



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

HISTORIC DISTRICT COMMISSION AGENDA
June 20, 2018
CITY COUNCIL CHAMBERS
5:00 p.m.
50 Natoma Street
Folsom, California 95630

CALL TO ORDER HISTORIC DISTRICT COMMISSION: Vice Chair Candy Miller, Justin Raitchel, John Arnaz, Mary Asay, Rosario Rodriguez, Regina Konet, Chair Daron Bracht

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 June 6, 2018 will be presented for approval.

NEW BUSINESS

1. **PN 18-199, Folsom Municipal Code 17.52.140 Amendment and Determination that the Project is Exempt from CEQA**

A Public Hearing to consider a request from the City of Folsom for recommendation to the City Council of an Ordinance of the City of Folsom amending section 17.52.140 of the Folsom Municipal Code clarifying permitted uses in the Historic District. The ordinance is categorically exempt from environmental review under Section 15061(B)(3) of the California Environmental Quality Act (CEQA) Guidelines. **(Project Planner: Senior Planner, Stephanie Henry)**

PRINCIPAL PLANNER REPORT

The next Historic District Commission meeting is scheduled for **July 18, 2018**. 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) 461-6203 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. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

NOTICE REGARDING CHALLENGES TO DECISIONS

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



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

HISTORIC DISTRICT COMMISSION MINUTES

June 6, 2018

CITY COUNCIL CHAMBERS

5:00 p.m.

50 Natoma Street

Folsom, California 95630

CALL TO ORDER HISTORIC DISTRICT COMMISSION: Justin Raithel, Mary Asay, Rosario Rodriguez, Regina Konet, Vice Chair Candy Miller, Chair Daron Bracht

ABSENT: Arnaz

PLEDGE OF ALLEGIANCE

CITIZEN COMMUNICATION:

1. Michael Harris addressed the Historic District Commission about the Juneteenth Event at Negro Bar.

MINUTES: The minutes of April 18, 2018 were approved as submitted.

NEW BUSINESS

1. **PN 18-129, 916 Figueroa Street Duplex Design Review and Determination that the Project is Exempt from CEQA**

A Public Hearing to consider a request from Moe Hirani for Design Review Approval of a 5,701-square-foot duplex at 916 Figueroa Street. The project is in the Figueroa Subarea of the Historic Residential Primary Area (FIG), with underlying zoning of Two-Family Residence District (R-2). The General Plan designation is MLD (Multi-Family Low Density). This project is categorically exempt from environmental review under Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. **(Project Planner: Assistant Planner, Josh Kinkade / Applicant: Moe Hirani)**

Commissioner Konet recused herself from the vote on this item due to her being the architect for this project.

COMMISSIONER BRACHT MOVED TO APPROVE PN18-129, DESIGN REVIEW FOR A 5,701-SQUARE-FOOT DUPLEX LOCATED AT 916 FIGUEROA STREET AND DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA, WITH THE FOLLOWING FINDINGS AND CONDITIONS: GENERAL PROJECT FINDINGS A & B, CEQA FINDINGS C – F, DESIGN REVIEW FINDINGS G & H, CONDITIONS OF APPROVAL 1-15, WITH ADDITION OF CONDITION #16 TO READ AS FOLLOWS: "The following elements shall be added to the plans submitted for a Building Permit: a. The columns on the second-floor porches of the south elevation shall be moved closer to the corner trim of the structure. b. An uncovered porch up to

six feet into the 20-foot front setback shall be placed on the south elevation of the residence. The railings on the new porch shall be consistent with those on the rest of the building.”

COMMISSIONER ASAY SECONDED THE MOTION WHICH CARRIED THE FOLLOWING VOTE:

AYES:	RAITHEL, ASAY, RODRIGUEZ, MILLER, BRACHT
NOES:	NONE
ABSTAIN:	KONET
ABSENT:	ARNAZ

PRINCIPAL PLANNER REPORT

None

There being no further business, the meeting was adjourned at 5:45pm.

Respectfully Submitted,

Kelly Mullett, Senior Office Assistant

APPROVED:

DARON BRACHT, CHAIR

DATE: June 8, 2018

TO: Historic District Commission

FROM: Community Development Department

SUBJECT: **ORDINANCE NO. _____ – AN ORDINANCE OF THE CITY OF FOLSOM AMENDING SECTION 17.52.140 OF THE FOLSOM MUNICIPAL CODE CLARIFYING PERMITTED USES IN THE HISTORIC DISTRICT**

BACKGROUND/ISSUE

The proposed amendment to Chapter 17.52 of the Folsom Municipal Code, (FMC), is being brought forward as part of staff's ongoing efforts to improve the clarity and effectiveness of the City's zoning code by addressing inconsistencies and improving ambiguous or ineffective standards.

