



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
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JULIA KROG, DIRECTOR
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April 3, 2023

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Zoning Administrator at a special meeting on Wednesday, April 19, 2023 at 9:00 a.m., to be held at Planning & Building Services, 860 N. Bush Street, in the Public Conference Room, Ukiah, California, will conduct a public hearing on the following project at the time listed or as soon thereafter as the item(s) may be heard and Virtual attendance will be available via Zoom. Meetings that will be live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>. In lieu of personal attendance, the public may participate digitally in meetings by sending comments to pbscommissions@mendocinocounty.org or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>.

CASE#: V_2021-0003

DATE FILED: 8/30/2021

OWNER: THE DOUGLAS CRANE AND KATHERINE CRANE TRUST

APPLICANT/AGENT: STOTT OUTDOOR ADVERTISING, ATTN: GREG REDEKER

REQUEST: Variance to allow a double-faced sign to extend 13 feet above the 35-foot height limit, totaling 48 feet tall.

ENVIRONMENTAL DETERMINATION: Categorically Exempt

LOCATION: 2.3± miles southeast of Ukiah city center, lying on the north side of Norgard Lane (CR 211), 0.2± miles west of its intersection with South State Street (CR 104A); located at 210 Norgard Lane, Ukiah; APN: 184-063-11.

SUPERVISORIAL DISTRICT: 2 (Mulheren)

STAFF PLANNER: MATT GOINES

The staff report and notice will be available for public review 10 days prior to the hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

Your comments regarding the above project(s) are invited. Written comments should be submitted by mail to the Department of Planning and Building Services Commission Staff, at 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by emailing comments to pbscommissions@mendocinocounty.org by April 18, 2023, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Zoning Administrator, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/zoning-administrator>.

The Zoning Administrator's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal of the Zoning Administrator's decision is the 10th day after the hearing. To file an appeal, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE. Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling 707-234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item(s) may be obtained by calling the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Zoning Administrator's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



**ZONING ADMINISTRATOR
STAFF REPORT- VARIANCE**

**APRIL 19, 2023
V_2021-0003**

SUMMARY

OWNER: THE DOUGLAS CRANE AND KATHERINE CRANE TRUST
1295 YOKAYO COURT
UKIAH, CA. 95482

APPLICANT/AGENT: STOTT OUTDOOR ADVERTISING,
ATTN: GREG REDEKER
PO BOX 7209
CHICO, CA 95927

REQUEST: Variance to allow a double-faced sign to extend 13 feet above the 35-foot height limit, totaling 48 feet tall.

LOCATION: 2.3± miles southeast of Ukiah city center, lying on the north side of Norgard Lane (CR 211), 0.2± miles east of its intersection with South State Street (CR 104A), located at 210 Norgard Lane, Ukiah; APN: 184-063-11.

TOTAL ACREAGE: 1.88± Acres

GENERAL PLAN: Industrial (I)

ZONING: Industrial (I1 Limited)

SUPERVISORIAL DISTRICT: 2nd (Mulheren)

ENVIRONMENTAL DETERMINATION: Categorically Exempt: Class 5, 15305(a) – Minor variance not resulting in the creation of a new parcel.

RECOMMENDATION: APPROVE WITH CONDITIONS

STAFF PLANNER: MATT GOINES

BACKGROUND

PROJECT DESCRIPTION: A variance request to construct a new double-faced, 10 foot by 30 foot offsite sign with adjusted height restrictions. The overall height of the sign is requested to be 48 feet above grade, 13 feet taller than is allowed per Mendocino County's off-site sign ordinance that allows for a maximum height of 35 feet for off-site signs.

SITE CHARACTERISTICS: The 1.88± acre parcel lies at the corner of Townsend Lane (private) and Norgard Lane (CR 211) and is accessed from the north side of Norgard Lane. The parcel is developed with two single-family residences and a steel shop/storage building along the western property boundary adjacent to Townsend Lane.

The parcel is relatively flat with little to no slope, as shown on the *Topographic* map in attachments. The parcel has a farmland classification of urban and build-up land identified with Mendocino County GIS mapping. The site is located within a "urban un-zoned" area and is within the Local Responsibility Area subject to the jurisdiction of Ukiah Valley Fire Authority (UVFA) for structural and land protection. The parcel has very little vegetation, the site mainly consists of flat grasslands with majority of the vegetation residing at the southwest side of the property. There is an existing Caltrans right-of-way at the southeast corner of the parcel adjacent to US 101. Additionally, the parcel lies within Compatibility Zone 2 in the Approach/Departure Zone as designated by Ukiah Municipal Airport Land Use Compatibility Plan (UKIALUCP).



Douglas Crane and Katherine Crane Trust
Mendocino County APN 184-063-11

Figure 1 – Sign location (Provided by Applicant)

SURROUNDING LAND USE AND ZONING: As listed in Table 1, the surrounding lands are mixture of industrial, residential, and agricultural lands.

Table 1: Surrounding Land Use and Zoning				
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH:	Industrial	Industrial	1± Acre	Residential
EAST:	City Limit, Agricultural	City Limit, Agricultural	N/A	Easement, State Route 101
SOUTH:	Industrial	Industrial	0.32± Acres	Residential
WEST:	Industrial	Industrial	0.06± to 0.25±Acres	Residential

AGENCY COMMENTS: On September 28, 2021, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. As listed in Table 2, A summary of the submitted agency comments are listed below.

Table 2: Agency Comments	
REFERRAL AGENCIES	COMMENT
Airport Land Use Commission	Comments
Assessor's Office	No Response
Building Services (Ukiah)	Comments
CALFIRE (Land Use)	No Response
Caltrans	Comments
Cloverdale Rancheria	No Response
Department of Transportation (DOT)	No Comment
Environmental Health (EH)	No Comment
Fish and Wildlife (CDFW)	No Response
Planning Division (Fort Bragg)	No Comment
Redwood Valley Rancheria	No Response
Sherwood Valley Band of Pomo Indians	No Response
Ukiah Valley Fire Department	No Comment
Willow County Water District	No Comment

ENVIRONMENTAL REVIEW: The proposed project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15305, Class 5a, for a (vertical) setback variance not resulting in the creation of any new parcel.

KEY ISSUES: The applicant's goal is to erect an advertising sign on private property adjacent to US 101, located within Compatibility Zone 2 in the Approach/Departure Zone as designated by UKIALUCP. Additionally, this property falls within the Ukiah Valley Area Plan (UVAP) designation where the protection and enhancement of natural beauty and scenic viewsheds of the Ukiah valley are applicable.

Relevant fact and finding from ALUC 2022-0001 pertaining to this project.

According to the basic compatibility criteria in table 3A under the General Characteristics category in the UKIALUCP, any use having structures including poles or antennas or trees 35 feet or higher is designated as Conditionally Compatible and requires additional considerations to be made before any approval is to take place. Additionally, the project falls within an Airspace Critical Protection Zone according to Air Space Protection Zone Map 3B. Due to the structure's proximity to the airport, its location within Compatibility Zone 2 Approach/Departure Zone, and its existence within a designated Airspace Critical Protection Zone, additional review is required regarding any potential hazard to flight that the project may pose.

Pursuant to Policy 3.6.2(c) of the UKIALUCP, objects having height that exceeds any Airspace Protection Surface shall only be allowed if all the criteria in the Policy are met. This project's compliance to pertinent criteria are as follows:

1. *As the result of an Aeronautical Study, the Federal Aviation Administration (FAA) determines that the object would not be a hazard to air navigation.*
2. *Marking and lighting of the object will be installed as directed by the FAA Aeronautical Study or the California Division of Aeronautics and in a manner consistent with FAA standards in effect at the time the construction is proposed.*
3. *An Avigation Easement is dedicated in accordance with Policy 3.3.6.*
4. *The proposed project/plan complies with all other policies of the UKIALUCP.*

As documented on the "Determination of No Hazard to Air Navigation" letter dated 02/01/2022, the FAA conducted an aeronautical study (aeronautical study No. 2021-AWP-20455-OE) under the provisions of 49 U.S.C section 44718 and, as applicable, Title 14 of the Code of Federal Regulations, part 77. The

aeronautical study determined that the structure does not exceed obstruction standards and would not be a hazard to air navigation. The report also states that an FAA form 7460- 2, Notice of Actual Construction or Alteration, be e-filed anytime the project is abandoned or within five days after the construction reaches its greatest height (7460-2, Part 2). The determination expires on 08/01/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office; and*
- (b) extended, revised, or terminated by the issuing office; and*
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.*

The FAA further noted that based on the evaluation, marking and lighting are not necessary on the proposed billboard sign for aviation safety. The FAA did comment that if marking and/or lighting are provided on a voluntary basis that it shall be installed in accordance with FAA Advisory circular 70/7460-1 M.

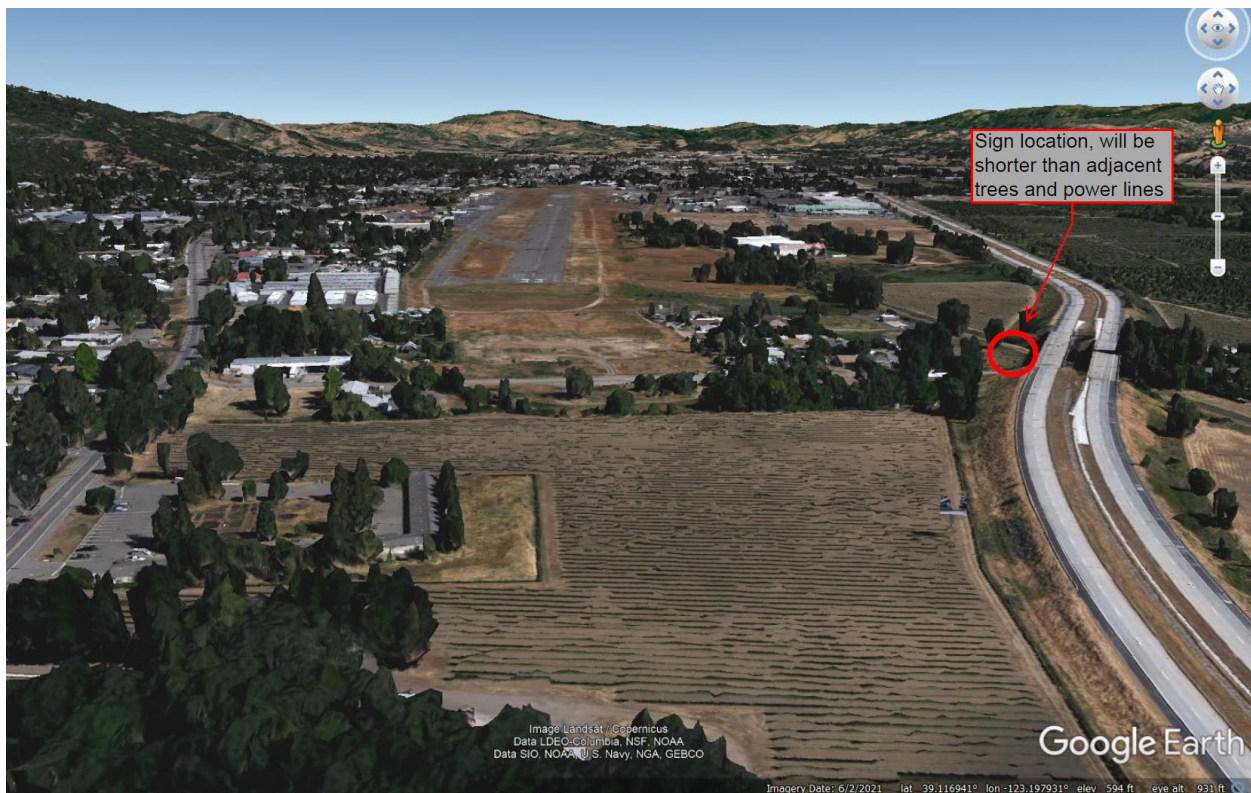


Figure 2 - Proximity to Ukiah Airport (Provided by Applicant)

Additionally, because of the sign's proximity to US 101, Caltrans has requested that an encroachment outdoor advertising permit be applied for and approved before any construction may take place. This will be obtained through the Office of Encroachment and Outdoor Advertising Permits (OEOAP). Additional permits from Caltrans, such as an encroachment permit, may be required if any vegetation trimming within the Caltrans right-of-way is required (section 509 of the Caltrans Encroachment Permit Manual).

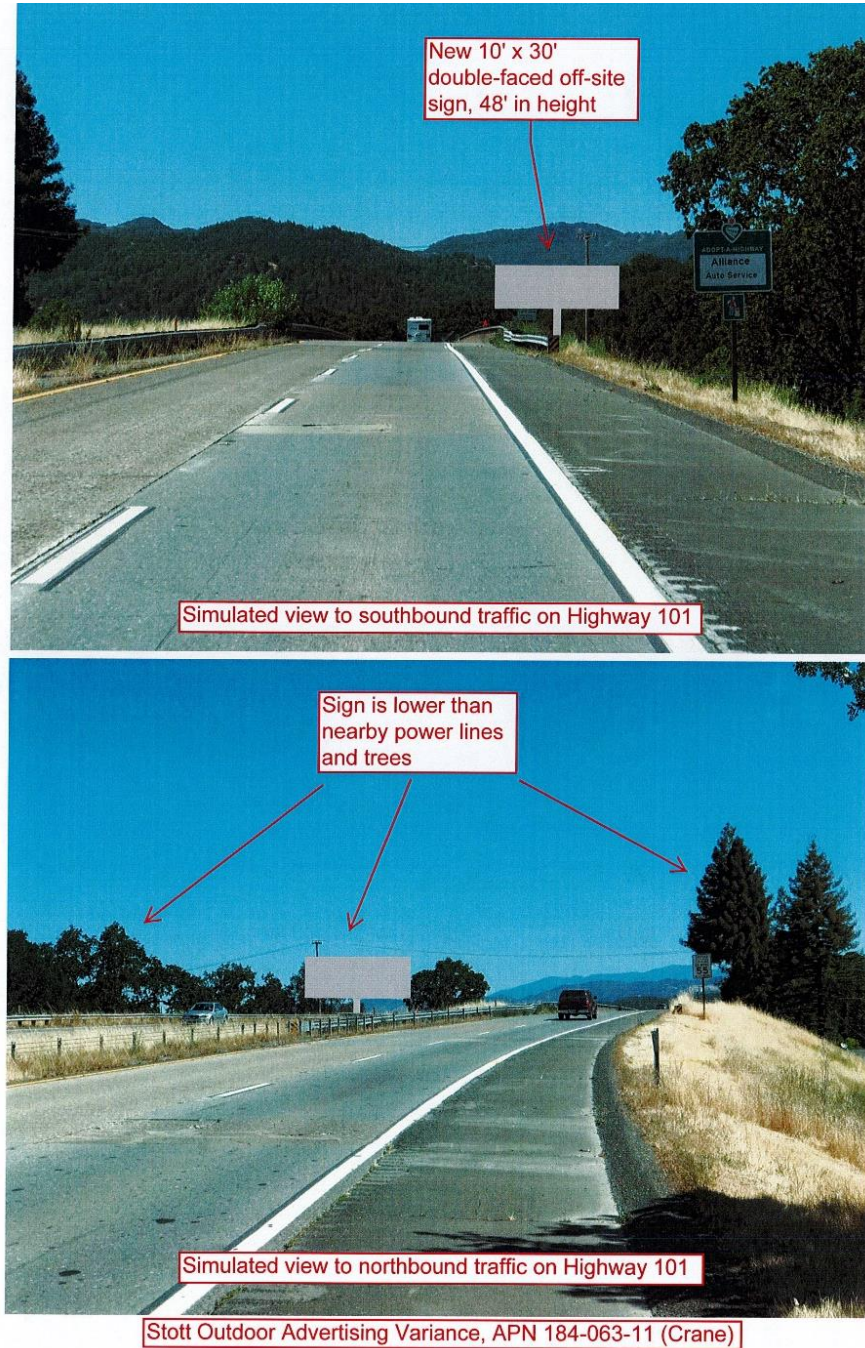


Figure 3 - Sign simulation adjacent to US 101 (Provided by Applicant)

Another key issue for this project is consistency with the Ukiah Valley Area Plan (UVAP). The key issue with this project is its location within the UVAP and the impacts to the natural beauty and scenic viewshed. UVAP Section 4 Community Design Policy CD2.1b: Gateway Enhancement calls for the encouragement of property owners to rebuild and restore or enhance the appearance of the gateways, which are transitional sections that go from county jurisdiction to a city's jurisdiction. Within the already subjectively crowded UVAP corridor from the southern junction of Hwy 20 to Henry Roemer Road (El Roble Road), there are approximately 13 billboards and 9 business signs, totaling about 22 signs. Adding an additional 13 feet in height to the sign to enhance visibility from the northbound and southbound traffic, by default, would not protect or enhance the natural beauty and scenic corridor along US 101. However, because the property is located within an Industrial Zone and is in proximity to 6 other billboards adjacent to US 101, the scenic viewshed will not be substantially altered with the addition of another sign and, as seen in Figure 3, the sign

will be lower than the nearby trees and power poles. While the scenic impact is taken into consideration, it remains that the proposed project is located on a parcel that is zoned Industrial, and off-site signs are permitted on an Industrial-zoned property per MCC section 20.184.010(A). The request for a height variance is due to the freeway overpass adjacent to the parcel which is taller than normal due to railroad tracks running beneath; the surface of the roadway is 32± feet above grade, while the railing is 35.5± feet above grade and the overpass height obstructs the view of the proposed sign from US 101 without the requested additional height, eliminating the efficacy of the sign.



