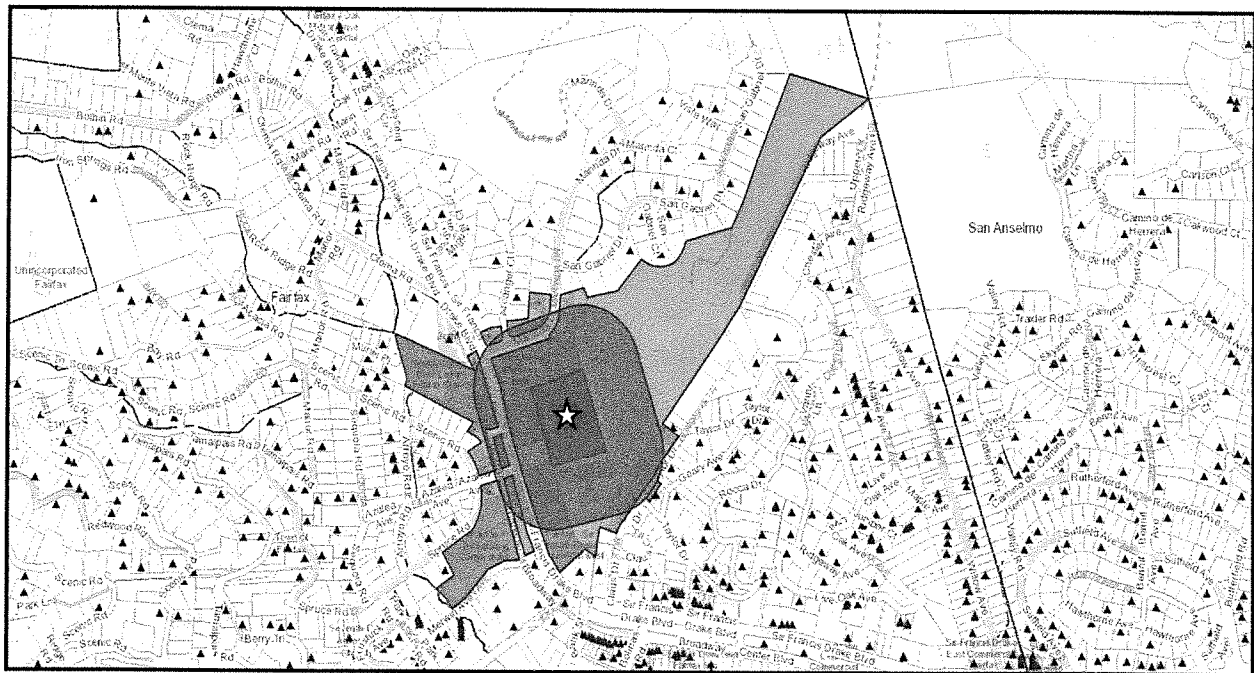


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: September 19, 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.

Ross Valley Charter School has taken over as the school tenant this school year and is requesting signage approval.

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 have a 24 square-foot sign face, erected 6.5 feet in height above grade and have sign dimensions between the sign posts of 6 feet in width and four feet in height.

The proposed sign was originally reviewed by the Planning Commission at their August 15, 2019 meeting where the matter was continued to the September 19, 2019 meeting, with the Commission requesting/recommending the following:

1. An elevation of the proposed sign showing the following:
 - Sign dimensions, drawn to scale with a graphical scale shown.
 - The dimensions (height, total length) and font style for the sign copy (lettering).
 - The materials that will be used for the sign face and posts.
 - The paint brand and color name and number for the sign face and copy and the support posts.

At the meeting the Commission advised the school that they could erect a temporary banner sign in the proposed permanent sign location that does not exceed 24 square feet in size, with the design subject to staff approval prior to erection. Staff reviewed

the temporary sign proposal and approved the temporary sign design on August 16, 2019.

At the August 15th, 2019 meeting Commissioner comments on the sign proposed included: the design was too plain, if the logo were on the brilliant blue proposed for the sign background, it would disappear, and there should be master sign program for the church/school site and all the uses operating from the site (or at a minimum, all existing and likely future signs should be included in the signage information). The majority of the Commission seemed to find the size of the sign and the sign copy content, including the "TK-5 Public School" copy acceptable, would like to see the logo incorporated into the sign, and would like to see the proposed signage include special event temporary signs and/or signs for the camp/daycare use that is also located on the site. They encouraged the school to work with the other uses on site on their signage. The Commission also indicated they need enough accurate information to get a sense of the overall size of the sign lettering and two of the Commissioners expressed that a different sign background (for example, white) would make the sign lettering and logo more visible (Exhibit D – minutes from the August 15, 2019 Commission meeting).

