

on the north side of the driveway entrance to the rear parking lot. The proposed monument sign will display an approximately 20 square-foot directory area where there would be space for twelve approximately one square-foot each tenant business name placards. Illumination would be provided by a ground-mounted spotlight directed up to the directory face.

The street number for the complex would be displayed at the top of the sign.

BACKGROUND

At the May 20, 2021, Planning Commission meeting the Commission continued this matter and directed the applicant to provide the following prior to the next meeting:

1. An arborist report, subject to a peer review by the Town Arborist, by an ISA certified arborist assessing the health of each of the redwood trees in the grove within the planter where the proposed sign will be located, determining if the sign can be located within the planter in a manner that will not negatively impact the existing and/or future health of the trees, and making recommendations for how the sign installation shall occur to maintain the trees health during and after construction of the sign.
2. Erect a mock-up of the sign in the proposed dimensions and in the proposed location within the fenced area where the sign will be located.
3. Revise the project drawings to include a dimensioned site plan calling out the distance between the sign and the fence and the sign and nearest redwood tree, a dimensioned elevation showing the exterior downlight fixture to be mounted on the sign including the lighting cut sheet showing the fixture is dark sky compliant and providing the color temperature details.

For further information on this item see the previous staff report and attachments dated May 20, 2021 (Attachment C).

DISCUSSION

The original staff report on this project included staff's recommendation that the sign be approved in its proposed location and size.

As staff indicated at the April Commission meeting, the building is octagonal and is one of the larger commercial buildings in Town, with property frontage on Bolinas Road larger than any other commercial buildings. The design of the building with its many windows and upper exterior deck makes it impractical to erect a multi-business commercial directory sign on the building itself. Commercial businesses need to be able to effectively communicate their location, while at the same time avoiding signage being visually overbearing or inappropriate. Monument signs are often an appropriate way to convey this important information on a site such as this that has multiple tenants.

The area where the sign will be erected is enclosed by a 3-foot tall, wood rail fence. The applicant is proposing for the bottom of the placard portion of the sign to be approximately 3 feet above grade, to be visible over the fence structure. The frame will be heavy timber with the sign background, the street number and tenant business name panels of aluminum painted blue green (Van Deusen Blue (HC-156) with a satin finish while the font will be white, opaque, vinyl overlay to complement the building exterior color palette which is tan siding with dark brown window trim.

Town Code § 17.064.020(1) defines "area of sign" to be "The area in square feet of the smallest rectangle enclosing the entire exterior surface of a sign. The sign mock-up in the field uses a white square to identify the 20 square foot sign face that will display the individual directory signs. Town Code § 17.064.020(2) indicates, "If any structural element which supports a sign is designed, painted or otherwise arranged so as to substantially contribute to the advertising qualities of the sign, the structural elements shall be included in the smallest rectangle used to compute the area of the sign".

The support structure for the sign does not include any of the features listed above that would contribute to the advertising qualities of the sign and that would require it to be included in the proposed sign square footage. Staff continues to believe the proposed 20 square-foot sign face is the minimum necessary to display the one square foot business directory signs for the individual businesses and have them visible to passersby.

The applicant has provided the cut sheet for the revised lighting proposed to be affixed to the top of the sign and lighting only the sign face in response to the Commission's concern that the spotlights originally proposed to illuminate the sign face were not dark sky compliance (Refer to plans).

The site plan showing the distance between the sign and the existing fence and from the redwood trees has been provided. The sign will be placed 2 feet east of the fence and 8 feet west of the nearest redwood tree (see project plans, page 4).

The requested exception to have the free-standing multi-tenant monument sign is the minimum necessary to serve the business identification needs of the multiple businesses currently and potentially located within this commercial center.

Arborist Report

The applicant provided the attached ISA Certified Arborist report by Dr. Kent Julin (Attachment B) which was reviewed and approved by Ray Moritz, the Town Arborist.

Although as of the date of this report staff has not received a written report from Mr. Moritz, he verbally agreed that the sign can be erected without negatively affecting the health of the adjacent redwood trees as long as the post holes are excavated using hand-held digging tools and that any roots encountered be cut with a clean, sharp saw

or clippers to avoid tearing behind the cuts. Topical treatment of the cut roots is not necessary, and tools used to mix concrete should not be cleaned inside the fences area.

Staff has retained the condition in the attached Resolution No. 2021-09, that the project arborist be on site during the excavation of the signpost holes and placement of the sign support posts and that he provide a letter to the Town after the construction is completed indicating that the installation occurred in compliance with his recommendations.

RECOMMENDATION

1. Conduct the public hearing.
2. Move to approve Sign Permit Application # 20-07 by adopting attached resolution # 2021-09 setting forth the findings and condition for project approval.

ATTACHMENTS

Attachment A – Resolution No. 2021-09

Attachment B – May 27, 2021, Arborist Report by Dr. Kent Julin

Attachment C – May 20, 2021, draft minutes, staff report and attachments

RESOLUTION NO. 2021-09

A Resolution of the Fairfax Planning Commission Approving Application No. 21-07 for a 20 Square-Foot, Business Directory Sign Supported by a 64 Square-foot Monument Sign Frame for the Multi-business Commercial Building at 85 Bolinas Road

WHEREAS, the Town of Fairfax has received an application for an 8-foot tall, 8 foot wide, business directory monument sign with an approximately 20 square-foot sign face area with space for twelve approximately one square-foot tenant business name placards; and

WHEREAS, the Planning Commission held duly noticed Public Hearings on May 20, 2021, and June 17, 2021, at which time the Planning Commission determined that the project complies with the Town Code Chapter 17.064, the Sign Ordinance; 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 finding necessary to approve the Sign Permit; and

WHEREAS, the Commission has made the following findings:

The project is consistent with the purpose and intent section of Chapter 17.064, Signs, of the Zoning Ordinance as follows:

1. The sign as amended will be compatible with the other signs on the property and will not result in a number of signs that are out of proportion with the size and mass of the existing building and/or grounds.
2. The sign design will safeguard and enhance property values of adjacent commercial building and uses, will protect and enhance the town's natural setting and small-scale residential character and will provide information necessary to the public to locate businesses within Town that are located within the octagonal shaped building.

The sign location will not conflict with vehicular or pedestrian traffic using the property to access the various businesses.

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

1. The project approval is limited to the sign project depicted and described in the following plans prepared by Robert Sanders and Company and stamped received by the Town of Fairfax 4/8/21, the arborist report by Dr. Kent Julin dated 5/27/21 and the site plan dated received by the Town of Fairfax on 6/8/21.
2. External illumination for the sign shall be of downcast lights mounted to the top of the sign and shall be the minimum lumens to communicate signage material. Lighting shall be placed on automatic timers and shall be off when no onsite businesses are

open. In no event shall lighting be on after 10 pm or before 6 pm.

3. Prior to issuance of any of the building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may include but is not limited to the following.
 - a) Location for storage of construction materials prior to and during construction of the sign.
 - b) Construction schedule (deliveries, worker hours, etc.)
 - c) Notification to business tenants
4. Construction vehicles may not block the access driveway to the rear parking lot during the construction process.
5. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 21-07. Modifications that do not significantly change the project, the project design or the approved discretionary permit **may** be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 21-07 will result in the job being immediately stopped and red tagged.
6. 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, Design Review Board 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.
7. 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.

8. Dr. Kent Julin, the project arborist, shall be on-site during the excavation and installation of the sign support posts to ensure the recommendations contained in his 5/27/21 arborist report are complied with. Once construction is completed, and prior to the project final inspection, the arborist shall provide a letter to the Town indicating that the installation occurred in compliance with his recommendations.
9. No trees may be removed. If it is determined by the project arborist during construction that any of the redwood trees cannot be protected, adequately, the project approval is voided, and the project shall be rescheduled for a new hearing before the Commission to review the modified project. No additional application fees will be charged for the review of the modified project as long as the resubmittal occurs with 60 days of the project arborist determination.
10. All exterior fixtures be dark sky compliant (fully shielded and emitting no light beyond the sign face) and the lighting plan shall be consistent with the revised plan elevation, plan page 3, received by the Town on 6/8/21.

