

AGENDA ITEM 1(b)- not available on web page

AGENDA ITEM 1(c)

**TOWN OF SAN ANSELMO
STAFF REPORT
October 5, 2004**

For the Meeting of October 12, 2004

TO: Town Council

FROM: Thomas Bell, Planning Director

SUBJECT: Information request – 305 San Anselmo Ave. – US Bank

RECOMMENDATION

Receive and file the attached report

DISCUSSION

At the September 28 meeting, the mayor requested information regarding design review and its relationship to the US Bank building. Attached is the related information.

Respectfully submitted,

Thomas Bell, Planning Director

US BANK/DESIGN REVIEW

Recently a prospective applicant discussed color (paint) changes for the US Bank building and requested staff level Design Review approval. This Director advised that he would not consider a staff level approval and that a Planning Commission hearing would be necessary due to the significant prominence of this particular building.

San Anselmo Municipal Code Citations

Section 10-3.1504 of the SAMC authorizes the Planning Director to approve “minor” design review modifications to existing buildings such as awnings, doors, windows, and color changes. Further, this section also authorizes the Director to refer any of these modifications to the Planning Commission if he/she determines that such review is desirable.

In this instance, the Director determined that it is essential to provide an opportunity for Planning Commission review because of the building size, visibility, and the fact that color has been an extremely important Planning Commission issue in past hearings regarding 305 San Anselmo Avenue. Hearings were conducted regarding this building both in May/June, 1990(Design Review) and more recently in January/February, 2004(Sign Review). The three-story building is visible to the community from all four sides, as well as from Sir Francis Drake Blvd. and the Barber neighborhood beyond.

COMMERCIAL DESIGN REVIEW APPLICATION REQUIREMENTS

Planning Director Design Review – Along with a completed application form & fee, 2 elevation sketch plan copies are required indicating colors, materials, signs, etc.; all to scale with appropriate dimensions necessary to approve the review. The Director must consider architectural features, size, proportion, color application, signage, placement, etc. in order to make required findings. Once approved, the plans are stamped “approved” with one copy to the applicant and the other filed in the project file.

Planning Commission Design Review – In addition to completed application forms and fee, 10 elevation plan copies are required of every applicant. The plans are required to be of a reasonable scale (usually 1/8”=1’ minimum, depending upon details proposed) with accurate dimensions detailing the size and scope of the project including windows, signs, awnings, materials, colors & accents, etc. In addition, one color elevation rendering of all areas proposed to be modified is required for Planning Commission presentation. The detailed plans are necessary to adequately document the extent of Commission approval/denial and prevent future misinterpretations of such approvals due to plan ambiguity.

Once the plans/application are reviewed and determined complete by staff, a public hearing is noticed for Planning Commission review. The meeting is usually scheduled between 15 and 30 days of a complete application depending upon scheduled meeting dates.

If the plans are approved or conditionally approved by the Commission, a plan copy is stamped “approved” and placed in the project file for legal documentation and future project implementation purposes.

At this time, staff has not received an application or plans for Design Review of the US Bank Building.

Public Hearing Timing

Due to staff absences, the Planning Commission meetings of October 18 and November 1 have been cancelled. Should any complete application be received within the next week, it could not be heard by the Commission before November 15.

San Anselmo Municipal Code 1-4.01 reads as follows: “Any administrative determination or interpretation may be called up for Planning Commission review by any member of the Planning Commission, if the subject of the determination or interpretation is within the jurisdiction of the Planning Commission, or by any member of the Town Council in any case.”

When an application with the required drawings is received by Planning staff and deemed complete, staff will endeavor to schedule the matter quickly. Should that happen during the period when the Planning Commission is not meeting, a Councilmember could choose to call the matter up to the Town Council, per SAMC 1-4.01 according to the Town Attorney.

AGENDA ITEM 1(d) – Continued to the meeting of October 26 **AGENDA ITEM 2**

TOWN OF SAN ANSELMO **STAFF REPORT** **October 12, 2004**

For the Meeting of October 12, 2004

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Appointments to the Volunteer Advisory Board

RECOMMENDATION

That Council appoint two members to the Volunteer Advisory Board.

BACKGROUND

The Volunteer Advisory Board has a membership of seven seats. The Board presently has two vacancies, to terms expiring in September, 2007. Council has interviewed two candidates, Sophia Spencer and Gilda Lee, both incumbents.

Respectfully submitted,

Debra Stutsman
Town Administrator

Attachments

AGENDA ITEM 3

For the Meeting of October 12, 2004

To: Town Council

From: Charles L. Maynard, Chief of Police

Subject: Second Reading of Proposed Ordinance Regulating Parking Meters

Date: September 29, 2004

RECOMMENDATION

That Council waive reading and adopt the ordinance adding Municipal Code Sections 3-5.1209 through 3-5.1220, governing procedures, fines and fees for parking meters.

BACKGROUND

At the September 28, 2004 meeting, Council introduced and conducted the first reading of the Ordinance adding Municipal Code Sections 3-5.1209 through 3-5.1220 governing procedures, fines and fees for parking meters. This matter has been before Council at previous meetings and in order to proceed with the parking meter program an ordinance must be adopted.

CONCLUSION

New parking meters installed in the downtown parking lots will generate much needed revenue for the Town and create an additional mechanism to ensure adequate turnover in the available parking.

CHARLES L. MAYNARD
Chief of Police

AGENDA ITEM 4

TOWN OF SAN ANSELMO

STAFF REPORT
October 5, 2004

For the Meeting of October 12, 2004

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Business License Administrative Fee Ordinance

RECOMMENDATION

That Council waive the second reading and adopt an ordinance adding a new section 6-1.15 to the San Anselmo Municipal Code establishing a business license administrative fee and renumbering current sections 6-1.15 through 6-1.29 as sections 6-1.16 through 6-1.30 respectively.

BACKGROUND

The Town's Municipal Code, Title 6, Chapter 1, provides for the collection of a business license tax from businesses operating in San Anselmo. Town staff processes approximately 2,500 licenses each year. During fiscal year 2003-04, the Town collected revenue in the amount of \$241,000 from this source.

During development of the Town's 2004-05 Adoption Budget and Workplan, the Town Council directed staff to study the feasibility of establishing an annual administrative fee for business licenses in order to recover the actual processing cost of the licenses, as permitted by California Revenue and Taxation Code Section 7284.1(c).

At the September 26, 2004 meeting, Council introduced and waived the first reading of this Ordinance.

ANALYSIS

The calculation of cost recovery for business licenses includes the staff labor and materials involved in processing license applications and payments, issuing licenses, and preparing renewals. In addition, it includes a proportion of the cost of town wide services needed to support this function, namely, legal services and insurance. Based on 2004-05 budget figures, staff estimates that full cost recovery would require collection of \$75,000 annually.

The administrative fee as recommended in the attached Ordinance is \$15 per business license per year. Calculated at this rate and assuming a reasonable level of compliance, it is estimated that the Town would realize approximately \$30,000 annually from this source, which represents a 40% cost recovery rate.