On July 14, 1998, the City Council adopted Ordinance No. 890 which, among other things, reenacted Chapter 17.52 of the FMC and established the current historic district primary areas and subareas in which specialized use and development standards apply. That same year, on October 13, 1998, the City Council adopted the City of Folsom Historic District Design and Development Guidelines (Resolution No. 5757) in order to provide a comprehensive document to assist with the implementation of the regulations and standards contained in Chapter 17.52.

When Ordinance No. 890 was passed, all property in the City of Folsom was subject to the City's zoning ordinance. As such, a base zoning district (Residential, Commercial, Industrial, etc.) already applied to each property in the historic district when the primary areas and/or subareas were put in place via Ordinance No. 890.

The geographic boundaries of the primary areas and subareas of the historic district are described in Sections 17.52.150 through 17.52.260 of the chapter and specific use and design standards for these areas are described in Sections 17.52.410 through 17.52.590 of the chapter. Furthermore, the Historic District Design and Development Guidelines reinforce the specific uses and design standards for each of these primary areas and/or subareas. However, Ordinance No. 890 did not repeal or amend the base zoning districts applicable to property within the historic district or specify which standards to apply in the event of a conflict between the standards applicable to the base zoning district and those applicable to the primary area and/or subarea in the historic district.

Planning staff have consistently applied the permitted uses and design standards identified in Chapter 17.52 to properties within the historic district. Recently however, questions have arisen regarding which standards apply in the event of a conflict between the specific use standards specified in Sections 17.52.410 through 17.52.590 and any other applicable standards contained in the FMC.

In the event of a conflict regarding design standards, Section 17.52.400 makes clear that the design standards specified in Chapter 17.52 control with respect to property located in the historic district. However, no similar provision exists with respect to permitted uses. Therefore, as the code is currently written, it is not readily apparent which standards apply to property located in the historic district in the event of a conflict between the uses permitted in the base zoning district and the uses permitted in the primary area and/or subarea.

Upon strict examination of the code by the City Attorney's Office, it was revealed that, as the code is currently written, in most cases the uses permitted in the base zoning district control in the event of a conflict.

It is staff's conclusion that the omission of specific language in Chapter 17.52 stating that the uses described in Sections 17.52.510 through 17.52.570 are allowed uses was an unintentional oversight. Based on the intent section of the Historic District Design and Development Guidelines, as well as conversations staff has had with individuals involved in crafting the original Ordinance, one of the goals in creating primary area and subarea designations was to provide greater flexibility regarding allowed uses in the historic district since, at the time the Ordinance was drafted, it was clear that many of the properties within the historic district did not conform to typical base zoning code provisions as specified in FMC Chapters 17.11 through 17.23. As such, it is staff's recommendation that specific uses listed under the primary area and/or sub area should be permitted in those specific areas of the historic district, even if they would not be permitted in the base zoning district.

On the other hand, in some cases the base zoning district provides a wider variety of permitted uses than those otherwise allowed in the primary area or subarea of the historic district. Because the purpose of this amendment is simply to clarify the code, staff does not propose to eliminate the base zoning applicable to property in the historic district. Therefore, it is staff's recommendation that specific uses permitted in the base zoning district should be permitted in the applicable primary area and/or sub area of the historic district, even if those permitted uses conflict with the specific uses listed under the applicable primary area and/or sub area.

Although this proposed amendment preserves the base zoning applicable to property in the historic district, one of the primary purposes of Chapter 17.52 is to ensure that new residential and commercial development is consistent with the historical character of the historic district as it developed between the years 1850 and 1950. (FMC Section 17.52.010(B)(5).) Staff recognizes that some uses permitted in the base zoning district might not be initially compatible with the historical character of the historic district. Therefore, this amendment specifies that a conditional use permit is required whenever such a permit is required by the applicable primary area and/or sub area as listed in Sections 17.52.150 through 17.52.570 or when such a permit is required by the applicable base zoning district as listed in Chapters 17.11 through 17.23. Conditional use permits in the historic district are reviewed and approved by the Historic District Commission (FMC Section 17.52.360(A)), so an additional level of review will exist for any proposed use in the historic district that would require a conditional use permit.

