



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
860 NORTH BUSH STREET • UKIAH • CALIFORNIA • 95482
120 WEST FIR STREET • FORT BRAGG • CALIFORNIA • 95437

JULIA KROG, DIRECTOR
PHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
pbs@mendocinocounty.org
www.mendocinocounty.org/pbs

MEMORANDUM

DATE: September 19, 2023
TO: Mendocino Historical Review Board
FROM: Planning & Building Services
SUBJECT: Sign Copy Changes Exemption Policy

With the direction received from the Review Board on June 12, 2023, Planning and Building Services has revised the draft Policy Regarding Commercial Sign Exemptions in the Town of Mendocino. A summary of the changes is as follows:

- Under Purpose and Background, Staff added language regarding what we heard as a reinterpretation of the guidance provided in the June 2021 memorandum (Attachment B to this memorandum) that had been agreed upon by the Review Board at that time regarding previously adopted conditions for sign permits. The reinterpretation is as follows:
 - When a business ceases or relocates, the previously approved sign permit remains valid and may be allowed to have the sign copy changed pursuant to the exemption in 20.760.040(H); and
 - A copy change to an existing permitted sign may be a copy change to any previously existing sign that was permitted in the same location on the property and is not limited to the most recently issued MHRB permit.
- Staff removed reference to any conditions potentially limiting the ability for business owners to include telephone numbers or web addresses, etc. on a sign due to concerns regarding compliance with the First Amendment.
- Due to the reinterpretation by the Review Board of copy changes being allowed to any sign previously permitted in the same location on the property, staff increased the review time for Planning and Building Services to 72 hours (excluding weekends) from receipt of the sign copy change request. This will allow adequate time for Staff to review all past permitting on the property.

ATTACHMENTS:

- A. Draft Policy Regarding Commercial Sign Exemptions in the Town of Mendocino
- B. June 7, 2021 Memorandum



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DRAFT POLICY REGARDING COMMERCIAL SIGN EXEMPTIONS IN THE TOWN OF MENDOCINO

PURPOSE AND BACKGROUND: Consistent with MCC Section 20.760.040, provide guidance for Department approval of changes to commercial signs located within the Town of Mendocino. Pursuant to MCC Section 20.760.040(H), copy changes on legally existing signs are exempt from MCC Chapter 20.760 provided that the Department finds that the change:

- (1) Conforms to sign size and design standards contained in MCC Chapters 20.760 and MCC 20.712, and
- (2) Is similar in color and design to the original sign
- (3) Is not larger than the original sign, and
- (4) Is in the same location on the property as the original sign.

In June of 2021, a memorandum summarized the Review Board’s guidance about sign regulations and exemptions. At that time, the Review Board asked that Staff revise the traditional condition limiting sign copy changes that had been often adopted with MHRB permits. In March 2023, the Review Board requested a policy. In June 2023, the Review Board re-interpreted the June 2021 memorandum and determined that when a business ceases or relocates, the approved sign permit remains valid and may be allowed to have the sign copy changed. And further, a copy change to an existing sign may be a copy change to any previously existing sign that was permitted in the same location on the property and is not limited to the most recently issued MHRB permit.

GOALS, OBJECTIVES, AND AUTHORITY: Coastal Element Chapter 4.13, Mendocino Town Plan, Subsection 4.3, includes Policy DG-1 which states, “All new development shall be designed to be compatible with the historical design character of the Town;” and Actions DG 1.1, 1.3, and 1.4. Coastal Element Chapter 4.13 Appendix 7, Section VIII, provides guidelines specific to signs and lighting. MCC Section 20.712.005 states the intent of sign regulations is to “encourage signs that are a quality design, pleasing in appearance and appropriate in size, materials and illumination to the activity to which they pertain.”

The authority for this procedure is contained in MCC Chapter 20.760. MCC Section 20.760.030(F) *et seq* lists when work in the Historic District requires prior approval from the Review Board; for example, an MHRB Permit is required for construction, erection, installation, relocation or alteration of any outdoor advertising sign, whether lighted or unlighted, including new sign copy (except as exempted in Section 20.760.040), and any indoor commercial self-contained lighted sign which is visible from a walkway normally used by the public. And MCC Section 20.760.040 establishes an exemption specific to commercial signs.

