

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

**SPECIAL MEETING
HISTORIC DISTRICT COMMISSION AGENDA
June 15, 2022
4:00 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: 2555 581 7335
Meeting Password: 06 15 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: John Lane, Mickey Ankhelyi, Justin Raithel, John Felts, Mark Dascallos, Daniel West, 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 May 18, 2022 meeting will be presented for approval.

NEW BUSINESS

1. PN 22-052, 505 Coloma Street Accessory Structure Design Review and Determination that the Project is Exempt from CEQA

A Public Meeting to consider a request from Robert Coyle for approval of a Design Review application for a 740-square-foot, two-story garage/office structure located at 505 Coloma Street. The zoning classification for the site is CEN/R-2, while the General Plan land-use designation is CC. This project is exempt from the California Environmental Quality Act in accordance with Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. **(Project Planner: Josh Kinkade/Applicant: Robert Coyle)**

OLD BUSINESS

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

City staff has prepared an update to the City's Home Occupations Ordinance (Chapter 17.61 of the Folsom Municipal Code (FMC), which regulates home-based businesses. Based on direction from the City Council, staff presented the draft ordinance to the Historic District Commission in order to receive input on issues unique to the Historic District that could affect the ordinance. On May 18, 2022, the Historic District Commission held a public hearing on the update and after conclusion of the public hearing the Commission continued consideration of the update until its June 15, 2022 meeting. Staff recommends that the Commission review the ordinance and approve a recommendation to City Council supporting the repeal and replacement of Chapter 17.61 of the FMC 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 **July 6, 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
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HISTORIC DISTRICT COMMISSION MINUTES
May 18, 2022
5:00 p.m.
50 Natoma Street
Folsom, California 95630

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

ABSENT: NONE

PLEDGE OF ALLEGIANCE

CITIZEN COMMUNICATION: NONE

MINUTES: The minutes of the February 16, 2022 meeting were approved.

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)

COMMISSIONER DASCALLOS MOVED 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) WITH MODIFICATION TO ATTACHMENT 5

Amendment to Attachment 5 (Existing Site Plan) The staff report included the incorrect site plan for the project. The correct site plan was provided to the Commission.

COMMISSIONER WEST SECONDED THE MOTION.

AYES: WEST, LANE, ANKHELYI, RAITHEL, DASCALLOS, COLE

NOES: NONE

RECUSED: FELTS

ABSENT: NONE

MOTION PASSED.

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.

1. Tim McMahon addressed the Historic District Commission, stating that issues related to firearms and ammunition should not be on the table at this time and urged the Commission to focus its discussion on issues unique to the Historic District.

2. Terry Sorensen addressed the Historic District Commission in opposition to the firearms and ammunition provisions in the proposed ordinance. 3. James O'Brien addressed the Historic District Commission in support of the existing home based firearms and ammunition businesses in Folsom.

4. Nick Goray addressed the Historic District Commission regarding existing State of California firearms regulations.

5. Deborah Grassl addressed the Historic District Commission in opposition to home based fire arm and ammunition sales. She also voiced concerns about parking.

6. Leah Schering addressed the Historic District Commission, stating that firearms and ammunition sales should be moved to the prohibited list and voicing concerns about parking.

COMMISSIONER RAITHEL MOVED TO CONTINUE THE DISCUSSION ON 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

COMMISSIONER FELTS SECONDED THE MOTION.

AYES: WEST, LANE, ANKHELYI, RAITHEL, FELTS, DASCALLOS, COLE

NOES: NONE

RECUSED: NONE

ABSENT: NONE

MOTION PASSED.

PRINCIPAL PLANNER REPORT

The next Historic District Commission meeting is tentatively scheduled for June 1, 2022.

RESPECTFULLY SUBMITTED,

Karen Sanabria, ADMINISTRATIVE ASSISTANT

APPROVED:

Kathy Cole, CHAIR



CITY OF
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AGENDA ITEM NO. 1
Type: Public Meeting
Date: June 15, 2022

Historic District Commission Staff Report

50 Natoma Street, Council Chambers
Folsom, CA 95630

Project: 505 Coloma Street Accessory Structure
File #: PN 22-052
Request: Design Review
Location: 505 Coloma Street
Parcel(s): 070-0171-027
Staff Contact: Josh Kinkade, Associate Planner, 916-461-6209
jkinkade@folsom.ca.us

Property Owner/Applicant

Name: Robert Coyle
Address: 505 Coloma St.
Folsom, CA 95630

Recommendation Conduct a public meeting, and upon conclusion recommend approval of an application for Design Review for a 740-square-foot, two-story garage/office structure located at 505 Coloma Street, as illustrated on Attachment 5 for the 505 Coloma Street Accessory Structure project (PN 22-052) based on the findings included in this report (Findings A-H) and subject to the attached conditions of approval (Conditions 1-11).

Project Summary: The proposed project consists of a 740-square-foot, two-story garage/office structure built in the rear of the existing single-family parcel located at 505 Coloma Street. The property is located within the Central Subarea of the Historic Residential Primary Area of the Historic District.

Table of Contents:

1. Description/Analysis
2. Background
3. Proposed Conditions of Approval
4. Vicinity Map
5. Site Plan, Floor Plans and Elevations dated 2-6-22
6. Site Photos



CITY OF
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AGENDA ITEM NO. 1
Type: Public Meeting
Date: June 15, 2022

Submitted,

PAM JOHNS
Community Development Director

ATTACHMENT 1 DESCRIPTION/ANALYSIS

APPLICANT'S PROPOSAL

The applicant, Robert Coyle, is proposing a 380-square-foot garage with a 380-square-foot home office above, built in the rear of the existing single-family parcel located at 505 Coloma Street. The structure is proposed to be 18.25 feet in height. The primary residence consists of light grey stucco, white window trim, and dark grey asphalt shingle roofing with eaves painted blue. The applicant has proposed that all exterior colors and materials of the accessory structure match those of the existing primary residence. The project site currently contains a 1,519-square-foot single-story main residence and a 560-square foot detached single-story accessory dwelling unit (ADU). The project site is located in the Central Subarea of the Historic Residential Primary Area with an underlying zoning of R-2.

POLICY/RULE

Section 17.52.300 of the Folsom Municipal Code (FMC) states that the Historic District Commission shall have final authority relating to the design and architecture of all exterior renovations, remodeling, modification, addition or demolition of existing structures within the Historic District. Section 17.52.330 states that, in reviewing projects, the Commission shall consider the following criteria:

- a) Project compliance with the General Plan and any applicable zoning ordinances;
- b) Conformance with any city-wide design guidelines and historic district design and development guidelines adopted by the city council;
- c) Conformance with any project-specific design standards approved through the planned development permit process or similar review process; and
- d) Compatibility of building materials, textures and colors with surrounding development and consistency with the general design theme of the neighborhood.

ANALYSIS

General Plan and Zoning Consistency

The General Plan land use designation for the project site is CC (Community Commercial), and the zoning designation for the project site is R-2 (Two-Family Residence), within the Central Subarea of the Historic Residential Primary Area of the Historic District. Single-family residences are allowed by right in the Central Subarea and accessory structures such as garages and sheds are allowed by right if they are auxiliary to a primary structure.