CONCLUSION

Staff recommends approval of the establishment of an annual business license administrative fee in the amount of \$15 per license, to be effective 30 days following the second reading of the ordinance.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment: Draft Ordinance

TOWN OF SAN ANSELMO

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO ADDING A NEW SECTION 6-1.15 TO THE SAN ANSELMO MUNICIPAL CODE ESTABLISHING A BUSINESS LICENSE ADMINISTRATIVE FEE AND RENUMBERING CURRENT SECTIONS 6-1.15 THROUGH 6-1.29 AS SECTIONS 6-1.16 THROUGH 6-1.30 RESPECTIVELY

WHEREAS, San Anselmo Municipal Code Section 6-1.02 requires that any person doing business in the Town must obtain a valid business license and pay the license tax; and

WHEREAS, the business license is intended to raise revenue for general governmental purposes in accordance with Revenue & Taxation Code Section 7284 and is not intended to license or tax for regulation; and

WHEREAS, the collection of a business license tax incurs administrative costs for processing payment, issuing licenses, and preparing renewals;

NOW THEREFORE BE IT RESOLVED, That the Town Council of the Town of San Anselmo does ordain that Section 6-1.15 of the San Anselmo Municipal Code is hereby amended to read as follows:

6-1.15 Administrative Fee charged.

An administrative fee of \$15 per business license is charged annually to cover the labor and materials involved in processing license applications and payments, issuing licenses and preparing renewals .

Introduced at a regular meeting of the Town Council on September 26, 2004 and PASSED AND ADOPTED by the Town Council of the Town of San Anselmo at a regularly scheduled meeting on _____, 2004 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Paul Chignell, Mayor

ATTEST:

Barbara Chambers, Town Clerk

AGENDA ITEM 5

**TOWN OF SAN ANSELMO
STAFF REPORT
October 6, 2004**

For the Meeting of October 12, 2004

TO: Town Council

FROM: Thomas Bell, Planning Director

SUBJECT: Appeal of Planning Commission's approval of a Use Permit and Variances, establishing a residential second dwelling unit including required parking space and retaining structure located at 125 Redwood Road in the R-1 zoning district APN 007-083-03

RECOMMENDATION

Adopt the attached resolution upholding the Planning Commission's approval of the project, reaffirming the necessary findings, and adding additional conditions regarding indemnification, code enforcement, and modified parking location as specified.

APPELLANTS: Alan Mooers 20 Savannah Ave.
Jaqueline Ryan, 135/122 Redwood Rd.

APPLICANT: Patricia Johnstone

BACKGROUND: **June 21, 2004:** Planning Commission approved the Use Permit, Variances, to allow a residential 2nd unit and parking space/retaining wall within the front yard.

August 24, 2004 Town Council continued this item to tonight's meeting in order to review a survey of the front yard parking area.

DISCUSSION OF APPEAL

This item was continued from the 8/24/04 meeting in order to confirm (by survey) the location of property lines and proposed parking space adjacent to Redwood Road.

The attached plan provided by Pacific Design Group reflects the results of that survey. Based upon various surveys completed in the past, the exact location of property lines is uncertain (shown in the hatched areas). Consequently the applicant proposes to relocate the front parking space as shown on the plan to avoid any potential property line dispute.

At this time, the **Public Works Director has not had an opportunity to review the proposed parking revision.** He will provide an oral report to the Council at the meeting. If the Director should approve of this location, staff would recommend approval of the project and adoption of the attached resolution.

Details of the appeal are addressed in the attached staff report of August 24, 2004.

Respectfully submitted,

Thomas Bell, Planning Director

Attachment: 1. Proposed Resolution
2. August 24, 2004 staff report
3. Letter of October 5, 2004 from L. Rifkind
4. Oct 6, 2004 parking/survey area plan

AGENDA ITEM 6

**TOWN OF SAN ANSELMO
STAFF REPORT
October 6, 2004**

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Sign Ordinance

RECOMMENDATION

That Council introduce and waive reading of the sign ordinance.

BACKGROUND

Town Attorney Roth will be present at the meeting to discuss the changes to the ordinance.

Respectfully submitted,

Debra Stutsman
Town Administrator

		10-9.409	Posting signs on fences, trees, buildings, and public property.
		10-9.410	
10-9.101	Chapter 9		Article 7. 5. Sign <u>Review</u> Applications
	SIGNS*	10-9.701 501	Form: Fees.
		10-9.702 502	Filing date.
		10-9.703 503	Action on applications.
		10-9.704 504	Expiration and extension of Sign Review approval.
Sections:	Article 1. Purposes		Article 5: 6. Sign Review
10-9.101	Purposes.	10-9.501 601	Design.
	Article 2. Definitions	10-9.602	Review of sign
10-9.201	Definitions.	10-9.502 603	Criteria for review.
	Article 3. Permitted Signs		Article 6: 7. Variance s
10-9.301	Permitted signs.	10-9.601 701	Variance. s:
10-9.302	Permanent use identification signs.		
10-9.303	Temporary signs.		
10-9.304	Miscellaneous signs.		
10-9.305	Murals.	10-9.801	Article 8. Appeals.
	Article 4. General Regulations		Appeals.
10-9.401	Scope.		Article 9. Nonconforming Signs
10-9.402	Area.	10-9.901	Nonconforming signs.
10-9.403	Location.		
10-9.404	Height.		
10-9.405	Illumination and sound.		Article 10 9. Interpretation and Enforcement
10-9.406	Content and copy.		
10-9.407	Material and form.		
10-9.408	Design review allowances.		

10-9.1001 901 Interpretation.
10-9.1002 902 Removal of unsafe, unlawful, or unnecessary signs.
10-9.1003 903 Compliance with other laws.

- Chapter 9 entitled "Signs" consisting of Article 1, Sections 10-9.101, Article 2, Section 10-9.201, Article 3, Sections 10-9.301 through 10-9.305, Article 4, Sections 10-9.401 through 10-9.409, Article 5, Sections 10-9.501 and 10-9.302, Article 6, 10-9.601, Article 7, Sections 10-9.701 through 10-9.707, Articles, 10-9.801, Article 9, 10-9.901, Article 10, Sections 10-9.1001 through 10-9.1003 codified from Ordinance No. 609, as amended by Ordinance No. 632, effective October 12, 1972, Ordinance No. 649, effective June 21, 1973, Ordinance No. 680, effective December 26, 1974, Ordinance No. 707, effective June 22, 1976, Ordinance No. 723, effective January 20, 1977, Ordinance No. 740, effective January 12, 1978, Ordinance No. 750, effective November 23, 1978, Ordinance No. 754, effective February 8, 1979, Ordinance No. 800, effective May 14, 1981 and Ordinance No. 883, effective August 21, 1986, moved to Chapter 9 of Title 10 with amendment by Ordinance No. 1010, effective October 28, 1999.

Article 1. Purposes

10-9.101 Purposes.