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

The approval of the sign permit is in conformance with the Zoning Ordinance, Title 17; and

Construction of the project can occur without causing significant impacts on neighboring commercial spaces and/or Bolinas Road.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17th day of June 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

Chair Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services

RESOLUTION NO. 2021-09

A Resolution of the Fairfax Planning Commission Approving Application No. 21-07 for a 20 Square-Foot, Business Directory Sign Supported by a 64 Square-foot Monument Sign Frame for the Multi-business Commercial Building at 85 Bolinas Road

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WHEREAS, the Town of Fairfax has received an application for an 8-foot tall, 8 foot wide, business directory, monument sign with an approximately 20 square-foot sign face area with space for twelve approximately one square-foot tenant business name placards; and

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WHEREAS, the Planning Commission held duly noticed Public Hearings on May 20, 2021, and June 17, 2021, at which time the Planning Commission determined that the project complies with the Town Code Chapter 17.064, the Sign Ordinance; and

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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 finding necessary to approve the Sign Permit; and

WHEREAS, the Commission has made the following findings:

The project is consistent with the purpose and intent section of Chapter 17.064, Signs, of the Zoning Ordinance as follows:

1. The sign as amended will be compatible with the other signs on the property and will not result in a number of signs that are out of proportion with the size and mass of the existing building and/or grounds.
2. The sign design will safeguard and enhance property values of adjacent commercial building and uses, will protect and enhance the town's natural setting and small-scale residential character and will provide information necessary to the public to locate businesses within Town that are located within the octagonal shaped building.

The sign location will not conflict with vehicular or pedestrian traffic using the property to access the various businesses.

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

1. The project approval is limited to the sign project depicted and described in the following plans prepared by Robert Sanders and Company and stamped received by the Town of Fairfax 4/8/21, the arborist report by Dr. Kent Julin dated 5/27/21 and the site plan dated received by the Town of Fairfax on 6/8/21.
2. External illumination for the sign shall be of downcast lights mounted to the top of the sign and shall be the minimum lumens to communicate signage material. Lighting shall be placed on automatic timers and shall be off when no onsite businesses are

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ATTACHMENT A

open. In no event shall lighting be on after 10 pm or before 6 pm.

3. Prior to issuance of any of the building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may include but is not limited to the following.

- a) Location for storage of construction materials prior to and during construction of the sign.
- b) Construction schedule (deliveries, worker hours, etc.)
- c) Notification to business tenants

4. Construction vehicles may not block the access driveway to the rear parking lot during the construction process.

5. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 21-07. Modifications that do not significantly change the project, the project design or the approved discretionary permit *may* be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 21-07 will result in the job being immediately stopped and red tagged.

6. 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, Design Review Board 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.

7. 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

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Location for storage of construction materials prior to and during construction of the sign.¶
Construction schedule (deliveries, worker hours, etc.)¶
Notification to business tenants¶
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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.

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8. Dr. Kent Julin, the project arborist, shall be on-site during the excavation and installation of the sign support posts to ensure the recommendations contained in his 5/27/21 arborist report are complied with. Once construction is completed, and prior to the project final inspection, the arborist shall provide a letter to the Town indicating that the installation occurred in compliance with his recommendations.

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Prior to submittal for the building permit for the sign, the applicants obtain an arborist report by an International Society of Arborists (ISA) member assessing the health of the redwood trees within the planter area where the sign is proposed and making recommendations for the protection of the trees and their roots during the sign installation. The report shall be submitted as part of the building permit submittal. The arborist shall be on site when any digging is occurring, observe the excavation, and ensure that if roots are encountered, the sign is constructed in a manner that will not negatively impact the trees.

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9. No trees may be removed. If it is determined by the project arborist during construction that any of the redwood trees cannot be protected, adequately, the project approval is voided, and the project shall be rescheduled for a new hearing before the Commission to review the modified project. No additional application fees will be charged for the review of the modified project as long as the resubmittal occurs with 60 days of the project arborist determination.

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10. All exterior fixtures be dark sky compliant (fully shielded and emitting no light beyond the sign face) and the lighting plan shall be consistent with the revised plan elevation, plan page 3, received by the Town on 6/8/21.

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

The approval of the sign permit is in conformance with the Zoning Ordinance, Title 17; and

Construction of the project can occur without causing significant impacts on neighboring commercial spaces and/or Bolinas Road.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 17th day of June, 2021 by the following vote:

AYES:
NOES:
ABSTAIN:

Chair Mimi Newton

Attest:

Ben Berto, Director of Planning and Building Services

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ARBORIST REPORT

**Redwood Impact Assessment
Sign Installation Project
85 Bolinas Road
Fairfax, California**

Prepared for:
**Harry Hunt
85 Bolinas Road
Fairfax, California**
harry@huntadvisors.com

Prepared by:
**Dr. Kent Julin
ISA Certified Arborist
California Professional Forester
ARBORSCIENCE, LLC**

May 27, 2021

P.O. Box 111, Woodacre, CA 94973-0111
(415) 419-5197 • kent.julin@gmail.com • <http://arborscientist.com>

ATTACHMENT B

ASSIGNMENT

Harry Hunt hired ARBORSCIENCE, LLC to evaluate potential impacts to and provide tree-protection recommendations for two coast redwoods (*Sequoia sempervirens*) growing near a proposed sign in the property frontage of 85 Bolinas Road in Fairfax. I inspected the trees on May 25, 2021.

SCOPE OF WORK AND LIMITATIONS

This assessment is based on circumstances and observations, as they existed at the time of the site inspection. Opinions in this assessment are given based on observations made and using generally accepted professional judgment, however, because trees are living organisms and subject to change, damage and disease, the results, observations, recommendations, and analysis as set out in this assessment are valid only at the date any such observations and analysis took place and no guarantee, warranty, representation or opinion is offered or made by Arborscience as to the length of the validity of the results, observations, recommendations and analysis contained within this assessment. As a result the client shall not rely upon this Assessment, save and except for representing the circumstances and observations, analysis and recommendations that were made as at the date of such inspections. It is recommended that the trees discussed in this assessment should be re-assessed periodically.

SITE DESCRIPTION AND CONTEXT

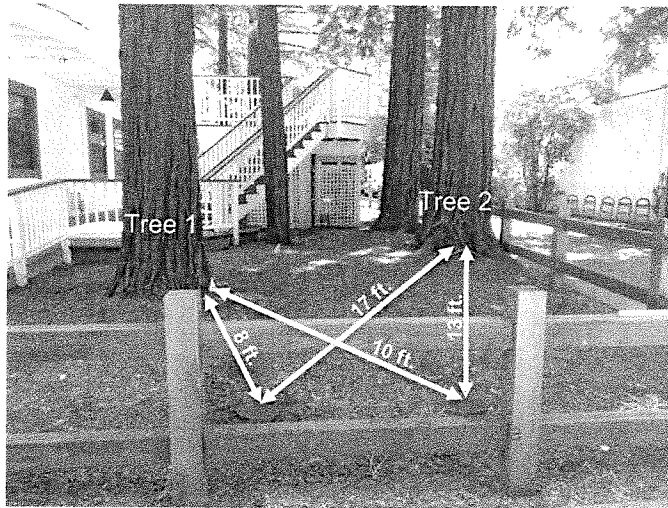
The 2-story storefront/retail commercial building at 85 Bolinas Road in Fairfax was built in 1979 and includes a circular driveway with 18 parking spaces and landscaping dominated by coast redwoods.



PROPOSED PROJECT AND SUBJECT TREES

The client has proposed to the Town the installation of a sign approximately 2' from the existing fencing and near two redwood trees. This sign would be supported by wooden posts set in concrete to a depth of 36" below grade (photograph below illustrates locations of the trees and distances between post holes and the trees).

Tree 1 is a healthy coast redwood that measures 30" in trunk diameter at breast height (dbh); Tree 2 is a healthy coast redwood that measures 40" dbh. Coast redwoods exhibit good relative tolerance to construction impacts including minor root pruning.¹ The critical root zones for these trees (where roots that are essential for tree health and stability are located) extend radially for 7.5' and 10' respectively for these trees. The planned post holes are beyond the critical root zones for these trees.



CONCLUSIONS AND RECOMMENDATIONS

I certify that excavation of the two post holes for the proposed sign is will *not* diminish the basic health or stability of the subject trees. I recommend that these holes be excavated using hand-held digging tools and that any roots encountered be cut with a clean sharp saw or clippers to avoid tearing behind cuts. Topical treatment of the cut root faces is not necessary. Tools used to mix concrete should not be cleaned inside the fenced area.

Sincerely,
ARBORSCIENCE, LLC

Dr. Kent R. Julin
ISA Certified Arborist #WE-8733A, ISA Tree Risk Assessor Qualified

¹ Matheny and Clark (1998). *Trees and Development. A Technical guide to Preservation of trees during land development.* International Society of Arboriculture 184pp.

