

**TOWN OF FAIRFAX  
STAFF REPORT  
Department of Planning and Building Services**

**TO:** Fairfax Planning Commission  
**DATE:** May 18, 2017  
**FROM:** Linda Neal, Principal Planner  
**LOCATION:** 31 Bolinas Road; Assessor's Parcel No. 002-122-46  
**ZONING:** Central Commercial CC Zone  
**PROJECT:** Sign program for 3 businesses in commercial center  
**ACTION:** Sign Permit and Encroachment Permit; Application # 17-19  
**APPLICANT(S):** Yoga Mountain, For Paws and Vie Harmony  
**OWNER:** Brad Schwan  
**CEQA STATUS:** Categorically exempt, §§ 15305(b) and 15311(a).



**31 BOLINAS ROAD**

**AGENDA ITEM # 7**

## **BACKGROUND**

The Planning Commission granted a Use Permit to allow mixed use of this property in 2002.

The original Use Permit was modified in 2012 to allow an arbor over an outdoor seating area for the restaurant space located at the front of the building.

At its May 21, 2015 meeting, the Commission modified the Use Permit and Design Review Permit for the building to allow a remodel/expansion of the structure, reapproving a combination of Restaurant/retail/personal service uses in the two front suites and the one middle suite, light industrial/retail/personal service uses in the rear suite adjacent to the parking lot, a live work space in the rear northeastern corner suite fronting on Mono Avenue and a residential apartment on the second floor. The Commission also approved a Design Review Permit for exterior changes and a landscaping plan at the same hearing in 2015.

The May 2015 Use Permit Modification was granted without the need for a traffic impact permit because the Commission determined that the 1,947-square-foot restaurant with outdoor seating for 56 and the 874-square-foot retail personal service hair salon business, the first tenants in the building, did not meet the criteria for a traffic impact permit (Town Code § 17.056.050). The Commission relied on Town Code 17.056.050(3) agreeing to assess each new use incrementally in order to aid the owner in getting a portion of the site finished and rented. The Commission stipulated at that time, that use of the Live Work space in the rear, northeastern corner of the site for any use other than a live-work business would/could trigger the need for a traffic impact (TIP) permit.

In November 2015 the property owner applied to again modify the use permit for the building to use the northeastern rear suite of the building for either 'light Industrial, Retail, Personal Service, Exercise and/or Live-Work". At that time, the property owner provided a letter from his traffic engineer indicating that the expansion of the proposed types of uses for that suite in the building would not trigger the need for a Traffic Impact TIP Permit. The Town Traffic Engineer concurred with the project traffic engineer's analysis.

On June 16, 2016, the Planning Commission approved a further modification to the Use Permit to allow acoustic music to be played outside in the eating area underneath the arbor structure.

## **REQUIRED DISCRETIONARY PERMIT**

The three businesses that are located in the center and the rear of the commercial complex at 31 Bolinas Road have determined that they need additional signage beyond what is permitted by the Town Sign Ordinance, Town Code Chapter 17.064. Approval

of additional signage requires Planning Commission approval. The three businesses have proposed the following sign program which is supported by the property owner:

A shared, free-standing, pole sign that would display one business identification sign for each of the three businesses – currently Vie Harmony, For Paws and Yoga Mountain. Additionally, the sign program would include an individual hanging sign for each of the three businesses suspended from the building roof overhang on the southern side of the building adjacent to the parking lot.

## **DISCUSSION**

### **Sign Program and Encroachment Permit**

Town Code § 17.064.050 sets forth the regulations for permanent business identification signs for commercial buildings within Town as follows:

1. The aggregate area of all permanent signs for any building shall not exceed 1-square-foot for each 1-foot of building frontage and no single sign shall be larger than 100-square-feet. The building has 41-feet of building frontage so the total permitted sign square footage for the building cannot exceed 41 square feet.
2. Two signs are allowed for each place of business as long as one of the signs is a projecting sign and projecting signs may not exceed 16-square-feet in area per sign face.
3. In addition to the number of sign permitted above, a shopping center with five or more businesses on a single commonly owned parcel with common access and parking is permitted to have one additional identification sign. The site meets these criteria.