The purposes of this chapter include, but are not limited to, the following:

- (a) The protection of the public's ability to identify uses and premises without confusion;
- (b) The elimination of unnecessary distractions which may diminish driving or pedestrian safety;
- (c) The promotion of the safe construction of signs;
- (d) The protection of the natural and urban beauty of the ~~city~~ town; and
- (e) The maintenance of order and cleanliness;
- (f) The enhancement and improvement of properties and their business or residential neighborhoods by the encouragement of signs which are compatible with, and complimentary to, related buildings and uses and harmonious with their surroundings.
- (g) To ensure the preservation of freedom of speech
(§ 2, Ord. 1010, ~~eff.~~ October 28, 1999)

Article 2. Definitions

10-9.201 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

- (a) "Sign" shall mean any display, device, or thing which is intended to or, in the judgment of the Planning Director, may communicate an advertisement, announcement, direction, identity, or other message to,

and or attract, distract, hold, direct, or focus the attention of, persons on public property or on private property generally open to members of the public. "Sign" shall include any moving part, lighting, sound equipment, framework, background material, structural support,

or other part thereof. A display, device, or thing need not contain any lettering to be a sign, but the mere display of merchandise in a store window shall not cause that window to be considered a sign.

(b) "Temporary sign" is a sign which is erected and maintained for a period of not more than ninety (90) days.

~~(b)~~ **(c)** "Erect and maintain", and variations thereof, used in this chapter with respect to signs shall include, but not necessarily be limited to, the placing, construction, establishment, alteration, repair, location, and/or continuation of temporary and permanent signs and the parking or other placement of any vehicle or other portable object to which a sign is affixed.

~~(e)~~ **(d)** "Primary building face" shall mean that wall of a building which contains the principal entrance or entrances to the building. If there are principal entrances in more than one wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Primary building face" shall include not only the wall itself but all doors, windows, or other openings therein and projections therefrom.

~~(d)~~ **(e)** "Use" shall mean each business and administrative, professional, industrial, or other establishment which is separate from another establishment, both in fact and in the appearance presented to the public.

(f) "Administrator" and "Planning Director" includes his or her designee. (§ 2, Ord. 1010, eff. October 28, 1999)

Article 3. Permitted Signs

10-9.301 Permitted signs.

It shall be unlawful for any person or entity, other than an appropriate governmental body, to erect or maintain a sign in the Town, except as permitted by this chapter. All signs shall be prohibited, except as follows:

(a) Signs expressly allowed by the provisions of this article and erected and maintained in accordance with the provisions of Article 4 of this chapter, if applicable;

(b) Signs approved by Sign Review pursuant to the provisions of Article ~~5~~ **6** of this chapter (after the granting of a variance pursuant to the provisions of Article ~~6~~ **7** of this chapter, if applicable); or

~~(c) Signs permitted by the provisions of Article 9 of this chapter.~~

Unless Sign Review is specifically required, any sign permitted by the provisions of this article may be erected and maintained without Sign Review so long as such sign conforms with the provisions of this chapter and any other applicable governmental enactments. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.302 Permanent use identification signs.

Subject to the general regulations set forth in Article

4 of this chapter, the following uses may be identified by the permanent signs specified for such uses, as follows:

(a) Single-family dwellings. One nameplate, containing only the name of the resident of the dwelling and not exceeding one square foot, which may be freestanding;

(b) Home occupations. One sign, not exceeding two (2) square feet, attached flat to the structure, or placed inside a window, and not illuminated;

(c) Multiple-family dwellings. One nameplate, containing only the name and/or address of the building, not exceeding six (6) square feet, which may be freestanding, with an overall height of not more than four (4') feet;

(d) Professional. One sign containing the address and/or name of the building or group, not exceeding four (4) square feet, and one nameplate per individual occupant, containing only the name and profession of the individual occupant, not to exceed one square foot for each individual occupant's nameplate sign. If the name-plate signs are incorporated into one overall sign containing both the address and/or name of the building or group and nameplate signs, the total area of such signs shall not exceed four (4) square feet, plus one square foot for each individual occupant, and such sign may be freestanding upon the approval of Sign Review. In addition, each individual occupant may have one sign on an exterior door, which sign shall contain only the individual occupant's name and profession and which sign shall not exceed one square foot;

(e) Cemeteries, country clubs, dog kennels, golf courses, riding academies, stables, tennis courts, and other uses determined by the Planning Director to be similar. One sign, not exceeding twelve (12) square feet, which may be freestanding. Such signs shall be subject to Sign Review;

(f) Institutions of an educational, religious, charitable, or civic nature, hospitals, rest homes, sanitariums, and uses determined by the Planning Director to be similar. One sign, not exceeding twenty (20) square feet, which may be freestanding. Such signs shall be subject to Sign Review;

(g) Service stations. Not more than three (3) signs, the total area of such signs not to exceed 100 square feet. One of such signs may be freestanding provided the area of the sign does not exceed forty (40) square feet and it displays only the oil company name and/or emblem. Such signs shall be subject to Sign Review;

(h) Other business, administrative, and industrial uses. Ground floor uses. Not more than two (2) signs per use, to be located on the ~~primary~~ **primary** building ~~face~~, the total area of such signs not to exceed one square foot for each lineal foot of the primary building face devoted to that

use, up to a maximum total sign area of 100 square feet, except that:

(1) If a single use extends from one street, through a building, to another street opposite and generally parallel to the first, or if a use is conducted on a corner, each of the building faces fronting a street shall be considered a primary building face for the purposes of determining the area and location of the signs permitted such use, but the total area of permitted signs shall nevertheless not exceed 100 square feet per use;

(2) A use shall be permitted two (2) signs, located on the primary building face, and having a total area not exceeding one and one-half (1-1/2) square feet for each lineal foot of primary building face devoted to that use, up to a maximum of 150 square feet per use, if that use fronts on a street (or on two (2) or more adjacent parallel streets) having a total of four (4) or more lanes of traffic; and

(3) Where the primary building face does not front on a public street, two (2) signs per use may be erected and maintained on the building face, if there is any, which does front on a public street, but the total square footage of each use's signing shall be no greater than would be permitted if the frontage devoted to that use were the primary building face. All signs permitted pursuant to the provisions of this subsection shall be subject to Sign Review;

(i) Other business, administrative, and industrial uses: Second floor and third floor uses different from ground floor uses. One sign per use, except that the total number of signs on the second or third floor of any building, including any professional sign permitted by the provisions of subsection (d) of this section, shall not exceed one sign for each ten (10) lineal feet of primary building face of the building. Each such sign shall be located on the primary building face, and no sign shall have an area greater than one square foot. The area of signs permitted for second and third floor uses shall be in addition to the area of signs permitted for first floor uses in the building; and

(j) Other business, administrative, and industrial uses: Uses not conducted in a building. One sign per use, parallel to the street, the area of such sign not to exceed one-half (1/2) square foot for every front foot of land occupied by the use, up to a maximum of fifty (50) square feet. Such signs may be freestanding. Such signs shall be subject to Sign Review. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.303 Temporary signs.

(2) (a) **Temporary** sign location guidelines

(i) (1) Signs shall be placed so as not to constitute a hazard (sight distance, tripping storm-related, etc.) to the public use of the public right-of-way.

(ii) (2) Signs shall not be placed in median islands the public right of way, nor on trees, barricades, retaining walls, bridges, benches, traffic signals, poles or equipment,

street lighting, or utility poles nor on traffic signs or traffic sign posts or supporting structures, nor on utility pole anchor cables.

(iii) (3) Sidewalks shall not be obstructed and there shall be a minimum of three (3) feet clearance at all times.