Figure 4 - View of the overpass from Norgard Ln. (Provided by Staff)

The variance seeks to extend the height of the sign beyond the 35-foot height limit to allow for the same opportunities that nearby and similarly zoned parcels enjoy with similar signage, as well as to provide adequate advertising opportunities for local businesses.

In addition to the key issues mentioned above, the proposed sign will be utilizing a lighting system that projects downward toward the sign face from the top edge with light shields to minimize light shed beyond the sign face. The lights will only be illuminated from dusk to midnight. This design is a modification from the original design in order to better accommodate the Night Sky policy in the General Plan, which states,

“Dark sky” refers to a sky which is free (or relatively free) of manmade lighting. Proponents of “dark sky” regulations point out the many benefits of reducing the upward spread of light, which include conserving energy, reducing glare, maintaining rural community character, safeguarding wildlife in their natural environment, and restoring the view of the starry night sky.7 By focusing and directing light, lighting fixtures designed to improve the dark sky can also result in cost savings.

Policy RM-134: The County shall seek to protect the qualities of the nighttime sky and reduce energy use by requiring that outdoor nighttime lighting is directed downward, kept within property boundaries, and reduced both in intensity and direction to the level necessary for safety and convenience.

While there are other billboards along US 101 with lighting, this will be one of the only billboards with lighting near a residential neighborhood.

A photometrics report was submitted with the application showing the potential polar candela distribution. The report is shown in four-foot increments with numbers representing lumens going from high to low, starting from the brightest point (high) where the light directly hits the sign and projecting outward (low) as it becomes dimmer. As can be seen in the diagram, the light will not be more than 0.02 lumens at sixteen (16) feet from the edge of the sign; for reference, a full moon will produce 0.01 lumens. While the diagram does not reference the downward projection, the amount of lumens will be comparable as the lumens will decrease evenly whether the light projects horizontally or vertically. The residential area with the potential to be impacted is well over two hundred (200) feet to the west of the proposed sign. Due to the distance between the illuminated sign and the residential area, the polar candela distribution supplied by the applicant indicates the potential impacts caused by lighting will not be detrimental to the public welfare or injurious to the property improvements.

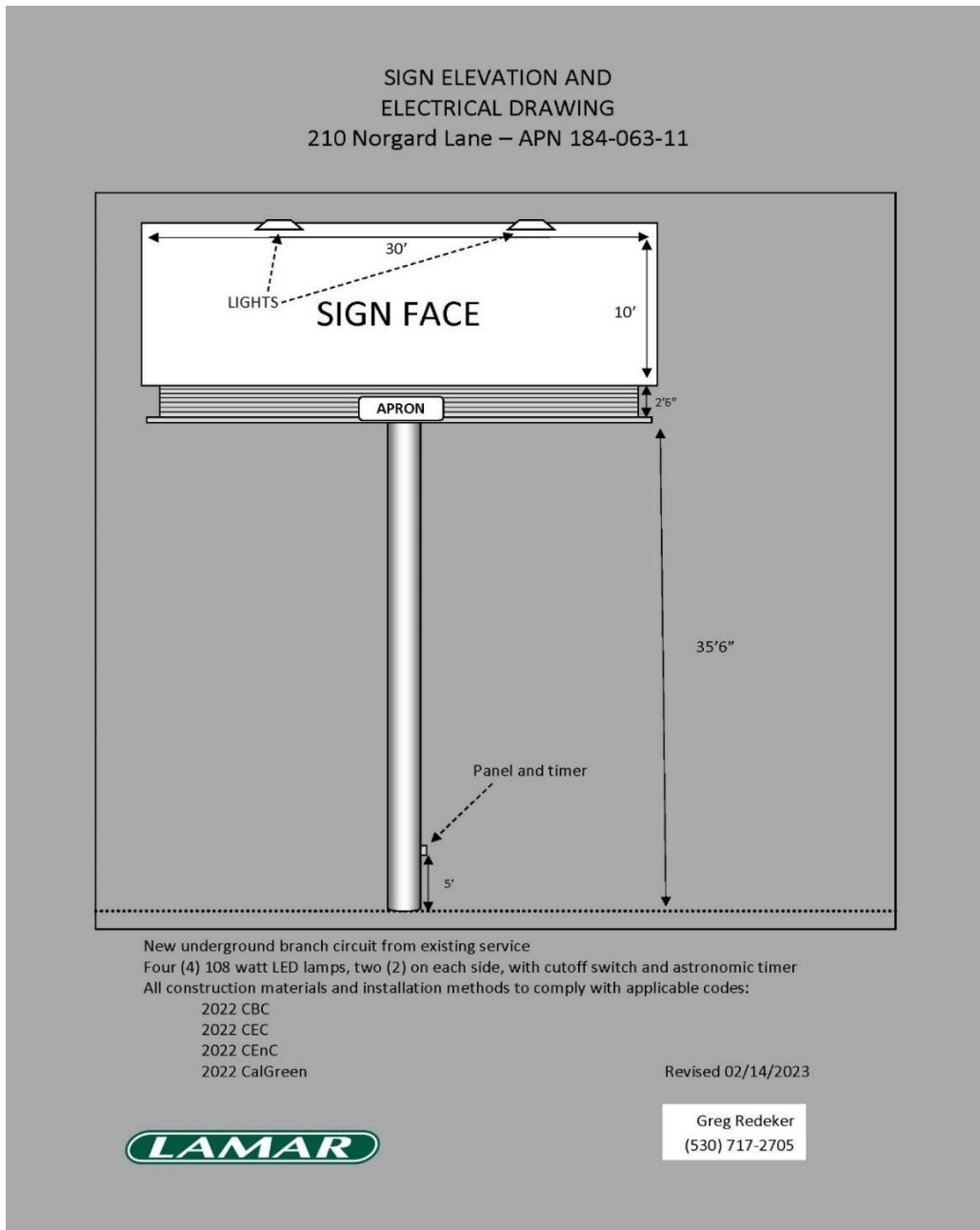


Figure 5 - Elevation and lighting drawing (Provided by Applicant)

CITY OF UKIAH COMMENTS AND STAFF RESPONSES:

In a letter dated December 21, 2022, The City of Ukiah (Ukiah) specifically noted comments the project, some of which were addressed by the project Agent.

First comment: Ukiah stated no referral was received regarding this project. As a result, Staff provided notice to City of Ukiah regarding the project. Ukiah accessed the posted Staff Report and responded with comments as discussed herein. Staff fully intends to assure proper noticing will be sent to the City of Ukiah and the surrounding properties two weeks before the next hearing for this project.

Second comment: Ukiah objected to a lack of notation of a site visit by staff, as well as the usage of Google Street View images from 2012. Staff did conduct a site visit and found images from Google Street View to be an adequate representation of the present situation, and so opted to utilize said images as well as images provided by the project Agent to better define the project request.

Third comment: Ukiah disagreed with CEQA Section 15305 as support for CEQA exemption. Examples of this exemption are included, but not limited to: minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel. The height restriction of off-site signs can be considered a vertical setback, and the requested variance is adequately addressed in this section. Staff finds the aforementioned section adequate to support CEQA exemption.

Fourth comment: Ukiah questioned the lack of ALUC approval. The project was sent to ALUC for review, and while ALUC did have a hearing set, a quorum was not established, and the hearing was cancelled. Subsequently, ALUC did not review the project within the established time limit and the project was deemed consistent. No comments were received by ALUC due to the circumstances of approval. As ALUC is a volunteer-based committee, obtaining enough members for a quorum may be challenging. Staff does not have the ability to create a quorum on ALUC's behalf and has instead proceeded with the information provided.

Fifth comment: Ukiah commented on the proposed upward-facing lights on the sign and the incompatibility with the Dark Sky considerations in the General Plan. The project Agent reported the development of alternate lighting configuration for the sign with two top-mounted, downward-facing luminaries with reduced light output and tightened light shields to contain the light as efficiently as possible. The lighting plan maintains the originally proposed limitation of illumination from dusk to midnight. Photos of the updated lighting design are included in this report (Figure 5). The downcast lights will not project past the property lines to the west toward the residential neighborhood as the sign placement is well over 200 feet to the east of the neighborhood. Staff believes that the accommodations made by the applicant adequately address the City of Ukiah's concerns regarding light pollution. More information on page 7.

Sixth comment: Ukiah expressed concerns about the Norgard Lane community being exposed to industrial uses and questioned if the construction of a billboard would still be supported if the project and surrounding areas, including the Norgard Lane community, were not zoned Industrial. In the hypothetical situation where this area was zoned differently, the project would certainly be considered under the guidance of the appropriate zoning parameters. As it currently stands, however, the project and surrounding areas are zoned Industrial, and the parameters for Industrial zones are considered for this project. Staff will be using the current Industrial zoning designation and the parameters within as hypothetical situations in this case are not a supportive or denial based argument.

Seventh comment: Ukiah contends with Findings D and E, again citing the light pollution and potential decrease in property value for nearby residences, and the General Plan's Policy DE-87 and Policy DE-88, which discuss the goal of reducing visual clutter and limiting signs. The County's zoning regulations, which are consistent with the General Plan, allow for the sign as proposed in the project. The variance for the height is to provide adequate usage of the sign as it is intended and the height request is the minimum required to achieve the goal as permitted by zoning regulations, while impacting the visual resources as little as possible in accordance with the General Plan. The alternate lighting configuration has been addressed and the sign will not generate any new effects on nearby areas that could be deemed detrimental. Staff believes the light pollution issue has been mitigated. The potential for decrease in property value for nearby residences is conjecture and Staff has not received any data to support it.

PROJECT FINDINGS: Per MCC Section 20.200.020, before any variance may be granted or modified it shall be shown that the following findings can be made:

- A) *That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding.*

The subject parcel's location adjacent to the uncommonly high overpass; the surface of the roadway is 32± feet above grade, while the railing is 35.5± feet above grade creating practical difficulties if the sign is to be limited to 35 feet. The overpass would obstruct the view of the sign at that height, completely negating the purpose of the sign. Raising the sign to 48 feet would preserve the practical use of the sign, allowing the sign to be seen from the overpass's northbound traffic without overshadowing the nearby scenic foliage. **Finding (A) can be made.**

- B) *That such special circumstances or conditions are not due to any actions of the applicant subsequent to the application for the zoning regulations contained in the Division.*

The Applicant has an expectation that a sign which conforms to the height limit would be sufficiently visible (or would be able to be constructed in a way that achieves their goal while conforming to Zoning requirements), but the construction of the overpass created the circumstance in which that is not possible. Though the overpass may have been constructed before to the adoption of the Zoning Ordinance, regardless, it was not constructed by the Applicant, and therefore the view-obstructing circumstance is not due to any action of the applicant. The sign could potentially be erected at a distance from the overpass to enable visibility from the roadway, however this would create other difficulties: a greater distance from the roadway would necessitate a larger sign face for adequate viewability which would require another variance and would result in more visual intrusion and obstruction of natural scenery; the target audience for the sign are the drivers on the nearby roadway and a sign that is not conveniently within their eyeline would cause their attention to be drawn away from the road, thereby contributing to unsafe driving practices and; moving the location of the sign anywhere else on the property would result in a closer proximity to nearby residential areas. Neither the height of the overpass, nor the use of adjacent properties were due to any actions of the applicant subsequent to the application. **Finding (B) can be made.**

- C) *That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.*

While other properties in the same vicinity and zone have off-site signs clearly visible from US 101; the overpass on the subject parcel obstructs off-site signage if placed in a similar proximity to US 101. The sign is located on the property so as to be the least impactful to surrounding residential areas while still achieving adequate viewability. Should the height restriction be maintained, the impact to surrounding areas would still be present without the benefit of the sign's viewability. Similarly, moving the sign to a different point on the property for viewability would result in a less desirable proximity to residential areas and the increased distance from US 101 would make the sign more difficult to view and potentially create a traffic hazard as it would draw a driver's eye farther from the road. Therefore, the proposed sign and variance is the least negatively impactful option for providing the property owner with a substantial property right enjoyed by the aforementioned properties. **Finding (C) can be made.**



Figure 6 – Zoning and Signage. (Provided by Staff)

- D) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such a vicinity and zone in which the property is located.

The variance request will not be detrimental to the public welfare or injurious to the property or improvements as this is an industrial property where off-site billboard signs are a permitted use (MCC section 20.184.010(A)). The additional 13 feet in height for this project will not add any injurious elements beyond what would be associated with a sign within the height limitation. The downcast lights will not project past the property lines to the west toward the residential neighborhood as the sign placement is well over 200 feet to the east of the neighborhood. Staff believes that the accommodations made by the applicant adequately address any concerns regarding light pollution affecting the nearby neighborhood. The off-site sign is permitted by right on the subject property; should the sign be lowered to the standard 35-foot height limit and moved back from US 101 in order to obtain visibility from the freeway, it would only further impact the residential area as the sign would be much closer to the western property line. The proposed sign location is as far away as possible from the residential area while still utilizing the property right for an off-site sign. In addition, the applicant has proposed a timer system turning off the sign at midnight and a dimmable lighting system. The photometric report is shown in four-foot increments with numbers representing lumens going from high to low, starting from the brightest point (high) where the light directly hits the sign and projecting outward (low) as it becomes dimmer. As can be seen in the diagram, the light will not be more than 0.02 lumens at sixteen (16) feet from the edge of the sign; for reference, a full moon will produce 0.01 lumens. While the diagram does not reference the downward projection, the amount of lumens will be comparable as the lumens will decrease evenly whether projecting horizontally or vertically. The residential area with the potential to be impacted is well over two hundred (200) feet to the west of the proposed sign. Given the projection of lumen loss over 200 feet, there will be no lumens reaching the residential area. Due to the distance between the illuminated sign and the residential area, the polar candela distribution supplied by the applicant shows the potential impacts of the lighting will not be detrimental to the public welfare or injurious to the property improvements. Finding (D) can be made.