2. 85 Bolinas Road; Application #21-07

Request for a Sign Permit for a free-standing, business directory sign for the Commercial Building at 85 Bolinas Road; Assessor's Parcel No. 002-122-47; Central Commercial Zone; Bob Sanders, applicant; Harry Hunt, Bolinas Partners LLC, owners; CEQA categorically exempt per section 15311(a).

Principal Planner Neal presented the staff report.

Commissioner Swift referred to the right side of the driveway and asked if the temporary real estate leasing sign was permitted. Principal Planner Neal stated it was temporary and exceeds the permitted square footage.

Commissioner Fragoso asked if there were discussions about placing the proposed sign to the far right closer to the street. She is concerned about the proximity to the Redwood trees. Principal Planner Neal stated it is within the purview of the Commission to require relocation of the sign.

Commissioner Gonzalez-Parber asked about the "box" on the right hand side of the driveway and whether it could be moved. The sign could be moved closer to the street. Principal Planner Neal stated she thought it was an electrical vault.

Commissioner Gonzalez-Parber asked if Fairfax has a Dark Sky Light Ordinance. Principal Planner Neal stated "no".

Commissioner Jansen asked if there was data regarding the actual light output and the light color temperature.

Acting Chair Newton asked if the signage could be put on the building itself. Principal Planner Neal stated that might be difficult given the building overhang, windows, visibility, etc. Planning Director Berto stated it was standard for multi-tenant buildings to have monument signs.

Commissioner Green stated Condition #8 should include a requirement that the arborist report be submitted to the Commission prior to any work being done. Acting Chair Newton agreed.

Acting Chair Newton opened the Public Hearing.

Mr. Robert Sanders, applicant/designer, made the following comments:

- The building has been painted and updated.
- The existing sign is in an odd place and needs replacing. It is not very readable.
- The design of the sign is very simple with a nice color scheme.
- He understands the issue with the Redwoods but they are pretty far from the sign.
- The sign would require two little post holes.
- He agreed that they should get guidance from the arborist.
- They are proposing a nice warm wash of three thousand on the lighting (not blue LED).

Mr. Harry Hunt, owner, made the following comments:

- The building needed a lot of work.
- He wants the arborist to approve the placement.
- They could live with downlight as opposed to up lights.
- The canopy from the Redwoods would prevent any light pollution.
- The box is a water main and cannot be moved.

Commissioner Green asked if the sign is intended to be visible to people walking and driving by. Mr. Hunt stated "yes".

Commissioner Swift asked about the real estate sign. Mr. Hunt stated it will be removed.

Ms. Debra (Dee Lee) Benson, Cascade Drive, made the following comments:

- She was glad there is concern about the Redwoods.
- The resolution should include a provision that if there is any possibility of harm to the trees then the sign should be relocated.
- She also wants to see language requiring the applicant to retain the services of a certified arborist.
- The sign could be moved forward using the post holes that have been dug for the fence.
- She was glad that attention is being paid to the intensity and temperature of the lighting.

Mr. Harry Hunt, owner, made the following comments:

- They want to work with the Town and the community.
- They can make this work.
- They will consult with a certified arborist.

Acting Chair Newton closed the Public Hearing.

Commissioner Swift provided the following comments:

- She is concerned about the size and placement of the sign.
- The footings are two feet in diameter and two feet deep. Redwoods have shallow roots that go out horizontally.
- She cannot make the Findings.
- There is space on the right side of the driveway for the sign.

Commissioner Gonzalez-Parber provided the following comments:

- It is a beautiful sign but big.
- She would like to see downlights and Dark Sky lights.
- These are big footings.
- She is worried about the trees.
- She could see locating a smaller sign at the right hand side of the driveway rotated at a diagonal.
- She had a question about the number of tenants in the building vs. the number of spaces on the sign. Principal Planner Neal stated there were 14 tenants and 12 spaces on the sign.
- She would like to see the arborist report prior to her approval.

Commissioner Green provided the following comments:

- An 8' X 8' sign needs more thought and should be scaled down.
- The spaces on the sign depicting vacancies should say "Welcome to Fairfax" or "Have a Good Day".
- They must save the trees.

Commissioner Jansen provided the following comments:

- He agreed with Commissioner Green.
- Information is missing- placement of the sign, scale of the sign, lighting of the sign.
- The sign is well designed.

Commissioner Fragoso provided the following comments:

- She agreed with the concerns expressed by the Commissioners.
- She would like to see dimensions from the closest tree to the edge of the fence and the location of the posts.
- She would like to see the eight foot dimension from ground level.
- She would like to see the arborist report prior to approval.
- She likes the sign.

Acting Chair Newton provided the following comments:

- The drawing with the dimensions indicates a square sign (96" X 96") two feet back from the fence.
- They are asking for something that would entail breaking the ground surface to determine if the location of the posts is appropriate. This is inefficient.
- There are options: 1) Send it back to staff and require an arborists report prior to it coming back to the Commission; 2) Revise the parts of the resolution that talk about the roles that the arborists will play; 3) Have someone on site during sign installation to observe the excavation and make sure the sign is constructed to minimize impacts to the roots; 4) If they are unable to protect the trees the application would come back to the Commission.
- She referred to the resolution and suggested the following changes: 1) On page 3, Condition #8 should read: "Prior to submittal...shall obtain a *certified* arborist... The *tree assessment and tree protection plan* report...submittal *for approval by the Town Arborist*. The *Town Arborist* shall be on site...Once construction... the *applicant's* arborist shall provide..."

Commissioner Green provided the following comments:

- He was not sure it was feasible to have the arborist on site at the time of installation.
- The arborist should submit a report to staff who could decide whether it needs to come back to the Commission.
- He has faith in technology to figure out a way to install the sign.

Commissioner Gonzalez-Parber provided the following comments:

- These are protected trees and it is common to require a protection plan by a certified arborist with regular inspections.
- She would like an arborist on-site. This is standard.

Commissioner Fragoso provided the following comments:

- There must be a way a certified arborist could figure out where the roots are and figure out how close the trench will come to the roots. Planning Director Berto stated this technology exists.
- The Town Arborist should do a peer review and be on site.
- This is a massive structure.
- She referred to the resolution and suggested the following changes: 1) On page 3, Condition #9 should read: " If it is determined by *any* arborist that *any trees* need to be removed...project approval is voided. *The applicant must return if that is the case to the Tree Committee and Planning Commission for approval in concurrence with the arborist*".
- She referred to the resolution and noted Condition #10 should be eliminated.
- This is a beautiful sign.

Commissioner Green provided the following comments:

- He referred to the resolution and suggested the following changes: 1) On page 3, Condition #9 should read: "No trees may be removed. If it is determined...*cannot be adequately protected then the approval is voided*".

Commissioner Gonzales-Parber provided the following comments:

- She referred to the size of the sign and stated she is not making a connection between the dimensions in the photograph.
- She asked if they could add a condition requiring story poles that could be approved by the Planning Department. Acting Chair Newton stated that was unreasonable.

M/s, Fragoso/Green, motion to approve the project with the following revisions to the resolution: 1) Condition #8 shall read: "Prior to submittal...obtain a *certified* arborist report...The report shall be submitted... *to be reviewed by the Town Arborist prior to Building Permit*. The *Town Arborist*... not

negatively impact *any* tree.” 2) Condition #9 shall read: “If it is determined by the *Town’s* Arborist any of the Redwood trees *would be damaged or need to be removed to facilitate...* project approval *shall be voided*”. 3) Condition #10 shall be replaced with the following: “Should the Town Arborist determine the sign installation could damage any of the Redwood trees the applicant may resubmit a revised proposal to the Planning Commission within 60 days at no additional cost.

AYES: Fragoso, Jansen, Acting Chair Newton

NOES: Gonzalez-Parber, Green, Swift

ABSENT: Chair Rodriguez

Principal Planner Neal stated the motion fails due to a tie vote.

Commissioner Swift mentioned the real estate sign was in that Redwood area and not quite as large as the proposed sign. She could not make the findings. There is room on the right side of the driveway for signage.

M/s, Fragoso/Green, motion to continue this item and request that the applicant submit a preliminary arborist report reviewed by the Town Arborist prior to the hearing, install “story poles” in the proposed location indicating the size, provide dimensions on the plans, and provide down lighting (Dark Sky lights) to the drawings with an indication of the temperature. If the applicant can return in 50 days there is no additional charge.

AYES: Fragoso, Green, Gonzalez-Parber, Jansen, Swift, Acting Chair Newton

ABSENT: Chair Rodriguez

The Commission took a 5-minute break at 9:00 p.m.