The proposed sign would be vinyl print affixed to medium density fiberboard (MDF) with the sign background in white and the charter school name in blue font (font – Tropen Deco, blue – Pantone 633 C). The text of the grades the school will serve, "A TK-5 Public School" is in a brown color (font – Nexa Bold, brown - Pantone 140 C).

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

After the meeting, staff discussed the proposed sign, reviewed the past approved sign for Saint Rita's School, and determined that modification of the square shape of the sign might improve the overall sign appearance (Exhibit C – modified sign elevation). Discussions were held with the applicant regarding Commission direction and potential signage changes.

Since the last meeting Kinderblast Preschool, which also operates on the Charter School site, has submitted their proposed sign (Exhibit C). The sign would measure 6 square feet in size (6 ft. long and 1 foot tall), and would be made by the same sign company and out of the same materials as the Charter School sign, and it would be erected immediately below the Charter School Sign. The Kinderblast sign would have a minimum clearance above ground of approximately 1½ feet.

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 unless an exception is granted.

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.

Therefore, both the Ross Valley Charter School sign and the Kinderblast sign require the approval of an exception to the sign ordinance to be erected on the same free standing monument sign frame.

The school/preschool 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 and preschool 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 schools parking area between St. Rita's Church and St. Rita's Community Center.

The location of the school/preschool, 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; and, The exception being requested is not inconsistent with the purpose and intent of the sign ordinance and strict adherence to the code would create a hardship for the applicants, only allowing the signs to be affixed to the school buildings where they are not visible to the public.

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.

Other Agency/Department Comments/Requirements

Ross Valley Fire Department

RVFD has required that the entrance address be incorporated into the sign. The resolution recommending approval includes the following condition language, "in clearly legible lettering there shall be an indication on the sign that the entrance to the school is

from 102 Marinda Drive and the exit on Sir Francis Drake Boulevard shall be clearly marked on the church property pavement that it is for exiting only. The location and size of both the sign and pavement lettering shall be subject to review and approval by the Planning Director and the Public Works Manager prior to the issuance of the sign building permit and the pavement shall be marked prior to the erection of the permanent.”

No other agencies or departments commented on the project.

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 which includes a sign for both the Charter School and the associated preschool, Kinderblast.

ATTACHMENTS

Attachment A – Resolution No. 2019-16
Attachment B –Charter School sign drawings
Attachment C – Kinderblast sign drawings
Attachment D – alternative sign shape elevation

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 and the Kinderblast Preschool at 102 Marinda Drive

WHEREAS, the Town of Fairfax has received an application from the Ross Valley Charter School and from Kinderblast Pre-school for a combined monument sign on the north side of the entrance driveway [a 6 ft. by 4 ft. (24 square-foot) Charter School Sign and a 6 ft. by 1 ft. (6 square-foot) Kinderblast Preschool Sign:

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

The exception being requested is not inconsistent with the purpose and intent of the sign ordinance and strict adherence to the code would create a hardship for the applicants, only allowing the signs to be affixed to the school buildings where they are not visible to the public.

The location of the school, set back from the street and not visible from Sir Francis Drake Boulevard, is an 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 and Kinderblast Preschool (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 contained in Exhibit B attached to this resolution. Both signs shall be non-illuminated. In clearly legible lettering there shall be an indication on the sign that the entrance to the school is from 102 Marinda Drive. The exit on Sir Francis Drake Boulevard shall be clearly marked on the church property pavement that it is for exiting only. The location and size of both the sign and pavement lettering shall be subject to review and approval by the Planning Director and the Public Works Manager prior to the issuance of the sign building permit and the pavement shall be marked prior to the erection of the permanent sign.
2. The applicants shall obtain a building permit for the signs prior to installing them.
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 applicants and their 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 Indemnitees, 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 Indemnitees. 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 applicants 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 19th day of September 2019 by the following vote:

AYES:
NOES:
ABSTAIN:

Chair Swift

Attest: _____
Ben Berto, Director of Planning and Building Services