PLAN: Businessowners are encouraged to leverage local sign regulations and sign exemptions, and are obliged to adhere to existing MHRB Permit conditions or obtain a new MHRB Permit. At the Review Board’s direction and when appropriate, Staff suggests the following conditions instead:

- Replacement signs shall be the same shape and size, and similar in color, brightness, tone, and hue. Florescent, metallic, iridescent, or otherwise “modern” colors shall be avoided. Replacement signs shall be in the same location on the property.
- Alterations or copy changes to approved signs shall be brought to the attention of Planning & Building Services prior to any changes.

PROCEDURE. Prior to sign alterations or copy changes on legally existing signs, businessowners or their agent will provide PBS with (1) a site plan showing the location of the sign and (2) an 8x11 color rendering of the proposed sign. The rendering shall identify the sign colors, size, shape, and copy. Planning staff will determine whether the proposal satisfies regulations, or conflicts with MHRB Permit Conditions, and is consistent with MCC Section 20.760.040 Exemptions and determine if a MHRB permit is required. If it is deemed MHRB review is not required, Staff shall approve the 8x11 rendering within 72 hours (excluding weekends). Said rendering shall be kept on file.

Policy Initiated By: Mendocino Historical Review Board.

Policy Reviewed by: _____
Chair Ian Roth, Mendocino Historical Review Board

Date: _____

Policy Approved by: _____
Director Julia Krog, Planning and Building Services

Date: _____

ATTACHMENT B



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IGNACIO "NASH" GONZALEZ, AICP INTERIM DIRECTOR
JULIA ACKER KROG, ASSISTANT DIRECTOR
TELEPHONE: 707-234-6650
FAX: 707-463-5709
FB PHONE: 707-964-5379
FB FAX: 707-961-2427
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MEMORANDUM

DATE: JUNE 7, 2021

TO: MENDOCINO HISTORICAL REVIEW BOARD MEMBERS

FROM: PLANNING AND BUILDING SERVICES STAFF

SUBJECT: MCC SECTION 20.760.040 SIGN COPY EXEMPTION AND REVIEW BOARD GUIDANCE

On May 3, 2021, staff requested guidance about sign regulations and MCC Section 20.760.040(H). The following is intended to summarize the Review Board's comments, which concluded with a request that the Director prepare a policy (or procedure) regarding MCC Chapter 20.760 sign exemptions.

1. The frequently adopted condition (below) should be interpreted to mean that when a business ceases or relocates, the approved sign permit is no longer valid. A new location for the same business (or a new business at the same location) would apply for a permit when the current sign permit is no longer valid.

"This permit for this sign is valid only for as long as this business is conducted at this location. The Review Board reserves the right to consider all aspects of any future changes to the sign, including size."

To accommodate new business owners' requesting a sign copy change pursuant with MCC Section 20.760.040, staff will suggest revised language for this often adopted condition (above).

The Review Board requests staff to develop a potential condition that could limit the use of telephone, web-address, social media (e.g. facebook, Instagram, twitter) and similar information on business signs in Town.

2. The exemption for sign copy changes as listed in MCC Section 20.760.040(H) states:

"Copy changes on legally existing signs [are exempt from Chapter 20.760] provided that the Planning and Building Services Department has determined that the replacement or revised sign: (1) Conforms to sign size and design standards contained in this Chapter and Chapter 20.712; and (2) Is similar in color and design to the original sign; and (3) Is not larger than the original sign; and (4) Is in the same location on the property as the original sign."

Threshold examples of when a sign copy change could satisfy MCC Section 20.760.040(H):

- ✓ The copy change exemption can be applied to signs having the same dimension shown on the permit.
- ✓ The exemption can be applied when sign *colors and design* are similar to what is shown on the permit. A new permit is recommended when both the copy and the design of the sign changes.
- ✓ The exemption can be applied when the sign remains in the same location, as shown on the permit.
- ✓ The colors identified in the MHRB Permit are the colors allowed. The exemption can be applied when the sign colors used are the same as the colors listed in the permit.

A "copy change on a legally existing sign" means the most recently issued permit. When the most recently issued permit is not valid (e.g. by condition or other), then the exemption would not apply.