Hence, the proposed amendment set forth by this Ordinance strives to bring forth common sense modifications to clarify that land uses permitted by the applicable base zoning district, the applicable primary area, and/or the applicable subarea are all permitted uses within the historic

district. In addition, the proposed amendment also proposes to clarify that a conditional use permit is required within the historic district if a conditional use permit is required by the applicable base zoning district, the applicable primary area, and/or the applicable subarea.

POLICY/RULE

Under Section 17.52.120 of the FMC, amendments to Chapter 17.52 of the FMC require review by the Historic District Commission and a recommendation to the City Council. Under Section 2.12 of the City Charter, amendments to the FMC require review and approval by the City Council.

ANALYSIS

The proposed amendment to the FMC is being brought forth as part of staff’s ongoing efforts to improve the clarity and effectiveness of the City’s zoning code. As indicated in the background section of this report, staff recently became aware of a significant discrepancy in the FMC relative to permitted uses in the historic district. As a result, the proposed Ordinance sets out to remedy this uncertainty by simply clarifying that permitted uses in the historic district include the permitted uses in the applicable primary area and/or subarea and those permitted in the applicable base zoning district. Furthermore, where a conditional use permit is required by the applicable primary area and/or subarea or by the applicable base zoning district, a conditional use permit is required. Specifically, the amendment modifies Section 17.52.140 of the FMC as follows:

Addition to Section 17.52.140 (Historic District Boundaries)

The historic district is further divided into primary areas and subareas in which specialized development standards shall apply. These geographic boundaries of the primary areas and subareas are described in Sections 17.52.150 through 17.52.260. Specific use and design standards for these areas are described in Sections 17.52.510 through 17.52.570 of this chapter. Permitted uses in these areas include those permitted in the applicable primary area and/or subarea as listed in Sections 17.52.510 through 17.52.570 and those permitted in the applicable base zoning district as listed in Chapters 17.11 through 17.23. If a conditional use permit is required by the applicable primary area and/or subarea as listed in Sections 17.52.510 through 17.52.570 or by the applicable base zoning district as listed in Chapters 17.11 through 17.23, a conditional use permit shall be required.

As discussed earlier in this staff report, the intent of this proposed Ordinance is to provide consistency and offer clarity regarding the types of land uses that are permitted in the historic district, as well as the types of uses that require a conditional use permit in the historic district. By making this amendment, the proposed Ordinance both preserves the base zoning in the historic district and recognizes the purpose and intent of Chapter 17.52. Furthermore, the proposed amendment is consistent with the following stated intent of the Historic District Design and Development Guidelines:

“The intent is to return to the property owner as much of the early day freedom in use and design as possible, while maintaining compatibility with surrounding properties and the City as a whole”.

In summary, the proposed Ordinance eliminates ambiguity regarding permitted uses in the historic district and provides a flexible set of standards that encourage and allow property owners to restore,

improve and maintain their properties.

ENVIRONMENTAL REVIEW

The project is categorically exempt environmental review under Section 15061(b)(3) Review for Exemption of the California Environmental Quality Act (CEQA) Guidelines.

ATTACHMENTS

- 1. Ordinance No. _____ - An Ordinance of the City of Folsom Amending Section 17.52.140 of the Folsom Municipal Code Clarifying Permitted Uses in the Historic District (Redline)

- 2. Ordinance No. _____ - An Ordinance of the City of Folsom Amending Section 17.52.140 of the Folsom Municipal Code Clarifying Permitted Uses in the Historic District (Clean Copy)

RECOMMENDATION/HISTORIC DISTRICT COMMISSION ACTION

MOVE TO RECOMMEND CITY COUNCIL APPROVAL OF ORDINANCE NO. _____ - AN ORDINANCE OF THE CITY OF FOLSOM AMENDING SECTION 17.52.140 OF THE FOLSOM MUNICIPAL CODE CLARIFYING PERMITTED USES IN THE HISTORIC DISTRICT PER ATTACHMENT 2 WITH THE FOLLOWING FINDINGS:

GENERAL FINDINGS

- A. NOTICE OF HEARING HAS BEEN GIVEN AT THE TIME AND IN THE MANNER REQUIRED BY STATE LAW AND CITY CODE.