3. 500 Bolinas Road ; Application #21-08

Request for a Use Permit and a Tree Removal Permit to repair/reconfigure/expand an existing 1,763 sq. ft. wrap around deck around an existing single-family residence into a 2,488 sq. ft. wrap around deck; APN 002-051-03; Residential Single-family RS 6 Zone Brian Farnsworth, architect; Jamie Taylor/Linda Anderson, owners; CEQA categorically exempt per Section 15301(e)(1)

Commissioner Gonzalez-Parber recused herself from this item.

Principal Planner Neal presented a staff report. She noted the following additional condition: “The glass guard rail panels must be of a non-reflective material and all exterior fixtures must be Dark Sky compliant, fully shielded, and emit no light above the horizontal plane with no sag or drop lenses, side light panels, or up light panels. The lighting plan shall be submitted with the Building Permit application and approved by the Planning Department prior to issuance of the project Building Permit. The lighting shall not emit direct off site illumination and shall be the minimum necessary for safety”. She stated the applicants have indicated a willingness to replace the glass paneling with cable railing.

Commissioner Fragoso referred to Sheet A15 and asked about the “birds nest deck with a big flight of stairs”. Principal Planner Neal stated that was the parking deck.

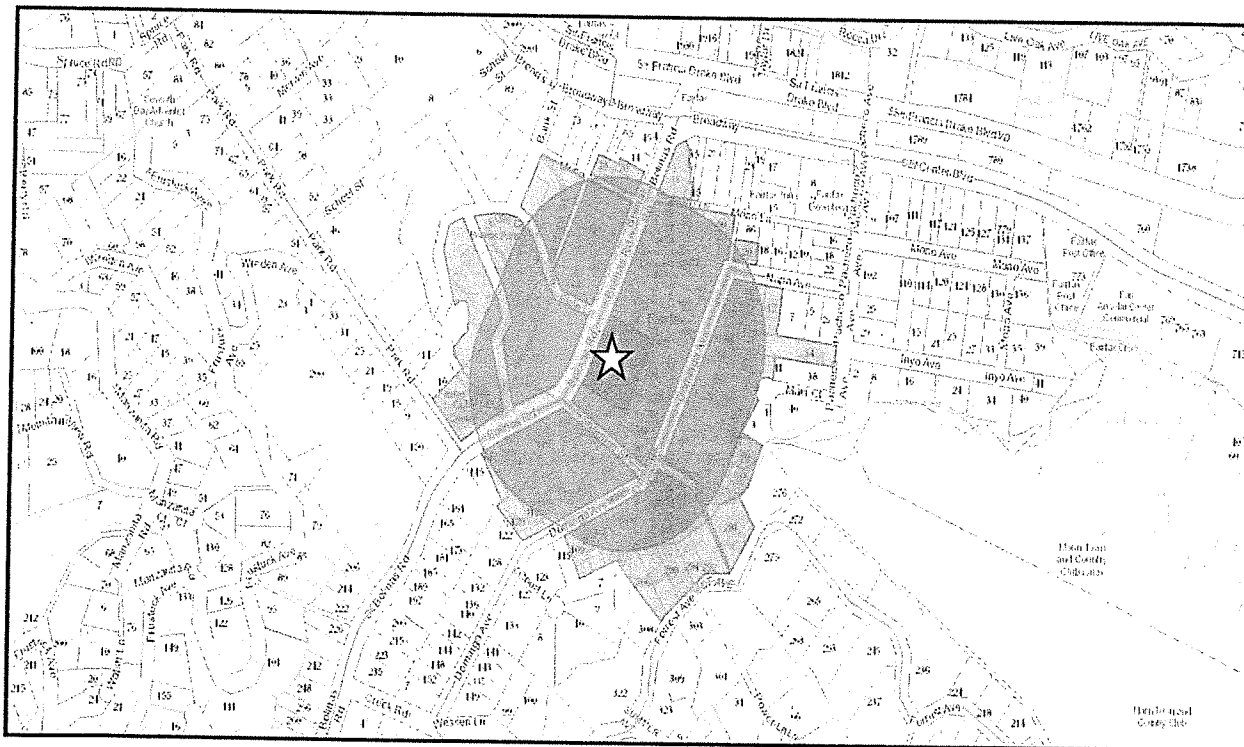
Commissioner Jansen asked if the height of the structure would be 41 feet. Principal Planner Neal stated “yes”- the house was approved with a number of exceptions to the code due to the steep slope. She explained how height is calculated.

Commissioner Jansen stated the calculations for lot coverage on the drawings were not correct. Principal Planner Neal noted parking structures were exempt.

TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Planning Commission
DATE: May 20, 2021
FROM: Linda Neal, Principal Planner
LOCATION: 85 Bolinas Road; APN # 002-122-47
PROJECT: Freestanding monument business identification sign
ACTION: Sign Permit; Application # 21-07
APPLICANT: Robert Sanders
OWNER: Harry Hunt, Bolinas Partners LLC
CEQA STATUS: Categorically exempt, § 15311(a)



85 BOLINAS ROAD

PROJECT DESCRIPTION

The project consists of removal of the existing 6-foot wide by 8-foot-tall monument business directory sign located on the south side of the driveway entrance to the rear parking lot and construction of a new 8-foot by 8-foot, externally illuminated monument, business directory sign for the multi-tenant commercial building at 85 Bolinas Road. The new sign will be built on the north side of the driveway entrance to the rear parking lot. The proposed monument

sign will display an approximately 20 square-foot directory area where there would be space for twelve approximately one square-foot each tenant business name placards. Illumination would be provided by a ground-mounted spotlight directed up to the directory face.

The street number for the complex would be displayed at the top of the sign.

BACKGROUND

The 22,264 square foot site was developed with the existing two-story structure in 1978 when the site was owned by local artist Carl Dern. The landscaping plan for the project included the planting of 26 redwood trees throughout the property. Sixteen of the trees remain.

The building is an octagonal shape with some of the commercial suites facing the parking lot access and egress driveways and the rear parking lot and having no street frontage.

DISCUSSION

The purpose of the Town Sign Ordinance, Town Code Chapter 17.064 is to:

- Protect the public health, safety, and general welfare of the town by ensuring that the number type, size, and design of all signs will be compatible with the Town's unique character;
- Safeguard and enhance the property values;
- Protect and enhance the town's natural setting and small-scale residential character;
- Protect the high quality of architectural design of the new buildings and preserve the character of the older buildings;
- Improve the appearance of the town as a place to live and to work, and as an attraction to non-residents who come to visit or trade;
- Encourage creative design and a high-quality sign program throughout the town through implementation of the design review criteria and standards of this title.

Town Code § 17.064.050(C)(1) allows for a business identification sign in commercial "shopping" centers where there are five or more businesses on a single commonly owned parcel with common access and parking. However, the section applies to signs that are erected on the building.

Town Code § 17.064.060(G) requires an exception granted by the Planning

Commission for any sign permit for a free-standing sign and does not prohibit such sign outright if the total height of the sign, including the structure, does not exceed the building height.

Town Code § 17.064.100(A) gives the Commission the authority to grant exceptions to the sign ordinance for free standing signs if the exception is not inconsistent with the purpose and intent of the sign ordinance and if the strict adherence to the regulations may cause unnecessary hardship if one of the following exists:

1. Exceptional or extraordinary circumstances or conditions, not resulting from any act of the owner or applicant, applies 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 intended use;
3. The application submitted is extraordinary and outstanding in design; or
4. The sign is of historical significance.

The building is octagonal, with some suite's facades facing the entry and exit driveways or the parking lot, and thus currently having no way to visually communicate to passersby walking or driving on Bolinas Road to the location of their businesses. The design of the building with its many windows and upper exterior deck makes it impractical to erect a multi-business commercial directory sign on the building itself. Commercial businesses need to be able to effectively communicate their location, while at the same time avoiding being visually overbearing or inappropriate. Monument signs are often an appropriate way to convey this important information on a site such as this that has multiple tenants.

The area where the sign will be erected is enclosed by a 3-foot tall, wood rail fence. The applicant is proposing for the bottom of the placard portion of the sign to be approximately 3 feet above grade, to be visible over the fence structure. The frame will be heavy timber with the sign background, the street number and tenant business name panels of aluminum painted blue green (Van Deusen Blue (HC-156) with a satin finish while the font will be white, opaque, vinyl overlay to complement the building exterior color palette which is tan siding with dark brown window trim.

Aside from the lighting issue discussed below, the requested exception to have the free-standing multi-tenant monument sign is the minimum necessary to serve the business identification needs of the multiple businesses either currently or potentially located at this commercial center.