Section 17.52.480 of the Folsom Municipal Code institutes setback and height

requirements for accessory structures in the Historic District and Section 17.52.540 institutes requirements for pervious surface and building height in the Central Subarea. The design guidelines established within the Historic District Design and Development Guidelines (DDGs) also apply to this project. The following table shows how the proposed project relates to the FMC zoning requirements:

	REQUIRED	PROPOSED
Accessory Structure Front Setback	20 feet, behind front plane of residence	118 feet, behind front plane of residence
Accessory Structure Side Setbacks	5 feet, 5 feet	16.7 feet, 28.4 feet
Accessory Structure Rear Setback	5 feet	6 feet
Minimum Pervious Surface	45%	75% (proposed)
Maximum Accessory Structure Height	18.3 feet (height of the main structure)	18.25 feet
Separation from Other Structures on Property	6 feet	6 feet

As shown in the above table, the proposed project will meet all development standards.

Building Design/Architecture

The property is located within the Central Subarea of the Historic Residential Primary Area of the Historic District. Chapter 5.04.03(b) of the DDG's, which addresses the design concepts for the Central Subarea, states that the subarea provides property owners with broad discretion in choosing styles from the entire 1850-1950 time frame, guided by the overall principles and any designation of significance of the building or site. No structures on the 505 Coloma Street property are included on the City of Folsom Cultural Resources Inventory.

The DDG's state that exterior materials and finishes for residential properties should be of residential grade, durable and of high quality and should include details appropriate for design period of the Subarea and building style. The proposed project consists of a 380-square-foot garage on the lower level a 380-square-foot home office and bathroom on the upper level. The primary residence consists of light grey stucco, white window trim, and dark grey asphalt shingle roofing with eaves painted blue. The applicant has proposed that all exterior colors and materials of the accessory structure match those of the existing primary residence. The structure includes primarily vertically oriented, horizontal-sliding windows and a residentially scaled door, consistent with the DDGs. The proposed project's architecture is consistent with residential appearance through the use of the proposed building materials and design. The proposed structure will be 18.25 feet tall and 740 square feet in size, both of which do not exceed the square footage or height of the main residence, as mandated by Section 17.52.480 of the FMC.

Vehicular access to the proposed garage will be via the Mormon Street/Natoma Street alley in the rear of the parcel. According to the DDGs, Appendix D, Section C.4 (e), two single garage doors are preferred over a double door. The proposed garage features a door with hinges and handles to resemble a carriage style, thereby meeting the intent of the DDGs.

While the structure is not an ADU, it is a two-story accessory structure in the rear of the property. As such, staff worked with the applicant to incorporate some of the elements required for two-story ADUs, including decreasing the deck size to not exceed 20 feet, locating the exterior staircase on the side and rear of the unit, shielding the staircase landing area and including translucent glazed windows on the wall facing the neighboring property to the northeast. With these design features in place, staff concludes that the privacy concerns regarding two-story units in the rear of the property have been adequately addressed. To ensure that the proposed office space is not converted into an ADU without Commission approval, staff has provided Condition No. 4, which states that proposed structure shall not be utilized as an ADU unless the site and structure are modified to meet the standards of FMC Chapter 17.105, subject to review and approval by the Historic District Commission.

Staff has determined that the overall design, colors, materials, and layout of the proposed accessory structure are consistent with the design and development guidelines for the Central Subarea and the building materials, textures and colors are consistent with surrounding development and with the general design theme of the neighborhood. Staff has concluded that the applicant has met the design standards identified in the Folsom Municipal Code and the guidelines contained in the DDG's.

PUBLIC NOTICING

A notice was posted on the project site five days prior to the initial Historic District Commission meeting of June 15, 2022 that met the requirements of FMC Section 17.52.320.

ENVIRONMENTAL REVIEW

The project is categorically exempt under Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines. 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 in this case.

RECOMMENDATION

Staff recommends approval of the proposed project, based on the findings included in this report (Findings A-H) and subject to the attached conditions of approval (Conditions 1-11).

HISTORIC DISTRICT COMMISSION ACTION

Move to approve the application (PN 22-052) for Design Review for a 740-square-foot, two-story garage/office structure located at 505 Coloma Street, as illustrated on Attachment 5 for the 505 Coloma Street Accessory Structure project, based on the findings included in this report (Findings A-H) and subject to the attached conditions of approval (Conditions 1-11).

GENERAL FINDINGS

- A. NOTICE OF PUBLIC MEETING 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 ZONING CODE OF THE CITY.

CEQA FINDINGS

- C. THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) 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.

DESIGN REVIEW FINDINGS

- G. THE BUILDING MATERIALS, TEXTURES AND COLORS USED IN THE PROPOSED PROJECT ARE COMPATIBLE WITH SURROUNDING DEVELOPMENT AND ARE CONSISTENT WITH THE GENERAL DESIGN THEME OF THE NEIGHBORHOOD.

H. THE PROPOSED PROJECT IS IN CONFORMANCE WITH THE HISTORIC DISTRICT DESIGN AND DEVELOPMENT GUIDELINES ADOPTED BY CITY COUNCIL.

ATTACHMENT 2 BACKGROUND

BACKGROUND

Sacramento County records indicate that the existing residence located at 505 Coloma Street was first constructed in 1938. The residence was approved for conversion to the Parlour Salon and Spa by the Historic District Commission on March 6, 2003 (PN 03-004). While the property was previously used for the salon, it is currently residential. A single-story Accessory Dwelling Unit (ADU) was constructed on the project site in 2019. Photographs of the existing residence and ADU are included here in Attachment 6. The property does not appear on the City of Folsom's Cultural Resources Inventory.

GENERAL PLAN DESIGNATION

CC, Community Commercial

ZONING

CEN, Central Subarea of the Historic Residential Primary Area, with an underlying zoning of R-2 (Two-Family Residence)

ADJACENT LAND USES/ZONING

North: Mormon Street with existing residences (R-2/CEN)

South: Mormon Street and Natoma Street Alley and residential/commercial buildings across the alley (C-1/NRB)

East: Existing residential (R-2/CEN)

West: Existing residences across Coloma Street (R-2/CEN)

SITE CHARACTERISTICS

The 9,834-square-foot project site consists of a single-family residence, a detached accessory dwelling unit, and landscaping.