E) *That the granting of such variance will not adversely affect the General Plan.*

The General Plan Policy DE-87 states “*Signage should enhance the visual appearance of developments, unify streetscapes, and reduce visual clutter often associated with multiple, single-purpose signs.*” The proposed variance for the sign is to allow the sign to be visible from US 101. As seen in Figure 3, the sign is to be just tall enough to be safely seen while impacting the view of the surrounding foliage and distant hills as little as possible. General Plan Policy DE-88 states “*Limit billboards by emphasizing multiple-business and community highway signs, and reduction in existing billboards through amortization provisions.*” The proposed sign is double-sided, allowing for multiple businesses to advertise on the one structure, therefore reducing the number of potential billboards without losing advertising opportunities for local businesses. Furthermore, MCC Section 20.184.010(A) permits off-site billboard signs in properties zoned Industrial. The height variance will allow for the sign to be utilized as it is intended in the Zoning Code and the final construction will be more compatible in visual unity with similar off-site signs. The current use of the property does not indicate the need for multi-business signs. Should the use of the property change in the future, then consolidation of multiple signs may be addressed at that time. As it currently exists, the height variance and sign placement will not adversely affect the General Plan. **Finding (E) can be made.**

RECOMMENDATION

Findings A-E can reasonably be found as stated above. Staff is recommending approval for this variance by resolution.

ALTERNATE RECOMMENDATIONS

That the Zoning Administrator continue the project to the next agenda and direct Staff to prepare an alternative Resolution for denial based upon direction of the Zoning Administrator.

4/3/2023

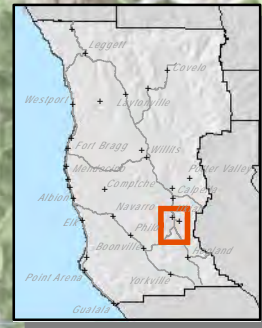
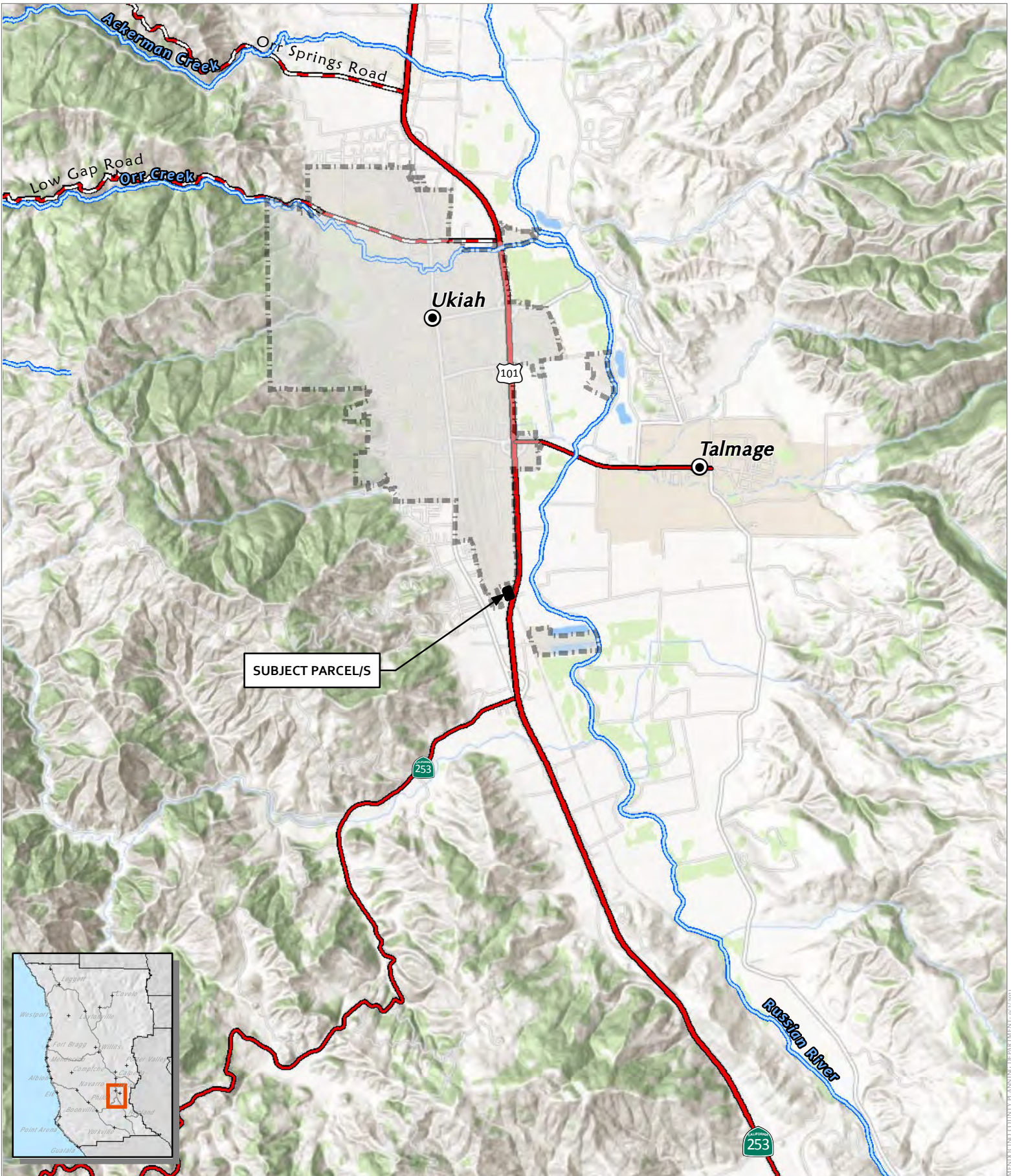
DATE

Matt Goines
MATT GOINES
PLANNER II

Appeal Period: 10 Days
Appeal Fee: \$2,620.00

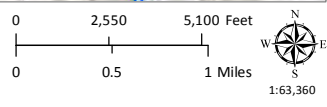
ATTACHMENTS:

- A. Location Map
- B. Aerial Map
- C. Site Plan
- D. Zoning Map
- E. General Plan
- F. Adjacent Parcels
- G. Airport Zones
- H. Sign Location 1 (Aerial)
- I. Sign Location 2 (Horizontal)
- J. Proposed Sign Simulations
- K. Lighting Details
- L. Lighting Details (with shields)
- M. Lighting Details (Real light examples)
- N. Sign Elevations
- O. Lighting Displacement Diagram
- P. Outdoor Photometric Report
- Q. Near By Off Site Signs
- R. Measuring Pole Perspective
- S. Agent response comments to City of Ukiah



CASE: V 2021-0003
 OWNER: CRANE, Douglas
 APN: 184-063-11
 APLCT: Greg Redeker
 AGENT: Greg Redeker
 ADDRESS: 210 Norgard Lane, Ukiah

- Major Towns & Places
- City Limits
- Major Roads
- Highways






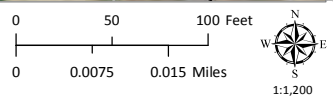
LOCATION MAP
ATTACHMENT A

MENDOCINO COUNTY PLANNING DEPARTMENT - 09.27.2021



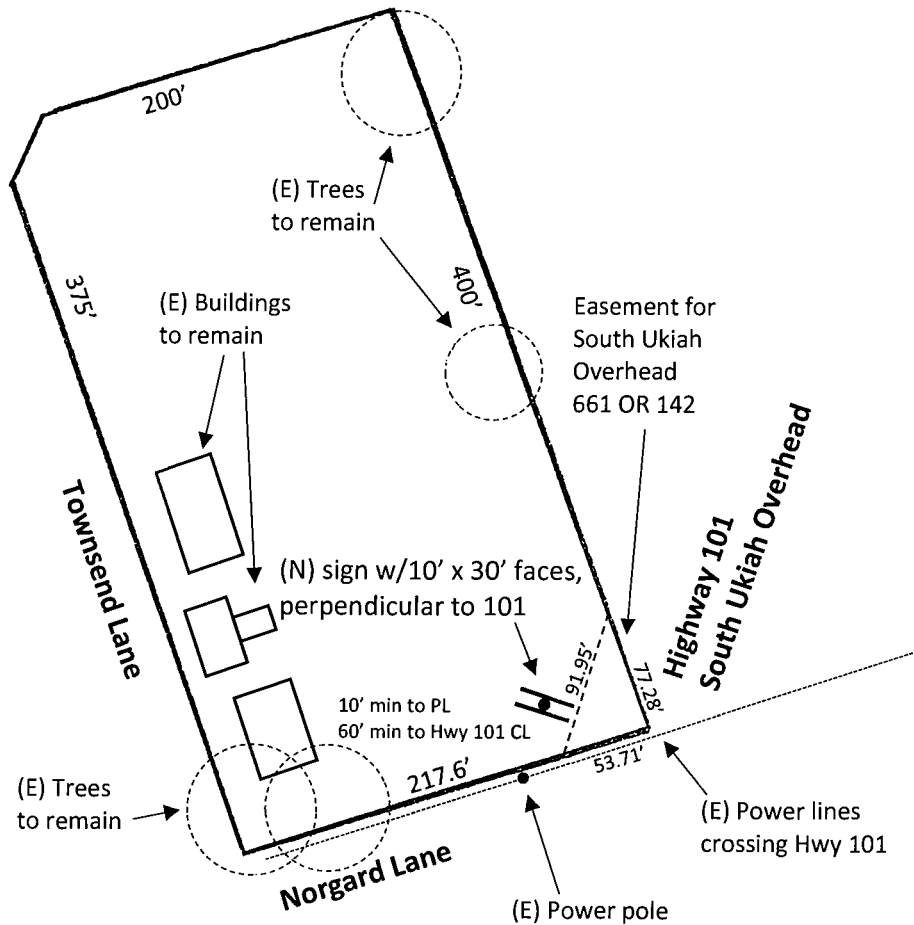
CASE: V 2021-0003
 OWNER: CRANE, Douglas
 APN: 184-063-11
 APLCT: Greg Redeker
 AGENT: Greg Redeker
 ADDRESS: 210 Norgard Lane, Ukiah

-  City Limits
-  Public Roads
-  Private Roads



MENDOCINO COUNTY PLANNING DEPARTMENT - 9/27/2021

Site Plan – New Off-Site Outdoor Advertising Sign Variance for 13' Additional Sign Height

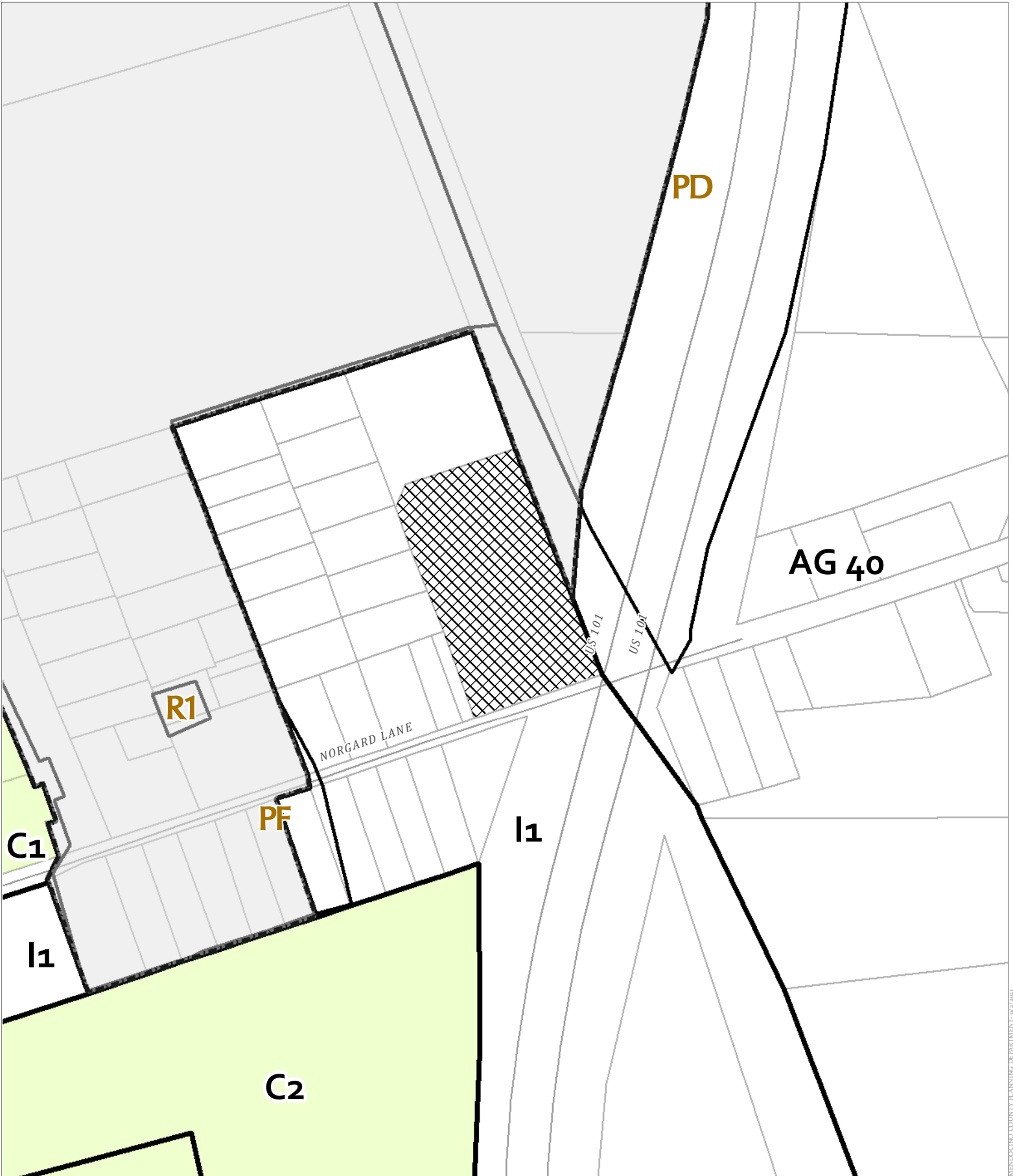


Notes:




- No changes to existing structures or trees
- Maintain 10' min. front setback from Norgard Ln. property line
- Maintain 60' min. corridor preservation setback from CL of Highway 101
- Avoid all existing utilities, facilities, and easements
- Maintain 10' minimum separation from power lines
- New sign is 10' x 30', double-sided, 48' OAH (16' OAH in relation to Highway 101)
- Sign illuminated by two LED luminaires per face, new underground electrical service
- Single steel column set in a reinforced concrete footing

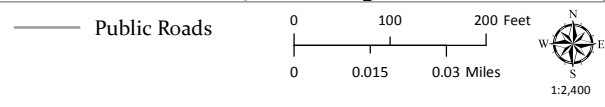


Owner: Douglas Crane and Katherine Crane Trust
 Location: 210 Norgard Lane, Unincorporated Ukiah
 APN: 184-063-11 Size: 1.99 acres +/-
 Zoning: I1 – Limited Industrial
 Prepared by: Greg Redeker, Stott Outdoor Advertising, 08/12/21
gredeker@stottoutdoor.com (530) 717-2705