Sign Location and the Redwoods

The sign will be in the planter on the west side of the entry drive to the rear parking lot, behind the split rail wooden planter boundary fence, amongst a grove redwood trees.

The project will include installation of a spotlight. There is pre-existing electrical wiring in the planer which will supply the proposed spotlight to illuminate the sign at night.

The subgrade sign support footings will extend 3 feet below grade.

If done incorrectly, the installation of the sign footings could negatively impact the roots of the adjacent redwood trees.

We have included a condition in the resolution of approval that prior to submittal for the building permit for the sign, the applicants obtain an arborist report by an International Society of Arborists (ISA) member assessing the health of the redwood trees within the planter area where the sign is proposed and making recommendation for the protection of the trees and their roots during the sign installation. The arborist shall be on site when any digging is occurring observe the excavation and ensure that if roots are encountered, the sign is constructed in a manner that minimizes impacts on the trees. Examples of this include air excavation to establish root locations and if necessary, relocation of piers, etc. Any roots greater than 2 inches in diameter should be carefully hand cut. Once construction is completed, and prior to the project final inspection, the arborist shall provide a report to the Town detailing compliance with his recommendations during excavation/construction.

RECOMMENDATION

1. Conduct the public hearing.
2. Move to approve Sign Permit Application # 20-07 by adopting attached resolution # 2021-09 setting forth the findings and condition for project approval.

ATTACHMENTS

Attachment A – Resolution No. 2021-09

Attachment B – owner’s supplemental information

RESOLUTION NO. 2021-09

A Resolution of the Fairfax Planning Commission Approving Application No. 21-07 for a 64 Square-Foot, Business Directory Monument Sign for the Multi-business Commercial Building at 85 Bolinas Road

WHEREAS, the Town of Fairfax has received an application for an 8-foot tall, 8 foot wide, business directory, monument sign with an approximately 20 square-foot sign face area with space for twelve approximately one square-foot tenant business name placards; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on May 20, 2021 at which time the Planning Commission determined that the project complies with the Town Code Chapter 17.064, the Sign Ordinance; 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 finding necessary to approve the Sign Permit; and

WHEREAS, the Commission has made the following findings:

The project is consistent with the purpose and intent section of Chapter 17.064, Signs, of the Zoning Ordinance as follows:

1. The sign as amended will be compatible with the other signs on the property and will not result in a number of signs out of proportion with the size and mass of the existing building and/or grounds.
2. The sign design will safeguard and enhance property values of adjacent commercial building and uses, will protect and enhance the town's natural setting and small-scale residential character and will provide information necessary to the public to locate businesses within Town that are located within the octagonal shaped building.

The sign location will not conflict with vehicular or pedestrian traffic using the property to access the various businesses.

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

1. The project approval is limited to the sign project depicted and described in the following plans prepared by Robert Sanders and Company and stamped received by the Town of Fairfax 4/8/21.
2. External illumination for the sign shall be of downcast lights mounted to the top of the sign, and shall be the minimum lumens to communicate signage material. Lighting shall be placed on automatic timers and shall be off when no onsite businesses are open. In no event shall lighting be on after 10 pm or before 6 pm.

3. Prior to issuance of any of the building permits for the project the applicant or his assigns shall submit a construction plan to the Public Works Department which may include but is not limited to the following:
 - A. Location for storage of construction materials prior to and during construction of the sign.
 - B. Construction schedule (deliveries, worker hours, etc.)
 - C. Notification to business tenants
4. Construction vehicles may not block the access driveway to the rear parking lot during the construction process.
5. Any changes, modifications, additions, or alterations made to the approved set of plans will require a modification of Application # 21-07. Modifications that do not significantly change the project, the project design or the approved discretionary permit **may** be approved by the Planning Director. Any construction based on job plans that have been altered without the benefit of an approved modification of Application 21-07 will result in the job being immediately stopped and red tagged.
6. 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, Design Review Board 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.
7. 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.

8. Prior to submittal for the building permit for the sign, the applicants obtain an arborist report by an International Society of Arborists (ISA) member assessing the health of the redwood trees within the planter area where the sign is proposed and making recommendations for the protection of the trees and their roots during the sign installation. The report shall be submitted as part of the building permit submittal. The arborist shall be on site when any digging is occurring, observe the excavation, and ensure that if roots are encountered, the sign is constructed in a manner that will not negatively impact the trees. Once construction is completed, and prior to the project final inspection, the arborist shall provide a report of his observations and recommendations during excavation to the Town, including recommendations for the continued good health of the trees.
9. The project does not propose the removal of any trees. If it is determined by the project arborist that any of the redwood trees need to be removed to facilitate the sign construction, project approval is voided until/unless a tree removal permit is obtained from the Planning Commission, with a prior recommendation from the Tree Committee and the concurrence of the Town arborist. When reviewing such a request for a tree removal permit the Planning Commission shall consider requiring the relocation of the sign / it's foundation.
10. Conditions placed upon the project by the project arborist may be amended or eliminated by the approval of the Planning Director after receiving a request for the elimination/amendment in writing from the project arborist.
11. All exterior fixtures be dark sky compliant (fully shielded and emit no light beyond the sign face and the lighting plan shall be submitted with the building permit application and be approved by the Planning Department prior to issuance of the project building permit.

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

The approval of the sign permit is in conformance with the Zoning Ordinance, Title 17; and

Construction of the project can occur without causing significant impacts on neighboring commercial spaces and/or Bolinas Road.

The foregoing resolution was adopted at a regular meeting of the Planning Commission held in said Town, on the 20th day of May 2021 by the following vote:

AYES:
NOES:
ABSTAIN:

Chair Michele Rodriguez

Attest:

Ben Berto, Director of Planning and Building Services

Linda Neal

From: Harry Hunt <harry@huntadvisors.com>
Sent: Monday, May 10, 2021 10:20 AM
To: Bob Sanders; Linda Neal
Cc: evan kraus
Subject: 85 Bolinas Road

Hi, Bob and Linda,

We would like to get the new signage for 85 Bolinas Road in Fairfax approved for 12 tenant names. However, we are in the process of contacting the tenants to see who would like to be on the sign. My best guess is that there will be 10 tenant names on the sign.

We would greatly appreciate the town doing what they can to move this approval along more quickly. We've been trying to get this sign approved for many months and the tenants really would like signage ASAP. It will help their businesses and the town of Fairfax.

Thank you,

Harry T. Hunt
415-218-2124

Fairfax Square 85 Bolinas Rd., Fairfax,

Freestanding Directory Sign

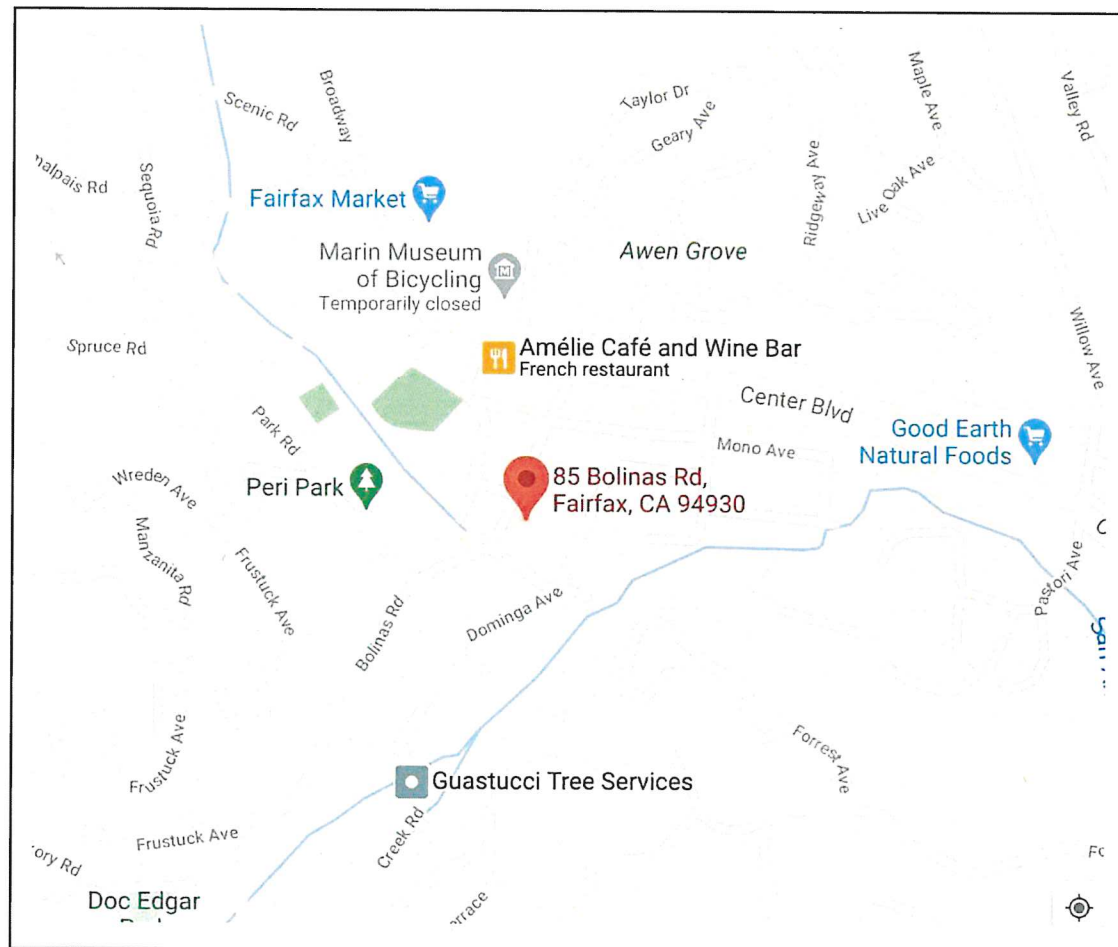
robert sanders & co.

