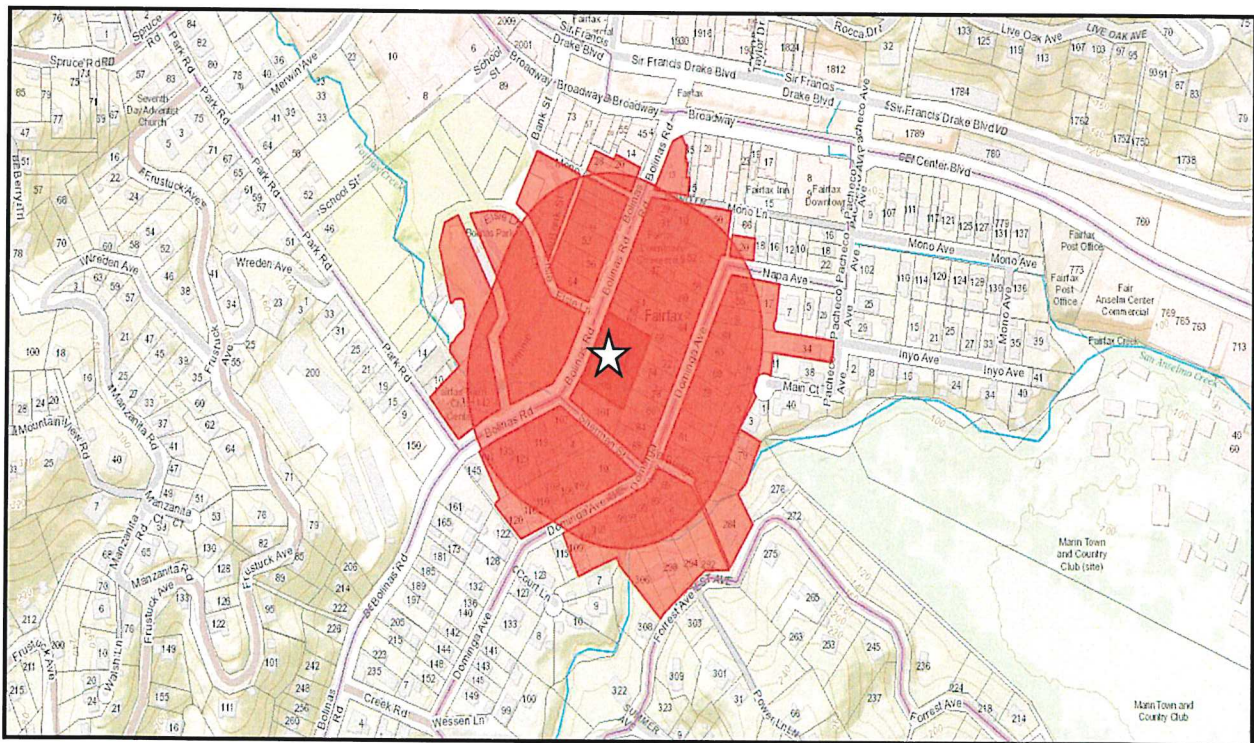


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Planning Commission
DATE: July 15, 2021
FROM: Linda Neal, Principal Planner
LOCATION: 85 Bolinas Road; APN # 002-122-47
PROJECT: Freestanding monument business identification sign
ACTION: Sign Permit and exception to 10-foot setback requirement; Application # 21-07
ZONING: Central Commercial CC Zone
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

At the June 17, 2021, Planning Commission meeting the Commission continued this matter and directed the applicant to provide the following prior to the next meeting:

1. The results of the Town Arborist's probe investigation to determine if any large redwood tree roots are located within the proposed sign footings and electrical line location five feet from the property line; and,
2. If large roots are located by the Town Arborist in either location, the Town Arborist shall indicate whether the sign footings and electrical wiring design can be modified to avoid cutting the large roots and including his recommendation of whether a location six feet from the right-of-way (two feet from the fence) would be substantially better for the adjacent redwood grove.
3. They directed staff to notice the project for an exception to Town Code § 17.064.050(F)(5) which requires free standing signs to be located ten feet from the right-of-way and to prepare a staff report discussing and making a recommendation and findings for the exception to locate the sign either four feet or five feet from the right-of-way depending on the outcome of the root probe investigation.

For further information on this item see the previous staff report and attachments dated May 20, 2021, and June 17, 2021, on the Town website at www.townoffairfax.org.

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 May 20, 2021 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.

Town Code § 17.064.050(F)(5) requires that freestanding signs not be located within ten feet of any public right-of-way. Town Code § 17.064.100 allows the Commission to grant exceptions to section 17.064.050(F)(5).