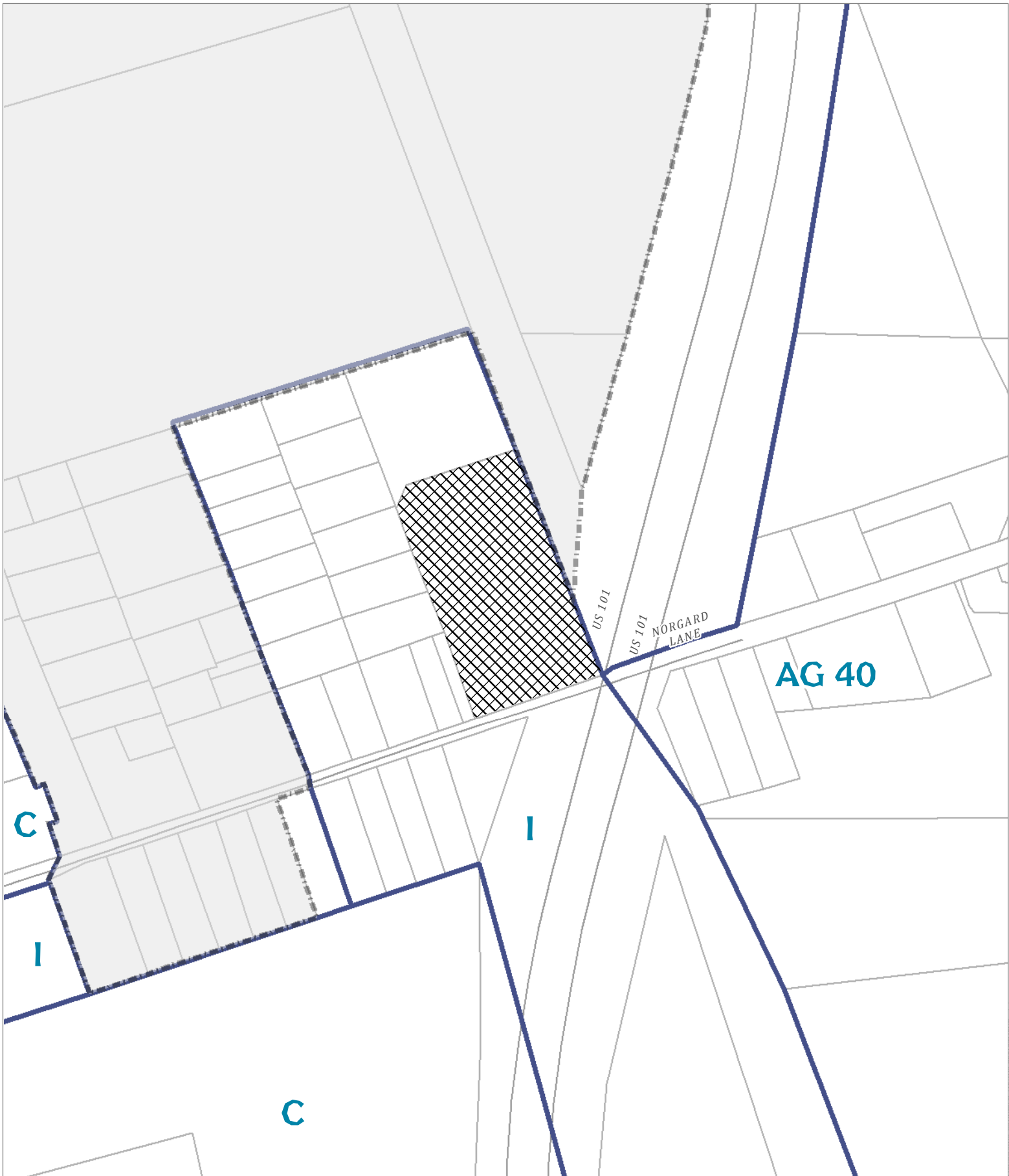


CASE: V 2021-0003
 OWNER: CRANE, Douglas
 APN: 184-063-11
 APLCT: Greg Redeker
 AGENT: Greg Redeker
 ADDRESS: 210 Norgard Lane, Ukiah




-  City Limits
-  Zoning Districts
-  Community Character (CC) Districts

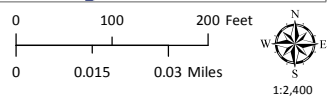


MENDOCINO COUNTY PLANNING DEPARTMENT - 9/27/2021



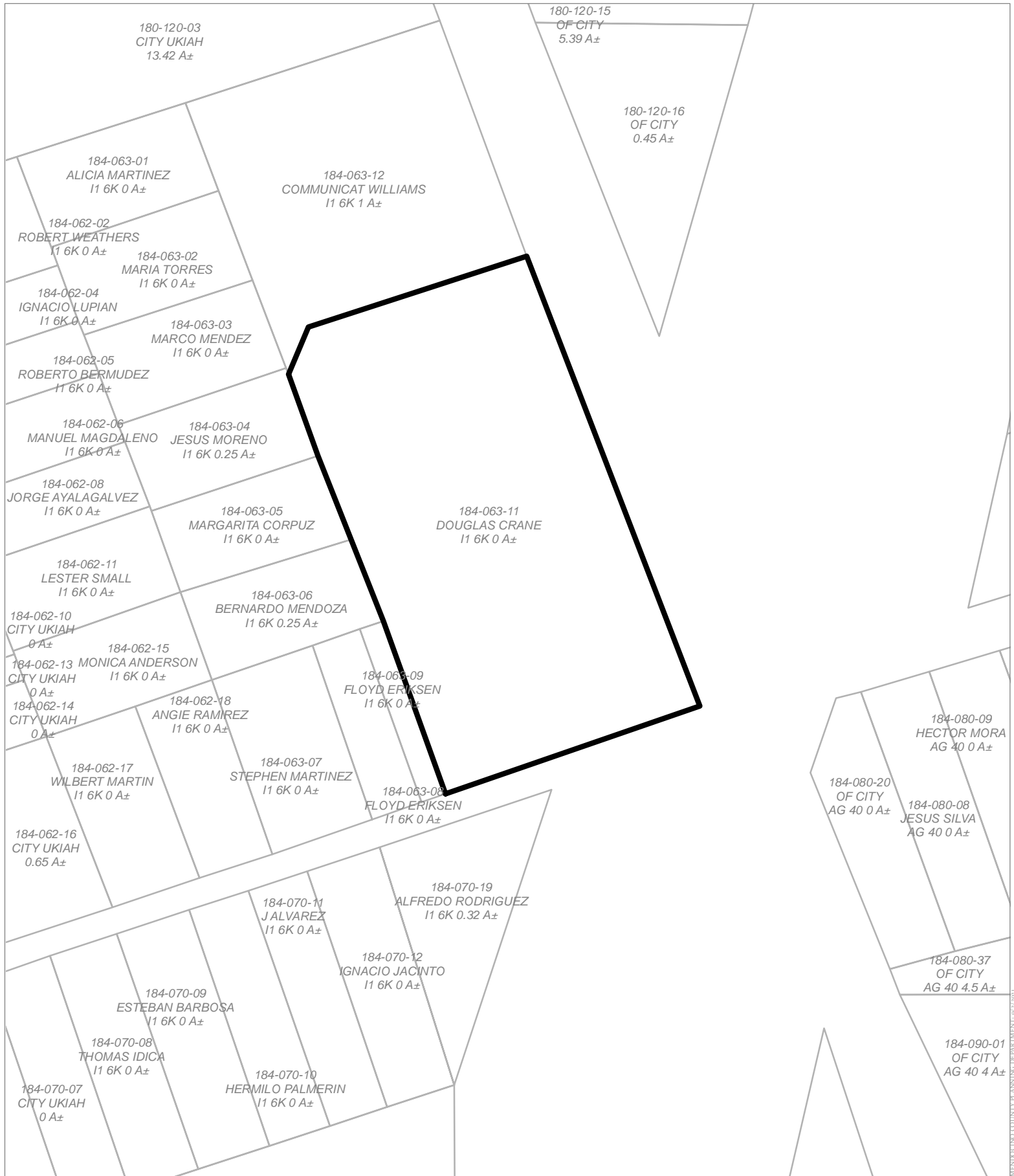
CASE: V 2021-0003
 OWNER: CRANE, Douglas
 APN: 184-063-11
 APLCT: Greg Redeker
 AGENT: Greg Redeker
 ADDRESS: 210 Norgard Lane, Ukiah

-  City Limits
-  General Plan Classes
-  Public Roads

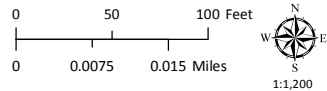


GENERAL PLAN CLASSIFICATIONS

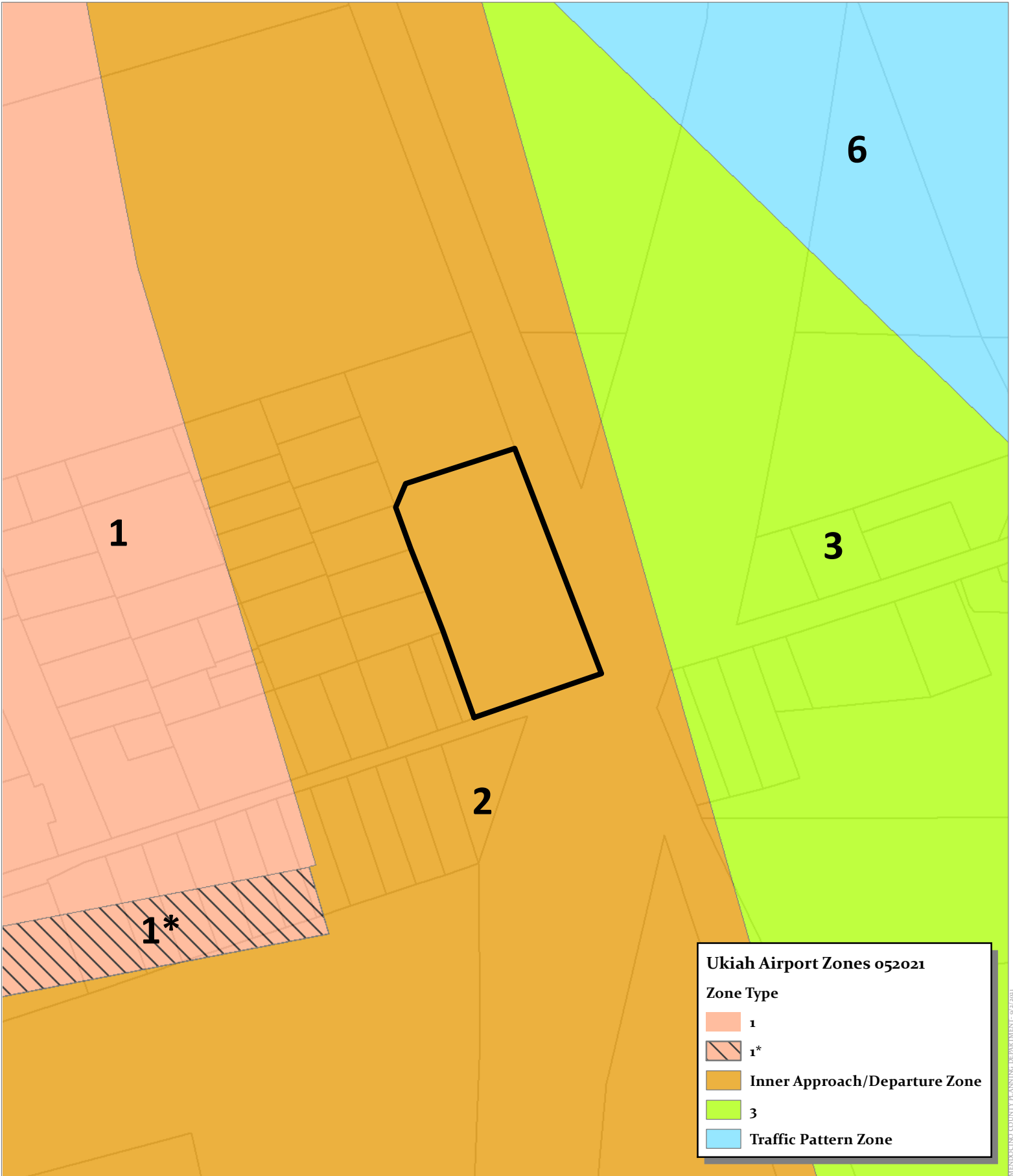
ATTACHMENT E



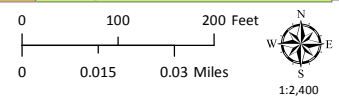
CASE: V 2021-0003
 OWNER: CRANE, Douglas
 APN: 184-063-11
 APLCT: Greg Redeker
 AGENT: Greg Redeker
 ADDRESS: 210 Norgard Lane, Ukiah



MENDOCINO COUNTY PLANNING DEPARTMENT - 9/27/2021



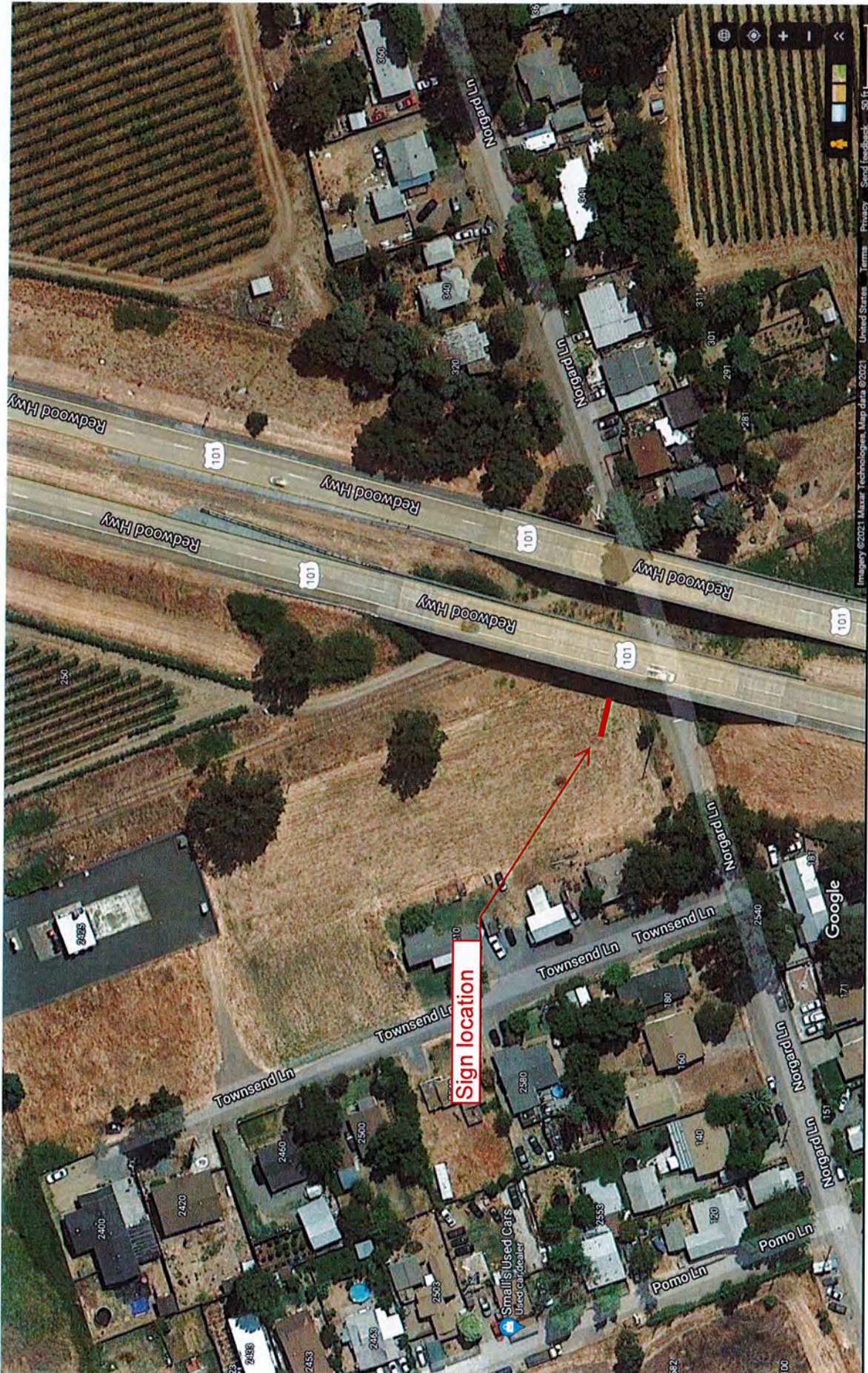
CASE: V 2021-0003
 OWNER: CRANE, Douglas
 APN: 184-063-11
 APLCT: Greg Redeker
 AGENT: Greg Redeker
 ADDRESS: 210 Norgard Lane, Ukiah