environmental graphic design
fabrication • installation

707 326-5851
robsand@vom.com
robertsanders.com



Site Location Location



Fairfax Square

Freestanding Directory Sign

robert sanders & co.

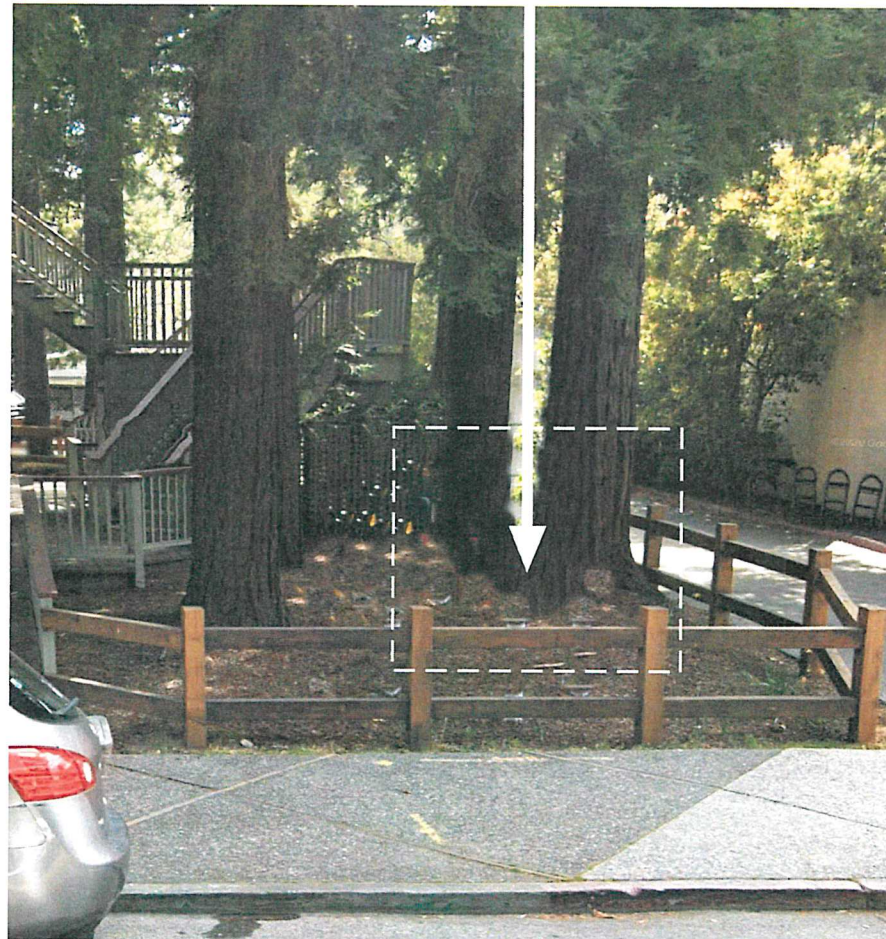
environmental graphic design
fabrication • installation