The only sign permits that have been issued for the building are for a 6-square-foot business identification sign for the restaurant displaying the restaurant name, “Mas Masa” and a 7.5-square-foot sign for the hair salon displaying the business name “Hairfax”. Both of the existing signs are displayed on the front of the building.

Vie Harmony, the business operating out of the center space in the complex, Suite C, is currently displaying two unpermitted signs on the south side of the building, a business identification window sign and a business identification projecting sign. For Paws, the pet supply store operating in Suite D, is currently displaying two unpermitted signs on the south side of the building, a business identification sign over the access door and a hanging sign and Yoga Mountain, the yoga studio operating from Suite E is currently displaying two unpermitted signs, one over the door to the building shared access hallway located on the south side of the building and one hanging sign. All three businesses have also hung unpermitted banner signs on the fence located on the south side of the entry driveway with these banner signs constituting a third sign for each business.

The current Sign Program Application proposes a total of six signs for the three businesses located in the middle and at the rear of the site. All current unpermitted signs would be removed or brought into compliance with the sign ordinance as described below. The proposed signs submitted for this application are as follows:

Sign 1 – free-standing pole support displaying business signs for 3 businesses:

A free-standing sign located in the planter area on the south side of the entry driveway, set back 5 feet to the west of the front property line. The free-standing sign would display a total of three business identification signs with 1 sign for Vie Harmony, 1 sign for Yoga Mountain Studio and 1 sign for For Paws pet store. Each sign would be 6.25-square-feet and would be mounted horizontally to the support pole by a bracket that would extend out from the support pole 8-feet and project 3-feet into the public right-of-way (Attachment B). The Yoga Mountain Studio sign and the For Paws sign would display the business name and logo while the Vie Harmony sign would display the business identification name, business owner name and licensed acupuncturist credentials and the specialty field (e.g. neuropathy). Each sign would maintain the required 8-foot clearance above the sidewalk as required by Town Code § 17.064.050(F)(2).

This sign requires 2 exceptions to the sign ordinance regulations; 1) An exception to the regulations because it is a freestanding sign and is not attached to the building [Town Code § 17.06417.064.060(G)]; and, 2) An exception to the regulation that requires free standing signs to be located entirely on the property occupied by the use(s) the sign advertises and not within ten (10) feet of any public right-of-way (Town Code 17.064.050(F)(5)]. The sign also requires an encroachment permit because it projects 3-feet into the Bolinas Road roadway easement [Town Code § 12.32.010(B) and 12-32.020].

The proposed sign support structure is not similar to any other free-standing sign in Town and staff believes it would appear visually out of character with the other signs and buildings along Bolinas Road and throughout the Town commercial areas (Attachment B, page 1, freestanding sign elevation). The 8-foot length of the support brace supporting the three (3) different business signs appears top-heavy and unbalanced.

The sign could be redesigned as depicted in Attachment C (prepared by staff), repositioning the signs and increasing the height of the support structure by one (1) foot so the sign appears more proportional. If there is a concern that two of the business signs are displayed higher than the third lower sign, the sign could be designed so that the signs can be rotated periodically. Increasing the height of the sign support structure by 1-foot would ensure that all three signs are visible from both travel directions on Bolinas Road positioning them above the 6-foot fence height of the southern side property boundary fence.

### Signs 2, 3 and 4 – the projecting signs:

Town Code § 17.064.020 defines a projecting sign as, “Any sign, other than a wall sign, which is erected or supported by a building or roof and which projects outward or upward therefrom. Any sign under a marquee, porch, walkway covering or similar covering structure and in place generally perpendicular to the wall of the adjoining building shall be deemed a projecting sign.

As indicated above Town Code § 17.064.050(B) allows each business to have two signs as long as one of them is a projecting sign. The signs proposed for the three businesses along the south side of the building would hang from the roof above, perpendicular to the building, and constitute permitted projecting signs. These signs do not require the approval of the Planning Commission.

#### Sign 2 - Vie Harmony Projecting Sign

The second sign in the sign program would be a 5.8-square-foot, hanging sign located on the south side of the building, west of the entrance door to Vie Harmony. The sign would display the business name, business owners name and licensed acupuncturist credentials and specialty field. Beneath these descriptions is a list of the services provided including “Natural Weight Loss, Detox, Radiant Skin Care, Advanced European Techniques”.

