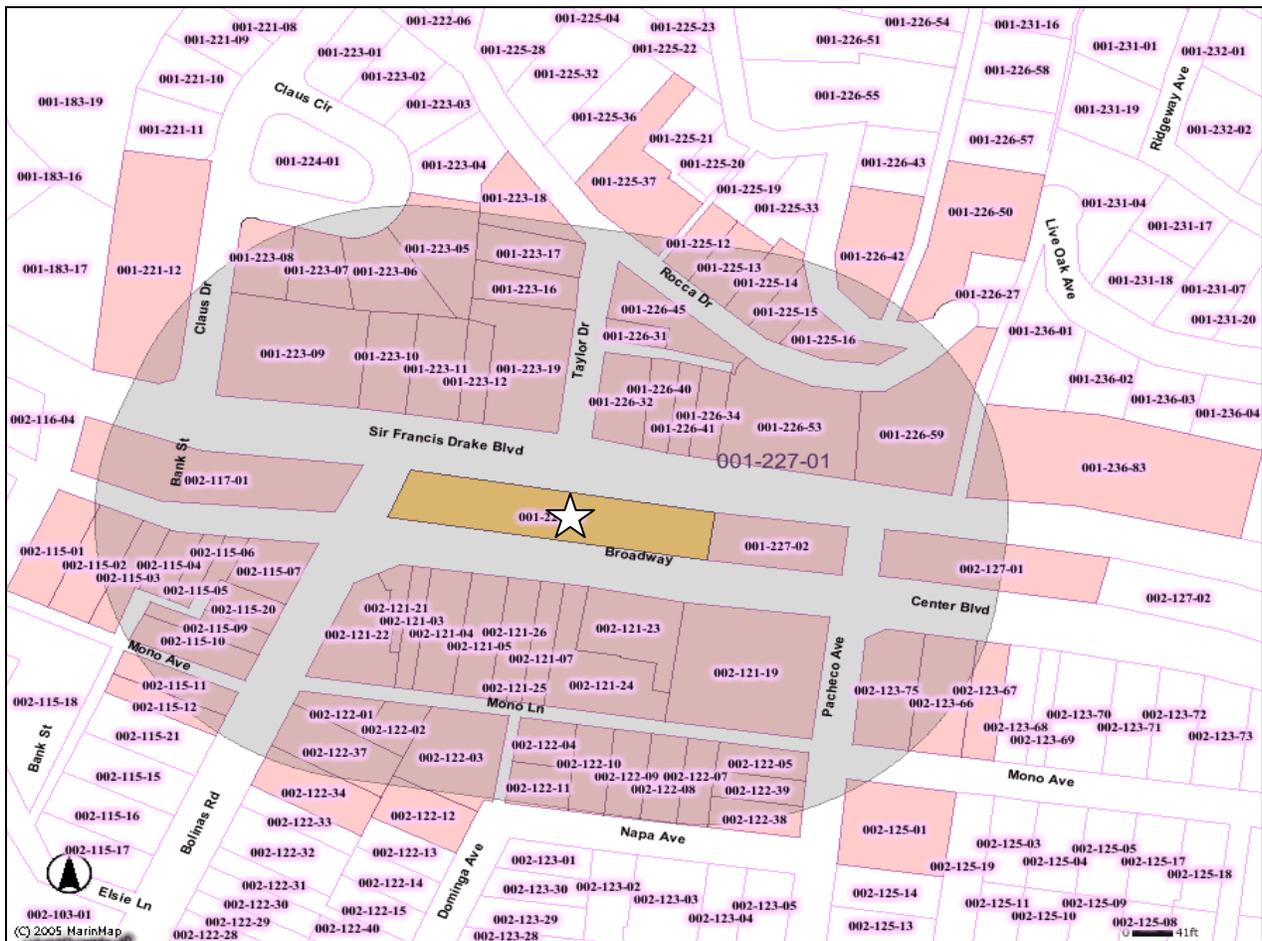


TOWN OF FAIRFAX STAFF REPORT

Department of Planning and Building Services

TO: Fairfax Planning Commission
DATE: June 20, 2013
FROM: Jim Moore, Director of Planning and Building Services
 Linda Neal, Senior Planner
LOCATION: South wall of the Parkade facing Center Boulevard
PROJECT: A community mural
ACTION: Design Review approval
ZONING: Central Commercial CC Zone
APPLICANT: Chris Lang
OWNER: Town of Fairfax



PARKADE PARKING LOT RETAINING WALL

BACKGROUND

At the October 12, 2010 meeting of the Fairfax Parks and Recreation Commission (PARC) the applicant presented a sample of artwork and asked that PARC approve a mural to be created on the Parkade wall as a public art project. The site for the mural is 4 foot high by 50 feet long and the cost will be roughly \$2,000 which the applicant indicated he would cover through fundraising.