AIRPORT ZONES

ATTACHMENT G

MENDOCINO COUNTY PLANNING DEPARTMENT - 09/27/2021



Douglas Crane and Katherine Crane Trust
Mendocino County APN 184-063-11



Sign location, will be shorter than adjacent trees and power lines

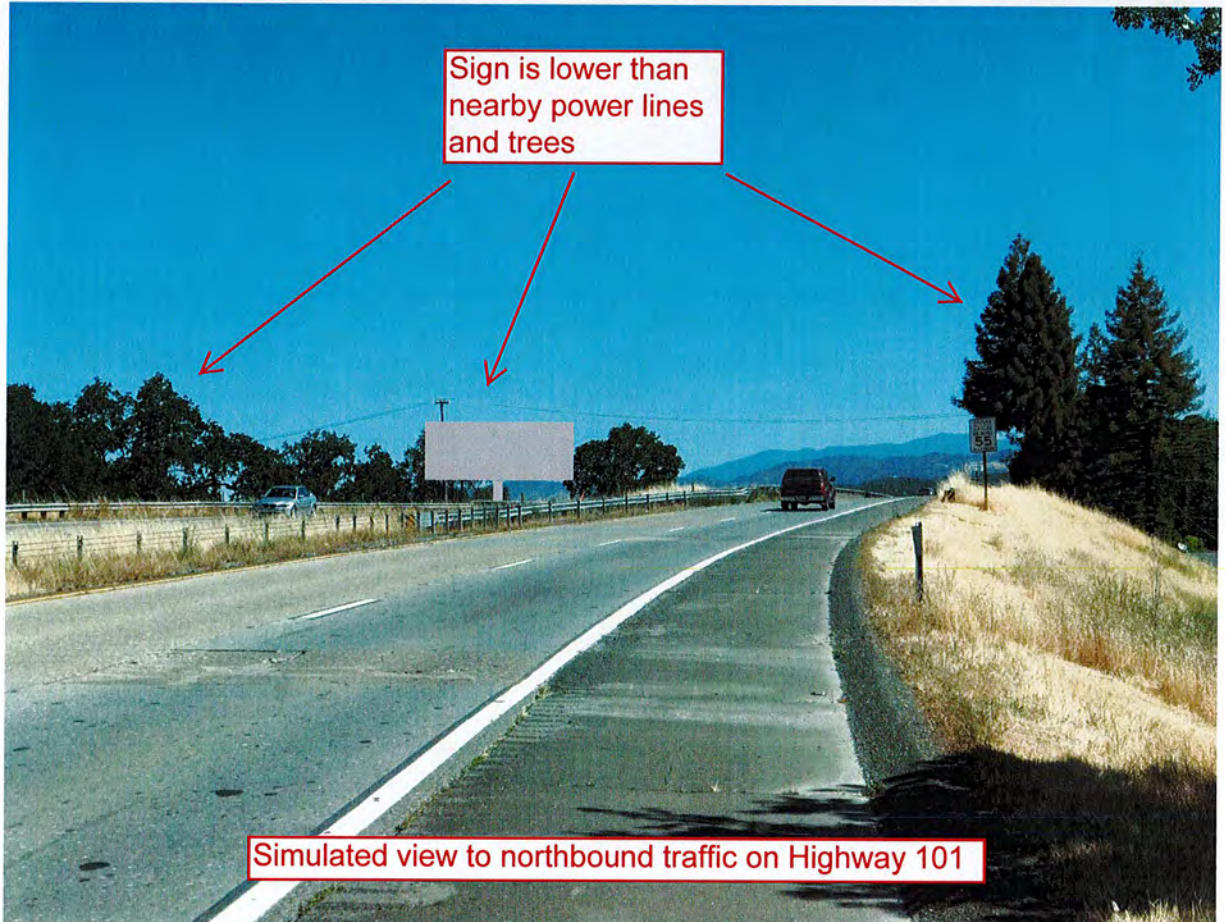
Image Landsat / Copernicus
Data LDEO-Columbia, NSF, NOAA
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Google Earth

Imagery Date: 6/2/2021 lat 39.116941° lon -123.197931° elev 594 ft eye alt 931 ft

Location of proposed sign
APN 184-063-11 (Crane)

ATTACHMENT I



Sign-Vue® LED II

The Sign-Vue LED II is the next generation product designed to meet the needs of the media sign lighting market. Built on breakthrough LEDs and dedicated optics for specific poster and bulletin applications, the Sign-Vue LED II provides exceptional uniform illumination while saving energy and reducing maintenance costs. Built on the design philosophy **"MORE LIGHT WHERE YOU NEED IT—ON THE BOARD**, watt for watt, the Sign-Vue LED II delivers twice as much light *on the board* as our leading LED competitors."



Key Benefits

78% more energy efficient than comparable HID luminaires:

- + 12,000 through 16,000 lumens – replaces 175W through 400W HID sign lighting products

Dedicated optics for poster panel and bulletin applications:

- + Panel-Vue® optics for poster applications
- + Sign-Vue® optics for bulletin and super bulletin applications
- + AdVue® optics for bulletin and super bulletin applications where two luminaires are required
- + Most light on the board equals "most efficient" in the industry
- + Illuminates entire board apron, copy and extensions

Leading edge optics and "white light" improve visibility on signage:

- + 5000K CCT, 70 CRI minimum
- + Exceptional uniformity
- + Uniform apron lighting promotes "brand" of operator
- + Uplight and spill light minimized to be environmentally friendly

Improved fixture efficacy reduces energy usage vs competitive LED luminaires:

- + Efficacy improvements up to 130 LPW
- + Lowest total cost of ownership in the media industry
- + Maximized energy savings over HID results in faster payback

Longevity and low maintenance make it the ultimate sustainable solution for renovation and new construction media sign lighting projects:

- + L70 & driver life > 100,000 hours
- + Robust IP66 rated prismatic borosilicate optics increase durability and reduce dirt depreciation
- + ANSI C136 10kV/5kA surge protection
- + 5,000 hour rated salt spray finish

Sleek attractive dayform with weight less than ½ of comparable HID sign lighting luminaires ensures no issues when retrofitting to existing structure:

- + Weight < 25 lbs.
- + Luminaire mounts to existing 1.25 inch round or 1.5 inch square tube
- + Low profile ensures luminaire not visible in sign messaging

Optional controls for design flexibility and energy savings:

- + AO field-adjustable module provides design flexibility
- + Provides choice of lumen and wattage for both rural and urban applications with one luminaire

ATTACHMENT K

Smart Solutions that Simply Work

Sign-Vue® LED II

Media Group

Outdoor Advertising


How to Construct a Catalog Number

Example:

SVLED2	SVL	PK3	MVOLT	50K	AMT	GHSDP	AO
1 SERIES	2 DIRECT DISTR.	3 LED OUTPUT	4 VOLTAGE	5 COLOR TEMP.	6 MOUNTING	7 COLOR	8 OPTIONS
SVLED2	ADL PNL SVL	PK1 PK3 PK4	MVOLT 24VDC	50K	AMT	BNSDP GYSDP GHSDP	AO

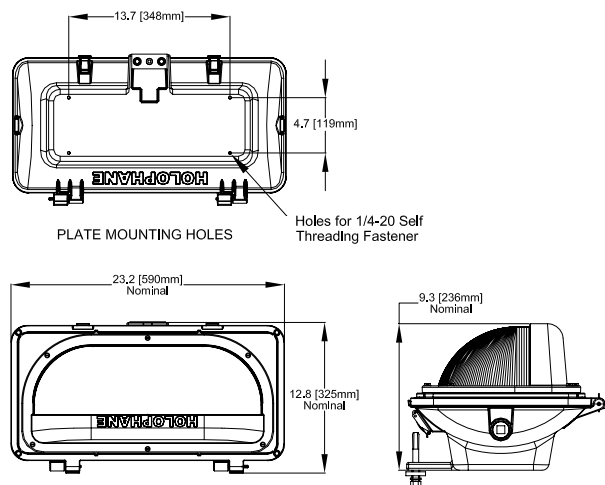
Catalog Number Information

STEP 1: SERIES	
SVLED2	Sign-Vue LED II
STEP 2: DIRECT DISTRIBUTION	
ADL ¹	AdVue optical distribution refractor
PNL	Panel-Vue optical distribution refractor
SVL	Sign-Vue optical distribution refractor
¹ available with PK4 only	
STEP 3: LED LIGHT OUTPUT	
PK1 ²	6,000 lumen performance package
PK3	12,000 lumen performance package
PK4	16,000 lumen performance package
² 24VDC only	
STEP 4: VOLTAGE	
MVOLT	Auto sensing voltage 120, 208, 240, 277V
24VDC	24V DC

STEP 5: DIRECT LED COLOR	
50K	5000K Color Temperature
STEP 6: MOUNTING	
AMT	Standard pipe mount 1.25IN round, 1.5IN square mounting with refractor up or refractor down with single wire access
STEP 7: COLOR	
BNSDP	Brown super durable paint finish
GYSDP	Gray super durable paint finish
GHSDP	Graphite super durable paint finish
	
STEP 8: OPTIONS	
AO ³	Field adjustable output
³ MVOLT only	

Application Reference

Fixture	Board Size	# of Fixtures
PNL - Panel-Vue	12'x24' Poster	1
PNL - Panel-Vue	10'6" x 36' Bulletin	2 or 3
SVL - Sign-Vue	14'x48' Bulletin	3 or 4
SVL - Sign-Vue	20'x60' Super	5
AVL - AdVue	14'x48' Bulletin	2



Acuity Brands Lighting, Inc.

Holophane Headquarters, 3825 Columbus Road, Granville, OH 43023
For more information on this product contact your Holophane Media Group at MediaSalesSupport@holophane.com or call 855-803-1345

Warranty Five-year limited warranty. Full warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

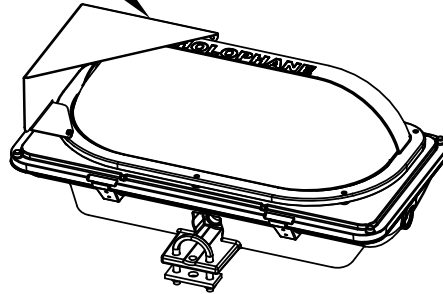
Visit our web site at www.holophane.com



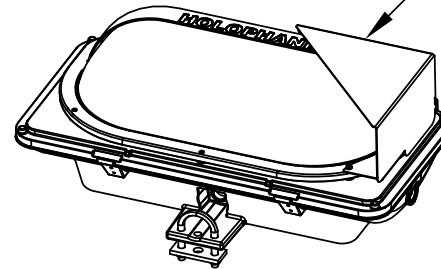
ATTACHMENT L

SignVue LED2 Light Trespass shields

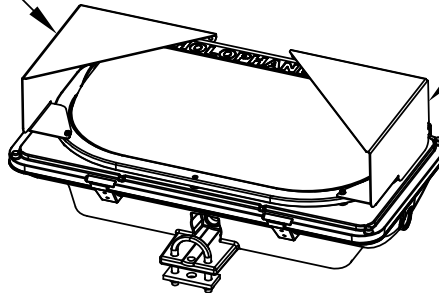
SD-499-LT-GHSDP
SD-499-LT-BNSDP



SD-499-RT-GHSDP
SD-499-RT-BNSDP



SD-499-LT-GHSDP
SD-499-LT-BNSDP



SD-499-RT-GHSDP
SD-499-RT-BNSDP

- Shields designed to restrict light trespass
- Shields to be field installed
- Shields need to be ordered by specific side (LT=Left, RT= Right)
- Specific color to match luminaire (GHSDP or BNSDP)



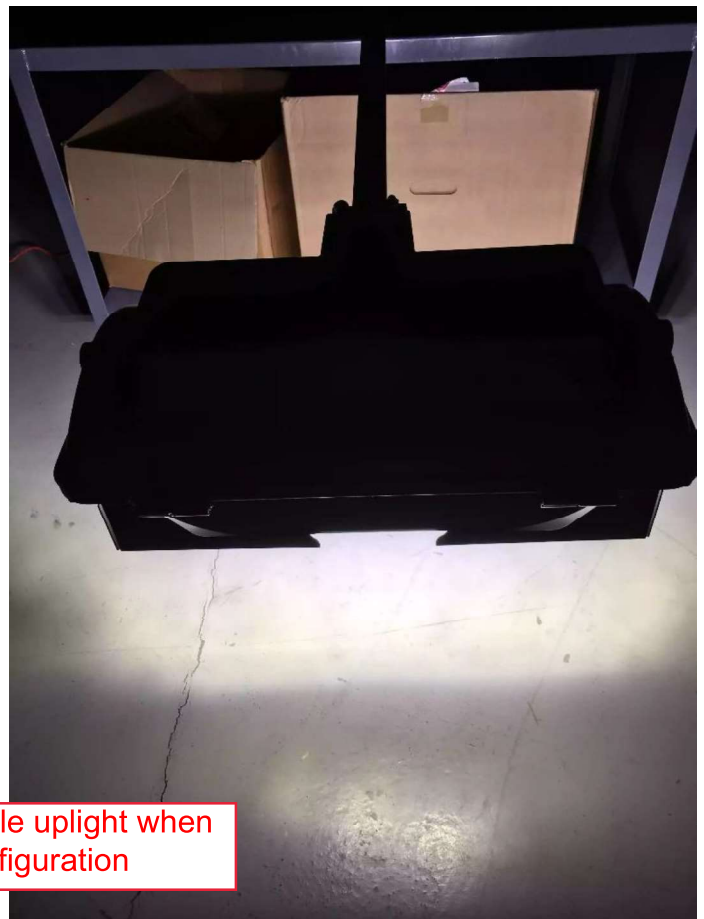
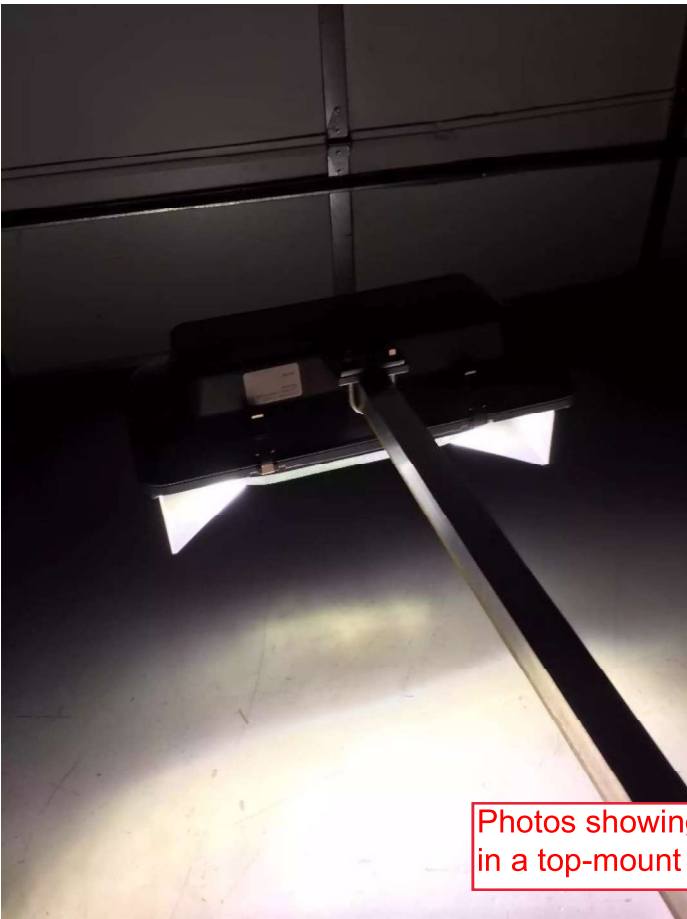
SVLED2_SHIELDS

ORDER #:	TYPE:	DRAWING #:
REVISION:	REVISION DATE:	TSG 010159
DRAWN: BGW	ORIGIN DATE: 04/20/17	PAGE: 1 of 1

THIS DRAWING, WHEN APPROVED, SHALL BECOME THE COMPLETE SPECIFICATION FOR THE MATERIAL TO BE FURNISHED BY HOLOPHANE ON THE ORDER NOTED ABOVE. A UNIT OF SIMILAR DESIGN MAY BE SUPPLIED, BUT ONLY AFTER APPROVAL BY THE CUSTOMER IN WRITING. ON POLE ORDERS AN ANCHOR BOLT TEMPLATE PRINT WILL BE SUPPLIED WITH EACH ANCHOR BOLT ORDER TO MATCH THE POLE PROVIDED. THIS PRINT IS THE PROPERTY OF HOLOPHANE AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND UPON EXPRESS CONDITION THAT IT WILL NOT BE USED DIRECTLY OR INDIRECTLY IN ANY WAY DETRIMENTAL TO OUR INTERESTS, AND ONLY IN CONNECTION WITH MATERIAL FURNISHED BY HOLOPHANE.



Photos of Holophane Sign-Vue LED II luminaires with accessory light shields and adjustable output modules

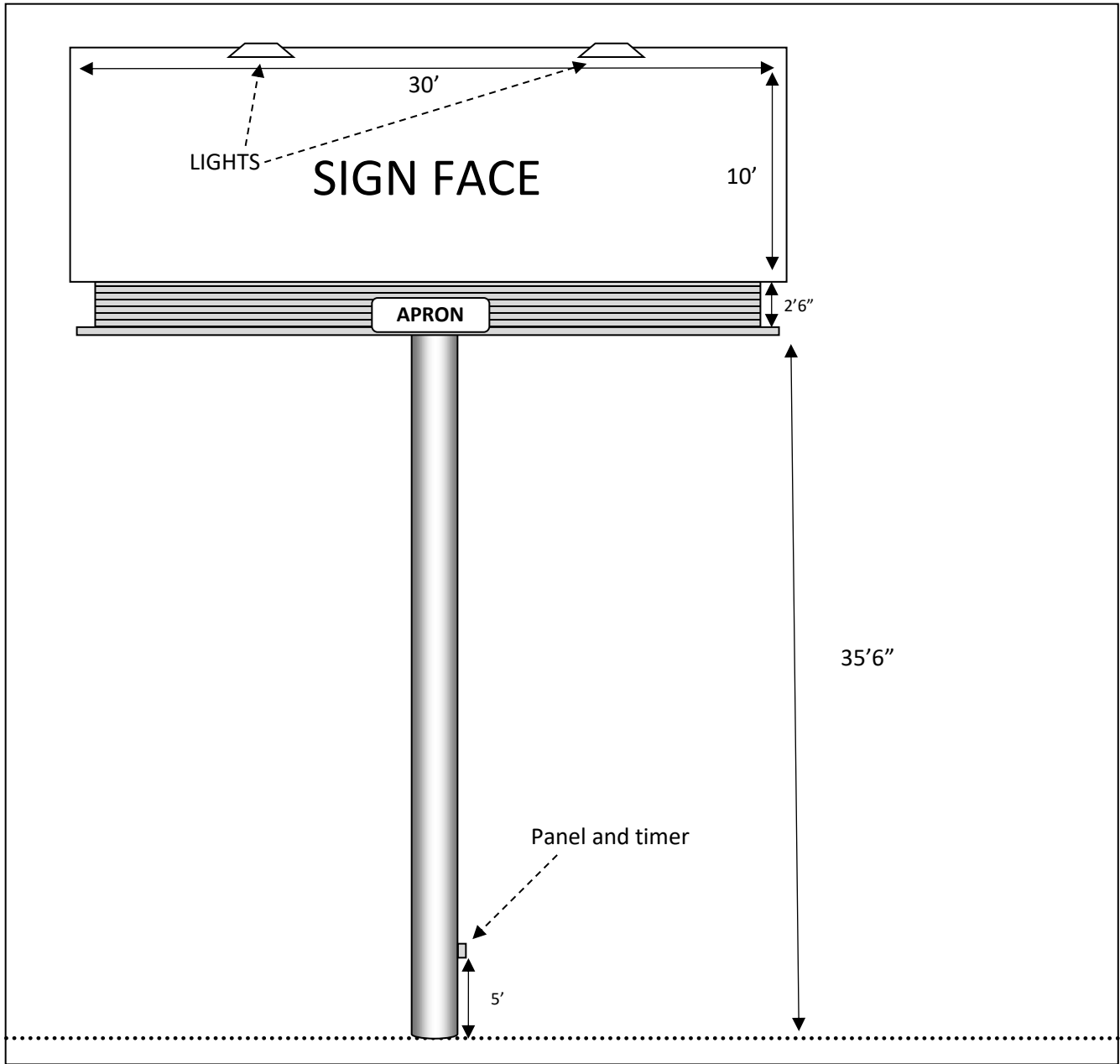


Photos showing little uplight when in a top-mount configuration



Example of sign fitted with top-mounted luminaires and accessory light shields

SIGN ELEVATION AND
ELECTRICAL DRAWING
210 Norgard Lane – APN 184-063-11

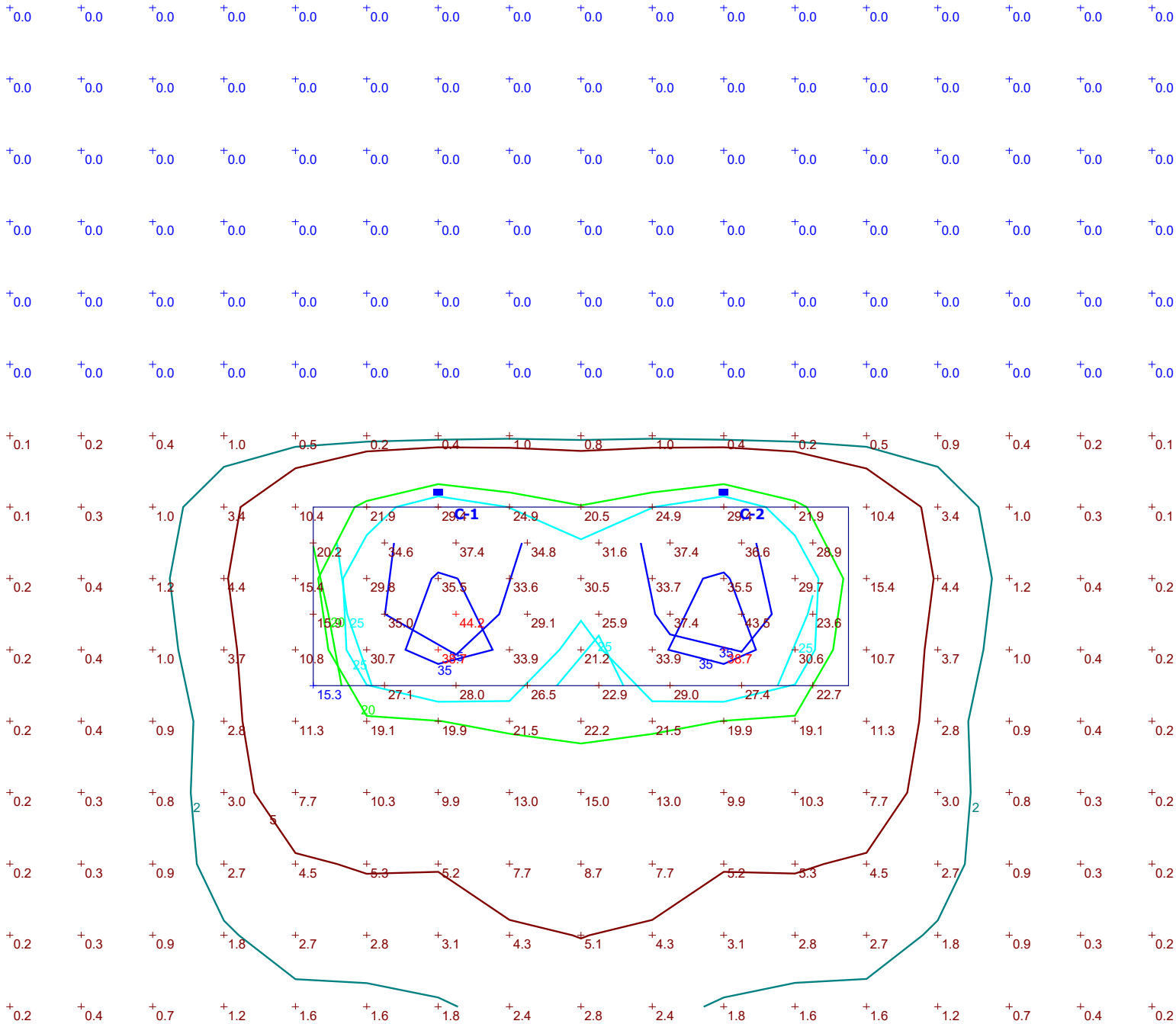


New underground branch circuit from existing service
Four (4) 108 watt LED lamps, two (2) on each side, with cutoff switch and astronomic timer
All construction materials and installation methods to comply with applicable codes:
2022 CBC
2022 CEC
2022 CEnC
2022 CalGreen

Revised 02/14/2023



Greg Redeker
(530) 717-2705



Reliable Electric Products Co
865-376-0226

Designer
 Brian Kline
Date
 Jan 31 2022
Scale
 10 x 30
Drawing No.
 Sign Vue 2
Summary
 Lamar 4 ft increments

ATTACHMENT O

Visual design tools allow you to open and save projects to your Dropbox account. Would you like to log in now?"

Login Now

Don't ask again

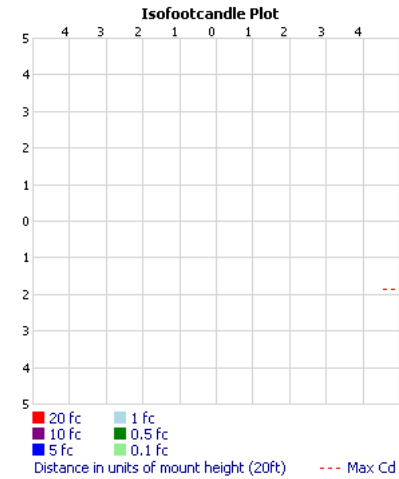
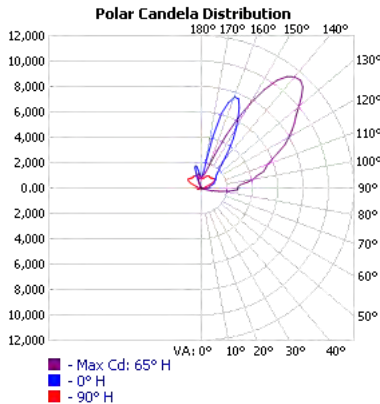
Login Now

Don't ask again

OUTDOOR PHOTOMETRIC REPORT

CATALOG: SVLED2 PNL PK3 50K

TEST #: 502495P2
 TEST LAB: SCALED PHOTOMETRY
 TEST DATE: 9/10/2015
 CATALOG: SVLED2 PNL PK3 50K
 DESCRIPTION: SIGN-VUE LED II, PNL OPTIC, PK3 PERFORMANCE PACKAGE, 5000K CCT
 SERIES: SIGN-VUE LED II
 LAMP CATALOG: LED ARRAY
 LAMP: LED
 LAMP OUTPUT: TOTAL LUMINAIRE LUMENS: 12729.9, **ABSOLUTE PHOTOMETRY ***
 BALLAST / DRIVER: LED DRIVER, LED DRIVER
 INPUT WATTAGE: 108
 LUMINOUS OPENING: RECTANGLE W/LUMINOUS SIDES (L: 5.76", W: 18.96", H: 3.96")
 MAX CD: 11,535.7 AT HORIZONTAL: 65°, VERTICAL: 137.5°
 ROADWAY CLASS: UNCLASSIFIED, UNCLASSIFIED



*TEST BASED ON ABSOLUTE PHOTOMETRY WHERE LAMP LUMENS=LUMENS TOTAL.
 *CUTOFF CLASSIFICATION AND EFFICIENCY CANNOT BE PROPERLY CALCULATED FOR ABSOLUTE PHOTOMETRY.

VISUAL PHOTOMETRIC TOOL 1.2.46 COPYRIGHT 2018, ACUITY BRANDS LIGHTING.
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502495P2
 VISUAL PHOTOMETRIC TOOL

PUBLISH
 PAGE 1 OF 4

OUTDOOR PHOTOMETRIC REPORT
 CATALOG: SVLED2 PNL PK3 50K



ZONAL LUMEN SUMMARY

ZONE	LUMENS	% LUMINAIRE
0-30	9.3	0.1%
0-40	16.4	0.1%
0-60	34.9	0.3%
60-90	831.1	6.5%
70-100	1,630.3	12.8%
90-120	3,558.6	28%
0-90	866.0	6.8%
90-180	11,863.9	93.2%
0-180	12,729.9	100%

LUMENS PER ZONE

ZONE	LUMENS	% TOTAL	ZONE	LUMENS	% TOTAL
0-10	1.0	0.0%	90-100	819.0	6.4%
10-20	3.1	0.0%	100-110	1,178.1	9.3%
20-30	5.2	0.0%	110-120	1,561.5	12.3%
30-40	7.1	0.1%	120-130	1,936.6	15.2%
40-50	8.4	0.1%	130-140	2,153.6	16.9%
50-60	10.2	0.1%	140-150	2,033.9	16%
60-70	19.8	0.2%	150-160	1,474.3	11.6%
70-80	205.5	1.6%	160-170	611.4	4.8%
80-90	605.9	4.8%	170-180	95.4	0.7%

ROADWAY SUMMARY

	LUMENS	% LAMP
DISTRIBUTION: UNCLASSIFIED, UNCLASSIFIED		
MAX CD, 90 DEG VERT:	3,343.3	
MAX CD, 80 TO <90 DEG:	3,369.2	
DOWNWARD STREET SIDE:	795.0	6.2%
DOWNWARD HOUSE SIDE:	70.8	0.6%
DOWNWARD TOTAL:	865.8	6.8%
UPWARD STREET SIDE:	11,202.0	88%
UPWARD HOUSE SIDE:	662.6	5.2%
UPWARD TOTAL:	11,864.6	93.2%
TOTAL LUMENS:	12,730.4	100%

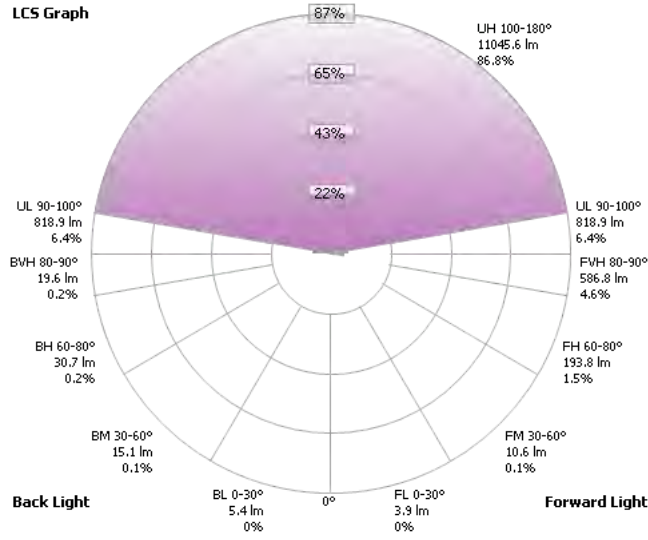
LCS TABLE

BUG RATING	LUMENS	LUMENS %
FORWARD LIGHT		
LOW(0-30):	3.9	0%
MEDIUM(30-60):	10.6	0.1%
HIGH(60-80):	193.8	1.5%
VERY HIGH(80-90):	586.8	4.6%
BACK LIGHT		
LOW(0-30):	5.4	0%
MEDIUM(30-60):	15.1	0.1%
HIGH(60-80):	30.7	0.2%
VERY HIGH(80-90):	19.6	0.2%
UPLIGHT		
LOW(90-100):	818.9	6.4%
HIGH(100-180):	11,045.6	86.8%
TRAPPED LIGHT:	0.000	0%

OUTDOOR PHOTOMETRIC REPORT
CATALOG: SVLED2 PNL PK3 50K



LCS Graph



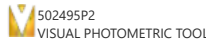
Scale = Max LCS %
Trapped Light: 0lm, 0%

OUTDOOR PHOTOMETRIC REPORT
CATALOG: SVLED2 PNL PK3 50K



CANDELA TABLE - TYPE C

Table with 19 columns (0-180) and 20 rows (0-180) showing photometric data. Values range from 0 to 1159.



