



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

Planning Commission Staff Report

Meeting Date: June 16, 2026

Prepared By: Carole Kendrick, Director of Development Services

PROJECT INFORMATION SUMMARY

Case File: APP26-01 "Vista Sotheby's International Realty"

Request: Appeal of an Administrative Staff Determination classifying the property occupancy at 413 Main Street, Vista Realty, Inc. (Vista Sotheby's International Realty), as a "Formula Business" under PMC §10-1-4.

Summary Recommendation:

1. Deny the appeal and UPHOLD the Development Services Director's administrative determination that the business occupancy at 413 Main Street constitutes a "Formula Business" under Placerville Municipal Code (PMC) Section 10-1-4 "Definitions"
2. Affirm that the property use is subject to a Conditional Use Permit (CUP) pursuant to PMC Section 10-5-14(C) and a Site Plan Review (SPR) pursuant to PMC Section 10-4-9(C), requiring the appellant to file the necessary application with the Development Services Department.

PURPOSE

The purpose of this action is for the Planning Commission to consider an administrative appeal filed by Vista Realty, Inc. (operating as Vista Sotheby's International Realty). The appellant challenges the Code Enforcement Official and Development Services Director's classification of their new professional office space at 413 Main Street as a formula business. This review evaluates whether the shared corporate branding elements used across the appellant's multiple offices fall within the regulatory parameters established to maintain the historical visual profile of the downtown corridor.

BACKGROUND

May 6, 2026: Following a formal zoning complaint, the Development Services Department determined that the real estate office at 413 Main Street meets the statutory definition of a formula business.

May 11, 2026: The Code Enforcement Official issued a corrected Notice to Correct identifying the applicable code sections requiring a CUP.

May 12–19, 2026: Email correspondence occurred between the appellant’s General Counsel, the Code Enforcement Official, and the Development Services Director clarifying distinctions between standard appeal fees and code enforcement hearing procedures.

May 20, 2026: The appellant formally filed an appeal of the Director’s determination under PMC §10-1-4.

ADMINISTRATIVE HISTORY AND PRECEDENT

Past entitlement actions within the Central Business District—including the approval of The Therapy Store, a formula retail use that received City approval but ultimately never opened—form part of the City’s administrative record regarding formula business regulation. Although the business did not commence operations, its approval demonstrates that the City has previously determined that formula retail uses may be compatible with the CBD when they meet applicable zoning standards. When viewed alongside the Planning Commission’s approval and the Superior Court’s affirmation of the Sourdough & Co. entitlement, these actions collectively establish a pattern of administrative consistency. While not creating binding precedent, this history informs how future restrictions or approvals should be evaluated to ensure fairness, defensibility, and continuity in the application of the Zoning Ordinance.

DISCUSSION AND STAFF ANALYSIS

1. Statutory Scope of "Exterior Design" Branding

The appellant argues that because their 16 California branches utilize distinct architectural forms, they do not operate five or more sites that are structurally “essentially identical.” However, PMC §10-1-4 defines a formula business as:

“Any business with a proposed or existing exterior design (appearance, colors, signage) that is essentially identical to five (5) or more other business sites using the same or similar name or identity.”

The parenthetical—appearance, colors, signage—clarifies that “exterior design” includes public-facing branding elements, not merely architectural form. Corporate logos, color palettes, and standardized signage fall squarely within this definition.

By utilizing a uniform corporate name, trademarked branding, and consistent signage across 16 active locations, the appellant satisfies the statutory requirement of maintaining an essentially identical brand identity across more than five sites.

2. Legislative Intent Regarding Service-Oriented Entities

The appellant contends that a professional real estate brokerage should not be categorized similarly to a chain retail establishment. PMC §10-1-4 applies to “any business”, without carve-outs for service-sector entities.

This interpretation is supported by legislative history:

- October 1, 2019: The Planning Commission held a public workshop evaluating whether to narrow formula business regulations to exclude service uses such as banks and real estate offices.
- After public review, the Commission unanimously recommended no changes, explicitly retaining coverage over service businesses to protect the unique character of the CBD.

The City’s historical Formula Business Inventory includes multiple service-sector entities—such as Coldwell Banker (111 Main St.), River City Bank (348 Main St.), The Therapy Store (339 Main St.), and Sourdough and Co. (385 Main St.)—demonstrating consistent application of the ordinance.

3. Land-Use Tracking and Relocation Precedents

The appellant asserts that their prior operation at 516 Main Street without a formula business designation creates a binding administrative precedent. However:

- A business license issued under Title 5 does not establish a land-use entitlement or exempt a business from zoning requirements.
- Title 5’s purpose is revenue collection, not land-use regulation.
- Code enforcement is complaint-driven, and the absence of prior complaints at 516 Main Street does not restrict the City from acting upon a new complaint at 413 Main Street.

Thus, the prior location does not confer a vested right or exempt the appellant from compliance at the new site.

4. Clarification of the Remedy

The formula business classification is not a prohibition on the appellant’s operation in downtown Placerville. Under PMC §10-5-14(C), formula businesses are allowed in the CBD subject to a Conditional Use Permit. The remedy requires:

- Filing a CUP application, and
- Filing a Site Plan Review application

This process allows the City to evaluate signage, branding, and design integration to preserve Main Street’s historic aesthetic.

ENVIRONMENTAL REVIEW

The project is exempt from CEQA under:

- §15061(b)(3) (common sense exemption), and
- §15301 (existing facilities; minor alterations with no expansion of use).

DECISION MAKING AUTHORITY

This appeal is processed under the City's established appeal procedures. The Planning Commission serves as the first-level appellate body for administrative land-use decisions and may affirm or overturn the Director's determination based on the evidentiary record and applicable Zoning Ordinance provisions. The Commission's action constitutes the City's final decision unless further appealed to the City Council.

RECOMMENDED PLANNING COMMISSION ACTION

1. Hold a public hearing and take public testimony; and,

Option 1: Deny the appeal and uphold the administrative staff determination as proposed by Staff, finding the property subject to standard CUP and SPR application procedures.

Option 2: Do not recommend approval of the staff determination, sustain the appeal, and provide direction to Staff for modifications.

ATTACHMENTS

- A. Planning Commission Resolution 2026-XX
- B. Formal Notice of Appeal and Associated Addendum filed by Appellant, Vista Realty, Inc. (Dated May 20, 2026)
- C. Code Enforcement Notice to Correct (Case No. CE-2026-063)
- D. Chronological Email Documentation between Appellant and Development Services Staff
- E. City Manager's Staff Report and Exhibits Regarding Process to Amend the Zoning Ordinance to Consider Restrictions on Formula Businesses in CBD (Dated December 10, 2019)

INCORPORATED BY REFERENCE

- City of Placerville General Plan
- City of Placerville Municipal Code Business Regulations (Title 5) and Zoning Ordinance (Title 10)
- Contents of City of Placerville Planning Department Project File APP26-01