(3) ~~Signs in the public right of way. For signs in the public right of way, each brokerage, real estate company, sole proprietorship, or individual homeowner shall have a current annual encroachment permit and the proper insurance as required by the Director of Public Works.~~

~~The fee for encroachment permit shall be established by resolution.~~

~~(a)~~ **(b)** Real estate sales and lease.

(1) Residential property for sale or lease. One for-sale or one for-rent or lease sign not exceeding three (3) square feet for not more than ten (10) days after an agreement is reached for sale or lease of the property or ten (10) days after the property is removed from the market whichever is earlier.

Additionally, in the case of a sale, one open house sign not exceeding three (3) square feet may be placed on the dwelling site on Thursdays 10:00 a.m. to 1:00 p.m. and Sundays between 12:30 p.m. and 4:30 p.m. for not more than ten (10) calendar days after an agreement is reached for the sale of the property or ten (10) days after the property is removed from the market, whichever is earlier.

(2) Other property for sale or lease. One for-sale or for-rent or lease sign not exceeding six (6) square feet for not more than ten (10) calendar days after an agreement is reached for sale or lease of the property, or ten (10) days after the property is removed from the market, whichever is earlier.

~~(b)~~ **(3)** Located on property other than property for sale or lease.

~~(4)~~ Two **(2)** directional signs advertising directions to the real property for sale or lease not exceeding three (3) square feet on other private property with permission of the owner(s), or within the public right-of-way provided they do not obstruct or impede pedestrian or vehicular traffic, are not located within public medians, parking, streets, or landscaped areas, and are not secured to prevent removal, on Thursdays 9:00 a.m. to 12:00 p.m. and Sundays between 12:30 p.m. and 4:30 p.m., for not more than ten (10) calendar days after an agreement is reached for the sale or lease of the subject real property or ten (10) days after the subject property has been removed from the market, whichever is earlier.

(c) ~~Political~~ **Noncommercial** Signs: A use shall be permitted any number of ~~political noncommercial~~ signs not exceeding six (6) square feet each, erected by or with permission of the owner(s) and/or tenant(s), ~~but for each owner, tenant and/or occupant not more than one sign pro or con a given issue or candidate.~~ **The size of a noncommercial sign, which does not exceed six square feet singly, when physically connected in any way, to one or more other noncommercial signs or affixed to a single support shall be determined by counting the total square footage of all such signs and shall be treated as one noncommercial sign** * A ~~political noncommercial~~ sign may be erected not more than ~~sixty (60)~~ **ninety (90)** days prior to the election to which the sign pertains, and shall be removed within five (5) days after said election. ~~Political~~ **Noncommercial** signs erected for primary elections shall be removed within five (5) days after the primary election. **Noncommercial signs not pertaining to elections, not exceeding six square feet, shall also be permitted.** ~~Political~~ **Noncommercial** signs shall not be posted on trees, or above the roofline of any building. This ~~sub-section~~ **subsection** shall not, however, be construed to prohibit an individual from posting a ~~political~~ **noncommercial** sign not

exceeding six (6) square feet on his private automobile or vehicle. (§ 2, 3, Ord. 1010, eff. October 28, 1999, as amended by § 2, Ord. 1034, eff. October 24, 2003)

(d) Construction: One sign identifying the proposed site and/or building and persons or firms involved in the building's erection, not exceeding four (4) square feet in the case of a single family dwelling and not exceeding twenty-four (24) square feet in other cases. May be maintained only during the period of actual, substantial construction.

(e) Sale: Temporary signs, announcing sales or special features, attached, painted or otherwise placed on the surfaces of ground floor store windows provided the total area of such signs does not exceed twenty five percent (25%) of the ground floor windows located in the primary building face. Such signs shall be removed immediately after the end of the sale or event and the same signs shall not be maintained for a total of more than ten (10) days except that a use may leave such signs in place for up to thirty (30) days if the use does not display anyother temporary signs for a period of sixty (60) days before and sixty (60) days after said thirty day period. May not be free standing. Not permitted in residential districts. Each such temporary sign shall include the date on which it was placed on or in the store window.

(f) Holiday Decorations: Bunting, displays, lights, and other decorations which contain no commercial message, which are erected and maintained in connection with a holiday established by an Act of the United States Congress and which are removed within fifteen (15) days following their erection, or within forty-five (45) days following their erection in the case of Christmas decorations.

(g) Christmas Tree Lots: Nor more than two (2) signs per lot, the total area thereof not to exceed forty (40) square feet.

(h) Fairs, Carnivals, and Other Special Events - On Site: Not more than two (2) signs, located on the premises on which the event is to be conducted, containing not more than forty (40) square feet in the aggregate, provided that the signs are displayed not more than fifteen (15) days in advance of the beginning of the event and are removed immediately at the conclusion of the event.

(i) Fairs, Carnivals, and Other Special Events -Off Site: Posters, containing not more than six (6) square feet each, displayed in a ground floor window, for not more than thirty days (30), advertising civic, a religious or other non-profit meetings, fairs, plays, athletic contests, or similar events, so long as no more than two such posters are displayed by any one use at any time. May not be free standing. Not permitted in residential districts.

(j) Temporary Use - Identification Signs: One sign to identify the name and/or location and/or purpose of a new business may be allowed for a maximum period of sixty (60) days. Said sign shall meet all the requirements for permanent signs as

~~provided in the San Anselmo Municipal Code. expect:
(a) Any such sign may be approved by the Planning Director; and (b) The Planning Director shall have discretion to approve or disapprove the type of material used for the sign. The fee for the section shall be \$10.00, but said \$10.00 shall be applied to the cost of an application for a permanent sign.~~

~~(k) Public Health/Safety: A limited number of signs designed to alert the public to an emergency and~~

short-term threat to public health and/or safety, such as quarantine notices and notices of recent poisoning of domestic animals, may be allowed for a maximum period of thirty (30) days in the proximate area of such threat. Such signs shall meet all the requirements for permanent signs as provided in this chapter and may be erected only with the specific prior approval of the Town Administrator

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* This sentence is declaratory of existing law and applies to all noncommercial signs existing at the time of the adoption of this amendment.

10-9.304 Miscellaneous signs.