APPLICABLE CODES

FMC Section 17.52 HD, Historic District
FMC Section 17.52.300, Design Review
FMC Section 17.52.330, Plan Evaluation
FMC Section 17.52.340, Approval Process
FMC Section 17.52.480, Accessory Structures
FMC Section 17.52.540, Historic Residential Primary Area Special Use and Design Standards
Historic District Design and Development Guidelines

ATTACHMENT 3

Proposed Conditions of Approval

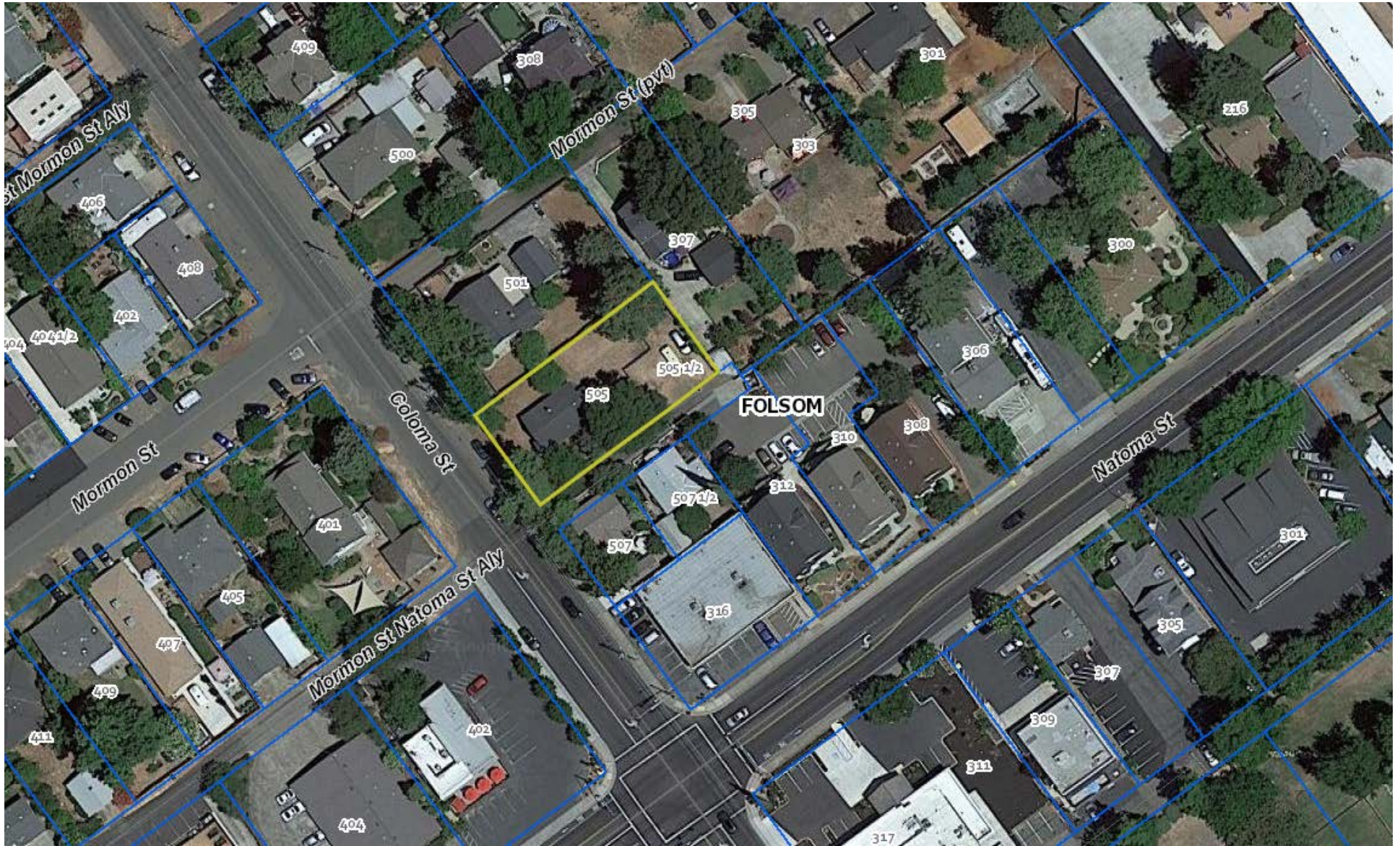
CONDITIONS OF APPROVAL FOR 505 COLOMA STREET ACCESSORY STRUCTURE DESIGN REVIEW (PN 22-052)				
Cond. No.	Mitigation Measure	GENERAL REQUIREMENTS	When Required	Responsible Department
1.		Issuance of a Building Permit is required. The applicant shall submit final site and building plans to the Community Development Department that substantially conform to the Site Plan, Floor Plans and Elevations dated 2-6-22, included in Attachment 5. Implementation of this project shall be consistent with the above referenced items as modified by these conditions of approval.	B	CD (B)
2.		Compliance with all local, state and federal regulations pertaining to building construction and demolition is required.	OG	CD (B)
3.		The project shall comply with the following architecture and design requirements: <ul style="list-style-type: none"> a. This approval is for a 740-square-foot, two-story garage/office structure located at 505 Coloma Street. The applicant shall submit building plans that comply with this approval and the Site Plan, Floor Plans and Elevations dated 2-6-22 included in Attachment 5. b. The materials, and colors of the accessory structure shall match those of the primary structure, as shown in the building elevations provided in Attachment 5, to the satisfaction of the Community Development Department. 	B	CD (P)
4.		The proposed structure shall not be utilized as an Accessory Dwelling Unit unless the site and structure are modified to meet the standards of <u>FMC</u> Chapter 17.105, subject to review and approval by the Historic District Commission.	B, OG	CD (P,B)

5.		<p>The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur:</p> <ul style="list-style-type: none"> • The City bears its own attorney’s fees and costs; and • The City defends the claim, action or proceeding in good faith <p>The owner/applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the owner/applicant.</p>	OG	CD (P)(E)(B) PW, PR, FD, PD
6.		<p>The owner/applicant shall pay all applicable taxes, fees and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.</p>	B	CD (P)(E)
7.		<p>The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.</p>	B	CD (P)(E)
8.		<p>If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the applicant shall reimburse the City for actual costs it incurs in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the Final Map, improvement plans, or beginning inspection, whichever is applicable.</p>	B	CD (P)(E)

9.		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)
10.		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)
11.		The project approval granted under this staff report shall remain in effect for one year from final date of approval (June 1, 2023). Failure to obtain the relevant building, demolition, or other permits within this time period, without the timely extension of this approval, shall result in the termination of this approval.	B	CD (P)