707 326-5851
robsand@vom.com
robertsanders.com



Existing Sign Location

Proposed Sign Location



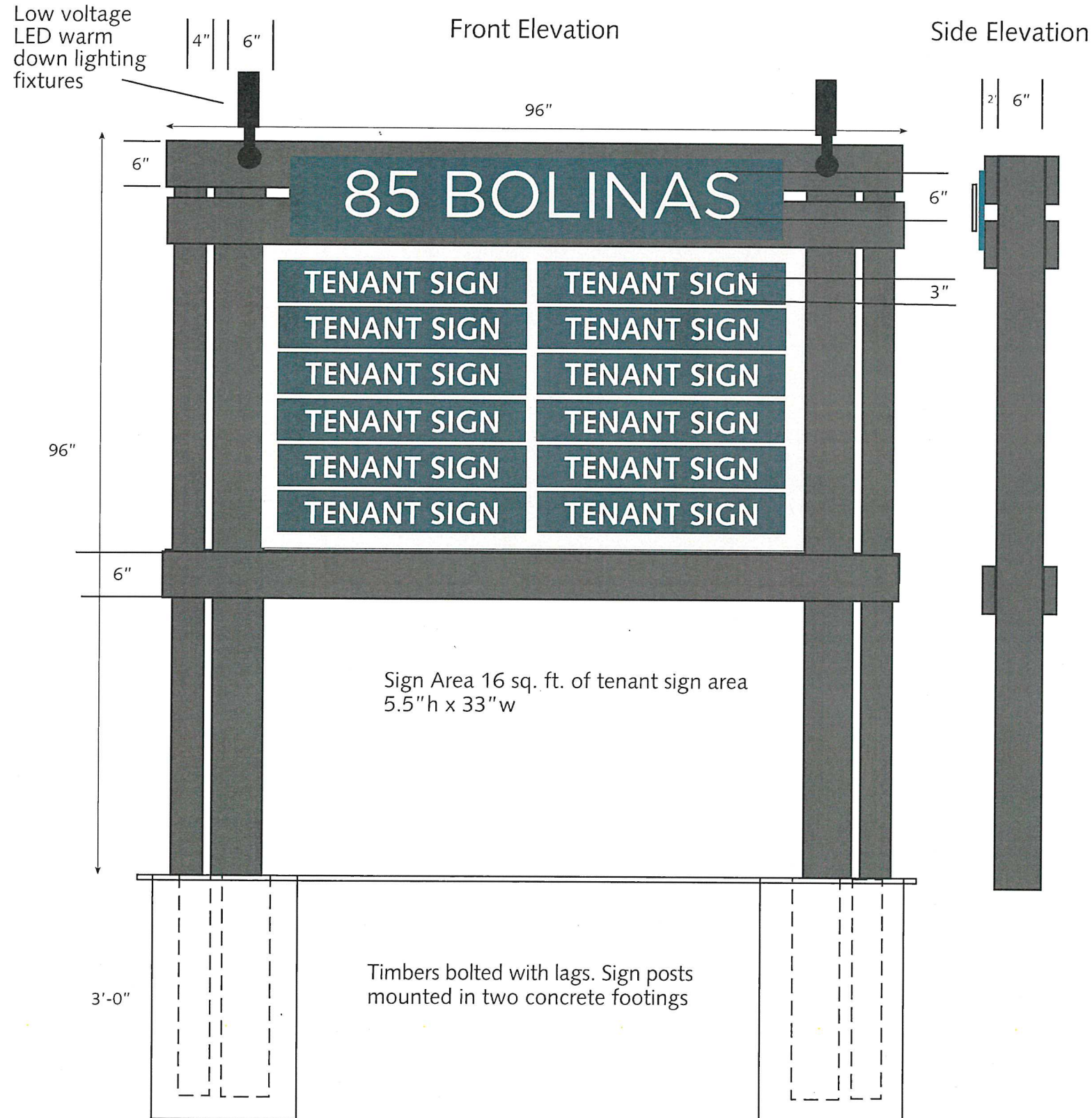
Existing Building Colors



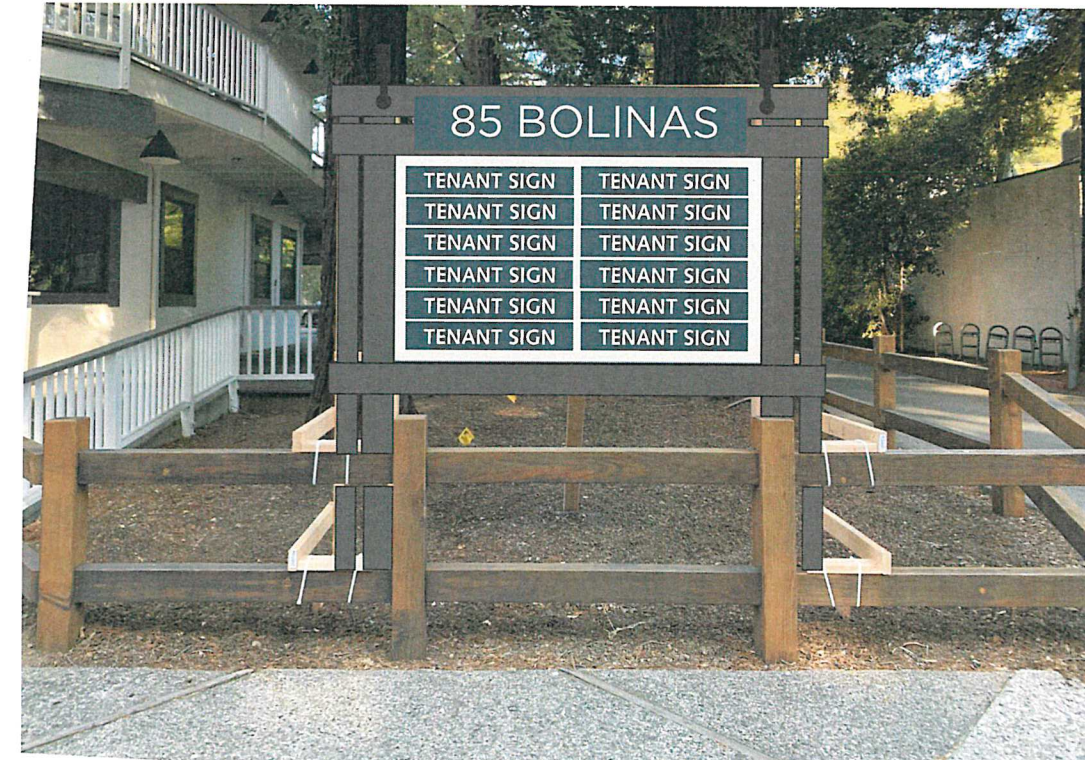
Color Scheme to match building



Single-sided Freestanding Building Directory Sign

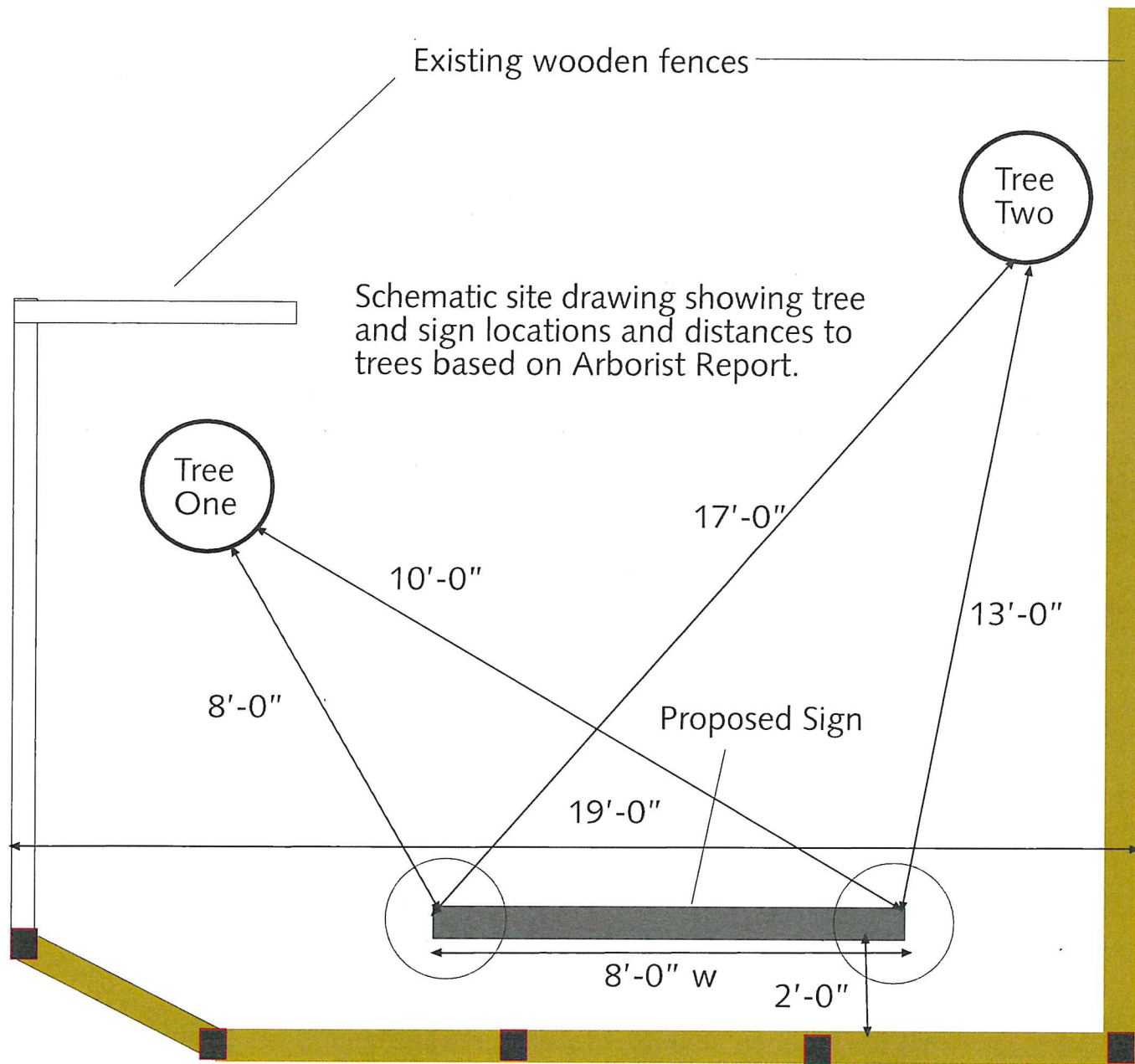


Custom freestanding single-faced directory sign made of heavy timber wood. Building address on top of sign/raised 1/2" thick metal letters pinned off background. Twelve changeable individual tenant directory name plaques. Color theme to match building. Timbers bolted with lags. Sign posts mounted in two concrete footings.

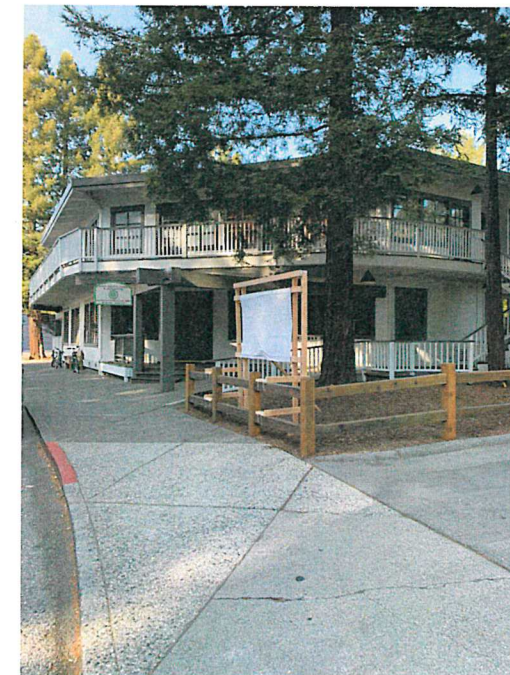


Sign located in front lanscape area behind existing fence posts, set back 2' from form P/L.

Site Plan of Sign and Trees



Story Poles



Lighting Fixture Specifications



Project Name: _____ Type: _____ Quantity: _____

FIXTURE SPECIFICATIONS

INTENDED USE

The specification grade Alcon Lighting 31025 Architectural LED Sign Light Fixture delivers energy efficient LED light to provide practical and stylish light to exterior signs.

