

RESOLUTION NO. 2026-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PLACERVILLE DENYING AN APPEAL (APP26-01) AND UPHOLDING THE
DEVELOPMENT SERVICES DIRECTOR’S ADMINISTRATIVE DETERMINATION
THAT THE BUSINESS OCCUPANCY AT 413 MAIN STREET (VISTA SOTHEYBY’S
INTERNATIONAL REALTY) CONSTITUTES A “FORMULA BUSINESS” UNDER
PMC §10-1-4, AND AFFIRMING THAT THE USE IS SUBJECT TO CONDITIONAL
USE PERMIT AND SITE PLAN REVIEW REQUIREMENTS**

WHEREAS, Vista Realty, Inc., operating as Vista Sotheby’s International Realty (“Appellant”), filed an appeal contesting the Development Services Director’s administrative determination that the business occupancy at 413 Main Street constitutes a Formula Business under Placerville Municipal Code (PMC) §10-1-4; and

WHEREAS, On May 6, 2026, following a formal zoning complaint, the Development Services Department determined that the business meets the statutory definition of a formula business based on uniform corporate branding, signage, and identity used across more than five locations; and

WHEREAS, On May 11, 2026, the Code Enforcement Official issued a corrected Notice to Correct identifying the requirement for a Conditional Use Permit (CUP) pursuant to PMC §10-5-14(C) and Site Plan Review (SPR) pursuant to PMC §10-4-9(C); and

WHEREAS, On May 20, 2026, the Appellant filed a timely appeal pursuant to the City’s established appeal procedures; and

WHEREAS, The Planning Commission held a duly noticed public hearing on June 16, 2026, received the staff report, reviewed the administrative record, considered public testimony, and deliberated on the matter; and

WHEREAS, Past entitlement actions within the Central Business District—including the approval of The Therapy Store, a formula retail use that received City approval but never opened—along with the Planning Commission’s approval and the Superior Court’s affirmation of the Sourdough & Co. entitlement, establish a pattern of administrative consistency in the City’s application of formula business regulations; and

WHEREAS, The Planning Commission is authorized under the PMC to affirm, modify, or overturn administrative determinations based on the evidentiary record and applicable zoning provisions.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF PLACERVILLE MAKES THE FOLLOWING FINDINGS:

Finding 1 — The Appellant operates more than five locations statewide using an essentially identical exterior design, including standardized signage, color palette, corporate branding, and trademarked identity. PMC §10-1-4 expressly includes appearance, colors, and signage within the definition of “exterior design.” Architectural differences between buildings do not exempt a business from classification when branding elements are uniform across multiple sites.

Finding 2 — Legislative intent supports applying formula business regulations to service-sector entities.

PMC §10-1-4 applies to “any business” without distinction between retail and service uses. The Planning Commission’s October 1, 2019 workshop and subsequent recommendation to retain broad coverage confirms that real estate offices, banks, and similar service entities fall within the ordinance’s scope.

Finding 3 — Prior operation at 516 Main Street does not establish a vested right or exempt the new location from zoning compliance.

A business license issued under Title 5 does not confer land-use entitlement or exempt a business from zoning requirements. Code enforcement is complaint-driven, and the absence of prior complaints at 516 Main Street does not limit the City’s authority to enforce zoning regulations at 413 Main Street.

Finding 4 — The appropriate remedy is compliance through the CUP and SPR process.

Formula businesses are allowed in the Central Business District subject to discretionary review. The determination does not prohibit the Appellant from operating but requires submission of a CUP and SPR application to ensure compatibility with the historic character of Main Street.

Finding 5 — The project is exempt from CEQA.

The action is exempt under CEQA Guidelines §15061(b)(3) (common sense exemption) and §15301 (existing facilities), as the appeal involves no physical expansion or environmental impact.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Placerville held on June 16, 2026.

AYES:

NOES:

ABSENT:

ABSTAIN:

Planning Commission Chair Kiehne

ATTEST:
Development Technician Deana Watkins-Howey