Subject to the general regulations set forth in Article 4 of this chapter, the following signs shall be permitted in addition to those permitted by other provisions of this chapter:

(a) Flags and emblems of governmental jurisdictions not used for commercial advertising;

(b) Address numbers not exceeding six (6") inches per numeral in height and width on residences and address numbers not exceeding eighteen (18") inches in height and width per numeral on commercial and multiple use buildings, unless a larger size number is approved by the Planning Director;

(c) Symbols, including barber poles for barber shops, pictures, illumination, and other items not containing lettering which are approved as architectural ornamentation or decoration by the ~~Design Review Committee~~; **Planning Commission**;

(d) Signs identifying a neighborhood, district, or community area. Such signs may be freestanding. Such signs shall be subject to sign review;

(e) Historical plaques erected and maintained by nonprofit organizations, memorials, building cornerstones, and erection date stones not more than one square foot in area;

(f) Signs indicating association membership, a credit card system, ~~trading stamps given~~, and other matters which are determined by the Planning Director to be similar, not more than one sign for each, no **one** sign to exceed one (1) square foot, and the total area of all such signs shall not exceed four (4) square feet. All such signs shall be located flush on the primary building face;

(g) Signs permanently affixed to a vehicle for advertising or identification purposes, except that such signs shall not:

- (1) Be illuminated, have changeable copy, or any moving part;
- (2) Be designed or used to direct persons to a specific place of business or other place, whether by means of an arrow, written instructions, or other means (except that the Street address of the business may be included); nor
- (3) Extend or project beyond the normal functional structure of the vehicle;

(h) One posted restaurant menu, adjacent to the main public entrance, identical in size and all other respects to

those made available to the diners; (i) One sign not exceeding one square foot, located on or adjacent to the main entrance to the use, showing the business hours of the establishment and containing the words "open" or "closed" or similar wording;

(j) Permanent signs consisting of a framed or unframed surface, freestanding or attached to a wall or fence or other structure, designed and located only for the display of announcements of coming performances of cultural, educational, and athletic events if located on the real property on which such event is to take place. Such signs shall be subject to Sign Review;

(k) Private parking area traffic and other directional signs not exceeding six (6) square feet each and not containing any advertising message or name. When the parking area or directional sign is not adjacent to the business served, the name of the business may be included on the sign. Such signs shall be subject to Sign Review;

(l) Signs not exceeding one square foot per face, containing no product advertising, with letters not exceeding six (6") inches in height, for the identification of telephones, service entrances, rest rooms, litter receptacles, underground public utility lines, and other uses which are determined by the Planning Director to be similar;

(m) Signs identifying service and religious organizations when combined in a single sign at a community entrance. Such signs may be freestanding. Such signs shall be subject to Sign Review;

(n) Legal notices, licenses, permits, and other signs required by law;

(o) Signs suspended at least twenty (20') feet above public streets for a period of not more than fifteen (15) days advertising events of general interest to the public, which events are conducted by nonprofit organizations and the proceeds, if any, from such events are to be used for charitable or civic purposes, subject to obtaining a written permit from the Chief of Police **or designee**;

(p) Signs identifying the type of service offered by service stations, which as "self serve" or "full service island", which signs shall be subject to Sign review;

(q) Gasoline price signs which shall be limited to one of the following options:

- (1) One window sign, not to exceed twenty (20) square feet, with numbers not to exceed twelve (12") inches in height and letters not to exceed six (6") inches in height; or
- (2) One sign per pump, located at or on the pump, which may be double-faced, not to exceed eight (8") inches by ten (10") inches; or
- (3) One permanently located sign elsewhere on the property advertising one or more grades of gasoline, which may be double-faced, not to exceed twenty (20) square feet per face and with numbers not to exceed twelve (12") inches in height and letters not to exceed six (6") inches in height.

Such signs shall be subject to Sign Review and shall be posted in accordance with the requirements of the State. For the purposes of this subsection, a pump shall be de-fined as a dispensing unit for a grade of gasoline. A pump with two (2) hoses shall be considered two (2) pumps when it dispenses two (2) grades of gasoline and one pump when it dispenses one grade of gasoline; and

(r) ~~Two (2) signs, not to exceed one square foot each,~~ applied by decal or paint to glass windows or doors, not to exceed 25 percent of the glass area. Such signs may include business identification, name, or symbol, product advertising, or abstract designs. (§ 2, Ord. 1010, eff. October 28, 1999)

(s) Permanent noncommercial signs. Such signs may not be larger than six square feet and shall be subject to sign review, however the Planning Commission shall not consider the content of such signs in its review. The size of a noncommercial sign, not exceeding six square feet, when physically connected in any way, to one or more other noncommercial signs, or affixed to a single support shall be determined by counting the total square footage of all such signs and shall be treated as one noncommercial sign.

10-9.305 Murals.

Murals consist of a picture or decoration, usually a very large one, painted on or affixed directly to a wall. Murals shall not contain advertising or business identification of any kind and shall be executed by persons whose trade or profession requires the knowledge of design, artwork, and painting. Full-colored drawings to scale shall be submitted with an application to the Planning Director, together with a site plan or building elevation showing the location of the mural. Such signs shall be subject to Sign Review. (§ 2, Ord. 1010, eff. October 28, 1999)

Article 4. General Regulations

10-9.401 Scope.

The regulations set forth in this article shall govern the erection and maintenance of signs in the Town. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.402 Area.

The area of a sign shall consist of the message, background, and any frame or outline but shall not include any material used exclusively for structural support. Where a sign message has no background material, or where the background is an undifferentiated wall, the area of the sign shall consist of the sum of the areas of the two (2) smallest adjoining rectangles which encompass the total message. The area of a multi-faced sign shall be the sum of the areas of its faces, but all faces together shall constitute only one sign. The area of a conical, cylindrical, or spherical sign shall be the area of its surface. (§ 2, Ord. 1010, eff. October

10-9.403 Location.

(a) Unless a different location is specifically permitted by the provisions of Article 3 of this chapter, or under the provisions of Section 10-9.408 of this article, each sign shall be located on, ~~and parallel to, the primary building face of~~ the building, if any, in which the use is conducted.

(b) The following signs shall be prohibited:

(1) Private use signs located on public land or in a public right-of-way, except as specifically permitted by the provisions of this chapter;

(2) Signs cut, burned, or otherwise marked on a cliff, hillside, or tree or in any other manner affixed to a tree;

(3) Any sign which obstructs, in any degree, the use of any door, window, or fire escape in or on any building;

(4) Any freestanding sign nearer than two (2') feet to any other sign, building, or structure or nearer the street than the setback line established by law; and

(5) Signs erected or maintained at or near the intersection of any street in such a manner as to obstruct free and clear vision or at any location where, by reason of position, shape, or color, signs may interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal.

(6) Posting, sticking, stamping, painting, affixing, or causing of any notice, placard, bill, poster, or advertisement to be placed upon any sidewalk, crosswalk, curbing, hydrant, tree, tree box, fence, enclosure, building, telephone pole, telegraph pole, or electric lighting pole, except as otherwise provided in this chapter. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.404 Height.

(a) Signs on buildings. No sign located on a building or other structure shall extend to an elevation higher than the lowest of the following:

(1) The window sills (or bottom window line) of the floor above the floor on which the lowest portion of the sign is located, unless a sign extending higher would not impair the function of the windows nor be incompatible with the facade details;

(2) The top of the wall to which the sign is attached; or

(3) Twenty (20') feet above the finished grade, except for second or third floor use signs otherwise permitted by the provisions of this chapter.

(b) Freestanding signs. No permanent freestanding sign shall extend to an elevation higher than eleven (11') feet above the level of the street nearest to which the sign is located. ~~Signs may be freestanding only if specifically permitted to be freestanding by the provisions of this chapter or by the Planning Director pursuant to the provisions of Article 6 of this chapter or Section 10-9.408 of this article.~~ (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.405 Illumination and sound.

(a) No sign shall flash, blink, or emit a varying intensity of light or color, or make or emit sound, or emit smoke or any other substance.

(b) Light sources shall be concealed or shielded to prevent light spillage, glare, momentary blindness or

other annoyance, disability, or discomfort to persons within view of the light sources.