FEATURES

Construction: Corrosion Resistant Cast Brass

Lens: Clear and heat resistant Tempered Lens

Voltage: 12V

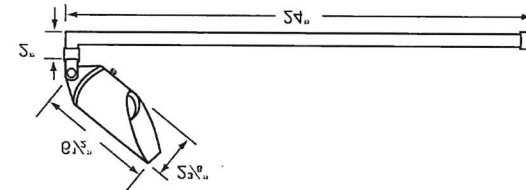
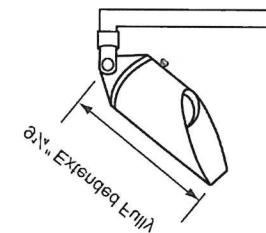
Wattage: 5 Watts

Warranty: 5 Years Carefree for Parts & Components
(Labor Not Included)

Remote 12V transformer required.

Prewired with a 3ft, 18-2 direct burial cord.

Adjustable cast brass knuckle with thumb screw. Silicone gasket for water tight sealing.



5" Wall Mount Canopy Included

Alcon Lighting 31025 Architectural LED Sign Light Fixture



Model	Color Temperature	Lumens	Stem Length	Beam Spread	Finish
31025	27K	2700K 450lms	24 24" Stem ^{standard}	15 15° Spot	GM Gun Metal

60 60° Wide Flood

Sign ①

Total: 16.0 Sq. Ft. (Sign Area: 5.5" h. x 33" wide)

8'-0" (96") Overall Length

6'-1/4" (72.25") Sign Face Opening Area

Center ID Size: 10.75" h. x 65" long

Tenant Panel Size: 5.5" h. x 32.5" long

Detail 1-1
(Detail this Page)

Sign Specifications:

Center ID Sign Face: to be Flat Cut Out (FCO) 3/8" thk. Alum. Painted Van Deusen Blue (HC-156) w/ Satin fin.

Mounting: to be Flush Mounted to Top Wood Beams with Mechanical Fasteners, 1/8" dia. x 1/2" long All Thread with Adhesive Fill in Penetrations
Center ID Sign Panel Size: 10.75" h. x 65" long

Main, Top Horizontal Beam: Heavy Timber Wood. **Size:** 6" w. x 6" d. x 8'-0" (96") long to be Painted Brown with Matte finish

Mounting: to be Flush Mounted to Top Wood Beams with Mechanical Fasteners, 1/2" dia. x 12" long Metal Bolt, Washer & Nut

Tenant Panel Size: 5.5" h. x 32.5" long

Main, Vertical (Inside) Support: Heavy Timber Wood, **Size:** 6" w. x 6" d. x 10'-6" (126") long, to be Painted Brown with Matte finish

Main, Vertical (Outside) Support: Heavy Timber Wood, **Size:** 4" w. x 6" d. x 10'-6" (126") long, to be Painted Brown with Matte finish

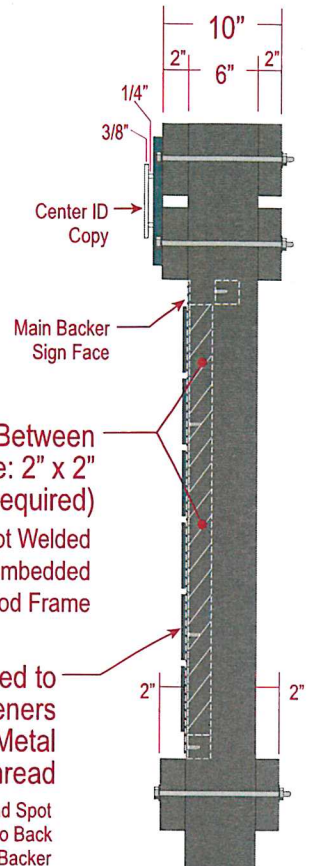
Main Backer Support Panel: to be .080" thick Aluminum Painted Eggshell (C5200) 5280 with Satin finish

Mounting: to be Flush Mounted to Vertical Wood Beams with Mechanical Fasteners, 3/16" dia. x 1/2" long Metal Self-Tapping Screws

Opening Area with Main Backer Panel: 40" h. x 72.5" long

Color Scheme to Match Bldg.

(Door)	(Trim)	(Base)
(Benjamin Moore) Van Deusen Blue HC-156	(Benjamin Moore) Gray 2121-10	(Benjamin Moore) Paper Doll CSP 485



85 BOLINAS

TENANT SIGN

TENANT SIGN

TENANT SIGN

TENANT SIGN

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Tenant Panel Size: 5.5" h. x 32.5" long

Tenant Signs: are Interchangeable

Tenant Sign Face: to be Flat Cut Out (FCO) 1/4" thick Alum. Painted Van Deusen Blue (HC-156) w/ Satin fin.

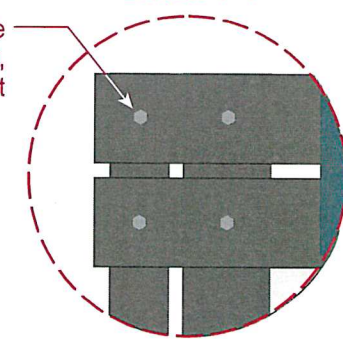
Tenant Copy: to be White (High Performance) Opaque Vinyl Overlay. No UV Laminate

Mounting: to be Flush Mounted to Main Backer Panel with High Bond Adhesive

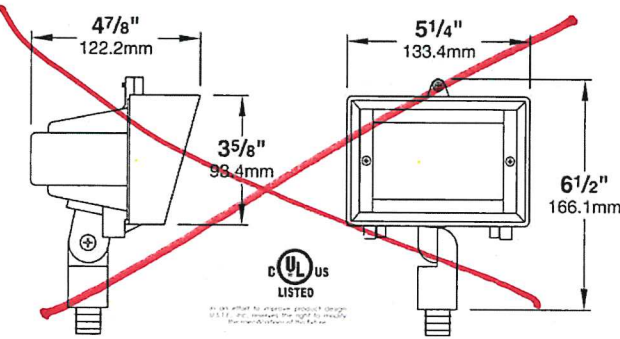
Grade

Construction & Install Detail

Scale: 3/4" = 1'-0"



SEE PREVIOUS PLAN SHEET



(Light Fixtures Not Shown This Page)

Lighting Specifications:

Center ID Sign Face: to be 24 Volt, Spotlight LED, Electrical Junction Box for Spotlights near Sign Area.

Dedicated Circuit to be 12 Volt / 20 Amps, with Astrological Timer. Signage Connected to Low-Voltage 12 Volt Transformer Power Supply Installed with UL Approved Metal Box

8'-0" (96") (O.H.)

3'-4" (40") (Sign Face Opening)

3'-1" (37") (Bottom of Sign to Grade)

Front View

Wood Support Posts: Embedded into Concrete

Caisson Concrete Footer: to be 2500 psi, Pour-in-Place **Size:** 24" dia. x 3'-0" deep. No Steel Rebar

Concrete Footer Detail
Scale: not to scale

(Min.) 3'-0" (36") (Grade to Bottom of Concrete Footer)

24" dia.

24" dia.

24" dia.

6'-0" (72") Distance Between Wood Beams

Tenant Signs: are Interchangeable

Fairfax Square

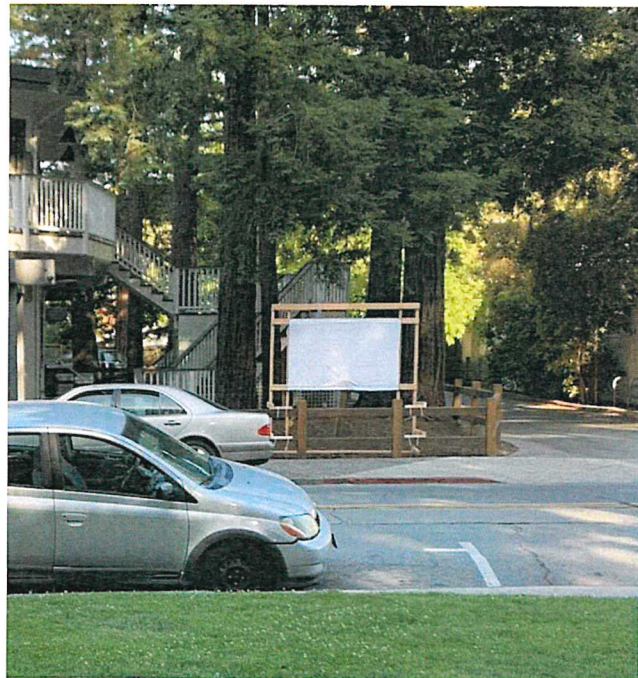
Freestanding Directory Sign

Rendering of Sign in Perspective

robert sanders & co.

environmental graphic design
fabrication • installation

707 326-5851
robsand@vom.com
robertsanders.com



Sign design overlaid story poles in scale
shown with scale of building