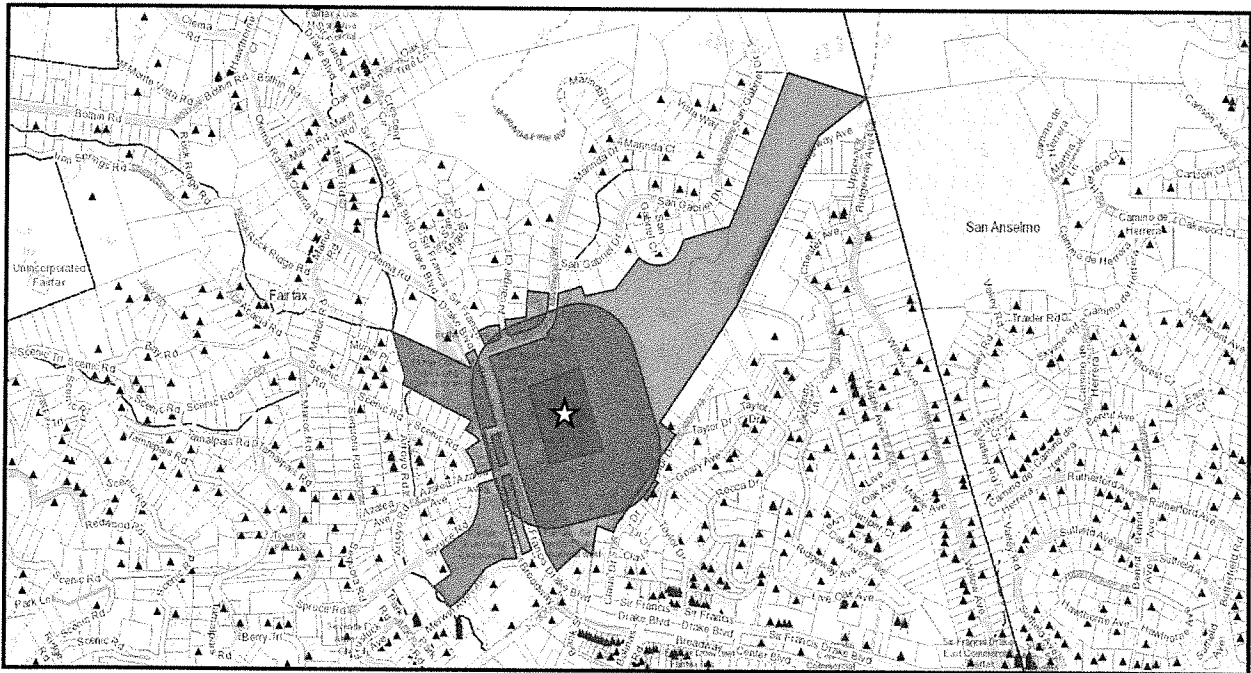


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: August 15, 2019
FROM: Linda Neal, Principal Planner
LOCATION: 102 Marinda Drive; Assessor's Parcel No. 001-183-18
PROJECT: Free-standing sign; Application # 19-13
ACTION: Exception to the Sign Ordinance regulations
APPLICANT: Ross Valley Charter School
OWNER: Archdiocese of San Francisco
CEQA STATUS: Categorically exempt, § 15301(g)



102 MARINDA DRIVE

BACKGROUND

On April 1, 2001 the Fairfax Design Review Board approved an exception to the Sign Ordinance Regulation to allow a monument (freestanding) sign for St. Rita's School on the north side of the driveway to the church property from Sir Francis Drake Boulevard. The approval was for a 24 square-foot sign depicting the school name, logo and motto, "The School That Makes a Difference". The identification sign was to be erected at a maximum of 8 feet in height to allow for a 15 square-foot, reader-board case below the permanent text to advertise special school events (registration, open house, fundraisers, etc.).

The subsequent school tenant of the site - Cascade Canyon School - removed the St. Rita's sign and used the location for their own 24 square-foot sign without the required Sign Permit.

DISCUSSION

The Ross Valley Charter School is requesting an exception to the sign ordinance to place a new 24 square-foot sign in the same location as the previously approved St. Rita School Sign. Their sign would be 6.5 feet in height above grade, have sign dimensions between the sign posts of 6 feet in width and four feet in height (a 24 square-foot sign).

The sign colors would be a blue background with white lettering for the "Ross Valley Charter" school name and yellow lettering below that for the school grades reading, "A TK-5 Public School".

The sign copy would be as shown in the attached color elevation, Attachment B. The sign posts would be painted white.