- B. THE ORDINANCE IS CONSISTENT WITH THE GENERAL PLAN OF THE CITY.

CEQA FINDING

- C. THE ORDINANCE IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15061(B)(3) REVIEW FOR EXEMPTION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES.

Respectfully Submitted,



Pam Johns
Community Development Director

Attachment 1

Ordinance No. _____ - An Ordinance of the City of Folsom Amending Section 17.52.140 of the Folsom Municipal Code Clarifying Permitted Uses in the Historic District (Redline)

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF FOLSOM
AMENDING SECTION 17.52.140 OF THE FOLSOM MUNICIPAL CODE
CLARIFYING PERMITTED USES IN THE HISTORIC DISTRICT**

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

SECTION 1 PURPOSE

The purpose of this Ordinance is to amend Section 17.52.140 of the Folsom Municipal Code, Historic District Boundaries, to clarify that land uses permitted by the applicable base zoning district, the applicable primary area, and/or the applicable subarea are all permitted uses within the historic district and to clarify that a conditional use permit is required within the historic district if a conditional use permit is required by the applicable base zoning district, the applicable primary area, and/or the applicable subarea.

SECTION 2 AMENDMENT TO CODE

Section 17.52.140 of the Folsom Municipal Code is hereby amended to read as follows:

17.52.140 Historic district boundaries.

The geographic boundaries of the historic district are described as follows:

Beginning at the northern boundary corner of APN 070-0220-013; thence southeasterly along the easterly boundaries of said parcel to the centerline of Stafford Street; thence southeasterly along said centerline to the centerline of Dean Way; thence southwesterly along the centerline of Dean Way to Coloma Street; continuing southwesterly in a straight line connecting the centerline of Dean Way and the centerline of Bidwell Street at Riley Street; thence southwesterly along the centerline of Bidwell Street to the intersection of an extension of said centerline with the western boundary of the railroad/Folsom Boulevard transportation corridor; thence southward along said western boundary to the boundary between Folsom Lake State Recreation Area parcels APN 070-0130-003 and APN 071-0020-022; thence northwesterly and then northeasterly along the boundary of state park lands to the boundary of the original Map of Folsom; thence northwesterly to the centerline of the American River; thence northeasterly to Riley Street (the Rainbow Bridge); thence northerly across the American River to the north boundary of state park lands; thence easterly along said boundary 350 feet more or less; thence southerly across the American River along a line parallel to Riley Street to the centerline of the American River; thence northeasterly and easterly to the point of beginning.

The historic district is further divided into primary areas and subareas in which specialized development standards shall apply. These geographic boundaries of the primary areas and subareas are described in Sections 17.52.150 through 17.52.260. Specific use and design standards for these areas are described in Sections 17.52.510 through 17.52.570 of this chapter. Permitted uses in these areas include those permitted in the applicable primary area and/or

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subarea as listed in Sections 17.52.510 through 17.52.570 and those permitted in the applicable base zoning district as listed in Chapters 17.11 through 17.23. If a conditional use permit is required by the applicable primary area and/or subarea as listed in Sections 17.52.510 through 17.52.570 or by the applicable base zoning district as listed in Chapters 17.11 through 17.23, a conditional use permit shall be required.

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: 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 5: 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 _____, 2018, and the second reading occurred at the regular meeting of the City Council on _____, 2018.

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 _____, 2018 by the following vote, to wit:

- AYES: Council Member(s)
- NOES: Council Member(s)
- ABSENT: Council Member(s)
- ABSTAIN: Council Member(s)

Stephen E. Miklos, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

Ordinance No. _____ - An Ordinance of the City of Folsom Amending Section 17.52.140 of the Folsom Municipal Code Clarifying Permitted Uses in the Historic District (Clean Copy)

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF FOLSOM
AMENDING SECTION 17.52.140 OF THE FOLSOM MUNICIPAL CODE
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The historic district is further divided into primary areas and subareas in which specialized development standards shall apply. These geographic boundaries of the primary areas and subareas are described in Sections 17.52.150 through 17.52.260. Specific use and design standards for these areas are described in Sections 17.52.510 through 17.52.570 of this chapter. Permitted uses in these areas include those permitted in the applicable primary area and/or

Ordinance No.

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- AYES: Council Member(s)
- NOES: Council Member(s)
- ABSENT: Council Member(s)
- ABSTAIN: Council Member(s)

Stephen E. Miklos, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK