



COUNTY OF MENDOCINO  
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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## MEMORANDUM

DATE: APRIL 19, 2023  
TO: ZONING ADMINISTRATOR  
FROM: PLANNING AND BUILDING SERVICES, MATT GOINES, PLANNER II  
SUBJECT: V\_2021-0003 (CRANE) SIGN HEIGHT VARIANCE

On April 7, 2023, staff received comments from the City of Ukiah regarding concerns with the proposed sign variance to be heard at the upcoming Zoning Administrator hearing on April 19, 2023. Below are the concerns raised by the City of Ukiah and responses from County Staff.

*Please accept these comments and questions for review and discussion at the upcoming Zoning Administrator Hearing on April 19, 2023:*

**COMMENT 1:** *"What is a vertical setback, and how is it applicable to this Variance for a billboard? Please define this term, as it is not contained within Mendocino County Code (MCC). Per MCC 20.008.052(3), ""Setback" means a required, specified distance between a building or structure and a lot line or lines, measured perpendicularly to the lot line in a horizontal plane extending across the complete length of said lot line or lines."*

**RESPONSE 1:** Although the term "setback" may not have been the most appropriate word to use, the idea behind it is still relevant in the context of the information provided. A setback typically refers to the required distance between a building or structure and a lot line or lines. However, a height limit serves a similar purpose in that it sets a boundary or limit for the location and size of a structure.

**COMMENT 2:** *"City Staff concurs with the Applicant (see Attachment S) that the selected Categorical Exemption ... isn't the best fit for this project."*

**RESPONSE 2:** While the applicant and the City have both stated that they believe § 15303 (New Construction) is a more appropriate exemption to be used in this case, staff disagrees as none of the categories in class 3 fit within the parameters of the sign variance. The applicant points out that cell towers have used Class 3 exemptions in other jurisdictions, citing *"Don't Cell Our Parks v. City of San Diego"* where the San Diego Planning Commission ultimately agreed with Verizon Wireless that a 15303 exemption was appropriate. However, there was an abundance of supporting information provided showing why it was the appropriate exemption for that project. Staff believes the recommend exemption under §15305 (Minor Alterations in Land Use Limitations) remains the more appropriate choice for this project as §15305(a) provides for minor lot line adjustments, site yard and setback variances not resulting in the creation of any new parcels. For this reason, staff believes that §15305(a) is much more appropriate due to the language applicable to "setbacks" in CEQA.

**COMMENT 3:** *"Why is no mention of the Ukiah Valley Area Plan made with regard to General Plan conformance and the required Variance Findings? City Staff has previously provided language that conveys concerns about the proliferation of signs and billboards within the Ukiah valley. As a whole, City Staff disagrees with the Staff Report's interpretation of General Plan policies with regard to signage and billboards."*

**RESPONSE 3:** The proposed project is located within the Ukiah Valley Area Plan (UVAP) and a key issue is its consistency with UVAP policies and goals, including Goal CD2: *Protect and enhance the natural*

*beauty and scenic viewshed of the Ukiah valley.* The project's consistency with the UVAP is discussed extensively in the Staff Report. While the addition of a 13-foot-tall billboard sign within the already subjectively crowded UVAP corridor may not enhance the natural beauty and scenic corridor along US 101, the proposed location is within an Industrial zone and off-site signs are permitted on Industrial-zoned property per MCC § 20.184.010(A). The requested height variance is necessary due to the taller-than-normal freeway overpass adjacent to the parcel, which would obstruct the view of the proposed sign from US 101 without the requested additional height – a right potentially denied to this parcel that is otherwise enjoyed by property in the same vicinity and zoning. Moreover, the sign will be lower than the nearby trees and power poles, and the scenic viewshed will not be substantially altered with the addition of another sign. In light of these considerations, the proposed project is in conformance with applicable regulations and policies, and the requested height variance is justified.

**COMMENT 4:** *“City Staff concurs that the identification of Disadvantaged Unincorporated Communities (DUCs) is particular to annexation as indicated by the Applicant (Attachment S). That being said, it is obvious that residential properties along Norgard Lane have been historically disadvantaged by inappropriate zoning, highway construction, and the lack of maintained road and stormwater infrastructure. Given the discretionary nature of this request, this consideration should not be discounted when reviewing the proposed Variance.”*

**RESPONSE 4:** As indicated in the Staff Report, it is important to note that the property in question is an industrial zone property, which grants the applicant the right to utilize off-site signs. If the applicant decides to relocate the sign towards the residential neighborhood in order to make it more visible from US 101 and decrease the sign height to the standard of 35 feet, no use permit would be required, and no discretionary review would take place. Staff firmly believes that alternative would have a significantly greater negative impact on the residential neighborhood compared to the proposed project, as the sign would be placed closer to the neighborhood thus resulting in light and glare impacts to the neighborhood residents, while the proposed location would minimize such impacts.