The requested exception to have the free-standing multi-tenant monument sign five feet from the front property line (two feet from the fence) instead of the required ten feet, is the minimum necessary to serve the business identification needs of the multiple businesses currently and potentially located within this commercial center and to be adequately visible to the drivers of passing vehicles.

On June 29, 2021, the staff advised the applicants that Ray Moritz, the Town Arborist, was concerned about the proposed trenching location through the redwood grove to supply power for the sign lighting. He suggested that the sign lighting can be low voltage and above ground. The applicants responded on July 1st, 2021, that they will modify the sign lighting plan so that the sign is supplied with a low voltage power line placed above ground in a conduit taken from the existing exterior lighting fixture located west of the redwood tree closest to the sign. Staff has modified the Resolution recommending approval of the project to include this condition.

The Town Arborist also advised that the sign foundation can be modified from the approximately 12-inch, poured concrete footings to a system that uses steel bracing/piers to support the timber framing. This type of support system requires less boring area and should be able to be installed between the tree roots, minimizing the sign construction impacts on the adjacent redwood grove. Staff has included language in the resolution to require this type of foundation design be included in the sign building permit application plans.

Due to the changes in the sign design being recommended by the Town Arborist, staff recommends a Condition that he be the ISA certified arborist that must be on-site during the foundation installation for the sign.

Staff had not received the written report from the Town Arborist at the time of the writing of this staff report but will provide it to the Commission as soon as we receive it. It is anticipated that the report will indicate whether locating the sign three feet from the fence rather than the two feet proposed in the plan, would substantially impact the redwood grove. Consideration of this option was given by staff to the Town Arborist after the last meeting, where several Commissioners shared their concern about the size, mass and height of the sign and commented that the apparent size might be minimized by relocating it one further foot from the fence (for a total of three feet).

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 – Redlined Resolution No. 2021-09 including recommended recent conditions recommended by the Town Arborist

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

Attachment C – May 20, 2021, final minutes and June 17, 2021draft minutes

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 and an Exception to the Requirement that All Monument Signs be Located Ten Feet from the Right-of-way 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, June 17, 2021, and July 15, 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 the exception to the requirement that monument signs maintain a ten-foot setback from the right-of-way; 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.
3. Due to the location of the two-story building, approximately three feet from the front property line, a monument sign ten feet from the right-of-way would not be visible to vehicles or pedestrians traveling along Bolinas Road until they were directly in line with the sign, too late to register the information provided by the sign (the multiple businesses located in the building) and to enter the building parking lot. Therefore, the requested exception to the "ten feet from the right-of-way" requirement to place the sign only five to size feet from the right-of-way is reasonable.

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

ATTACHMENT A

ATTACHMENT **A**

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

Conditions of Approval

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 Town Arborist review of the project dated xx/xx/xx and the site plan dated received by the Town of Fairfax on 6/8/21, except as modified per the Town Arborist's recommendations, which are herein incorporated by reference.
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,

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Notification to business tenants¶
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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. An ISA-certified 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 and recommendations of the Town Arborist 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 within 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.

11. The sign shall be supplied with a low voltage electrical provided via a power line placed above ground in a conduit taken from the existing exterior lighting fixture located west of the redwood tree closest to the sign.

12. The sign foundation shall be modified from the approximately 12 inch, poured concrete footings to a system that uses steel bracing/piers to support the timber framing and the plans shall be reviewed and approved by the Town Engineer or the Building Official prior to the issuance of the building permit.

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

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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 15th day of July, 2021 by the following vote:

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AYES:
NOES:
ABSTAIN:

Chair Mimi Newton

Deleted: Michele Rodriguez

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

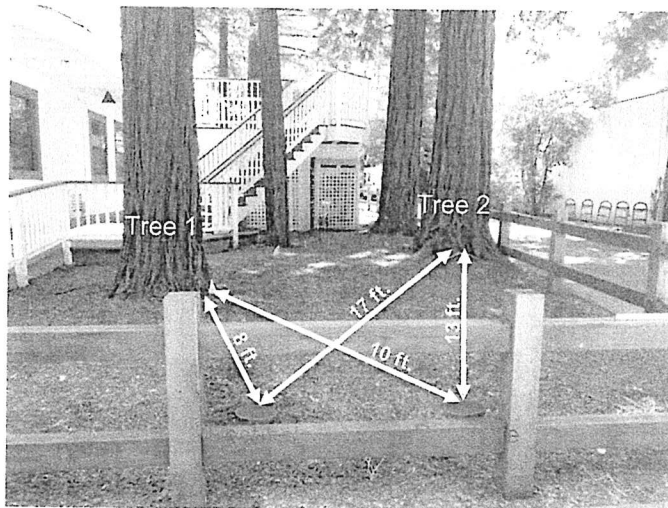
The 2-story storefront/retail commercial building at 85 Bolinas Road in Fairfax was built in 1979 and includes a circular driveway with 18 parking spaces and landscaping dominated by coast redwoods.



