

“We are a welcoming, active and business-friendly rural foothill community built on California’s rich gold rush history “



City Manager’s Report
September 10, 2024, City Council Meeting
Prepared By: Kristen Hunter, Associate Planner
Item#: 12.2

Subject: Consideration of a Resolution declaring the abandoned pole sign located at 564 Main Street as an abandoned on-premises sign and a public nuisance; and declare to commence abatement.

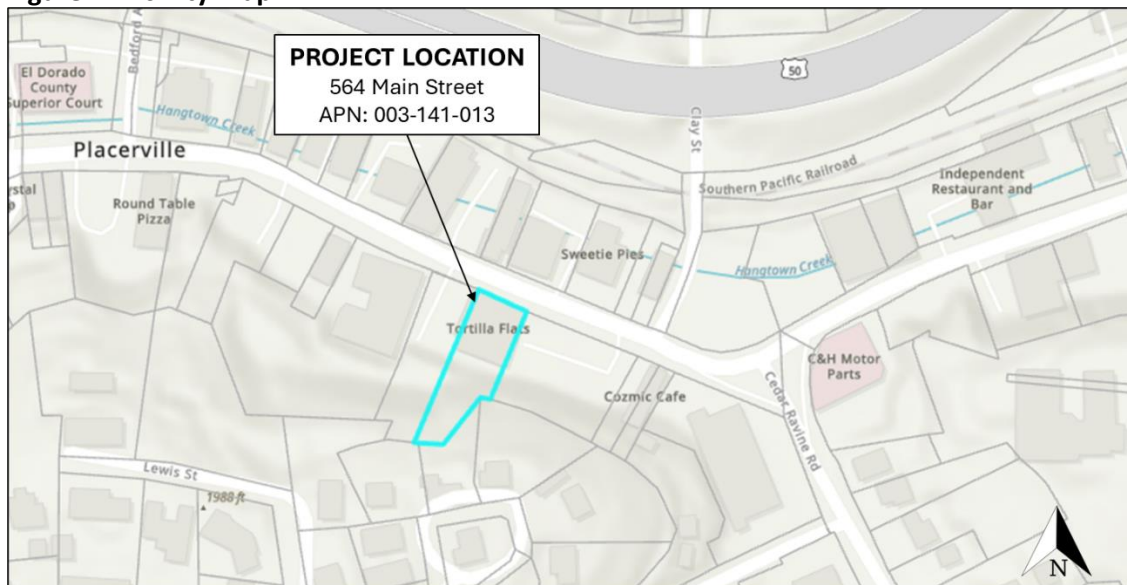
Recommendation: Adopt a Resolution to declare the abandoned on-premises pole sign at 564 Main Street (APN: 003-141-013) to be a public nuisance, and to commence abatement.

Purpose: Consideration of a request by the Development Services Department to abate an illegal, abandoned sign structure located at 564 Main Street (APN: 003-141-013).

Strategic Plan Strategy: Maintain/Improve Quality of Life: Strategy 6 – Develop a comprehensive Code Enforcement Program.

Discussion: The subject parcel is located on the south side of Main Street, approximately 400 feet west of the intersection of Cedar Ravine Road and Main Street and approximately 535 feet east of the intersection of Bedford Avenue and Main Street (Figure 1). The subject parcel is developed with a vacant restaurant building (Rocker Oysterfeller’s Kitchen and Saloon, closed as of August 5, 2024).

Figure 1. Vicinity Map



The pole sign in question is located atop the restaurant building, as shown in Figure 2. Based on a review of City records, no permit clearly identifies the final construction of the subject pole sign; however, Staff estimates that the sign has been in place since the 1960's.

Figure 2. Pole Sign Location



The subject parcel has actively been in Code Enforcement since 2020, for unpermitted signage, outdoor dining, and loss of required on-site parking. Staff has been in communication with the property owners and business owners since 2020. A Site Plan Review (SPR) for the parcel (and Variance application) was submitted to the Development Services Department (DSD) in September 2023. Unfortunately, site and sign modifications following submittal rendered the application incomplete and an additional information request was sent to the business owners on November 9, 2023. Staff responded to the applicants' question on December 15, 2023, after which no communication was received until the next Notice of Violation was sent in May 2024.

Staff met with the business owners on May 29, 2024, where the applicants were informed of the outstanding information required for a complete application as well as a reminder to include the pole sign in the revised information, as the copy on the sign ("Mexican Food") had been removed over 180 days. Staff indicated that if the information, including the proposed use of the pole sign, was submitted by the timeline that Staff would not proceed with enforcing the pole sign as abandoned.

Two (2) extensions were granted to the applicant for the submittal of the additional information, first from June 28 to July 12 then from July 12 to July 19. Unfortunately, the information was not submitted until the following week, on July 22, 2024.

Figure 3. Pole Sign as of September 2024



Pursuant to Zoning Ordinance Section 10-4-17(B), an abandoned business is “*one that has not operated on a regular and active basis for a period of one hundred and eighty (180) days or more, during which the business advertised has not carried on those activities which are necessary and incidental to the operation of a business or like type or character.*” Similarly, an abandoned sign is one where the subject business advertised has not operated on-site for 180 days or the sign has been stripped of copy for greater than 180 days.

As previously mentioned, previous copy on the sign, “Mexican Food”, was removed from the pole approximately 9-10 months (approximately 275-303 days) from September 3, 2024.

The pole sign does not meet the City’s current pole sign standards. In addition, the pole sign is also a roof sign which is not permitted per Section 10-4-17(D)13 of the City Code.

Illegal On-Premises Signs are defined as follows:

1. *Any on-premises sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use.*
2. *Any on-premises sign that was legally erected, but whose use has ceased, in that the business identified or advertised has been abandoned.*
3. *An on-premises sign which is a danger to the public creates or causes a nuisance or is unsafe.*

The City of Placerville Zoning Ordinance Section 10-4-17, Sign Regulations, subsection (O), outlines the process for the abatement of illegal or abandoned signage, pursuant to the California Business and Professions Code (CBP), Chapter 2.6, Division 3, Section 5499.2.

In accordance with CBP Section 5499.2 and Zoning Ordinance Section 10-4-17, the City Council, as the legislative body of the City of Placerville, may declare by resolution that illegal and abandoned signs and sign structures are a public nuisance and are to be abated. As required by Section 10-4-17(O) 2b, the property owners of the subject property on which the illegal or abandoned sign or sign structure is located were provided written notice of the proposed Resolution by the Development Services Department by way of registered mail on August 21, 2024. Staff further transmitted the written notice via email on August 23, 2024.

Following adoption of the proposed Resolution, consistent with Title I Chapter 4B of the City Code, the Development Services Director shall institute abatement procedures.

Cost: Minimal cost involving Staff time to complete the abatement process.

Budget Impact: None.



M. Cleve Morris, City Manager



Pierre Rivas, Development Services Director

Attachments:

- A. Resolution
- B. Code Enforcement Timeline