

City Manager's Report
August 13, 2013 City Council Meeting



Prepared by: Pierre Rivas, Development Services Director

Item #: // /

Subject: Reconsideration of the declaration of the roof sign located at 301 Main Street (aka: Herrick Building) as a public nuisance and its abatement thereof by the City Council.

Recommendation:

1. Deny the request of the current owners (Timothy and Sue Taylor) to declare the existing roof sign located on the building at 301 Main Street (Assessor's Parcel No. 001:212:14) building as a legal nonconforming use;
2. Direct that the owners remove the roof sign within 60 days; and
3. Direct Staff to monitor the removal of the sign within the specified time period and proceed with administrative abatement proceedings should the sign not be removed within the 60-day time period.

Background: The 56-square-foot roof sign was legally installed under Permit No. 6569 issued to Zoe's Restaurant on March 11, 1982. The restaurant use of the building ceased circa 2006. City Code Section 10-4-17(D)13 expressly prohibits roof signs. The subject roof sign is defined as an "illegal on-premise sign" pursuant to Code Section 10-4-17(B)2 which defines as illegal "any on-premises sign that was legally erected, but whose use has ceased, in that the business identified or advertised has been abandoned." An "abandoned business" is defined under Code Section 10-4-17(B) as a business which has not operated on a regular basis for 180 days or more. No business activity has occurred within the building for several years.

On August 9, 2011, the City Council adopted Resolution No. 7939 declared approximately 21 abandoned signs located on 18 properties to be public nuisance and declared its intent to cause their abatement, which action included the subject roof sign located at 301 Main Street. The Resolution specified that formal protests to the illegal sign abatement action by Council would be heard at meetings on August 23, 2011 and on September 13, 2011. At the August 23rd hearing, the Council directed that the property owners would have 18 months to bring their illegal signs into compliance. No protest was made by the owners of 301 Main Street at the August 23rd Council meeting. At the September 13, 2011 hearing, the list of illegal signs was reduced to 14 due to voluntary compliance with the sign abatement process. The Council then directed that the majority of property owners, including the Saunders Company, be given 120 days to bring their signs into compliance, and directed Staff to return with a progress report following 120 days.

At the March 27, 2012 Council meeting, Staff provided a report to the Council on the status of the illegal sign abatement inventory. Council directed staff to continue to work with property owners to bring their signs into compliance and pursue administrative sanctions for non-compliant properties. Specifically in regard to 301 Main Street, the Council recognized that the property was recently acquired (on March 6, 2012) by the present owners, Timothy and Sue Taylor. The Council directed Staff to allow the Taylors 60 days to either remove the sign or submit justification to the Council to

allow the sign to remain. Written justification was received by the City on May 30, 2012 (**Exhibit A**). Also see the timeline provided in **Exhibit B** for reference.

Discussion: The current owners' justification statement contends that the sign has existed on the building for 30 years and may be considered a "landmark" to some. Additionally, the owners contend that the sign has commercial value by increasing the visibility of the building's future tenants to the traveling public on U.S. Highway 50. It is Staff's opinion the sign has clearly lost any entitlement due to abandonment of the building prior to the acquisition of the property by its current owners; that the City's sign ordinance was comprehensively updated (approximately 9 years ago) to balance the business needs of the community while considering the unique historical character of the town; and that the sign is located within a designated Scenic Highway Corridor. Therefore, Staff is recommending that the sign be removed in accordance with the previous actions of the City Council to abate those signs declared to be public nuisances.

Project Data:

Property Owner: Timothy Taylor and Sue Taylor
Location: 301 Main Street
Assessor's Parcel Number: 001:212:14
Lot Size: 2,226 square feet
General Plan Land Use: Central Business District
Zoning: Central Business District (CBD)
Existing Use: Vacant commercial building

Budget Impact: Expenses incurred by the City in enforcing abatement of the roof sign, plus reasonable administrative fees to cover the cost of collection, may be recovered as special assessment and lien under City Code Section 1-4B-2(D)(4).

Recommendation: Staff recommends that the City Council:

1. Deny the request of the current owners (Timothy and Sue Taylor) to declare the existing roof sign located on the building at 301 Main Street (Assessor's Parcel No. 001:212:14) as a legal nonconforming use;
2. Direct that the owners remove the roof sign within 60 days; and
3. Direct Staff to monitor the removal of the sign within the specified time period and proceed with administrative abatement proceedings should the sign not be removed within the 60-day time period.


Pierre Rivas, Director of Development Services



M. Cleve Morris, City Manager

Exhibits:

- A. Property Owners' Justification Statement
- B. Timeline: 301 Main Street Roof Sign

Roof sign – Unfortunately last September, when the City Council took action regarding downtown signs, the Herrick Building had no permanent owner to represent the property regarding sign decisions. The City Council allowed variances for several downtown signs to be grandfathered in. As the permanent owners of the property, we are requesting that the roof sign be exempted and grandfathered in. The north facing wall sign on Stage Coach Alley has been removed.

The roof sign has been on the building for the last 30 years. To some passers-by traveling east on Hwy 50, the roof sign is a landmark. The sign has real value to our business model for negotiating a lease with future tenants. Having the roof sign will be beneficial in attracting a long term tenant for this important downtown location. While renovating the buildings will improve the downtown aesthetics, the real benefit to the city and the community will be to improve the local economy by having a viable business on the premises. The roof sign is an important part of the business model in order to attract customers traveling along the highway. If needed, the sign could be covered with a tarp until the new business opens.