The window sign and the sign on the side yard fence would be removed leaving the business with two business identification signs as permitted by Town Code § 17.064.050(B), the sign on the free-standing sign structure and the hanging (projecting) sign.

#### Sign 3 – Yoga Mountain Projecting Sign:

The third sign proposed for the sign program would be a 5.8-square-foot, hanging sign for the Yoga Mountain yoga studio. The sign is proposed east of the Vie Harmony hanging sign on the south side of the building outside the access door to the shared hallway that leads to the northeast corner Suite E where Yoga Mountain studio is located.

This sign is necessary because the access door to the Yoga Mountain suite is inside the building and this sign will alert patrons how they are to access the business from the shared parking lot via the shared internal hallway that also accesses the shared restrooms for the three businesses.

This sign does not require an exception to the sign ordinance regulations because it meets the definition of a projecting sign as defined in the staff report above.

The sign over the entry door and the banner sign on the side-yard fence would be

removed leaving the business with the permitted two business identification signs [Town Code § 17.064.050(B)].

#### Sign 4 – For Paws Projecting Sign:

The fourth sign would be a sign with the sign copy “For Paws” that would be 5.8-square-feet in size and would be hung beneath the roof overhang east of the Yoga Mountain studio sign.

This sign is also necessary to direct patrons from the shared parking lot to the correct business entry door.

This sign does not require an exception to the sign ordinance regulations because it meets the definition of a projecting sign as defined in the staff report above.

The sign over the entry door and the banner sign on the side-yard fence would be removed leaving the business with the permitted two business identification signs [Town Code § 17.064.050(B)].

#### Sign Program Analysis

Town Code § 17.064.050(A)(1) limits the total sign square footage of business identification signs for any building to one (1) square-foot of signage for each 1-foot of linear building frontage. The frontage of 31 Bolinas Road measures 41-feet allowing a total sign square footage for the building of 41-square-feet.

The total sign square footage for the building when including the total square footage of the proposed sign program, the Mas Masa sign and the Hairfax sign would be 49.65-square-feet. Therefore, the sign program would exceed the total permitted sign square footage of 41 square feet by 8.65-square-feet.

The sign program requires the following exceptions to the Sign Ordinance regulations:

1. For a freestanding sign because Town Code § 17.064.060(G) requires the Planning Commission to grant an exception for freestanding signs.
2. To be located 5-feet from the front property line with a portion of the structure and signage projecting into the public right-of-way over the sidewalk when Town Code § 17.064.050(F)(5) requires a 10-foot front setback for freestanding signs.
3. To exceed the total permitted 40.5-square-foot sign square footage for the building by 9.65-square-feet [Town Code § 17.064.050(A)(1)].

The Planning Commission is authorized to grant exceptions to the Sign Ordinance if it finds that the exceptions are not inconsistent with the purpose of the Sign Ordinance and when the strict compliance with the regulations may cause unnecessary hardship if

one of the following conditions exist [Town Code § 17.064.120(B)]:

1. Exceptional or extraordinary circumstances or conditions, not resulting from any action of the owner or applicant, apply to the location under consideration and not generally to other businesses or properties in the vicinity;
2. The exception is the minimum necessary to serve its intended use;
3. The application is extraordinary and outstanding in design; or
4. The sign has historical significance.

The number and locations of the proposed signs in the sign program appear to be the minimum necessary to alert passersby on Bolinas Road of the business' site locations and to direct patrons, once they are on the site, to the business entrances.

Approval of the proposed signs as a sign program would allow businesses which might occupy Suites C, D and E at a later to date to hang signs that display their business identification names in the same size and locations without having to obtain separate sign permits for them.

### **Encroachment Permit**

Town Code 12.32.010 requires that a property owner/applicant obtain an encroachment permit for any structure utilizing the public right-of-way. It gives authority to the Planning Commission to grant encroachment permits for structures to be located within the right-of-way in areas that are not being used by the public [Town Code §§ 12.32.010(A)].

Therefore, an encroachment permit is required for the freestanding sign because it will project 3-feet into the public right-of-way while maintaining the required 8-foot clearance above the sidewalk as required by Town Code § 17.064.050(F)(2).