Town Code § 17.064.060 lists signs that are prohibited unless an exception to the Sign Ordinance Regulations is granted by the Planning Commission. Town Code § 17.064.060(G) lists freestanding signs as one of the type of signs that is prohibited without the granting of an exception.

Town Code 17.064.100(A) gives the Planning Commission the authority to grant exceptions to the Sign Ordinance and 17.064.100(B) sets forth the findings, one of which must be made, in order for the Commission to grant an exception to the Sign Ordinance regulations. The findings read as follows:

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

The school site is located east of Sir Francis Drake Boulevard, north of the small commercial strip mall (2082 through 2094 Sir Francis Drake Blvd.), 2096 Sir Francis Drake Boulevard (the Fitzpatrick Heating and Cooling Building), the vacant parcel north of Fairfax Market, and the northeastern corner of 2040 Sir Francis Drake Boulevard (Fairfax Market). Because of the location of the school buildings, set approximately 150 feet east of the Sir Francis Drake Boulevard corridor, behind buildings, parking lots, and the unexcavated hill owned by the Fong Family, there is no other place to locate a sign to provide school identification except next to the driveway to the school parking area between St. Rita's Church and St. Rita's Community Center.

The location of the school, set back from the street and not visible from Sir Francis Drake Boulevard, is the exceptional circumstance that warrants the granting of an exception to the Sign Ordinance regulations for a free-standing monument sign for the Ross Valley Charter School.

Similar signs have existed in the proposed location since 2001 without creating any complaints, visibility issues for pedestrians or vehicles entering and/or exiting the site or passing by on foot or by vehicles within the Sir Francis Drake Boulevard right-of-way.

No illumination is proposed for the sign.

The applicants have provided at staff's request a palette of school colors should the Commission wish to review the proposed sign colors (Attachment C). Staff would like the Commission to discuss whether or not to include in the proposed sign design the school logo. Staff finds the logo visually appealing, and would improve the overall appearance of the sign since the proposed lettering-only design is minimalistic. If the Commission agrees that the inclusion of the logo would significantly improve the appearance of the sign, the logo inclusion should be added as a condition of the project approval in the Resolution recommending approval (Attachment A).

RECOMMENDATION

1. Conduct the public hearing.
2. Move to approve application 19-13 by adopting Resolution No. 2019-16 setting forth the findings and conditions of approval for the sign permit.

ATTACHMENTS

Attachment A – Resolution No. 2019-16

Attachment B –site plan and proposed sign color elevations

Attachment C – Charter School color palette and logo

RESOLUTION NO. 2019-16

A Resolution of The Fairfax Planning Commission Approving Application No. 19-13 for a freestanding monument sign for the Ross Valley Charter School at 102 Marinda Drive

WHEREAS, the Town of Fairfax has received an application from the Ross Valley Charter School for a 24 square-foot, 6.5 foot tall monument sign on the north side of the entrance driveway; and

WHEREAS, based on the plans and other documentary evidence in the record the Planning Commission has determined that the applicant has met the burden of proof required to support the following finding necessary to approve the requested exception to the Sign Ordinance prohibition of freestanding signs found in Town Code § 17.064.060(G):

The location of the school, set back from the street and not visible from Sir Francis Drake Boulevard, is the exceptional circumstance that warrants the granting of an exception to the Sign Ordinance regulations for a free-standing monument sign for the Ross Valley Charter School (Town Code § 17.064.100(B)(1)).

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 sign application attachments submitted August 1, 2019. The sign shall be non-illuminated.
2. The applicant shall obtain a building permit for the sign prior to installing it.
3. Any changes, modifications, additions or alterations made to the approved set of plans will require a modification of Application # 19-13. Any construction based on job plans that have been altered without the benefit of an approved modification of Application # 19-13 will result in the job being immediately stopped and red tagged.
4. The applicant and its heirs, successors, and assigns shall, at its sole cost and expense, defend with counsel selected by the Town, indemnify, protect, release, and hold harmless the Town of Fairfax and any agency or instrumentality thereof, including its agents, officers, commissions, and employees (the "Indemnitees") from any and all claims, actions, or proceedings arising out of or in any way relating to the processing and/or approval of the project as described herein, the purpose of which is to attack, set aside, void, or annul the approval of the project, and/or any environmental determination that accompanies it, by the Planning Commission, Town Council, Planning Director, or any other department or agency of the Town. This indemnification shall include, but not be limited to, suits, damages, judgments, costs, expenses, liens, levies, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including

the applicant, third parties and the Indemnites, arising out of or in connection with the approval of this project, whether or not there is concurrent, passive, or active negligence on the part of the Indemnites. Nothing herein shall prohibit the Town from participating in the defense of any claim, action, or proceeding. The parties shall use best efforts, acting in good faith, to select mutually agreeable defense counsel. If the parties cannot reach agreement, the Town may select its own legal counsel and the applicant agrees to pay directly, or timely reimburse on a monthly basis, the Town for all such court costs, attorney fees, and time referenced herein, provided, however, that the applicant's duty in this regard shall be subject to the Town's promptly notifying the applicant of any said claim, action, or proceeding.