PUBLISH
PAGE 4 OF 4

OUTDOOR PHOTOMETRIC REPORT
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VISUAL PHOTOMETRIC TOOL

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OUTDOOR PHOTOMETRIC REPORT
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VERY HIGH(80-90):	19.6	0.2%
UPLIGHT		
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TRAPPED LIGHT:	0.000	0%

502495P2
 VISUAL PHOTOMETRIC TOOL

PUBLISH
 PAGE 2 OF 4

OUTDOOR PHOTOMETRIC REPORT
CATALOG: SVLED2 PNL PK3 50K



502495P2
VISUAL PHOTOMETRIC TOOL

PUBLISH
PAGE 3 OF 4

OUTDOOR PHOTOMETRIC REPORT
CATALOG: SVLED2 PNL PK3 50K



CANDELA TABLE - TYPE C

Table with 19 columns (0-180) and 20 rows (0-180) containing photometric data values.



PUBLISH
PAGE 4 OF 4

Product Selection

My Computer

Select Local File

Choose File No file chosen

Select Local File

Choose File No file chosen

Dropbox

Log OutDropbox Login

Name

Type

Modified

Filename:

Show all file types

SelectCancel

Sign in to Your Visual Account

Customers: enter your email and password.

Agents and ABL Employees: enter your Agile username and password.

Email/Username:

Password:

[Create Account](#)
[Login](#) [Cancel](#)

Product Selection

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Candela Distribution

- Flood Summary
- Illuminance at a Distance
- Indoor COU Table
- LCS Table
- Lumens Summary
- Lumen Zones
- Roadway Summary

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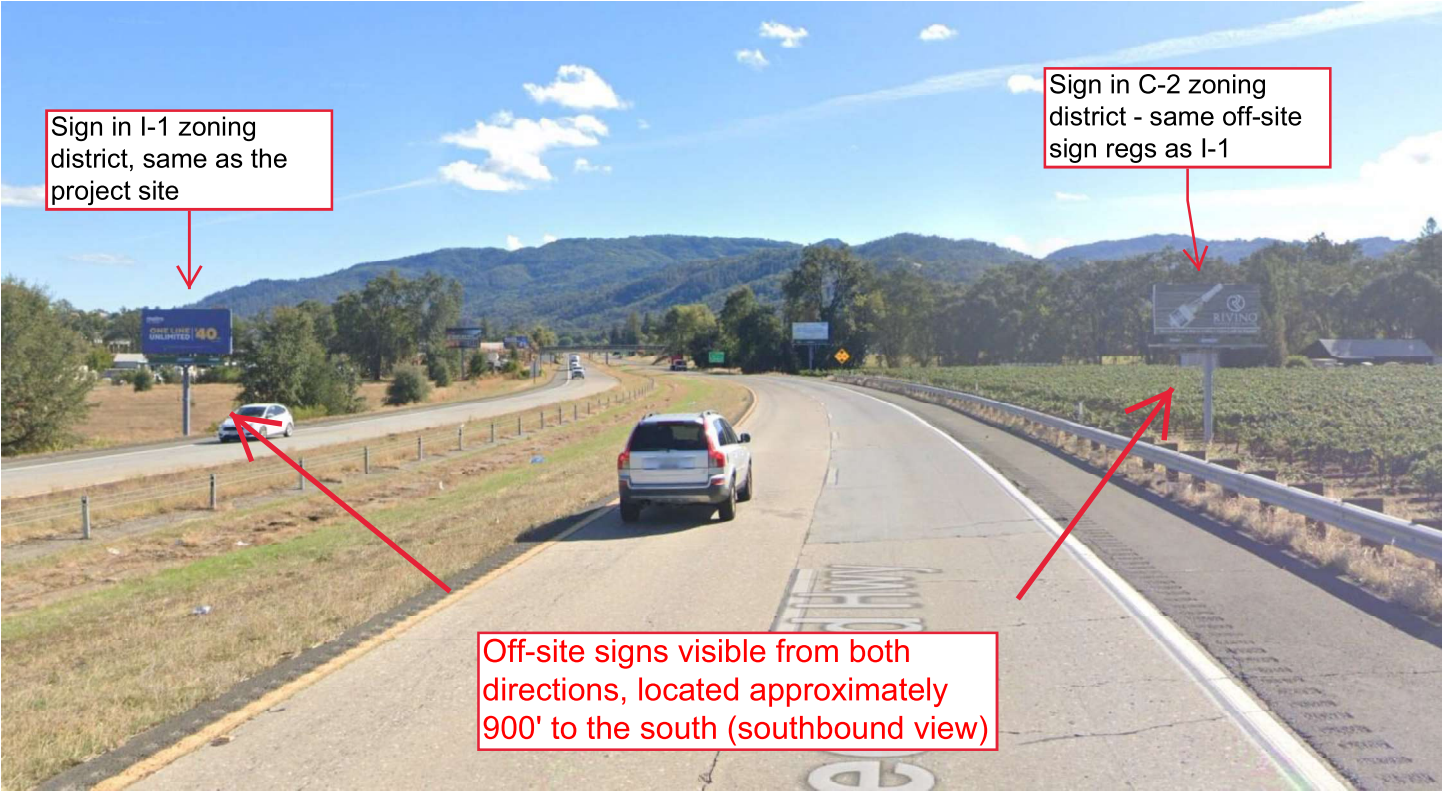
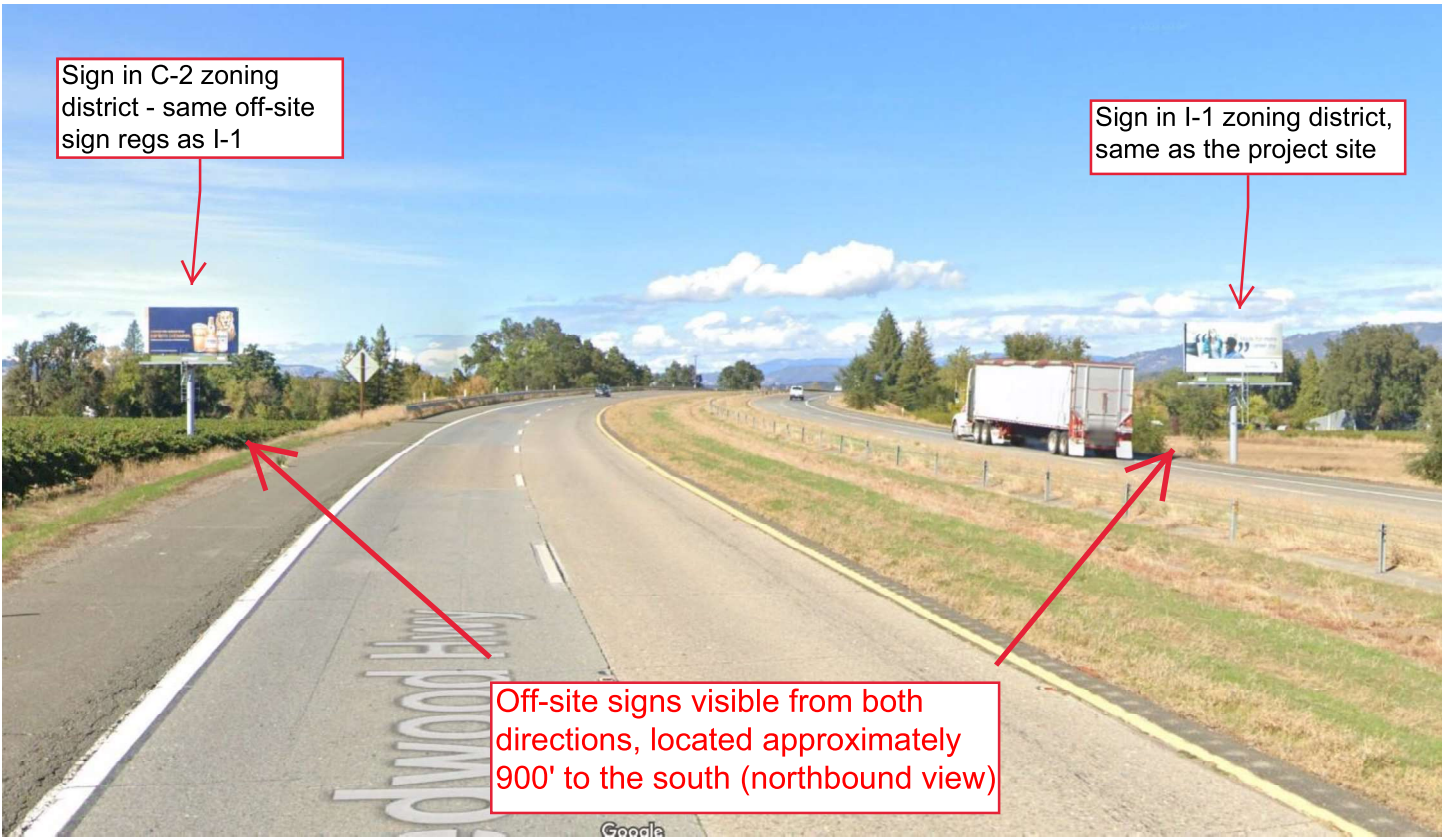
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Visual Design Tools

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Photos demonstrating that a sign 35 feet in height will not have adequate visibility to travelers on Highway 101 (photos taken May 2021)



Example of relationship between sign and Highway 101 - approximately equal to the height of a large truck (sign located at 2700 N. State Street)

LAMAR

700 Fortress St.
Chico, CA 95973

O: 530.342.3235
F: 530.342.0712

W: Lamar.com/NorthernCalifornia

February 13, 2023

Matt Goines, Planner II
Mendocino County Planning and Building Services
860 North Bush Street
Ukiah, CA 95482

Sent via email:
goinesm@mendocinocounty.org

**RE: Additional Information For Variance Application 2021-0003
Requesting 13 additional feet of sign height for a sign at 210 Norgard Lane
APN 184-063-11 (Crane / Lamar)**

Dear Matt,

I'm writing today to provide additional information and clarification regarding Lamar's variance application requesting 13 feet of additional height for a new sign to be constructed at 210 Norgard Lane. I thank you and Zoning Administrator Nash Gonzalez for granting our previous request for a continuance to provide time to provide this information and respond meaningfully to the various concerns raised by Jesse Davis, Chief Planning Manager for the City of Ukiah.

To quickly review, this variance application was submitted in August of 2021. The FAA issued a Determination of No Hazard to Air Navigation on February 1st, 2022, over a year ago. The project was subsequently scheduled to be heard by the Airport Land Use Commission on June 16th, 2022, but there were problems on the meeting day with convening a quorum; the project was therefore deemed consistent with the UKIALUCP pursuant to the language contained within that document. The variance was to be considered by the Zoning Administrator on December 22nd, 2022, but we requested a continuance due to the lengthy letter submitted by Jesse Davis on behalf of the City of Ukiah the day before the hearing.

The variance request itself is fairly simple. Lamar Advertising respectfully requests that we be allowed to build an off-site sign that is 48 feet in height adjacent to Highway 101, rather than the standard 35 feet, while complying with all other County criteria. Findings to grant the height variance can be made due to the unique circumstance of the property being adjacent to (and traversed by) the South Ukiah Overhead Bridge, one of the tallest overpasses in the Ukiah area, due to the railroad lines running beneath it. Other nearby properties in the same zoning district have been able to erect double-sided off-site signs which are adjacent to the freeway, with sign panels above the height of the roadway, visible to those traveling in both directions, while being no more than 35 feet in height. See enclosed photos showing these other existing signs.

To determine visibility for a sign structure at the project site, an extendable measuring pole was erected adjacent to the overpass in May of 2021. As shown on the enclosed photos, the height of the pole was 35'7", slightly taller than the height of a sign complying with the 35-foot standard. Additional photos were then taken from Highway 101 traveling in both directions to determine visibility. As shown in these photos (also enclosed) a 35-foot sign would have faces which are

below the height of the roadway, and not readily visible to travelers. The requested overall height of 48 feet, 13 feet higher than standard, was determined to be the practical minimum to allow for adequate visibility from both directions. The overall relationship between the sign and the Highway 101 travel lanes will be similar to a sign Lamar Advertising operates on the DeFatte Equipment property at 2700 N. State Street (photo enclosed), where the top of the sign is approximately equal to the height of a large truck on the roadway.

Additional information and clarification is provided below in response to the letter from Jesse Davis, of the City of Ukiah, dated December 21st, 2022, one day prior to the original scheduled Zoning Administrator hearing for this project. The same heading numbers are used as in the letter for ease of reference.

1. **Notice and Agency Comment.** Lamar Advertising has limited knowledge and no control over Mendocino County’s administrative procedures for processing applications.
2. **Site Visit.** Similar to the above, Lamar Advertising has limited knowledge and no control over the County’s protocols for staff site visits while processing applications.
3. **CEQA Exemption.** Lamar Advertising agrees that the 15305 categorical exemption isn’t the best fit for this project. We would respectfully suggest using the 15303 categorical exemption, “New Construction or Conversion of Small Structures” as established in the CEQA Guidelines. Examples of this exemption include, but are not limited to, the construction of new stores, motels, restaurants, and similar structures not exceeding 2,500 square feet in floor area. Published case law has emphasized the explicitly nonexclusive nature of the listed examples, and upheld its application to projects not specifically listed. One notable published decision involved using a 15303 exemption for a cell tower (a tall unmanned structure with a small footprint, similar to the proposed sign) occupying 534 s.f. of site area in a public park – see *Don’t Cell Our Parks v. City of San Diego (Verizon Wireless, Real Party in Interest) (2018) 21 Cal.App.5th 338*.
4. **Airport Land Use.** The project has been deemed consistent with the UKIALUCP pursuant to Section 2.2.7.(c) of that document, with staff having recommended approval to the ALUC. The top of the sign is approximately 60 feet below the Airspace Protection Surfaces defined by CFR Part 77, and therefore complies with the Object Height Criteria established in Section 3.6.2. It’s also shorter than the power lines and trees in the immediate vicinity, none of which were flagged as needing to be topped or removed due to Airspace Protection Surface Penetration in the 2015 Ukiah Municipal Airport Layout Plan. The project is neither an obstruction nor a hazard to air navigation, as determined by the FAA. As an unmanned facility which is unbothered by noise or vibration generated by aircraft overflight, it is uniquely compatible with the airport.