(c) Exposed light sources, such as light bulbs, neon tubes, and fluorescent tubes, or any interior lighted sign with transparent or translucent faces shall be permitted only if specifically approved by Sign Review.

Final approval shall be withheld until the inspection of the installed sign by a Town official designated by the Planning Director and until any adjustment has been made which such official requires to insure that the sign's light, in relation to the surrounding light, is not so intense that the sign is rendered ineffective or causes glare or other annoyance to passersby or neighbors. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.406 Content and copy.

(a) Signs intended for changeable copy shall be prohibited, except for the following:

(1) **Schools**, ~~Theaters~~, auditoriums, meeting halls, churches, plant nurseries, or other uses determined by the Planning Director to be similar, which uses have changing ~~pro-grams~~ **programs** or events; and

(2) Office buildings, shopping centers, and other multi use premises, but in such cases limited to a listing of uses, containing not more than ten (10) square feet.

(b) Signs, including, but not limited to, billboards, shall be prohibited which have more than ten (10%) percent of their area devoted to one or more product emblems, trademarks, or brand names other than the name under which the use is conducting its business. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.407 Material and form.

(a) All signs erected or maintained pursuant to the provisions of this chapter shall be finally anchored, shall comply with all reasonable requirements for public safety, and shall meet the requirements of all other applicable governmental enactments.

(b) The following signs shall be prohibited:

(1) Signs containing luminous, day-flow reflective, ~~or~~ fluorescent colors or materials, **twirling, moving, or flashing;**

(2) Banners, pennants, and/or streamers, except that they may be displayed for not more than ten (10) days during the operation of a temporary fair, carnival, circus, or athletic event;

(3) Signs, other than a street clock

with a face not more than five (5') feet in diameter, constructed so that any part of the sign moves or appears to move or to be

animated;

(4) Signs affixed to vehicles or other movable objects, except as specifically permitted by the provisions of Article 3 of this chapter; and

(5) Signs imitating or resembling an official traffic control device. (§ 2, Ord. 1010, eff. October 28, 1999)

~~shade tree, tree box, fence, enclosure, building, telephone pole, telegraph pole, or electric lighting pole,~~

10-9.408 Design review allowances.

Notwithstanding the foregoing provisions of this article, the Planning Director, under the circumstances set forth in this section, may take the following action ~~with-~~
~~out~~ without granting a variance:

(a) ~~He~~ ~~The Director may~~ ~~e~~ Exclude frames, borders, and other similar architectural amenities from the computation of the area of a sign if ~~he finds~~ it is found that that:

(1) The failure to so exclude such amenities would unreasonably restrict the sign message area permitted the applicant; and

(2) The amenities so excluded would serve primarily to enhance or compliment the overall appearance of the building rather than to emphasize the sign message.

(b) ~~He~~ ~~The Director may~~ ~~t~~ Transfer a sign from the ~~primary~~ building face to ~~another wall or to~~ a freestanding sign location if it is found ~~he finds~~ that such alternate location is necessary to overcome a disadvantage caused by an unfavorable orientation of the ~~primary~~ building face to the street or by an exceptional setback. In such cases the sign application shall clearly indicate that the alternate location would be more practical, effective, and complementary to the design of the building.

(c) ~~He~~ ~~strike-outs new:~~ ~~The Director may~~ ~~p~~ Permit a sign to project at right angles from the primary building face if it is found ~~he finds~~ that:

(1) Such projecting sign would enhance the appearance of the building or would promote the public safety to a greater extent than would a sign parallel to the primary building face; and

(2) Such projecting sign would not have the effect of canceling out any other existing permitted signs, nor of making it more difficult to identify any other business located in the area.

Any projecting sign so permitted ~~shall be of natural or transparent stained wood~~, shall extend not more than forty-two (42") inches into the public right-of-way, shall contain not more than six (6) square feet on each side, shall not be more than six (6") inches thick, and shall, at its lowest point, be no less than eight (8') feet above grade. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.409 ~~Posting signs on fences, trees, buildings, and public property.~~

~~It shall be unlawful to post, stick, stamp, paint, affix, or cause any notice, placard, bill, poster, or advertisement to be placed upon any sidewalk, crosswalk, curbing, hydrant,~~

except as otherwise provided in this chapter. (§ 2, Ord. 1010, eff. October 28, 1999)

Article 7. 5. Sign Review Applications

10-9.701 501 Form: Fees.

Each person or entity desiring to erect or maintain a sign which is subject to Sign Review or which requires a variance shall make a written application to the Planning Director on an application form designated by the Planning Director. Such application shall:

- (a) Include the plans of the sign drawn to scale and show the proposed location of the sign;
- (b) Contain a complete color scheme for the sign, including accurate color samples;
- (c) Contain sufficient other details of the proposed sign to show that it complies with the provisions of this chapter, or to indicate those respects in which it does not comply and for which a variance is sought, including without limitation a complete listing of all variances sought; and
- (d) Include such other information and be submitted in such reasonable number of copies as is from time to time required by the regulations of the Planning Director.

All applications shall be accompanied by the written consent of the record owner of the property upon which the sign is proposed to be erected or by other evidence that the applicant is entitled to erect and maintain the sign. Where several signs are proposed for the same use, all such signs may be included on a single application. A fee established by resolution shall be paid at the time of filing each sign application or requested variance. ~~When a sign is erected prior to obtaining approval, the application fees as specified in the resolution shall be doubled.~~ (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.702 502 Filing date.

The filing date of a sign application shall be the date on which the Planning Department receives the last plan or other material required as a part of that application. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.703 503 Action on applications.

Design approval and/or one or more sign variances may be granted by the ~~Design Review Committee~~ **Planning Commission** in conjunction with its approval of plans for the improvement of the premises on which it is proposed to erect the sign, but the regulations, criteria, and other provisions of this chapter, other than those requiring a separate sign application, shall nevertheless be fully applicable to the sign or signs. Any such action with respect to a sign shall be specifically stated in the applicable resolutions of the ~~Design Review Committee~~ the **Planning Commission** and neither design approval nor any variance shall be deemed to have been granted for a sign simply because sign plans or other details were included as a part of a larger submission and were not specifically disapproved. No approval of a sign design or granting of a sign variance shall constitute a finding that a sign complies with any requirements other than those specifically set forth in this chapter, nor shall any such approval constitute a waiver of any such other requirements. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.704 504 Expiration and extension of Sign Review approval.

Each Sign Review approval and each sign variance shall expire ~~six (6) months~~ **one (1) year** after the date it is granted unless, prior to such expiration date, the erection of the sign approved or for which the variance was granted has been completed or is under way on such date and is thereafter diligently pursued to completion. Prior to the original expiration date of a Sign Review approval or sign variance, the applicant may apply for an extension of such approval for up to ~~six (6) months~~ **one (1) year** from the date of expiration by submitting a written statement to the Planning Director showing good cause. ~~One such extension shall be granted by the Design Review Committee, with such minor modifications as the Committee deems desirable, unless it finds that there has been a substantial change in circumstances which make such extension inappropriate, but no more than one such extension may be granted.~~ (§ 2, Ord. 1010, eff. October 28, 1999)

Article 5. 6. Sign Review

10-9.501 601 Design.