5. The applicant shall comply with all applicable local, county, state and federal laws and regulations. Local ordinances which must be complied with include, but are not limited to: the Noise Ordinance, Chapter 8.20, Polystyrene Foam, Degradable and Recyclable Food Packaging, Chapter 8.16, Garbage and Rubbish Disposal, Chapter 8.08, Urban Runoff Pollution Prevention, Chapter 8.32 and the Americans with Disabilities Act.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission of the Town of Fairfax hereby finds and determines as follows:

The approval of the exception to the Sign Ordinance Regulations is in conformance with Town Code Title 17; and

Construction of the project can occur without causing significant impacts on neighboring commercial and residential properties.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 15th day of August, 2019 by the following vote:

AYES:

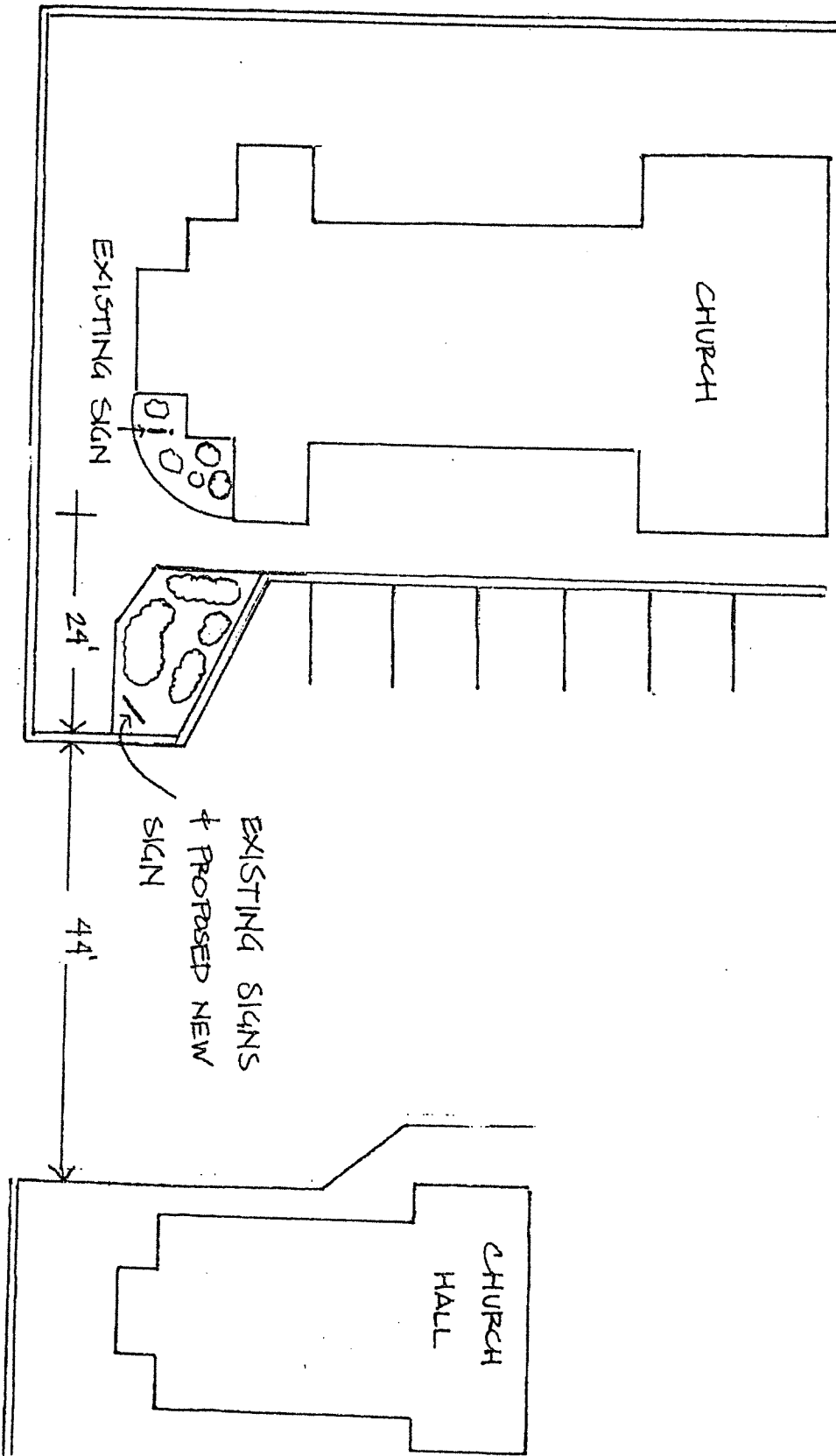
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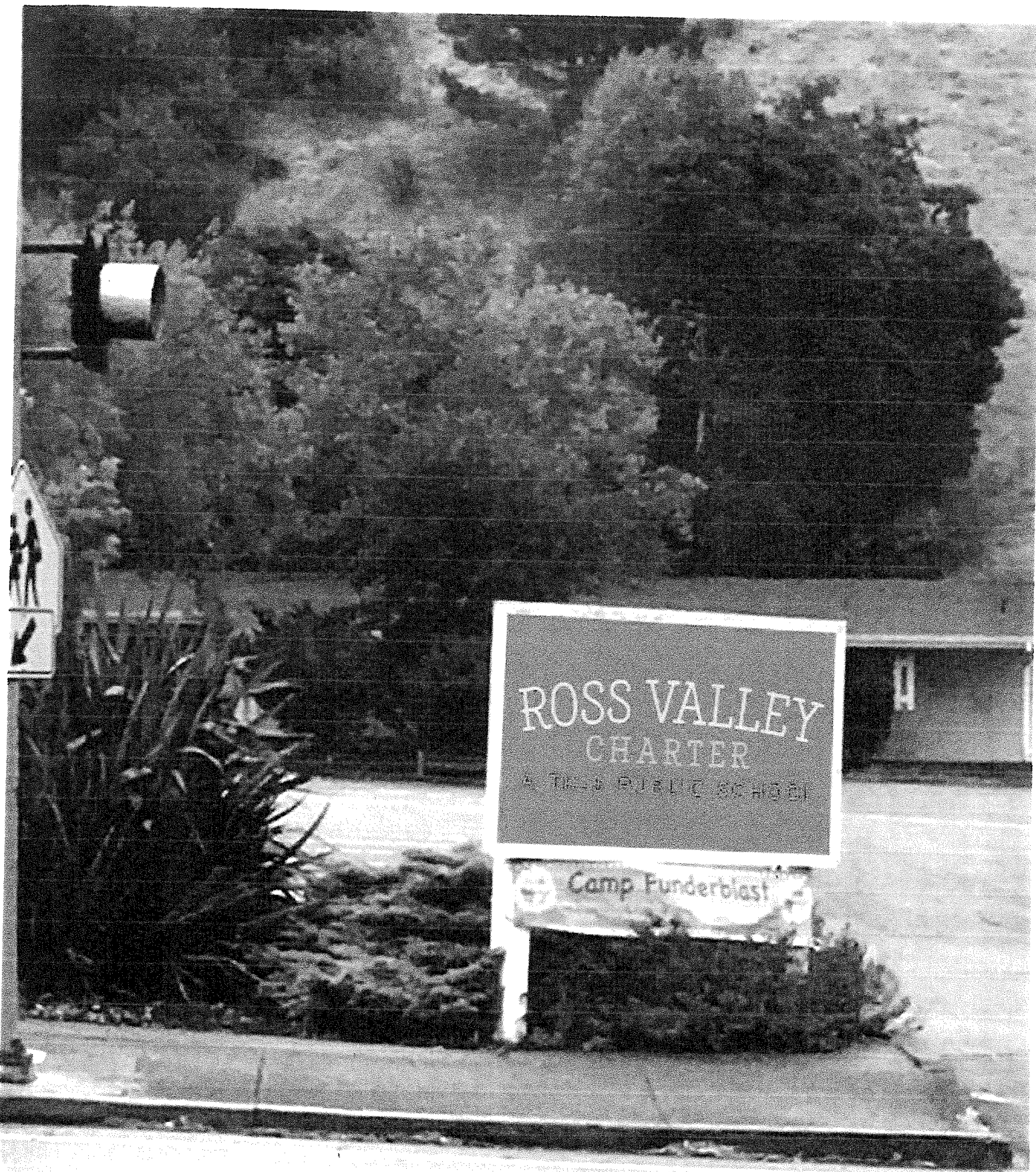
ABSTAIN:

Chair Swift

Attest: _____

Ben Berto, Director of Planning and Building Services

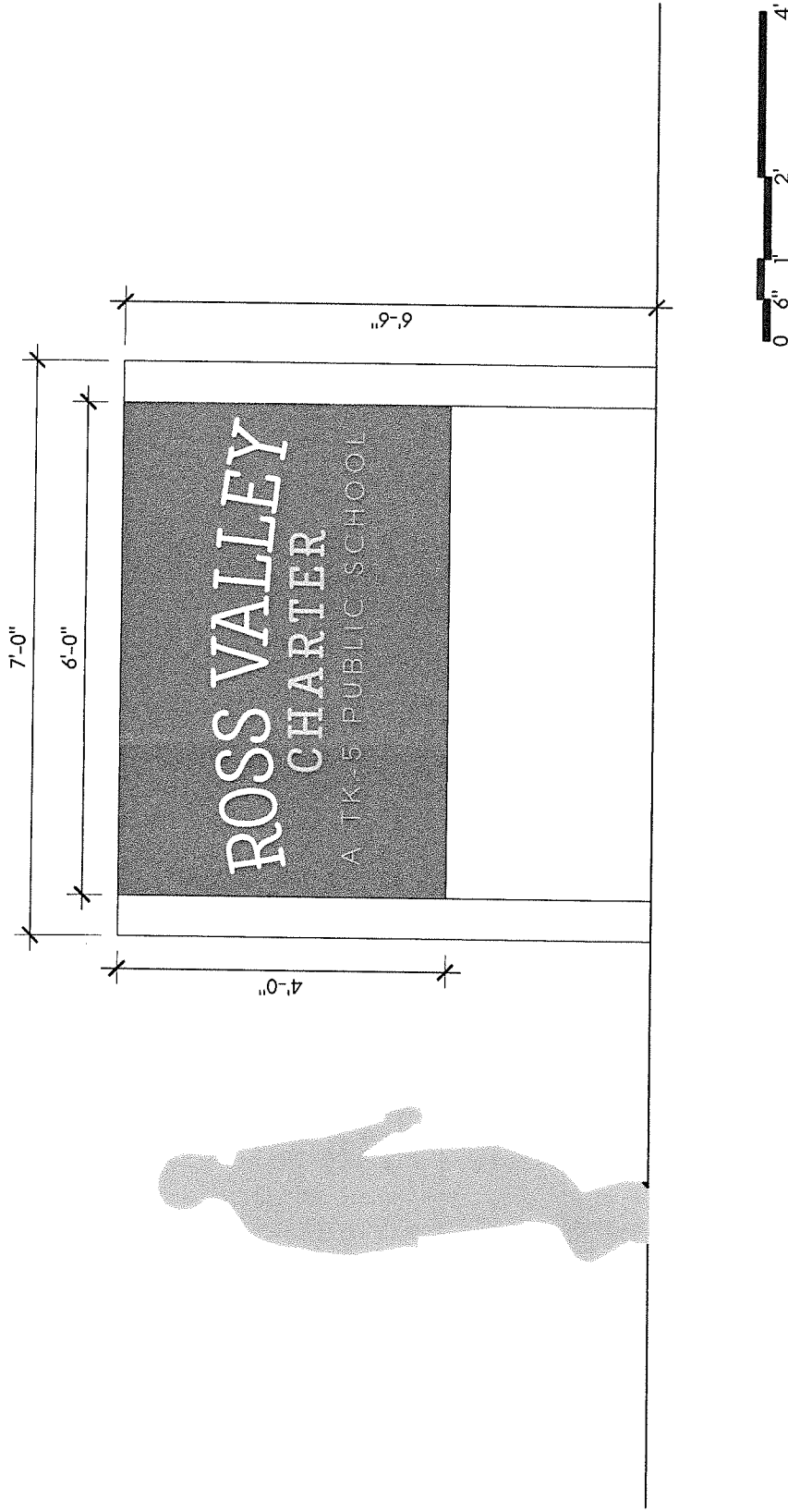




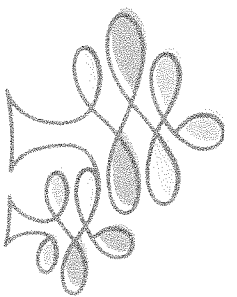
ROSS VALLEY
CHARTER
A TRULY PUBLIC SCHOOL

Camp Funderblast

↑ proposed creative for
RVC sign.



ROSS VALLEY CHARTER STREET SIGN ELEVATION AT SIR FRANCIS DRAKE BLVD. SCALE: 3/4"=1'-0" PLANNING DEPARTMENT PERMIT AUG. 6TH 2019 102 MARINDA DR, FAIRFAX, CA 94930 (415) 534-6970



ROSS VALLEY CHARTER

A TK-5 PUBLIC SCHOOL