Scheduling of the project for consideration by the ALUC was out of Lamar Advertising’s control. Lamar was fully prepared on June 16, 2022 to discuss the project with the ALUC and answer any questions from the Commission.

5. **Dark Skies.** To address concerns related to dark skies, Lamar Advertising has developed an alternate lighting configuration for the sign. This new design consists of two top-

mounted luminaires with a reduced light output, fitted with accessory light shields to tighten the light throw pattern and limit it to the sign faces as much as possible. Photos showing lights with these shields are included for reference. A revised photometric plot is also provided, although it should be noted that the plot does not include the accessory shields – no photometric data exists at this time for them, since they can be fitted to different types of luminaires. In addition, sign illumination will continue to be limited to the period of dusk to midnight, as stated in the project description submitted with the original application in August of 2021. With all the above taken into account, we believe that the project complies with both the letter and the spirit of the County’s requirements in this area. We would respectfully note that the alternate configuration would make the lights more difficult to service, while also negatively impacting sign legibility by casting shadows on sign copy during the day.

6. **Environmental Justice/DUC.** Lamar Advertising does not control the zoning of the project site or any nearby properties. The state law regarding DUCs appears to relate primarily to annexation, which is not requested as part of this application. The property’s current zoning of I-1, consistent with the UKIALUCP, allows an off-site sign to be constructed by right. The question about what the County would do if the property were zoned residential is hypothetical – if the property were zoned residential, County regulations wouldn’t allow an off-site sign on the property.
7. **Findings.** Lamar Advertising continues to believe that all findings for approval can be made. The land use is allowed by right according to the County’s zoning regulations, which are themselves deemed consistent with the General Plan. Increased height is needed to allow the sign to be viewed from both northbound and southbound traffic on Highway 101, similar to the visibility afforded to other nearby signs in the I-1 zoning district adjacent to Highway 101. The need for this additional height is created by the special circumstance of the adjacent South Ukiah Overhead Bridge, one of the tallest overpasses in the County, which crosses the southeast corner of the project site. Lamar Advertising had nothing to do with the construction or configuration of the South Ukiah Overhead Bridge. The sign has been designed at the minimum height necessary to allow adequate visibility from both directions.

There is nothing unusual about the request for increased height which would be materially detrimental to the public welfare. The sign is an engineered steel structure, designed to current building codes. The sign will not generate any new vibration, odor, noise, truck traffic, sewage, air pollution, stormwater runoff, or anything else that that could be considered injurious to nearby properties or improvements.

An alternate lighting configuration has been provided, consistent with the County’s guidance on Dark Sky friendly illumination, and the lights will switch off at midnight.

Any purported impacts to property values are speculative at best, and would appear to be unrelated to the requested variance for additional height. Again, an off-site sign is allowed by right in this location pursuant to County zoning regulations.

Regarding General Plan compatibility, many of the policies quoted in the letter ostensibly in opposition to the project are to be implemented by various actions which have not yet occurred. It's still necessary to complete the difficult work of adopting guidelines and amending code, in duly noticed public meetings, to meaningfully implement many of the General Plan's policies.

Some language in various policy documents, such as General Plan Policy DE-88, talks about limiting billboards. Lamar would respectfully note that the operative language is "limit", not "prohibit". Approving a variance for additional height for a single sign is consistent with language limiting billboards, and there are existing limitations contained in both state and County regulations for off-site signs. Additional limitations, in the form of more restrictive sign regulations, have not yet been adopted by the County.

Language in the General Plan regarding the amortization of billboards would appear to be outdated. With limited exceptions, State law generally does not recognize amortization as valid compensation for removal of a billboard. Instead, the state encourages local jurisdictions to enter into relocation agreements when a sign must be removed due to road widening, realignment, eminent domain proceedings for a new public facility, or other typical governmental purposes.

Other language in the UVAP talks about discouraging billboards. Lamar would respectfully note that the permitting process for this project has taken 17 months to date, requiring approval from at least three different governmental bodies, and resulting in thousands of dollars paid in application fees. The process has certainly felt discouraging at times.

Missing from this discussion are other UVAP policies in support of the project, including:

GOAL LU-2 Promote compatible land uses adjacent to important transportation facilities and protect against incompatible uses. Industrial zoning, and structures with few to no occupants, are appropriate near an airport, freeway, and railroad right-of-way.

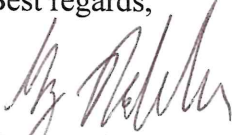
GOAL LU-9 Provide that sufficient industrially zoned areas are protected to provide opportunities for future jobs and economic development. The requested variance will allow the sign to be seen from both directions, providing more opportunities for local businesses to market their goods and services, thereby supporting local economic development.

Policy LU 5.1: Retain and attract businesses. The sign, visible from both directions, will allow additional marketing opportunities for businesses, both existing and new, to help those businesses thrive in Mendocino County.

In conclusion, all we're asking the County for is permission to construct a sign that is slightly taller than what regulations would normally allow, due to the great height of the adjacent overpass, in a location where the zoning already allows such a sign to be built. Once installed, the sign will be used by area businesses to promote their goods and services to travelers on Highway 101, encouraging them to exit the highway and purchase goods and services in Mendocino County, thereby strengthening the local economy.

Thank you for your consideration. Lamar Advertising looks forward to constructing this sign to better serve the Mendocino County business community.

Best regards,

A handwritten signature in black ink, appearing to read "Greg Redeker", written in a cursive style.

Greg Redeker
Senior Real Estate Manager

GR: at

Enclosures

Resolution Number _____

County of Mendocino
Ukiah, California

APRIL 19, 2023

V_2021-0003 - CRANE TRUST

RESOLUTION OF THE ZONING ADMINISTRATOR, COUNTY OF MENDOCINO, STATE OF CALIFORNIA, GRANTING A VARIANCE TO ALLOW A DOUBLE-FACED SIGN TO EXTEND 13 FEET ABOVE THE 35 FOOT HEIGHT LIMIT, TOTALING 48 FEET TALL.

WHEREAS, the applicant, Stott Outdoor Advertising, filed an application for a variance with the Mendocino County Department of Planning and Building Services to allow a double-faced sign to extend 13 feet above the 35 foot height limit, totaling 48 feet tall. 2.3± miles southeast of Ukiah city center, lying on the north side of Norgard Lane (CR 211), 0.2± miles east of its intersection with South State Street (CR 104A); located at 210 Norgard Lane, Ukiah; APN: 184-063-11; 2nd Supervisorial District (Mulheren); and

WHEREAS, the proposed project has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) per Section 15305, Class 5a, for setback variances that do not result in the creation of any new parcels. The granting of this variance will not result in any changes to land use or density, as the proposed use type is permitted use by right in the Industrial zoned property.

WHEREAS, in accordance with applicable provisions of law, the Zoning Administrator held a public hearing on, April 19, 2023, at which time the Zoning Administrator heard and received all relevant testimony and evidence presented orally or in writing regarding the Project. All interested persons were given an opportunity to hear and be heard regarding the Project; and

WHEREAS, the Zoning Administrator has had an opportunity to review this Resolution and finds that it accurately sets forth the intentions of the Zoning Administrator regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator makes the following findings;

1. That there are special circumstances applicable to the property involved, including size, shape, topography, location, or surrounding.

The subject parcel's location adjacent to the uncommonly high overpass; the surface of the roadway is 32± feet above grade, while the railing is 35.5± feet above grade creating practical difficulties if the sign is to be limited to 35 feet. The overpass would obstruct the view of the sign at that height, completely negating the purpose of the sign. Raising the sign to 48 feet would preserve the practical use of the sign, allowing the sign to be seen from the overpass's northbound traffic without overshadowing the nearby scenic foliage. Finding (A) can be made.

2. That such special circumstances or conditions are not due to any actions of the applicant subsequent to the application for the zoning regulations contained in the Division.

The Applicant has an expectation that a sign which conforms to the height limit would be sufficiently visible (or would be able to be constructed in a way that achieves their goal while conforming to Zoning requirements), but the construction of the overpass created the circumstance in which that is not possible. Though the overpass may have been constructed before to the adoption of the Zoning Ordinance, regardless, it was not constructed by the Applicant, and therefore the view-obstructing circumstance is not due to any action of the applicant. The sign could potentially be erected at a distance from the overpass to enable visibility from the roadway, however this would create other difficulties: a greater distance from the roadway would necessitate a larger sign face for adequate viewability which would require another variance and would result in more visual intrusion and obstruction of natural scenery; the target audience for the sign are the drivers on the nearby roadway

and a sign that is not conveniently within their eyeline would cause their attention to be drawn away from the road, thereby contributing to unsafe driving practices and; moving the location of the sign anywhere else on the property would result in a closer proximity to nearby residential areas. Neither the height of the overpass, nor the use of adjacent properties were due to any actions of the applicant subsequent to the application. Finding (B) can be made.

3. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.

While other properties in the same vicinity and zone have off-site signs clearly visible from US 101; the overpass on the subject parcel obstructs off-site signage if placed in a similar proximity to US 101. The sign is located on the property so as to be the least impactful to surrounding residential areas while still achieving adequate viewability. Should the height restriction be maintained, the impact to surrounding areas would still be present without the benefit of the sign's viewability. Similarly, moving the sign to a different point on the property for viewability would result in a less desirable proximity to residential areas and the increased distance from US 101 would make the sign more difficult to view and potentially create a traffic hazard as it would draw a driver's eye farther from the road. Therefore, the proposed sign and variance is the least negatively impactful option for providing the property owner with a substantial property right enjoyed by the aforementioned properties. Finding (C) can be made.

4. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such a vicinity and zone in which the property is located.

The variance request will not be detrimental to the public welfare or injurious to the property or improvements as this is an industrial property where off-site billboard signs are a permitted use (MCC section 20.184.010(A)). The additional 13 feet in height for this project will not add any injurious elements beyond what would be associated with a sign within the height limitation. The downcast lights will not project past the property lines to the west toward the residential neighborhood as the sign placement is well over 200 feet to the east of the neighborhood. Staff believes that the accommodations made by the applicant adequately address any concerns regarding light pollution affecting the nearby neighborhood. The off-site sign is permitted by right on the subject property; should the sign be lowered to the standard 35-foot height limit and moved back from US 101 in order to obtain visibility from the freeway, it would only further impact the residential area as the sign would be much closer to the western property line. The proposed sign location is as far away as possible from the residential area while still utilizing the property right for an off-site sign. In addition, the applicant has proposed a timer system turning off the sign at midnight and a dimmable lighting system. The photometric report is shown in four-foot increments with numbers representing lumens going from high to low, starting from the brightest point (high) where the light directly hits the sign and projecting outward (low) as it becomes dimmer. As can be seen in the diagram, the light will not be more than 0.02 lumens at sixteen (16) feet from the edge of the sign; for reference, a full moon will produce 0.01 lumens. While the diagram does not reference the downward projection, the amount of lumens will be comparable as the lumens will decrease evenly whether projecting horizontally or vertically. The residential area with the potential to be impacted is well over two hundred (200) feet to the west of the proposed sign. Given the projection of lumen loss over 200 feet, there will be no lumens reaching the residential area. Due to the distance between the illuminated sign and the residential area, the polar candela distribution supplied by the applicant shows the potential impacts of the lighting will not be detrimental to the public welfare or injurious to the property improvements. Finding (D) can be made.

5. That the granting of such variance will not adversely affect the General Plan.

The General Plan Policy DE-87 states "Signage should enhance the visual appearance of developments, unify streetscapes, and reduce visual clutter often associated with multiple, single-purpose signs." The proposed variance for the sign is to allow the sign to be visible from US 101. As seen in Figure 3, the sign is to be just tall enough to be safely seen while impacting the view of the surrounding foliage and distant hills as little as possible. General Plan Policy DE-88 states "Limit billboards by emphasizing multiple-business and community highway signs, and reduction in existing

billboards through amortization provisions.” The proposed sign is double-sided, allowing for multiple businesses to advertise on the one structure, therefore reducing the number of potential billboards without losing advertising opportunities for local businesses. Furthermore, MCC Section 20.184.010(A) permits off-site billboard signs in properties zoned Industrial. The height variance will allow for the sign to be utilized as it is intended in the Zoning Code and the final construction will be more compatible in visual unity with similar off-site signs. The current use of the property does not indicate the need for multi-business signs. Should the use of the property change in the future, then consolidation of multiple signs may be addressed at that time. As it currently exists, the height variance and sign placement will not adversely affect the General Plan. Finding (E) can be made.

BE IT FURTHER RESOLVED that the Zoning Administrator hereby grants the requested Variance subject to the Conditions of Approval in Exhibit “A”, attached herto.

BE IT FURTHER RESOLVED that the Zoning Administrator designates the Secretary as the custodian of the document and other material which constitutes the record of proceedings upon which the Zoning Administrator decision herein is based. These documents may be found at the office of the County of Mendocino Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482.

BE IT FURTHER RESOLVED that the Zoning Administrator action shall be final on the 11th day (pending approval) after the date of the Resolution unless an appeal is taken.

I hereby certify that according to the Provisions of Government Code Section 25103 delivery of this document has been made.

ATTEST: JAMES FEENAN
 Commission Services Supervisor

By: _____

BY: IGNACIO GONZALEZ
 Zoning Administrator

EXHIBIT A

CONDITIONS OF APPROVAL

V_2021-0003 – CRANE TRUST/STOTT OUTDOOR ADVERTISING

April 19, 2023

APPROVED PROJECT DESCRIPTION: Variance to allow a double-faced sign to extend 13 feet above the 35 foot height limit.

CONDITIONS OF APPROVAL:

1. The use of the off-site sign shall be established and maintained in conformance with the provisions of Title 20 of the Mendocino County Code unless modified by conditions of the Variance.
2. The application along with supplemental exhibits and related material shall be considered elements of this entitlement and that compliance therewith be mandatory unless a modification has been approved by the Zoning Administrator.
3. This permit shall be subject to revocation or modification by the Zoning Administrator upon a finding of any 1 or more of the following grounds:
 - a. That such permit was obtained or extended by fraud.
 - b. That one or more of the conditions upon which such permit was granted have been violated.
 - c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.
 - d. A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective or has enjoined or otherwise prohibited the enforcement or operation of one or more such conditions.

Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

4. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.
5. This permit is subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction, including those required by the Division of Environmental Health Land Use, as well as the Department of Planning & Building Services. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.
6. The Applicant is advised that this variance will expire at the end of 2 years, on April 19, 2025, unless construction of the billboard sign is commenced and diligently pursued in compliance with required building permits prior to that date.

7. In the event that additional archaeological resources are encountered during development of the property, work in the immediate vicinity of the find shall be halted until all requirements of Chapter 22.12 of the Mendocino County Code relating to archaeological discoveries have been satisfied.
8. An Avigation Easement shall appear on the deed of the subject property. Said Avigation Easement shall comply with and adhere to policy 3.3.6 in the Ukiah Airport Land Use Compatibility Plan. Said easement shall be fully recorded, and appropriate evidence shall be provided to the Department of Planning and Building Services prior to the issuance of the Building Permit for the billboard sign.
9. The notice of actual construction or alteration which is FAA Form 7460.2 shall be filed within 5 days after construction reaches its greatest height with the FAA.
10. Sign lighting shall only be utilized from dusk until midnight.