Where the provisions of this chapter specify that a sign is subject to Sign Review, the person or entity proposing to erect and maintain such sign shall submit an application to the Planning Department in accordance with the provisions of Article 7 5 of this chapter. The design proposed for such sign shall thereafter be reviewed by the Planning Director in light of the criteria set forth in Section strike-out new: 10-9.502 602 of this article. Where the provisions of Article 3 of this chapter specify that a sign is subject to Sign Review but do not specify any size limit for such sign, size limitations which are appropriate in light of the criteria set forth in Section 10-9.502 602 of this article shall be imposed by the Planning Director if necessary. Each Sign Review application shall be approved, with or without modifications, conditionally approved, or disapproved by the Planning Director as applicable. Guarantees, sureties, or other means of insuring compliance with the requirements of the Planning Director or of any applicable governmental enactment may be required with, or as a condition of, any approval. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.602. Review of Sign.

Sign review may be acted upon by either (1) the Planning Director, or (2) the Planning Commission, upon completion of one or more public hearings on the sign. The following identifies which sign applications may be acted upon by the Planning Director and which applications shall be acted upon by the Planning Commission:

(a) Planning Director

(1) Permanent commercial signs meeting the requirements of Section 10-9.302 of Article 3 of this chapter and Article 4 of this chapter.

(2) Permanent non-commercial signs meeting the requirements of Section 10-9.304(s).

(3) Murals.
The Planning Director may refer any of the above to the Planning Commission if, in the opinion of the Planning Director, review by the Commission is desirable.

Should a property require more than one planning application, and should any of those applications require Planning Commission review, then all planning applications associated with the property shall require Planning Commission review.

- (b) Planning Commission.
(1) sign review applications referred by Planning Director;
(2) all other sign review applications;
(3) all sign variance applications.

10-9.502 603 Criteria for Planning Commission review.

In reviewing each sign application the strike-out new: Planning Director Commission shall determine that the significant elements of the proposed sign and of its design:

- (a) Are of a size, shape, material, style, letter type, and color appropriate for the use and are aesthetically compatible with the premises and with existing improvements and the natural elements in the surrounding area;
- (b) Will not impair or interfere with the orderly and pleasing development, use, or enjoyment of other property in the surrounding area, including public lands and rights-of-way; and
- (c) Will minimize or eliminate adverse physical or visual effects which might otherwise result due to the relation and juxtaposition of such sign to:
 - (1) The scale, mass, height, area, and materials of adjacent buildings and structures, including other signs;
 - (2) Areas and rights-of-way for the containment, movement, or general circulation of persons, animals, and vehicles; and
 - (3) Other developments or improvements which may suffer a diminution or elimination of sun and light exposures, views, vistas, and privacy. (§ 2, Ord. 1010, eff. October 28, 1999)

Article 6. 7. Variance. s-:

10-9.604 701 Variance. s-

Subject to the limitations set forth in this article, the

~~Design Review Committee~~ Planning Commission may grant one or more variances in order to permit the erection and/or maintenance of signs not otherwise permitted by this chapter. The ~~Committee~~ Planning Commission shall not grant any variance unless it finds that:

(a) The strict application of the provisions of this chapter would result in unreasonable practical difficulties or in, unnecessary hardships for the applicant, which difficulties or hardships are unique to the particular applicant and his use and are not present generally, or that the strict application of the provisions of this chapter would bring about results inconsistent with the purposes and intent of this chapter; and

(b) That the granting of such application would not adversely affect the public health, safety, or welfare or be detrimental to or endanger or depreciate the property located in the surrounding area.

(c) In the case of noncommercial signs, the Planning Commission shall not consider the content of the signs in deciding whether to grant or deny a variance.

In considering each application for a variance, the ~~Design Review Committee~~ Planning Commission shall interpret the provisions of this section narrowly in order to give maximum effect to the other provisions of this chapter and shall require the applicant to demonstrate by ~~clear and~~ convincing substantial evidence his entitlement to each variance sought.

The granting of one or more variances shall not, by itself, constitute an approval of the design of a sign, but, rather, the ~~Design Review Committee~~ Planning Commission shall also consider, in the manner provided in Article 5 of this chapter, the design of each sign for which it grants a variance. The foregoing notwithstanding, any variance granted shall be applicable only to the particular design of the sign as eventually approved by the ~~Design Review Committee~~ Planning Commission in its conduct of Sign Review, and any sign erected pursuant to a variance shall be erected upon the express understanding and condition that upon any change in the use of the premises associated with the sign, the sign shall be removed unless the ~~Design Review Committee~~ Planning Commission expressly grants an appropriate variance for a sign for the new use. (§ 2, Ord. 1010, eff. October 28, 1999)

Article 8. Appeals

10-9.801 Appeals.

Any person in interest may file with the ~~Council~~ Town an appeal of any approval, disapproval, interpretation, or similar action by the Planning Director pursuant to the provisions of this chapter. Such appeal shall be subject to the same provisions as are set forth in the ~~Design Review regulations with respect to appeals~~ Chapter 4 of Title 1. Any such approval, disapproval, or interpretation which is

not so appealed shall become final upon the expiration of ten (10) days after such action is taken. (§ 2, Ord. 1010, eff. October 28, 1999)

Article 9. Nonconforming Signs

10-9.901 Nonconforming signs.

~~Any sign legally erected and maintained prior to January 7, 1971, and which does not conform with the Provision of this chapter, may continue until the happening of the first of the following events, at which time the sign shall be removed or modified to conform with the provisions of this chapter:~~

~~(a) The building upon which such sign is located is repainted, repaired, altered, modified, or changed in any manner, unless the cost of such work does not exceed five (5%) percent of the Assessor's most recent appraisal of fair market value of the building;~~

~~(b) Such sign is repaired, altered, modified, or changed in any manner, except that normal painting and maintenance which does not change the advertising on the surface sign space nor change the letters, figures, or~~

~~10-9.901~~

characters on the sign shall not require the correction of the nonconformity; or

~~(e) Three (3) years have elapsed since the initial erection of the sign or, if the original cost of the sign was more than Three Hundred and no/100ths (\$300.00) Dollars, seven (7) years have elapsed since its original erection; provided, however, nothing in this subsection shall require the removal or modification before January 7, 1972, of any _____ sign which originally cost more than Three Hundred and no/100ths (\$300.00) Dollars.~~

~~The foregoing provisions notwithstanding, any sign painted on a building face prior to January 7, 1971, which sign does not conform with the provisions of this chapter, shall be painted out to match the colors of the surrounding building surface within 180 days after January 7, 1971.~~

~~Following the occurrence of the event requiring the removal or modification of a sign, the Planning Director shall give a final notice of nonconformance to the owner. The sign shall be removed within sixty (60) days after such notice. (§ 2, Ord. 1010, eff. October 28, 1999)~~

Article 10. 2. Interpretation and Enforcement

10-9.~~1001~~ 901 Interpretation.

The Planning Director, upon the request of an actual or potential sign applicant, shall decide any question involving the interpretation of any provision of this chapter. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.~~1002~~ 902 Removal of unsafe, unlawful, or unnecessary signs.