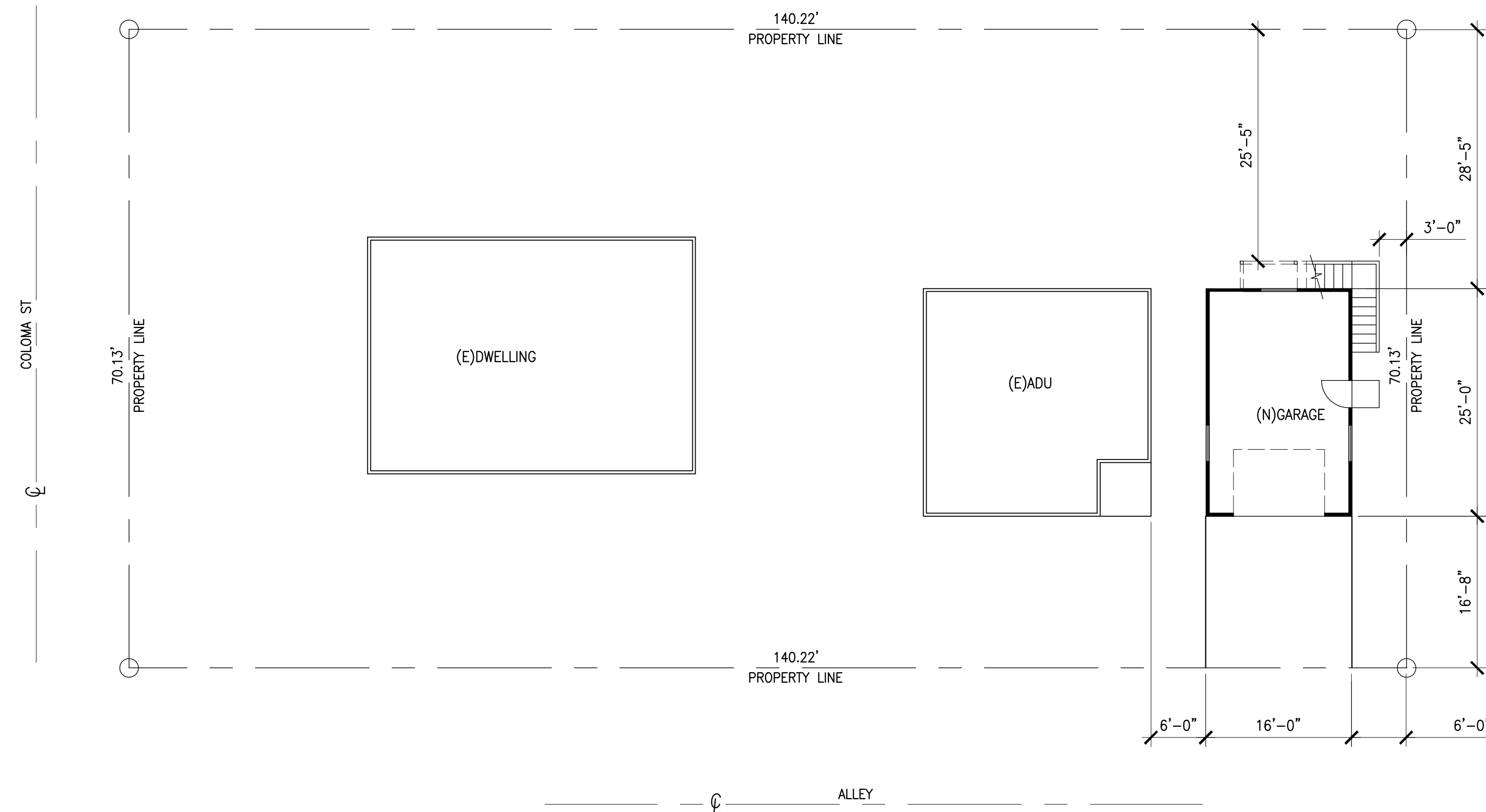
RESPONSIBLE DEPARTMENT		WHEN REQUIRED	
CD (P) (E) (B) (F)	Community Development Department	I	Prior to approval of Improvement Plans
	Planning Division	M	Prior to approval of Final Map
	Engineering Division	B	Prior to issuance of first Building Permit
	Building Division	O	Prior to approval of Occupancy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

Attachment 4 Vicinity Map



Attachment 5
Site Plan, Floor Plans and Elevations
dated 2-6-22

505 COLOMA ST FOLSOM, CA



REF. 2019 CBC, CRC, CMC, CPC, CEC
AND 2019 ENERGY CODE

PROJECT ANALYSIS

- * APN # 070-0171-027
- * TYPE OF CONSTRUCTION: VB
- * OCCUPANCY GROUP: U
- * SPRINKLERS: NO

ACTUAL AREA

GARAGE FLOOR AREA = 380 SQ.FT.
2ND FLOOR AREA = 380 SQ.FT.

SHEET INDEX

- A1- TITLE SHEET/SITE PLAN
- A2- EXISTING/DEMO FLOOR PLANS
- A3- PROPOSED FLOOR PLANS
- A4- ELEVATIONS
- A5- NOTES
- S2.1- FOUNDATION & ROOF FRAMING PLAN

DESIGN LOADS
ROOF LIVE LOAD: 20 PSF
BASIC WIND SPEED: 110 MPH
WIND EXPOSURE: 3 SECOND GUST
SEISMIC DESIGN CATEGORY: D
SITE CLASS: D

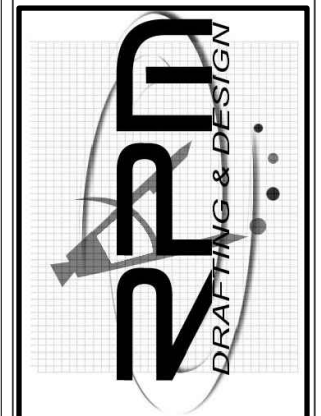
SITE WORK:
SLOPE DRAINAGE 5% FOR A DISTANCE OF 10FT FROM THE FOUNDATION WALL. IF PHYSICAL OBSTRUCTIONS OR LOT LINES PROHIBIT THE 10FT DISTANCE, A 5% SLOPED SHALL BE PROVIDED TO AN APPROVED ALTERNATIVE METHOD OF DIVERTING THE WATER AWAY FROM THE FOUNDATION

SCOPE OF WORK:
COMPLETE INTERIOR REMODEL FOOT PRINT TO REMAIN THE SAME.
1. TO BUILD A DETACHED GARAGE WITH OFFICE AND BATHROOM ON SECOND FLOOR

DRAIN DETENTION VOLUME CALCULATION
TOTAL IMPERVIOUS AREA = 2036 SQ FT
VOLUME OF RETENTION REQUIRED = 2036/43,560x7,600=355 CU FT