As discussed in paragraph four on page 4 of this report, the sign could be redesigned as depicted in Attachment C which would decrease the encroachment into the public right-of-way to about ¼-foot.

### **RECOMMENDATION**

1. Conduct the public hearing.
2. Move to approve application # 17-19 by adopting attached Resolution No. 17-21 setting forth the findings and conditions of approval for the proposed sign program and freestanding sign Encroachment Permit with the design modification recommended by staff and depicted in Attachment C.

## **ALTERNATIVE RECOMMENDATION**

Move to approve application 17-19 by adopting attached Resolution No. 17021 setting forth the findings and conditions of approval for the sign program and freestanding sign Encroachment Permit as proposed in Attachment B.

## **ATTACHMENTS**

Attachment A – Resolution No. 17-21

Attachment B - Plan page 1, freestanding sign elevation

Attachment C - Alternate freestanding sign elevation



**RESOLUTION NO. 17-21**

**A Resolution of the Fairfax Planning Commission Approving A Sign Program and Encroachment Permit for Suites C, D and E of the Commercial Building at 31 Bolinas Road**

**WHEREAS**, the Town of Fairfax has received an application to for a sign program for the middle and rear commercial suites in the existing multi-use commercial building at 31 Bolinas Road; and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on May 18, 2017, at which times all interested parties were given a full opportunity to be heard and to present evidence, and at that hearing the Planning Commission approved the Sign Program and Encroachment Permit; and

**WHEREAS**, the proposed sign program and the exceptions said sign program requires to the Sign Ordinance, Town Code Chapter 17.064 conforms to policy LU-7.1.1 of the 2010-2030 Fairfax General Plan which reads, "The existing "village character" of the commercial center of the Town, designated as the Town Center area, shall be maintained and enhanced".

**WHEREAS**, the encroachment of the sign into the right-of-way has been minimized and the proposed sign program is the minimum necessary to provide adequate direction to customers visiting the commercial complex in order for them to locate the individual businesses; and

**WHEREAS**, based on the body of evidence submitted for the sign program and the testimony at the public hearing, the Planning Commission has determined that the applicant has met the burden of proof required to support the exceptions they are requesting to the Sign Ordinance regulations and to support the proposed minor encroachment into the right-of-way..

**WHEREAS**, the Commission has made the following findings:

1. The area of the right-of-way the free-standing sign will encroach into as depicted in Attachment C, will not cause vehicular or pedestrian visibility conflicts and is the minimum encroachment necessary to allow adequate visibility of the business signs displayed there; and
2. The number and locations of the proposed signs in the sign program appear to be the minimum necessary to alert passersby on Bolinas Road of the business' site location and to direct patrons, once they are on the site, to the business entrances.

**WHEREAS**, the Commission has approved the project subject to the applicant's compliance with the following conditions:

1. This approval is limited to the development illustrated on the plans prepared Frederic C. Divine Associates, dated 2/1/17, page 1 free-standing sign elevation and pages 1 through 3, elevations for the following signs: Vie Harmony, Yoga Mountain and For Paws.
2. Prior to erecting the free-standing sign the applicant shall obtain the required building permit from the Fairfax Building Department.
3. The permit allows any businesses locating in Suites C, D and E of the 31 Bolinas Road commercial building to erect business signs in any of the approved sign program locations as long as the freestanding sign placards are 2-feet 6-inches in size and signs in the three approved hanging sign locations are 2-feet 6-inches by 2-feet 4-inches.
4. Any other sign(s) erected on the building at 31 Bolinas Road or on Assessor's Parcel Number 002-122-46 beyond those described above and approved by this resolution and the previously approved Mas Masa sign permit issued 9/16/16 and the Fairfax sign permit issued 3/16/17 will require application and issuance of an individual sign permit by the Town.

**NOW, THEREFORE BE IT RESOLVED**, the Planning Commission of the Town of Fairfax hereby finds and determines that the approval of application # 17-19 for a sign program and encroachment permit can occur without causing significant impacts on neighboring businesses or public right-of-way.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 18<sup>th</sup>, day of May 2017, by the following vote:

AYES:  
NOES:  
ABSENT:

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Chair, Norma Fragoso

Attest:

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Linda Neal  
Principal Planner