At their October 13, 2010 meeting the Fairfax Parks and Recreation Commission (PARC) granted conditional approval of a proposal by the applicant for a mural on the Parkade wall subject to the following (Exhibit A – minutes from the 10/13/10 PARC meeting):

- The submittal of more designs for the mural by local artists.
- Input from the artist in residence
- A public notice process

On November 13, 2012 the applicant asked PARC to consider a request for placement of a banner on the Parkade wall to generate public interest and support for the future public art mural (Exhibit B – PARC 11/13/12 mural staff report and agenda). At that time PARC recommended that the banner be sent to the Planning Commission for design review approval.

DISCUSSION

The applicant is requesting that the Commission approve the display of a temporary banner announcing the future location of a Parkade public art mural.

The applicant has expressed his opinion that the staff has the authority to approve the design and location of the banner and displeasure with having to go through the process to have the Commission approve the temporary sign. The sign is painted in green and black on an off white piece of canvas measuring 2 feet in width by 13 ½ feet in length. The banner copy reads "Future Site of the Parkade Mural 456-5652" and the applicant would like to hang the banner for some period of time, or several intervals of time from the south wall of the Parkade.

The Sign Ordinance, Town Code Chapter 17.064, allows the staff to approve banners to be hung in the one Town Council sanctioned location which is over Sir Francis Drake Boulevard west of the intersection of Willow Avenue, Pastori Avenue and Sir Francis Drake Boulevard. It is clear that this was the intent of the Ordinance because the section pertaining to banners goes on to indicate that the Town Council will set a fee by resolution to cover the cost of the banner installation which is done by the Street Department using the boom truck the Town shares with San Anselmo.

Town Code § 17.064.040(2) also allows staff to approve decorative banners having no insignia, lettering or logos.

These two sections imply by omission that the staff is not authorized to approve other banners in other locations. Additionally PARC directed the applicant to obtain design review approval of the proposed temporary banner sign.

Town Code § 17.064.110 allows an applicant to request Commission approval for an exception to the regulations of the sign ordinance which include hanging a banner in a location other than the one sanctioned location over Sir Francis Drake Boulevard.

Town Code section 17.064.100(B) allows the Commission to grant exceptions to the sign ordinance regulations if one of the following findings can be made:

1. Exceptional or extraordinary circumstances apply to the location under consideration and not generally to other business or property in the vicinity;
2. The exception is the minimum necessary to serve the signs intended use;
3. The application submitted is extraordinary and outstanding in design.

The banner is homemade (see picture). Different fonts are used throughout the sign and the staff member for PARC indicated in her report dated November 13, 2012, that the phone number on the banner is an incorrect contact number (Exhibit C). The sign displays the phone number for the Town's Community Resources Coordinator, and PARC never agreed to have this position be the recipient of phone calls and dispenser of information for the mural project.

The applicant has yet to secure the funds for the mural and/or start the process to have local artists submit their artwork. It appears the applicant is proposing to use the banner to start the process which may or may not be the most efficient method for garnering support and/or momentum to make the project become a reality. The applicant also needs to repaint the banner to include a valid contact number and/or obtain approval from the PARC to have their staff representative field all calls regarding the future mural.

While the Commission could find that the proposal is the minimum necessary to serve the banners intended use, it is the Planning Staff and the PARC staff's position that hanging the banner at this point is premature. At the very least a preliminary mural design should be presented to the Chamber of Commerce and PARC to get their support for the project before a banner is hung on the Parkade wall for an extended period of time.

After reviewing the minutes of the past PARC meetings where the applicant's mural has been discussed it is clear that the process being used to review and approve public art in the Town parks needs some refinement. The Chamber has also indicated that they have been approached by another individual who would like to paint a mural on the Parkade. Therefore, staff is recommending that this request being continued until the process to apply for murals on public property is refined and updated.

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Continue the review and approval of the sign off calendar until all of the following have occurred; a) the process for considering artwork for Parkade and other public area murals is updated and approved by the Town Council and PARC; b) the process for which conceptual artwork for the mural is submitted and selected is developed; c) the sign content and/or design has been amended to achieve the applicant's goals while meeting the intent of the purposed of the Sign Ordinance. The item would be rescheduled when a complete sign application is submitted that includes a drawn to scale drawing of the revised sign proposal and a drawn to scale elevation showing the proposed banner sign on the Parkade wall.

ATTACHMENTS

Exhibit A – Applicant's supplemental information

Exhibit B – Minutes from the 10/13/10 Parks and Recreation Commission meeting

Exhibit C – Staff report from the 11/13/12 Parks and Recreation Commission meeting