Folsom are subject to conditions, covenants, and restrictions (CC&Rs). These are typically monitored and enforced by a homeowner's association (HOA), which may further regulate or in some cases prohibit home-based businesses. Regardless of what zoning regulations allow, the City has no control over conditions, covenants, and restrictions, or the actions of an HOA.

**Table 1**  
**Regional Comparison of Home Occupation Permit Rules**

Jurisdiction	% of Home	Number of On-Site Employees	Max. Clients at One Time	Max. Clients Per Day	On-Site Sales	Storefronts Allowed?	Signage Allowed	Signage Size	Illuminated Signs	Number of Business Vehicles
<b>Folsom</b>	<b>25%</b>	<b>Residents + 2</b>	<b>2</b>	<b>8</b>	<b>Yes</b>	<b>No</b>	<b>Yes</b>	<b>1 sq. ft.</b>	<b>No</b>	<b>1</b>
Auburn	--	Residents Only	--	--	No	No	No	--	No	0
Citrus Heights	20%	Residents + 1	2	8	Limited*	No	Yes	1 sq. ft.	No	2
Rancho Cordova	--	Residents Only	--	--	Limited*	No	Yes	4 sq. ft.	No	2
Rocklin	--	Residents + 1	--	--	Yes	No	Yes	2" x 10"	No	1
Roseville	15%	Residents Only	1**	--	No	No	No	--	No	1
Sacramento City	10%	Residents + 1	1	8	Yes	No	No	--	No	1
Sacramento County***	20%	Residents Only	2	8	Limited*	No	Yes	4 sq. ft.	No	0

**Notes:**

\*Limited only to sales of products produced by residents.

\*\*One (1) student per hour allowed. Otherwise, clients not allowed unless granted by the Approving Authority.

\*\*\*Sacramento County has a separate category for home-based family contractor businesses. It also has a special category of businesses subject to special restrictions.

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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 (as described in the Policy section later in this report), 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. In its May 5<sup>th</sup> workshop, Planning Commission members were divided on whether this limit should be increased. Based on this, staff has left this limit unchanged.
- *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. 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 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. The new ordinance clarifies that any home-based business involving on-site sales and services requires a home occupation permit, but staff kept the limit of no more than two persons at a time and no more than a total of eight clients/customers per day given that the Commission members were split on those issues. The new ordinance also clarifies that no home occupation permit is required for residents who work from home or telecommute as long as they don't provide on-site sales or services.
- *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, staff has added assembly and manufacturing to the list of prohibited uses since they are not allowed in the C-1 or BP zoning districts.
- *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 has 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.

- *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 rather 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.

Community Outreach: Approximately two weeks 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. All those that provided comments at the workshop received an email notification about this meeting. In addition to email, staff also put out information about the meeting in the City’s weekly electronic newsletter and used social media to alert the public about this meeting. 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 in Sections 17.61.010 and 17.61.020, as amended by City Ordinances 804 (1994) and 858 (1997), provides the intent behind the original regulation of home-based businesses through the home occupation permit process and define 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. (Ord. 804 § 1 (part),

1994)

- 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. (Ord. 858 § 14(1) (part), 1997)

**Analysis:** The proposed changes to the Home Occupations Ordinance are summarized below with specific edits/new language provided in Attachment 1:

- **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 1.
- **Prohibited Uses:** The new ordinance adds a list of prohibited home-based businesses. Staff also reviewed the list of prohibited and conditionally allowed businesses in the City’s Neighborhood Commercial (C-1) and Business Professional (BP) zoning districts to ensure that in most cases those businesses that are not appropriate in the C-1 and BP zones are not allowed as home-based businesses. Refer to Section 17.61.035 (Prohibited Uses) of the new ordinance in Attachment 1.
- **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 (Standards – Pickups and Deliveries) of the new ordinance in Attachment 1.
- **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 (Standards – Client/Customer Visits) of the new ordinance in Attachment 1.
- **State and Federal Licensing:** For those occupations such as 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 HOP and business license were granted for a business that did not have the necessary state or federal license.

- **Storefronts:** There was no clear consensus on this issue based on input from the public and Planning Commission at the May 5<sup>th</sup> workshop. As a result, 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 store front. Refer to the Background section of this report as well as Section 17.61.040 (Standards - Visibility) of the new ordinance in Attachment 1. Finally, staff also determined that a retail storefront was not consistent with General Plan Policy LU 6.1.8, as described earlier in this report.