5/30/12



City of Placerville

Development Services Department
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MEMORANDUM

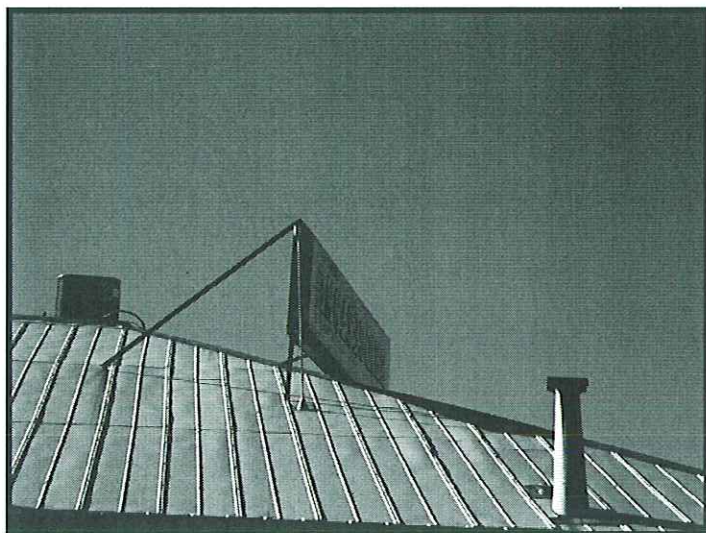
Date: July 9, 2013

To: Pierre Rivas, Director
 Andrew Painter, City Planner

From: Erica Inderlied, Administrative Secretary

Re: **Timeline: 301 Main Street Roof Sign – City Council Sign Abatement**

March 11, 1982: Building Permit No. 6569 was issued for one fifty-six (56) square foot roof sign and mounting bracket supports for the Zoe's Restaurant business located onsite.



Mid to late 1990s: The restaurant use vacated the building. Per City Code Section 10-4-17(B) and its definition of *abandoned business* and *illegal on-premise sign*, the roof sign became an illegal sign due to the abandoned business, Zoe's Restaurant, vacating the site for more than one hundred eighty (180) days.

No comment was received from the Saunders Company regarding this sign matter during their ownership of the property.

June 25, 2008: Saunders Company purchases the property.

August 3, 2010 and July 12, 2011: Preliminary Council hearings. **Staff seeks authorization to agendize a formal code enforcement action for qualifying illegal signs.**

August 9, 2011: Notice mailed directly to all individual property owners (for this property, to the Saunders Company in Monterey) and published in the Mountain Democrat on August 5, 2011. **City Council adopts Resolution 7939, declaring various illegal signs, including the Herrick Building's unpermitted wall sign and previously-permitted roof sign (both abandoned), to be nuisances, and its intent to abate the nuisance by causing the removal of the structures.** Council announces its intent to hold further meetings on August 23 and September 13, 2011, to hear objections.

August 23, 2011: Notice of this Council hearing mailed directly to the owners of all properties identified in Resolution 7939, inviting property owners to attend this hearing and the September 13 hearing to voice any objections. Council removes some properties from the code enforcement inventory for owners who state their intent to legalize their signs. **Council directs Staff to pursue the abatement of the remaining signs identified in the Resolution, including 301 Main Street, and notice two more public hearings regarding the matter.**

September 13, 2011: Public notice provided directly to property owners via Registered Mail, and published in the Mountain Democrat on August 31, 2011. **Council establishes deadlines for property owners who have not yet brought their sign structures into compliance; 301 Main Street given 120 days to comply.**

October 5, 2011: Follow-up correspondence sent to Saunders Company, notifying them of the 120-day deadline for complying with Council orders.

February 14, 2012: Follow-up correspondence sent to Saunders Company, giving 10 days to achieve compliance, notifying them of intent to ask Council for permission to initiate fines or a court order.

March 1, 2012: Notice of Non-Compliance removed.

March 6, 2012: Taylors purchase the property.

March 27, 2012: Follow-up Council item, giving status update following the end of the 120 abatement timeline. **Council directs Staff to continue working with property owners to achieve compliance; authorizes the use of administrative sanctions for owners who fail to comply. Council offers new owners 60 days to comply.**

April 2, 2012: Letter to Taylors recapping Council's decision to offer 60 days to either achieve compliance, or submit justification to Council for allowing signs to remain.

(Undocumented date): Wall sign removed.

May 16, 2012: The Historical Advisory Committee advised the Planning Commission that the 301-305 Main Street – Site Plan Review 2012-02 project is consistent with the Secretary of the Interior

Standards with the exception of the existing roof sign. **The Committee further mentioned that the roof sign is not an original historical feature of the building, as evidenced by a 1953 photo of downtown Placerville provided by Member Rogers that visually showed the 301 and 305 Main Street buildings without the roof sign. They advised that the roof sign be removed.**

June 5, 2012: Site Plan Review 2012-02 was considered and approved by the Planning Commission.

The following excerpt is from Staff's report where the roof sign was discussed:

Proposed uses onsite, along with the rehabilitation activities that would be seen from US 50, would substantially meet Goal B with one exception. The existing roof sign and sign structure located on the 301 Main Street building were included in a list of other illegal signs and sign structures within Placerville that were declared by City Council Resolution 7939 (August 2011) to be illegal and a public nuisance. Council's resolution referenced Goal B and Policy 6 of the Community Design Element to substantiate its nuisance declaration.

On March 27, 2012, City Council granted the Taylors sixty (60) days to either cause the removal of the sign, or to submit justification to the City Council for their consideration. Justification was submitted and will be forwarded to the City Council for their consideration.

The Commission took no action regarding the roof sign due to Council's action on March 27, 2012.

For context, full text of Goal B and Policy 6 of Goal B of the Community Design Element states as follows:

Goal B: To protect and upgrade the visual and historical character of downtown.

Policy 6. The City shall encourage the visual improvement of buildings as seen from Highway 50.

May 30, 2013: Letter from Taylors requesting Council approval to allow the roof sign to remain.