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.

Commissioner Fragoso referred to page 2 of the staff report and asked if the existing front setback was zero (0) feet. Principal Planner Neal stated “yes” the parking deck extends over the property line to the edge of the road.

Acting Chair Newton opened the Public Hearing.

Ms. Surane Gunasekara, designer, made the following comments:

- He showed a video of what the occupants need to go through to get to the storage area.
- The plan is to create easier access to the storage.

Commissioner Green asked if this is an unfinished storage room and if the plans include installing an interior wall. Mr. Gunasekara they are putting in a wall to define the space that is within the property. This will include dry wall and some lighting.

Commissioner Green asked if this space would be used for sleeping. Mr. Gunasekara stated “no” it would be used for storage.

Commissioner Gonzalez-Parber asked what they planned to do with the existing entrance and if they plan to remove the stairs. Mr. Gunasekara stated the stairs will be removed but the main front door would remain.

Mr. Wanaselja, Madrone Road, made the following comment:

- He supports the project.

Acting Chair Newton closed the Public Hearing.

Commissioner Fragoso provided the following comment:

- This is a lovely set of plans and easy to walk through.

Commissioner Green provided the following comments:

- This is a great project and not that big.
- He could approve the project
- He referred to the resolution and suggested the following revisions: 1) On page 1, under Conditional Use Permit, it should read, “The approval of... *in consideration of that the window is not the only change but the only visible one*” ; 2) On page 2, under Conditional Use Permit #1, it should read: “The addition will result in the installation of only one window...”:

Acting Chair Newton provided the following comments:

- She referred to the resolution and suggested the following revision: 1) On page 1, under Conditional Use Permit, is should read” The approval...because the only *visible* change...”.

M/s, Swift/Fragoso, motion to adopt Resolution No. 2021-06 with the following revisions: 1) On page 2, under the “Whereas”, it should be noted that the plans were received on April 8, 2021 and not 2020; 2) On page 1 under Conditional Use Permit, is should read” The approval...because the only *visible* change...”

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

ABSENT: Chair Rodriguez

Acting Chair Newton stated there was a 10-day appeal period.

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.

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.

Acting Chair Newton asked about the idea of delaying the planting of trees until the drought is over and noted there might be another solution.

PUBLIC HEARINGS

3. 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. The Town Arborist has recommended the following condition: "The applicant shall mark the center of the sign posts, their circumference, and how deep and where the power line for the lighting will be brought from in the field". Staff is recommending the following condition: "Prior to the July 15, 2021 meeting the Town Arborist shall probe the affected areas to determine if any large roots exist in those locations and recommend where the footings and power supply line can be relocated if any large roots are encountered in the field. The sign footings and the electrical supply line installation shall be constructed per this recommendation with the project arborist, Dr. Kent Julin, observing the installation and verifying in writing they were installed per the Town Arborist specifications". She displayed a section of the code that states that a free standing sign should maintain a ten foot setback from the right-of-way. She explained approximately three feet of the sidewalk is on the property and not part of the right-of-way. They are proposing to place the sign five feet from the edge of the right-of-way. The applicants are requesting an Exception from this section of the code. This issue was not included in the staff report or the notice so staff is recommending a continuation so the requested exception can be noticed.

Commissioner Green asked if the sign was eight feet by four feet ten inches. Principal Planner Neal stated "yes".

Commissioner Jansen stated the sign seemed large "on paper" but noted this is a large building. Pushing it back would put it in the trees so it makes sense to put it closer to the public right-of-way.

Commissioner Fragoso asked if the 8' X 8' dimension includes the posts. Principal Planner Neal stated "yes".

Commissioner Swift asked for clarification on the location of the public right-of-way. Principal Planner Neal stated the edge is three feet towards the paved road. The property line is three feet into the sidewalk. Planning Director Berto noted public improvements, like sidewalks, are typically located entirely in the public right-of-way. But in this instance they extend into the private property.

Commissioner Gonzalez-Parber asked about the code section that talks about signage. Principal Planner Neal cited the code sections.

Chair Newton asked if there was a limit on the sign face square footage. Principal Planner Neal stated the Code Section is 17.064.050(c) and stated the total area of the additional sign shall not exceed 100 square feet. The proposed sign face square-footage is 20 square-feet.

Chair Newton opened the Public Hearing.

Mr. Bob Sanders, applicant, made the following comment:

- This is a directory sign being requested by and for the benefit of the tenants at the rear of the building.
- The rendering shows how the sign mass fits in with the large size and design of the 2-story building.
- The heavy posts reflect the architecture. It fits in.
- It is an attractive sign.