Given the General Plan policy and the input received from the community and individual Commissioners, staff believes these revisions provided the right balance between supporting the home-based business needs of residents, while preventing home-based businesses that could negatively impact a neighborhood. All other changes to the ordinance were minor and related to organization and formatting. Given the change in organization and formatting, providing an underline/strikeout version of the original ordinance was infeasible given how difficult it was to read/understand the scope of proposed change. Instead, staff has included the original version of Chapter 17.61 in Attachment 2 for comparison with the new ordinance in Attachment 1.

### **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/PLANNING COMMISSION ACTION**

Move to recommend that City Council repeal and replace Chapter 17.61 of the Folsom Municipal Code with the proposed ordinance shown in Attachment 1.



**ATTACHMENT 1  
ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE REPEALING AND RE-ENACTING  
CHAPTER 17.61 OF THE FOLSOM MUNICIPAL CODE  
PERTAINING TO HOME OCCUPATIONS**

**ATTACHMENT 1**  
**ORDINANCE NO. \_\_\_\_\_**  
**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 Definition**
- 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 Definition**

“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 the sales or storage of goods or 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.
- D. Assembly and manufacturing.
- E. Automobile/vehicle service, repair or paint shops.
- F. Gun or ammunition sales involving on-site storage of ammunition or the sale of more than two guns at one time.
- 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. Tattoo or body art shop.
- K. 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 shall be permitted for the home occupation; and
  - 2. Aside from visiting clients and pick-up/deliveries to the home occupation business, the home occupation activity shall not be visible from a public right-of-way or from neighboring residential properties.
- 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 two clients shall be present at the home occupation business at any one time, and no more than eight 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. 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 pickup and deliveries shall occur during the hours of operation of the home occupation identified 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, operation, or display of materials, goods, supplies, or equipment related to the operation of a home occupation, may not be visible from outside the residence, with the exception of office equipment and supplies 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 Guns. Unless prohibited by Section 17.61.035(F), a home occupation involving the sale or storage of guns is subject to review and approval of the Folsom Police Department and shall comply with the following additional standards:

1. All firearms 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. 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.

2. Upon sale, all firearms shall be packaged separately and all firearms must be delivered to the purchaser unloaded and securely wrapped.

3. No signage advertising the presence of firearms shall be displayed on or in the premises if it can be seen from the outside except the signage allowed in Section 17.61.040(C).

4. Permittee shall file a report with the Folsom Police Department within twenty-four (24) hours of any criminal activity that occurs on the premises.

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 required parking.

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 where the director of community development department or the director's designee finds that the home occupation applied for can be conducted pursuant 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, gun 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 director of the community development department accompanied by the current nonrefundable appeal fee within 10 days of the decision. The appeal shall be heard by the planning commission or the historic district commission, as appropriate.

#### **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 department 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, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

**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.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on \_\_\_\_\_, 2021, and the second reading occurred at the regular meeting of the City Council on \_\_\_\_\_, 2021.

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 \_\_\_\_\_, 2021 by the following vote, to wit:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

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Michael D. Kozlowski, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK

**Attachment 2  
Existing Text from  
Chapter 17.61 (Home Occupations) of the  
Folsom Municipal Code**

**Chapter 17.61**  
**HOME OCCUPATIONS**

**Sections:**

- 17.61.010 Statement of purpose.**
- 17.61.020 Home occupation defined.**
- 17.61.030 Permit required.**
- 17.61.040 Permit application and procedure.**
- 17.61.050 Business license.**
- 17.61.060 Fees.**
- 17.61.070 Criteria for approval.**
- 17.61.080 Appeals concerning the issuance or denial of a home occupation permit.**
- 17.61.085 Revocation of permit.**
- 17.61.090 Enforcement.**
- 17.61.093 Penalties.**
- 17.61.095 Enforcement procedures—Notice to correct.**
- 17.61.100 Time limit.**

**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. (Ord. 804 § 1 (part), 1994)

**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. (Ord. 858 § 14(1) (part), 1997)

**17.61.030 Permit required.**

No person shall conduct a home occupation without first obtaining a permit from the director of planning, inspections and permitting or designee. The home occupation permit is personal to the resident named on the permit and for the occupation to be conducted at the location stated on the permit. The permit is not transferable. (Ord. 858 § 14(1) (part), 1997)

#### **17.61.040 Permit application and procedure.**

Application for a home occupation permit shall be made to the planning, inspections and permitting department on a form provided by the planning, inspections and permitting department. A home occupancy permit shall be issued where the director of planning, inspections and permitting or designee finds that the home occupation applied for can be conducted pursuant to Section 17.61.070. (Ord. 858 § 14(1) (part), 1997)

17.61.050 Business license.

If a business license is required for the occupation to operate within the city, the home occupation may not begin operation until a business license has been obtained as required by Chapter 5.04. (Ord. 858 § 14(1) (part), 1997)

#### **17.61.060 Fees.**

Upon planning, inspections and permitting department approval of the home occupation permit, the applicant shall pay the designated current fee amount established to cover administrative cost, as well as any other applicable fees established by other city resolution. (Ord. 858 § 14(1) (part), 1997)

#### **17.61.070 Criteria for Approval.**

Home occupations shall meet all of the following criteria in order to be approved.