The following signs may be determined by the Planning Director to be public nuisances. Any sign which:

- (a) Becomes unsafe, insecure, or a menace to the public;
- (b) Is constructed, erected, or maintained in violation of this chapter;
- (c) No longer advertises a bona fide business being conducted on the premises on which it is

located; or

- (d) Falls into disrepair or takes on an appearance due to the lack of maintenance.

Any **temporary** sign determined by the Planning Director as a public nuisance under subsections (a) through (d) of this section may be summarily removed and retained by the Planning Director **without the right to an appeal prior to removal. Before removal the Planning Director shall endeavor to notify the person responsible for the erection or maintenance of the sign before action is taken. However, inability to locate or notify the owner will not prevent the sign's removal.** Any such confiscated sign may be redeemed by the owner within five (5) days upon the payment of a fee established by resolution to cover the costs and expenses of enforcement.

Any permanent sign determined by the Planning Director to be a public nuisance under subsections (a) through (d) of this Section will not be removed before notice and an opportunity for hearing is provided to the person responsible for its erection or maintenance by the Director with the right to an appeal as set forth in Section 10-9.801 above. (§ 2, Ord. 1010, eff. October 28, 1999)

10-9.~~1003~~ 903 Compliance with other laws.

Compliance with the provisions of this chapter shall not relieve any person or entity from complying with the applicable provisions of **other local regulations or** any other governmental enactment or order, including, without limitation, those of the Public Utilities Commission of the State. (§ 2, Ord. 1010, eff. October 28, 1999)

AGENDA ITEM 7

TOWN OF SAN ANSELMO

STAFF REPORT
October 12, 2004

For the Meeting of October 12, 2004

TO: Town Council

FROM: Rabi Elias, Public Works Director

SUBJECT: Construction Noise

RECOMMENDATION

That Council receive the report on construction noise and provide direction to staff.

BACKGROUND

At the meeting of September 14, 2004, Mayor Chignell noted that a number of complaints have been received recently about noise, particularly from construction, and asked that staff place the issue on a future agenda for discussion.

DISCUSSION

San Anselmo Municipal Code §4-7, Loud Noises (attached), outlines the Town's rules about noise. Highlights of the ordinance include:

- General maximum noise levels – General noise levels are governed by maximum decibel levels allowed, based upon zoning, time of day and type of noise. (§4-7.104)
- Construction hours – Construction or demolition work may be performed Monday through Friday from 7 a.m. to 7 p.m.; Saturdays from 9 a.m. to 5 p.m.; and Sundays from 12 p.m. to 5 p.m. Hours are extended until 8 p.m. for work performed by homeowners or residents on their own property. (§4-7.203)
- Bald Hill plan hours – Hours of construction for areas covered by the Bald Hill Plan are limited to 8 a.m. to 4:30 p.m. weekdays only. No construction is allowed on weekends and holidays. Heavy construction truck trips are limited to 10 a.m. to 3 p.m. (Bald Hill Plan)
- Miscellaneous noise sources – Equipment such as lawn mowers, power saws, chaint saws, concrete mixers and other movable noise sources may be operated Monday through Friday from 7 a.m. to 9 p.m.; Saturdays from 9 a.m.

to 9 p.m.; and Sundays from 10 a.m. to 9 p.m. Hours are extended until 10 p.m. for work performed by homeowners or residents on their own property. (§4-7.206)

- Leaf blowers - Use of leaf blowers is restricted to Monday, Thursday and Saturday from 1 p.m. to 4 p.m., for no longer than thirty minutes at a time per property. (§4-7.207)
- General regulations – It is unlawful for any person to make loud and unnecessary noise which disturbs the peace or quiet of any neighborhood of normal sensitivity. The standards for evaluating loud or unnecessary noise include: the level of the noise and whether it is unusual or usual, natural or unnatural; the level of background noise; proximity to sleeping facilities; the nature and zoning of the area; the density of the area; the time of day or night the noise occurs; the duration of the noise; whether it is recurrent, intermittent or constant; and whether it is produced by a commercial or non-commercial activity. (§4-7.401)

ANALYSIS

In the section entitled “General maximum noise levels,” there is reliance upon sound levels measured in decibels. Decibel readings are very difficult to accurately measure, especially with ambient background noise.

Resident complaints about noise have increased in recent years. Noise complaints are most often about construction-related noise, although complaints are also received about loud music, backyard play structures and barking dogs.

Construction activity in San Anselmo is strong. As home prices continue to rise, it is often more economical to remodel the existing residence rather than purchase a new home. Large remodels can continue for many months, testing the patience of neighbors. Even small projects can drag on months, especially if the homeowner is doing the work evenings and weekends.

OPTIONS TO CONSIDER

- Further limiting hours of construction and miscellaneous noise sources – This option would be difficult in that homeowners doing work on their own homes need to be allowed to work evenings and weekends. A possibility would be to limit weekend work to homeowners/residents only.
- Placing time limits on completion of construction – Council heard a proposal in 2002 to place time limits for completing projects, with a cooling off period between new permits, as a way of encouraging completion in a timely manner. Under current rules, a permit remains active as long as work progresses, as long as there is no 6-month period with no actual work.

AGENDA ITEM 8

TOWN OF SAN ANSELMO

TOWN COUNCIL STAFF REPORT

For the meeting of 10-12-04

DATE: 10-5-04

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

**SUBJECT: DISCUSSION OF RESOLUTION ADOPTING A
REFUSE COLLECTION IMPACT FEE TO PROVIDE
FOR THE REPAIR AND MAINTENANCE OF
DAMAGED STREETS AND ROADS CAUSED BY
COLLECTION ACTIVITY.**

RECOMMENDATION

Discuss proposed garbage impact fee and provide any direction to staff.

BACKGROUND and DISCUSSION

The Town adopted a Road Impact fee of 1% of building permit valuations two years ago for construction activity. At that time the impact from the refuse collection activity was not considered. The City of San Rafael hired consultant HF&F to determine impact fees from construction activity and impact fees from refuse collection activities. The final report was completed 11-14-03 and the fee recommendations which the City adopted were a road impact fee of 1% of building permit valuations and a refuse collection impact fee of \$196,000.

Since the Town of San Anselmo and the City of San Rafael are similar in geography, residents and have the same refuse provider it is logical to use the population ratio to determine the appropriate San Anselmo fee of \$47,000.

TIMELINE

If Council directs staff to move forward with the proposed garbage impact fee, the item would be noticed in accordance with GC §66018 and the public hearing held at the

regular meeting of October 26, 2004. The fee would then be effective in 60 days, or January 1, 2005.

FISCAL IMPACT

The Town through Measure G spent around ten million dollars to bring the Town roads to a fair level. To maintain this level and not to fall back into a deferred maintenance situation the Town needs \$535,000 a year, revised from the previous estimate of \$400,000. Construction activity through the road impact fee provides around \$200,000 and the refuse collection fee would provide \$47,000. The remainder of \$288,000 would have to be funded by the Town's general fund.

IMPACT TO CUSTOMERS

In order to collect \$47,000 from garbage fees, an increase of 2.7% would be added to the current garbage rates. For a residential customer with one 32-gallon can, the rate would go from \$17.27 (the new rate effective 1/1/05) to \$17.74.