- The five foot setback from the front property line is sufficient- the sign is away from the Redwood trees.
- The Exception could be granted.

Commissioner Gonzalez-Parber referred to Attachment B, page 3, second paragraph and asked if the 7.5' and 10' root zone distances apply to both trees. Mr. Sanders explained the distances depicted in the photograph. Principal Planner Neal stated the Town Arborist indicated the sign could be closer to the redwood grove as long as large roots are not cut.

Chair Newton closed the Public Hearing.

Commissioner Green provided the following comment:

- The sign where it is more visible to the traffic driving by.
- It is a bit massive for people walking on the sidewalk.
- Pushing it back further would be good- between two feet and three feet depending on the roots. This could be left to the discretion of the arborist.

Commissioner Swift provided the following comment:

- She could not make the findings in the sign code where the sign is proposed.
- It is too large in that spot and blocks the view of the Redwoods.
- The arborist is going to do more work and they do not know in actuality where the sign would be placed.
- She supports a continuance.

Commissioner Gonzalez-Parber provided the following comment:

- She originally thought the sign was be set back a bit further from the fence. She likes this better.
- She could support the proposed location.
- This is a beautiful sign and fits in with the building and Fairfax.
- Commissioner Green's point about the pedestrian scale is a good one and perhaps the sign could be set three feet from the fence.
- The most stringent determination should govern depending on what the arborist finds during the probe.
- Two feet is ok, three feet is better.

Commissioner Fragoso provided the following comment:

- She has the opposite opinion. She likes it closer to the fence.
- She could support leaving it where it is depending on the findings of the arborist.
- It is a big sign but it is a gigantic building.
- The building sits forward more and the visibility for the sign would be better in its proposed location.
- She could approve the sign location Exception being requested.
- The actual lettering of the sign is about 3' X 6'.
- She was not sure the application had to come back to the Commission.

Commissioner Jansen provided the following comment:

- He is comfortable with the sign design the way it is.
- The design balances all the different interests.
- He could approve it tonight.

Chair Newton provided the following comment:

- The sign is too large.
- It should step back another foot.
- The precise location will be dictated by the arborists probe.

M/s, Fragoso/Green, motion to continue this application to the July 15, 2021, meeting.
AYES: Fragoso, Green, Gonzalez-Parber, Jansen, Swift, Chair Newton

4. 183 Tamalpais Road; Application #21-12

Request for a Conditional Use Permit and a Combined Side-yard Setback Variance to construct an approximately 173 s.f., upper floor, deck addition to a single-family residence; APN 001-053-18; Residential Single Family RS 6 Zone; Shannon and Justin Sobieraj, applicants/owners; CEQA Categorically exempt per Section 15301(a) and 15305(a)

Principal Planner Neal presented a staff report.

Commissioner Fragoso asked if the existing residence already has a reduced combined setback. Principal Planner Neal stated "yes". Commissioner Fragoso noted the proposed deck does not reduce it any further.

Commissioner Swift noted the plans should be dated 2020 in the resolution and the second CEQA citation should be eliminated in the staff report. She asked if the project entails the doors to the deck and the outdoor railing. Principal Planner Neal stated "yes".

Chair Newton opened the Public Hearing.

Mr. Justin Sobieraj, applicant, made the following comments:

- The additional living space on the top floor would give the family more room.
- The proposal is the only alternative due to the steep slope of the site.
- They cannot expand the front of the house due to the slope and the house proximity to the parking.
- The six foot privacy screen is a great idea.

Commissioner Green had a question about preventing falls from the deck. Mr. Sobieraj stated the railing would be built to code and would be safe.

Chair Newton closed the Public Hearing.

Commissioner Fragoso provided the following comments:

- The application is clear and straightforward.
- The plans are clear.

Commissioner Swift provided the following comments:

- She suggested the following additional condition: "All lighting shall be dark sky compliant to minimize blue rich lighting and limit light spillage beyond the areas necessary to light the outdoor patio and shall avoid direct outdoor illumination. A Lighting Plan should be submitted with the Building Permit application and approved by the Planning Department prior to issuance of the project Building Permit".

M/s, Fragoso/Gonzalez-Parber, motion to adopt Resolution No. 2021-14 with the correction to the date of the plans as pointed out by Commissioner Swift and the following additional condition "All lighting shall be dark sky compliant to minimize blue rich lighting and limit light spillage beyond the areas necessary to light the outdoor patio and shall avoid direct outdoor illumination. A Lighting Plan should be submitted with the Building Permit application and approved by the Planning Department prior to issuance of the project Building Permit".

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