A. Storage.

1. Storage, operation or display of materials, goods, supplies or equipment, other than office equipment and supplies located inside the residential structure, related to the operation of a home occupation may not be visible from outside of the residence;

2. On-site storage of hazardous materials (including toxic, explosive, combustible or flammable) associated with the home occupation is prohibited;

3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation may not exceed 25 percent of floor area of the dwelling unit. Rooms used for both residential uses and the home occupation use shall be considered dedicated to the home occupation for purposes of this calculation.

B. Employees/Clients.

1. Employment is limited to the resident occupant permit holder, other resident occupants and no more than 2 non-resident employees on-site. The home occupation may not have more nonresident employees than resident employees.

2. The number of clients that can be present at the residence is limited to 2 at any one time, and not to exceed a maximum of 8 per day. Clients are permitted at the home occupation business location only on weekdays from seven a.m. to ten p.m. and on weekends from eight a.m. to six p.m.

C. Vehicles/Parking.

1. One commercial vehicle is allowed, not to exceed 1-ton capacity. Regardless of the number of home occupations at a residence, only 2 additional vehicles (including commercial, employee and client vehicles) can be present at any one time. Off-street parking space shall be provided for any such vehicle associated with the home occupation.

2. There shall be no commercial deliveries from or to the home occupation premises beyond what is normally incidental to residential uses. "Normal residential deliveries" can be defined as typically being no more than 1 per day, during normal business hours of eight a.m. to six p.m.

D. Signage. One attached wall, suspended or projecting nameplate sign not to exceed 1 square foot of area and pertaining directly to the particular home occupation is allowed subject to any permits required by the sign ordinance.

E. Nuisances. No activity which produces noise, smoke, odors, glare, electrical interference, or vibrations discernible beyond the site is allowed.

F. Other Conditions. The director of planning, inspections and permitting may place additional conditions on the permit in order to carry out the intent of this chapter. (Ord. 858 § 14(2), 1997; Ord. 804 § 1 (part), 1994)

**17.61.080 Appeals concerning the issuance or denial of a home occupation permit.**

The decision of the planning, inspections and permitting department concerning the issuance or denial of a home occupation permit shall be final unless an appeal is submitted in writing to the director of planning, inspections and permitting 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. The planning commission may attach such conditions as it deems necessary to the issuance of such a permit to ensure compliance with the intent of this section. The decision of the planning 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. (Ord. 858 § (1) (part), 1997)

17.61.085 Revocation of permit.

A home occupancy permit may be revoked or modified by the director of planning, inspections

and permitting if any of the criteria for approval listed at Section 17.61.070 are not met by the home occupancy. (Ord. 858 § (3) (part), 1997)

**17.61.090 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 the department of planning, inspections and permitting and the code enforcement officer shall enforce the provisions of this chapter. (Ord. 858 § (1) (part), 1997)

**17.61.093 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). (Ord. 858 § (3) (part), 1997)

**17.61.095 Enforcement procedures – Notice to correct.**

A. Prior to the suspension, revocation or denial of any license or permit, or the assessment of any fee, penalty or charge, or the commencement of any other enforcement action pursuant to this chapter, the director of the department of planning, inspections and permitting and the code enforcement officer shall follow the procedures set forth in Sections 1.09.020 through 1.09.048, inclusive, of the Folsom Municipal Code. The rights to judicial review set forth in Sections 1.09.050 through 1.09.059, inclusive, of the Folsom Municipal Code shall apply.

B. A notice to correct shall be served in accordance with the provisions of Section 1.09.023. (Ord. 858 § 3 (part), 1997)

**17.61.100 Time limit.**

All home occupation permits shall be valid for a period of 1 year from the initial date of approval. Requests for renewal shall be submitted to the finance department in writing on a form sent to the applicant, accompanied with the appropriate fee. If the use continues to meet the then current criteria, the permit may be renewed. (Ord. 858 § 1 (part), 1997)