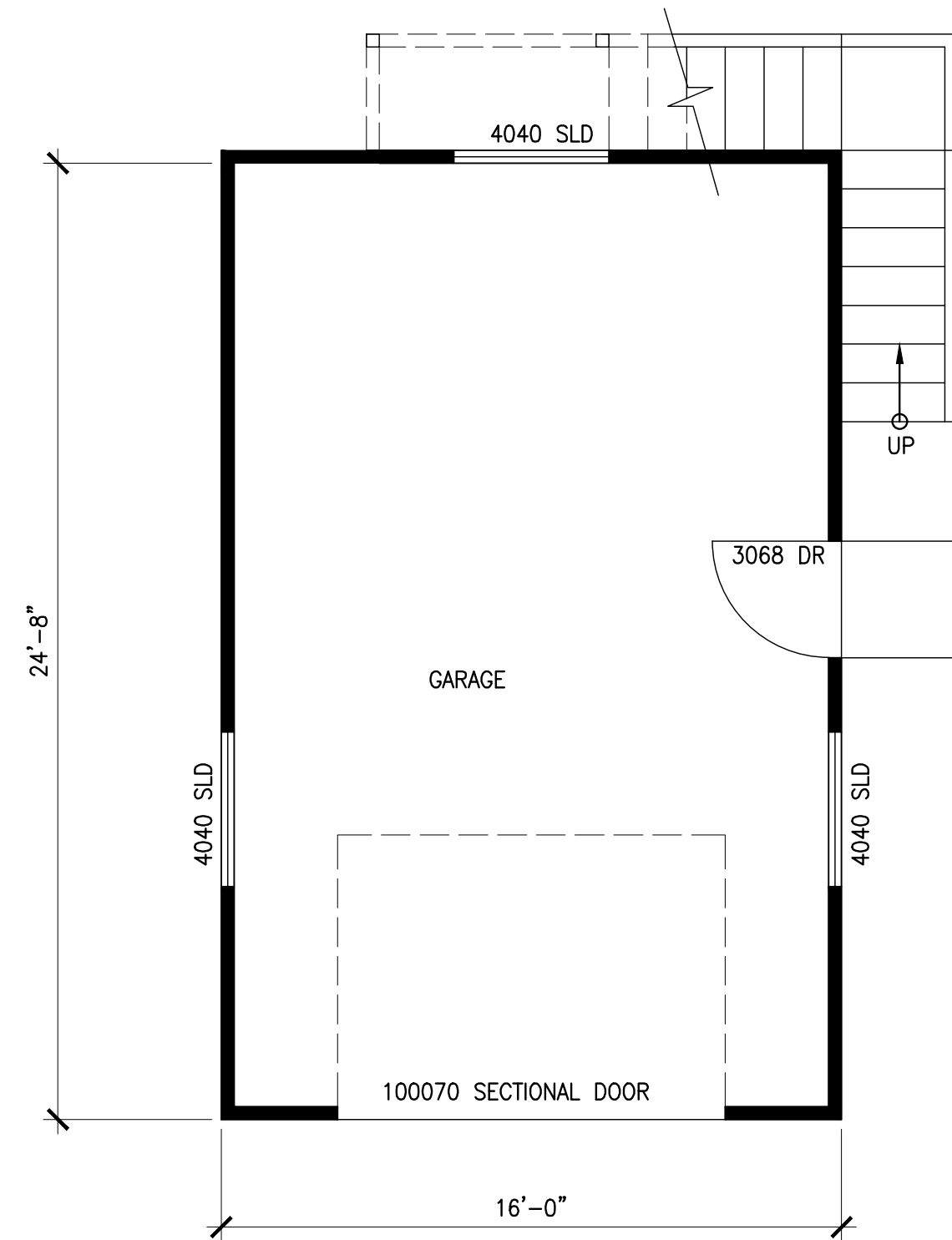
SITE PLAN 1" = 20'-0"



RPM DRAFTING & DESIGN
RAFAEL PLASCENCIA (530) 867-3464
P.O. BOX 161572 Sac. CA 95816
rafplascencia198@hotmail.com

