

Attachment B
Code Enforcement Timeline
564 Main Street / APN: 003-141-013
Zone: Central Business District

The code case C#20-028 was opened on March 06, 2020, after staff became aware of new signage at the commercial property. A Courtesy Notice was sent on March 16, 2020, addressing the violations and requesting that the property owners contact staff to further discuss abatement. The notice provided the deadline of April 1, 2020. While the property owners did not contact staff, the business owners/tenants contacted Code Enforcement on April 17, 2020.

On April 17, 2020, Mr. Brandon Guenther spoke with Development Services Director, Pierre Rivas. Mr. Rivas explained that the large wall sign requires a building permit. Staff recommended that the contractor provide us with plans showing how the signage is affixed to the wall/sign board. It was explained that the menu boards located on the front windows are considered signage and the change of the mural to a commercial advertisement is subject to comply with the approved square footage per City Code Section 10-4-17 (G)(1)(b) [two (2) sq. ft of sign area for each one (1) lineal ft of business frontage]. It was agreed that the City will allow the “drive-up” wall sign to remain during the COVID-19 pandemic shutdown and allowance for outdoor dining.

Following the conversation, a new courtesy notice was sent to the business owners and the property owners with the deadline of June 1, 2020.

On May 19, 2020, [then] City Planner, Andrew Painter, and [then] Code Enforcement Official, Diane Palmer, spoke with the property owner, Greg Vorster, via phone regarding the allowed signage for the property. It was explained that the front 120 sq. ft. sign and the pole sign meet the city’s requirements. However, a building permit is required for the large wall sign in the front of the building. The menu board signs and the painted signage on the side of the building were not allowed unless a Master Sign Plan was approved by the Planning Commission. Staff provided the property and business owners 45 days (Deadline: July 3, 2020) to get back to staff with a decision. On July 28, 2020, Sign Permit #20686 was issued for the replacement of the wall sign on the street frontage side of the building. Sign Permit #20686 was finalized on September 19, 2020. While this abated one of the violations, the unpermitted menus signs and the advertisement signage on the west side of the building were left unaddressed. No further enforcement action was taken for the remainder of the year.

After no further abatement, a Notice to Correct was sent on June 28, 2021, to the property and business owners. The notice addressed the violations listed below:

1. Installation of wall signage (menu boards) without the benefit of a permit in violation of Code Section 10-4-17(F).
2. Change of mural into commercial signage without the benefit of a permit.
3. Outdoor dining structure built without the required building permit. (*California Building Code (CBC) Section 1.8.3.1- Construction without a permit*).
4. Establishment of outdoor dining area and reduction in parking area requiring a site plan review application per City Code Section 10-4-9 (Ref. SPR 84-01).

The Notice to Correct requested that you correct the violation(s) and provided a deadline of July 9, 2021.

A voicemail was received by the business owners on July 12, 2021, stating that they had received the notice but had a family emergency. Staff were able to speak with Mrs. Shona Campbell on July 19, 2021. It was stated that Mrs. Campbell would be coming into the office the following week to determine what is required to abate. No further enforcement action was taken until the following year.

Due to no abatement progress, the 1st Notice of Administrative Violation was sent on November 7, 2022. The notice provided a fine of \$100 and requested that the violations be abated by the deadline November 18, 2022.

Shortly after, Mrs. Shona Campbell came into the department office to schedule a meeting with Associate Planner, Kristen Hunter. The meeting was scheduled to take place on Tuesday, November 22, 2022. On November 22, 2022, Associate Planner Hunter and Mrs. Campbell met to discuss the requirements for signage and parking. Mrs. Campbell was provided with a copy of the City Code Sign Regulations and Parking requirements. Additionally, a Site Plan Review [SPR] application and a Variance application were provided. No further enforcement action was taken until the following year.

In an attempt to reach the business owners for an update, Code Enforcement left a voicemail on May 26, 2023, but no call was returned.

With no further abatement progress, the 2nd Notice of Administrative Violation was sent on May 2, 2023, to the property and business owners. The notice provided a fine of an additional \$200. This totaled the levied fines to \$300. The notice requested that the violations be abated by the deadline May 16, 2023. Both return receipts were received by staff, yet no contact or abatement was made by either the property or business owner.

Subsequently, the 3rd Notice of Administrative Violation was sent on May 17, 2023. The 3rd Notice of Administrative Violation provided a fine of an additional \$500. This totaled the levied fines to \$800. The notice provided a deadline of May 31, 2023.

On May 23, 2023, Mr. Brandon Guenther reached out to Associate Planner Hunter via email. The email included the incomplete submittal of the SPR and Variance application. The missing information was included in the response email. It was relayed that in-person appointments are required to be scheduled for these application submittals.

A meeting was scheduled and held on June 2, 2023, with business owners, Mr. Guenther and Mrs. Campbell. They were tasked with submitting a site plan demonstrating indoor and outdoor seating to determine the required parking. While researching the file records, staff realized that the property is encumbered by a Notice of Restriction imposed as a result of a site plan review for the building expansion limiting the (separate) parcel to be used solely for parking purposes.

On August 10, 2023, staff reached out to the business owners via email and provided a deadline of August 18, 2023, 5PM. Due to the timeframe of the code case, it was explained that code enforcement would proceed with administrative fines if no submittal was received by the deadline. On September 13, 2023, Associate Planner Hunter replied to an email sent by Mr. Guenther. The email explained that any SPR submission requires an in-person scheduled meeting. On September 19, 2023, the SPR and Variance (VAR) application was submitted and placed under review status.

Code Enforcement halted enforcement in the as there was indication of abatement progress until the following year.

Analysis of the application began; it was determined that additional information was required due to the continued modifications to the exterior of the building. The changes rendered the submitted application incomplete Associate Planner Hunter sent a request for additional information via email on November 9, 2023. Associate Planner Hunter responded to an email from the business owner requesting clarification on the required additional information on December 15, 2023.

With no contact from the applicants, a 4th Notice of Administrative Violation was sent on May 6, 2024, with an additional fine of \$500. This totaled the levied fines to \$1300. The notice was sent to the property and business owners and provided the deadline of May 20, 2024.

On May 29, 2024, Associate Planner spoke with business owners, Shona Campbell and Brandon Guenther regarding the application status and additional information required. They were tasked with submitting the required signage information.

It should be noted that staff informed the business owners that, due to the removal of copy from the pole sign in November 2023, 180 days had passed and, if not included in the master sign plan application, the pole sign would be deemed abandoned.

After no submittal of required information, on June 21, 2024, staff reached out via email to the applicants and provided the deadline of June 28, 2024, before proceeding with enforcement action for the violations including the now abandoned pole sign.

Following email correspondence between June 21, 2024 – July 19, 2024, the required additional information was submitted to staff on July 22, 2024, past the provided extended deadline.

On August 5, 2024, staff became aware of the permanent closure of the business. As a result, the submitted applications [SPR and variance application] have been deemed withdrawn. Associate Planner Hunter sent a letter to the property via regular mail and to the business owners via regular mail and email outlining the status of the applications.

On August 15, 2024, staff met with Greg Vorster, Shona Campbell, and Brandon Guenther to discuss the status of the SPR application. The staff's concern is that the application is no longer applicable to the project site since the closing of the restaurant. The applicant stated that they may be interested in an entertainment venue. Staff requested that a written request be submitted.

On August 27, 2024, an email was received by business owner Brandon Guenther (lessee) requesting that the application be kept active and requested a meeting to discuss options.