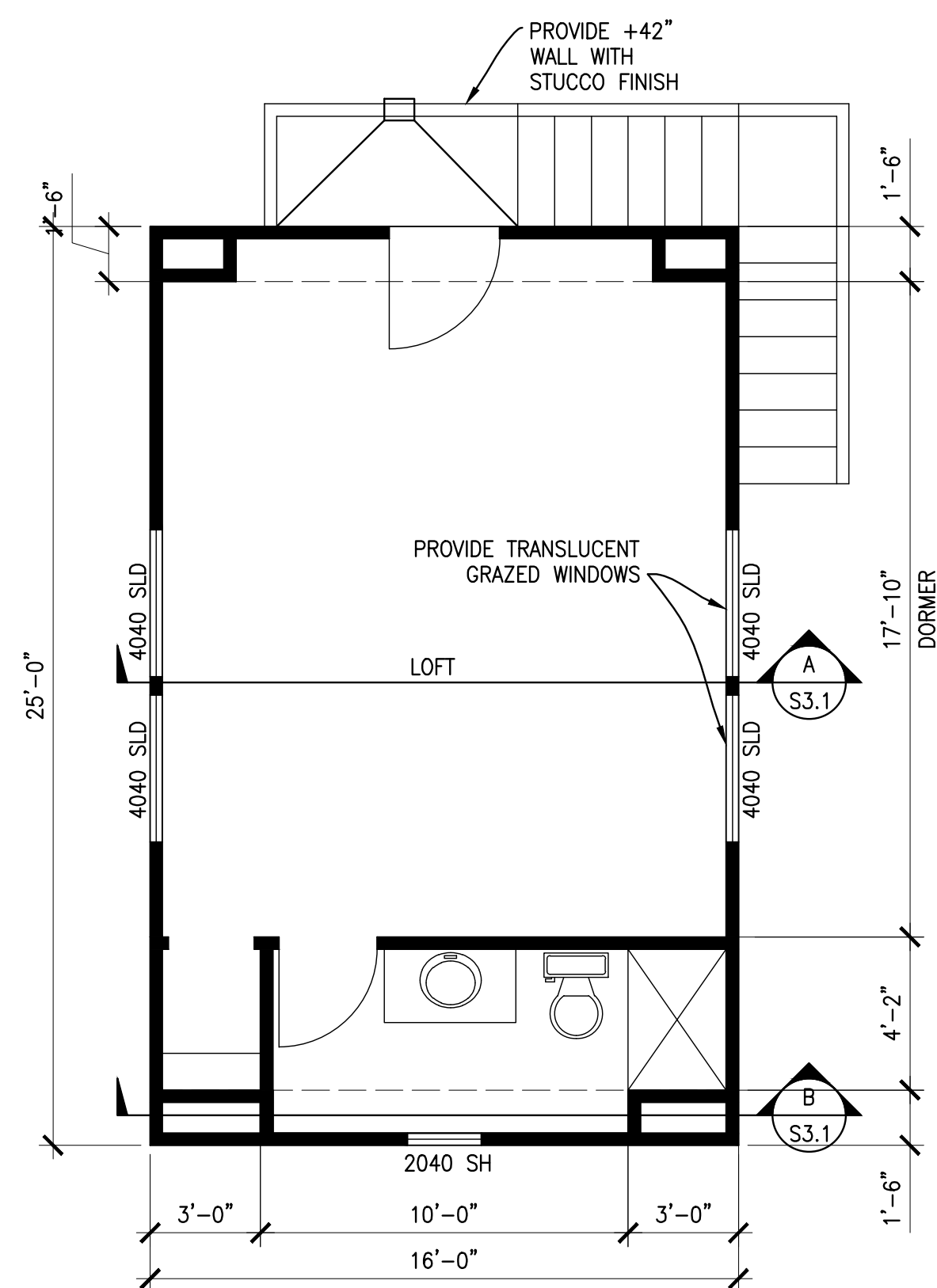
NEW GARAGE FOR:
BOBBY COYLE
505 COLOMA DR
FOLSOM, CA
SITE PLAN

DATE 02-06-2022
SCALE NOTED
DRAWN RPM
JOB NO. 27-0021
SHEET NO.
A1
OF SHEETS



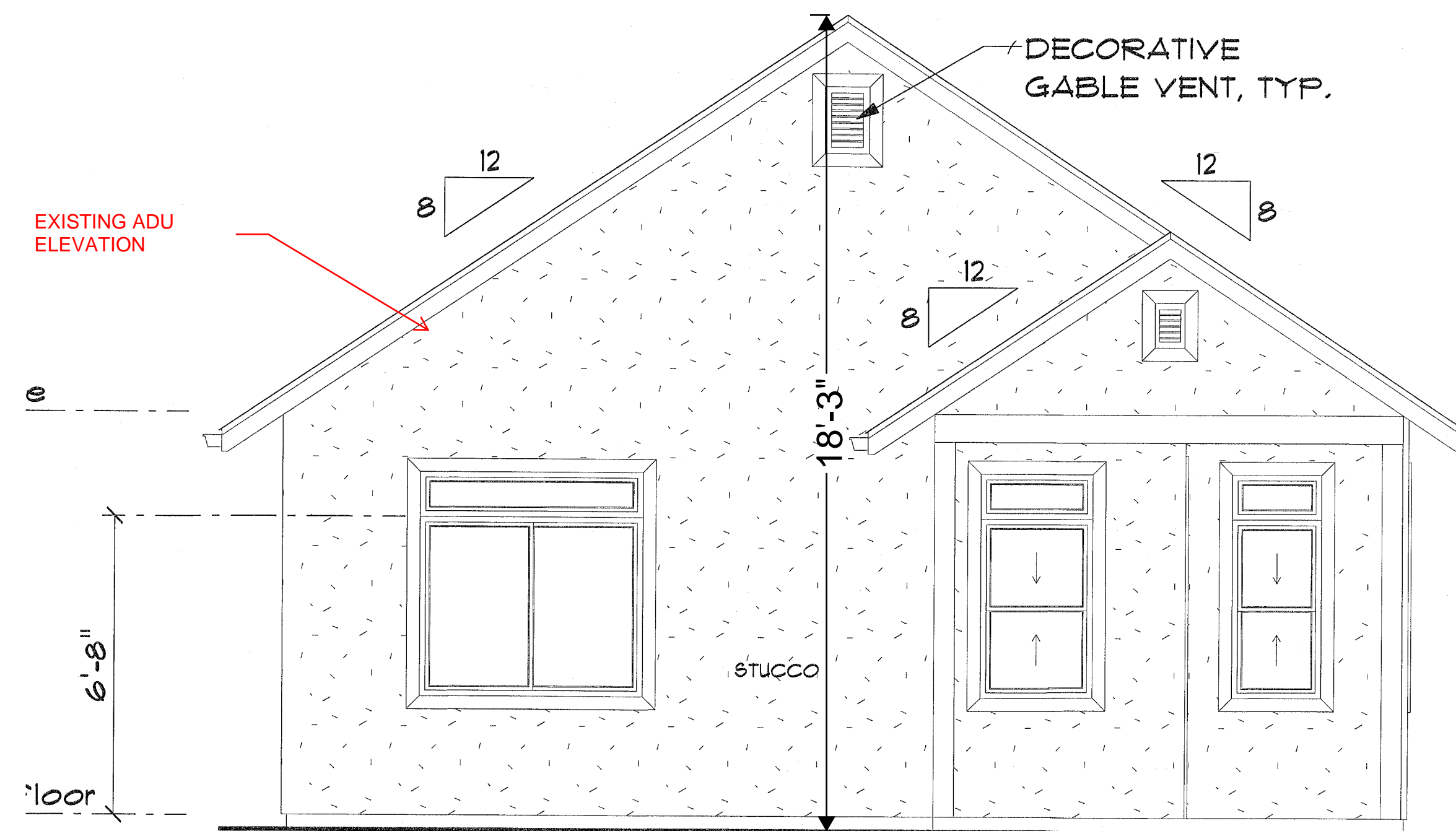
1ST FLOOR PLAN 1/4" = 1'-0"

.....INDICATES NEW 2x4 EXTERIOR STUD WALLS @ 16"OC



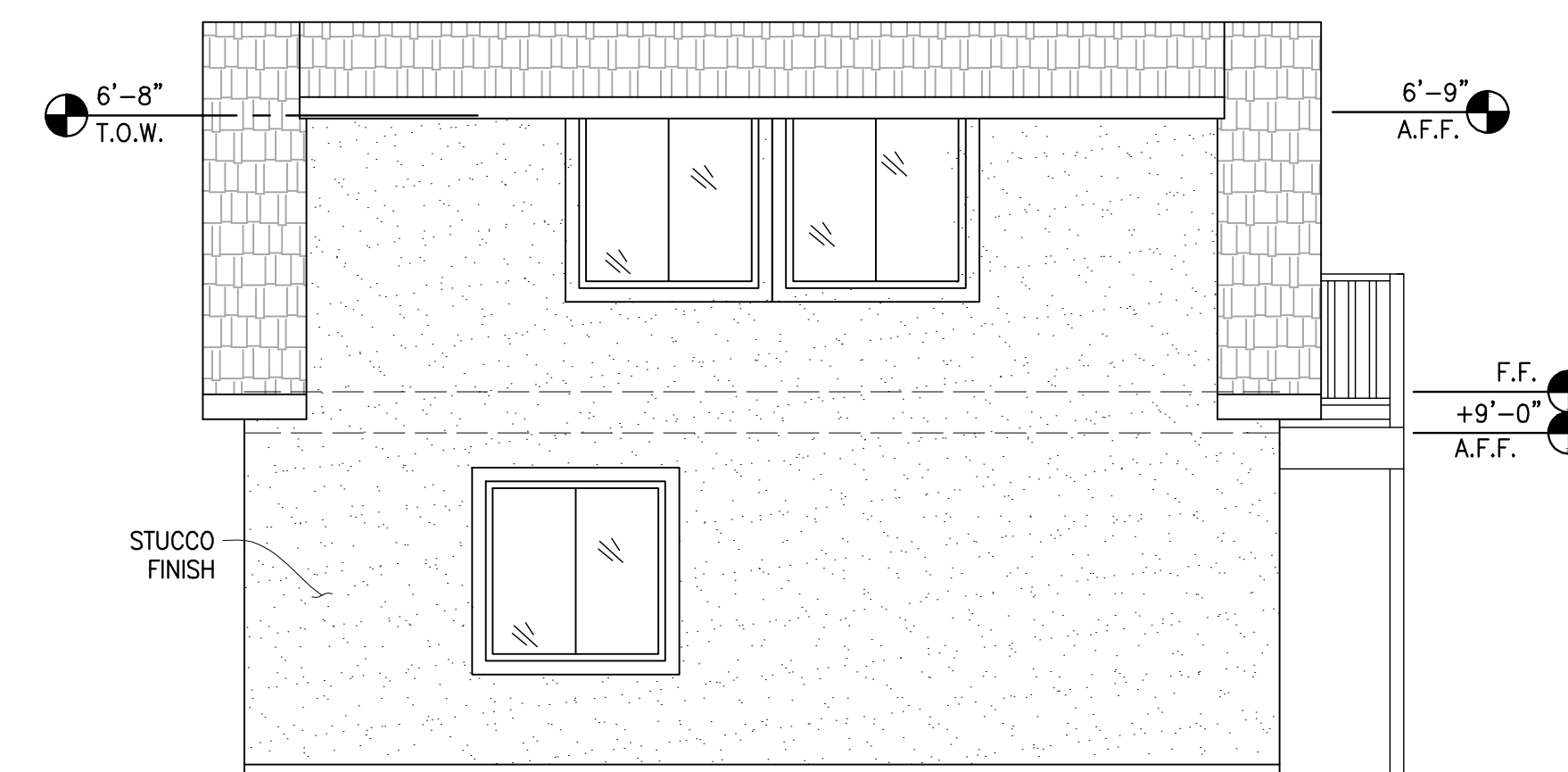
2ND FLOOR PLAN 1/4" = 1'-0"

.....INDICATES NEW 2x4 EXTERIOR STUD WALLS @ 16"OC

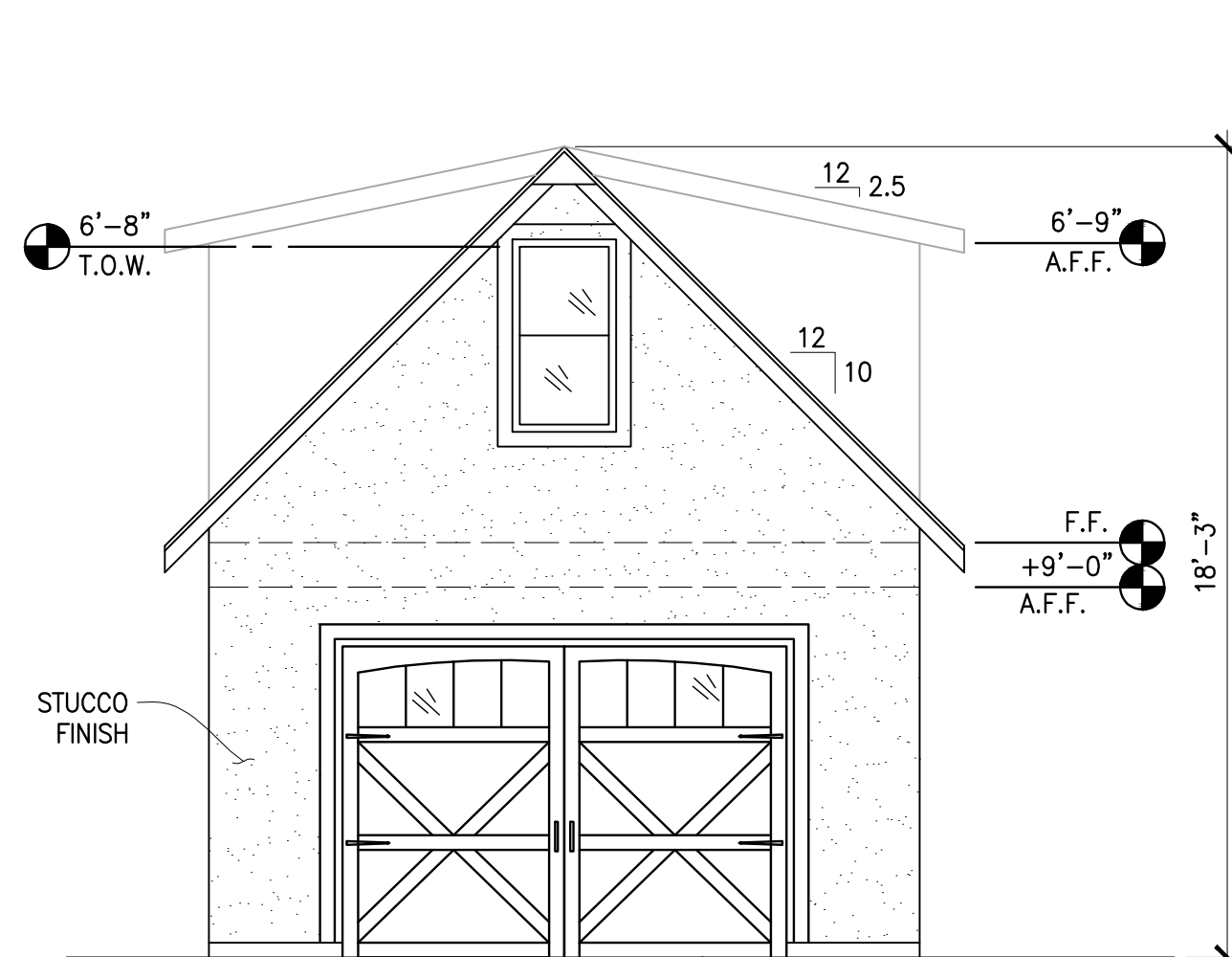


FRONT ELEVATION

SCALE: 3/8" = 1'-0"

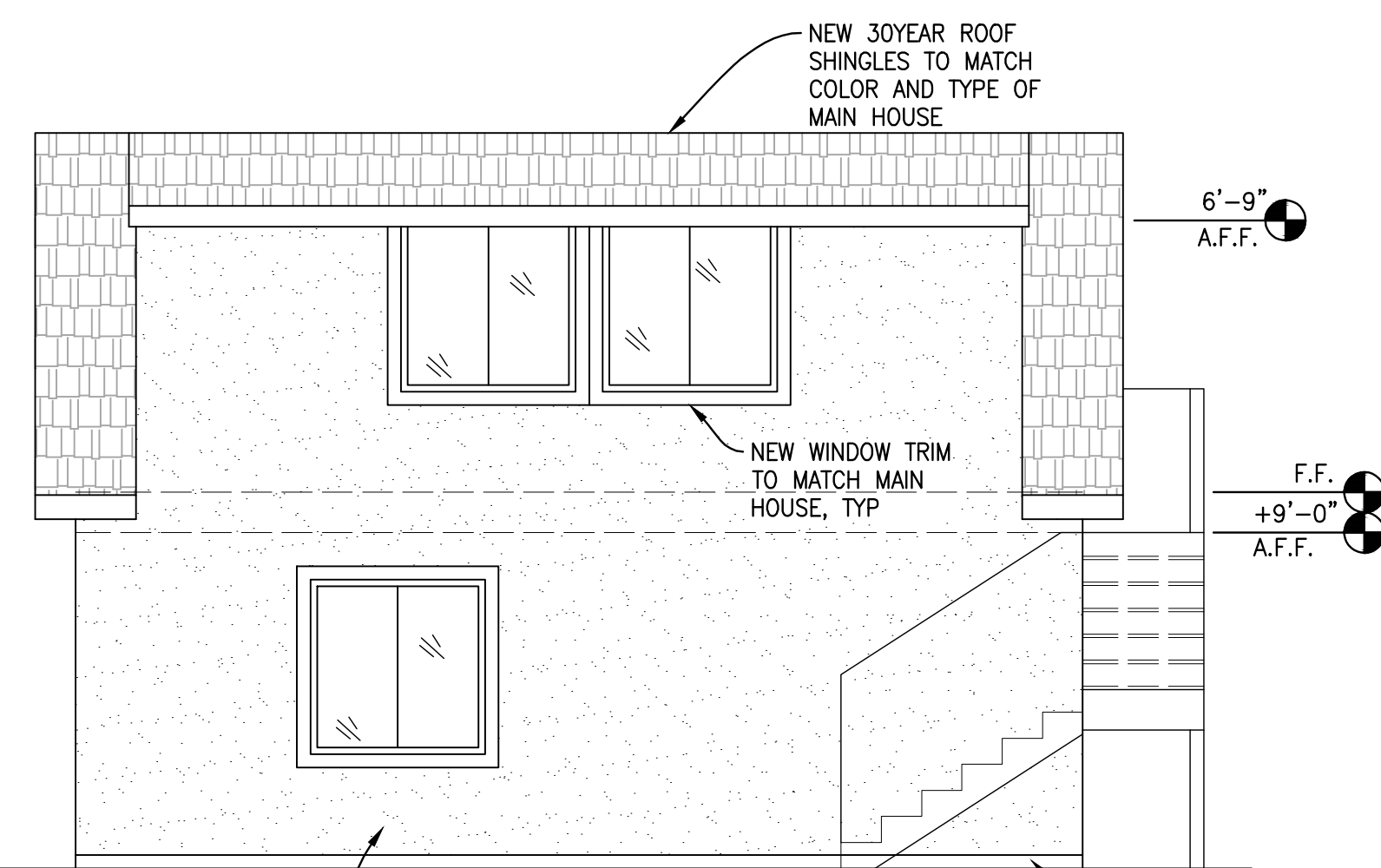


LEFT ELEVATION 1/4" = 1'-0"



FRONT ELEVATION 1/4" = 1'-0"

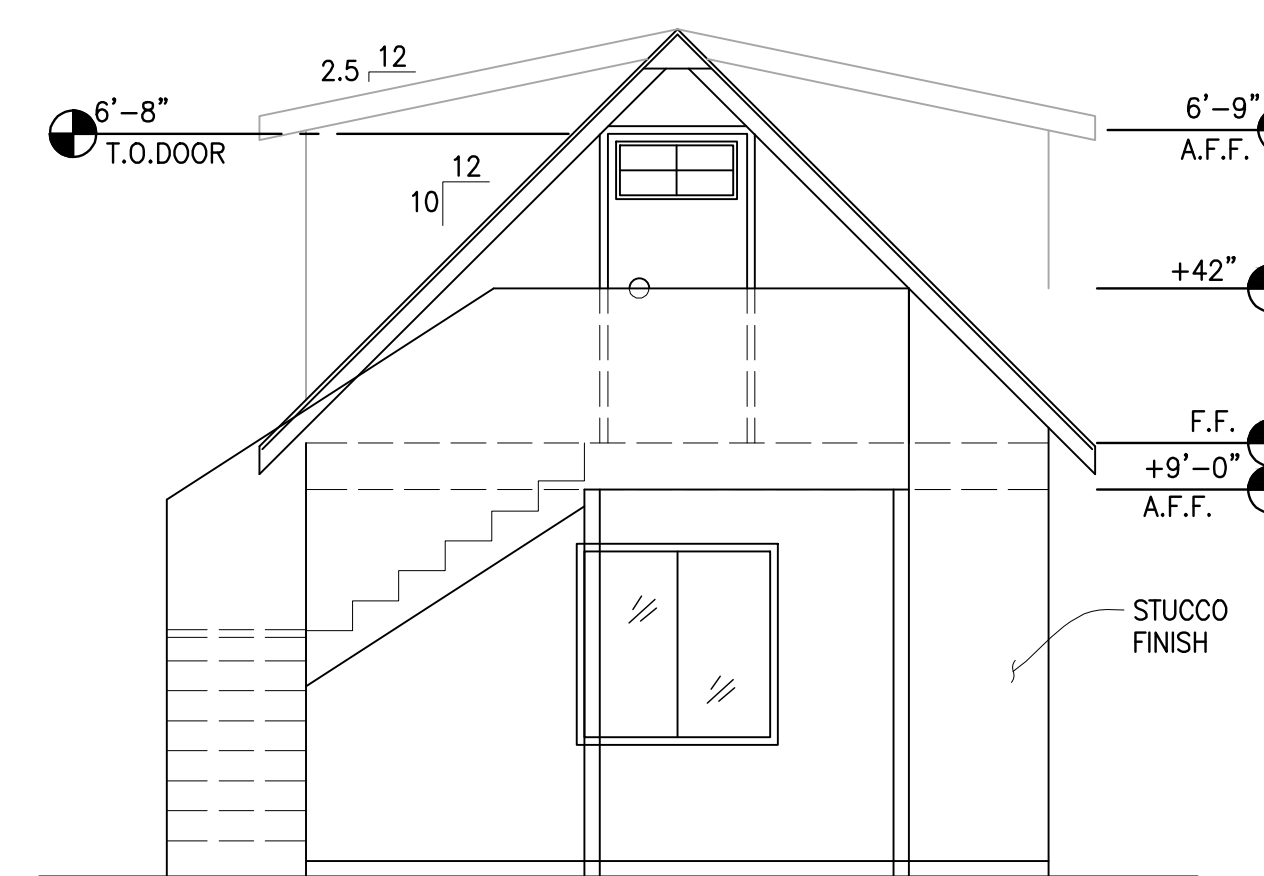
PROVIDE CARRIAGE STYLE GARAGE DOOR WITH HINGES AND HANDLES



RIGHT ELEVATION 1/4" = 1'-0"

STUCCO FINISH TO MATCH MAIN HOUSE COLOR

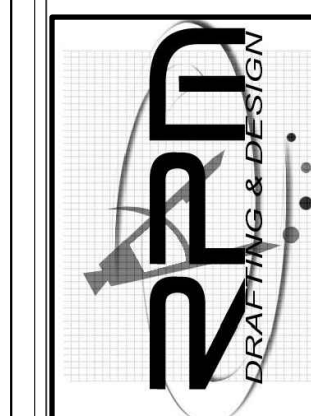
PROVIDE WEEP SCREED AT FOUNDATION PLATE LINE AT LEAST 4" ABOVE GRADE, OR 2" ABOVE CONCRETE OR PAVING. SEE DETAIL 3/A4



REAR ELEVATION 1/4" = 1'-0"

STUCCO FINISH

Handwritten signature



RPM DRAFTING & DESIGN
 RAFAEL PLASCENCIA (530) 867-3464
 P.O. BOX 161572 Sac. CA 95816
 rafaplascencia198@hotmail.com

NEW GARAGE FOR:
 BOBBY COYLE
 505 COLOMA DR
 FOLSOM, CA
 FLOOR PLAN AND ELECTRICAL

DATE 02-06-2022
 SCALE NOTED
 DRAWN RPM
 JOB NO. 27-0021
 SHEET NO.

A2

OF SHEETS

Attachment 6 Site Photos



MAIN HOUSE



EXISTING ADU

PROPOSED LOCATION OF
NEW GARAGE



AGENDA ITEM NO. 2
Type: Public Hearing
Date: June 15, 2022

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 May 18, 2022, the Historic District Commission held a public hearing on the update to the Home Occupations Ordinance. After conclusion of the public hearing, the Commission voted unanimously to continue the item until the Commission's meeting on June 15, 2022. The following information in the remainder of this staff report contains the complete staff report as presented by staff on May 18, 2022.

Submitted,

PAM JOHNS
Community Development Director

DESCRIPTION/ANALYSIS

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.

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