

AGENDA ITEM 1(b)

**TOWN OF SAN ANSELMO
STAFF REPORT
February 18, 2004**

For the Meeting of February 24, 2004

TO: Town Council
FROM: Janet Pendoley, Finance & Administrative Services Director
SUBJECT: Report of Warrants Issued, January 2004

RECOMMENDATION

That Council acknowledge and file warrant numbers 47677 to 47967 issued during the month of January 2004 in the amount of \$1,025,071.05. The following warrant number was voided or cancelled: 47368, 47706, 47747, 47800, 47825, 47834, 47838, and 47857.

BACKGROUND

This report is an itemization of payments made to vendors during the month just ended. It also includes warrants written to Bank of America for the month's two regular payrolls as well as reimbursements to employees for work-related approved expenditures.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment 1: Warrant Registers, January 2004

AGENDA ITEM 1(c)

**TOWN OF SAN ANSELMO
STAFF REPORT
February 18, 2004**

For the Meeting of February 24, 2004

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: Revenue and Expenditure Report, January 2004

RECOMMENDATION

That Council approve the Revenue and Expenditure Report for the period ending January 31, 2004.

BACKGROUND

The Revenue and Expenditure report is a year-to-date summary report of revenues and expenditures that is presented to the Town Council on a monthly basis. The General Fund is included in the monthly report. The purpose of these reports is to present financial information for review and discussion.

ANALYSIS

The revenue and expenditure data as of January 31st reflects financial activity transacted during 58.3% of the budget year. Revenue received, at 49%, is 2% below the level of revenue for this period last fiscal year. Revenue reflects the normal lag in receipt of periodic payments and includes the following items of note:

- Property tax distributions in December, at 49% of budget, are at the same level as last fiscal year.
- Annual business license fees are collected in large part in the early months of the calendar year. The mailing of this year's application forms to town businesses was delayed due staff's research regarding the initiation of an administrative fee. Staff concluded that an ordinance revision is needed in order to implement such a fee. This source of revenue should show significant gains in the two months.
- Sales Tax revenue at 45%, reflects a one month lag and as such is off the budget target (50%) by 5% or \$50,000. Recent projections published by the State Board of Equalization show taxable sales statewide picking up during 2004 by approximately 6%. Although San Anselmo businesses may not enjoy this level of increased sales, it is hoped that the current negative trend will be reversed.
- As noted in previous reports, the impact of the State Budget's "trigger gap" of the Motor Vehicle License Fees, estimated at \$146,540, was implemented entirely in the first four months of the fiscal year, which resulted in lower than normal receipts. In addition, the October fees were down approximately 50% of normal, presumably due to a desire by consumers to wait for the new governor's actions. Although recent months' allocations have increased somewhat, they have not been enough to bring the income level back to the budgeted target. Revenue from this source continues to trail the budget target by 9%, or approximately \$50,000. The level of revenue from this source continues to be uncertain for 2003-04.

- LAIF investment returns continue to be very disappointing. Interest earnings for the quarter ending December 31st, at the apportionment rate of 1.56%, were received subsequent to this reporting period.

Expenditures, at 57%, appear to be stable level across major categories presented on page 1 of the report with the exception of Training, Publications & Dues (at 68%). As noted below, this is due in part to the hosting of the Marin County Council of Mayors and Councilmembers' (MCCMC) dinner, and in part to payment of annual League of California Cities' dues. Expenditures also appear to be at a stable level across departments presented on page 2 of the report with only a few exceptions:

- Legal Services expenditures (at 63%) reflect payment for litigation services incurred during the first 6 months (50%) of the fiscal year only.
- Town Council expenditures (at 98%) reflect annual election costs as well as funds fronted to host the MCCMC dinner in January 2004 for which reimbursement was received subsequent to this reporting period.

BUDGET REVISIONS:

The following budget revisions were made during this report period:

- \$14,717 budget increase in the General Fund revenue and expenditure budgets to recognize additional Safety Program dollars as a result of the Town's participation in 02-03 Bay Cities JPIA training activity. These funds have been earmarked for the purchase of an Emergency Operations Center (EOC) generator. This revision has no impact on the General Fund reserve.
- \$402 budget increase in the General Fund revenue and expenditure budgets to recognize receipt of donations designated for the Library department. This revision has no impact on the General Fund reserve.
- \$6,800 budget transfer from the General Fund Contingency and increase in the Capital Projects Fund revenue and expenditure budgets to fund the traffic and noise studies conducted for the skateboard park development. This revision was approved by the Town Council on January 27, 2004 via Resolution #3676. It has no impact on the Capital Projects Fund reserve. It reduces the General Fund reserve from \$86,712 to \$79,912.
- \$27,573 increase in the Measure G Fund expenditure budget to fund the Town's contributions to the Nokomis Bridge and Log Cabin drainage projects. This revision was approved by the Town Council on January 27, 2004 via Resolution #3676. It reduces the Measure G Fund reserve from \$543,570 to \$515,997.

CONCLUSION

In reviewing the financial data particularly as it compares to the prior year, the Town's revenue collections and spending levels appear to be within reasonable ranges for this report period.

In comparison to the previous fiscal year, however, total revenue lags behind by 2% due primarily to the uncertain Sales Tax collections, interest earnings and the MVLFF situation. Expenditures are right on target, but the 03-04 budget does not offer the opportunity for the level of savings that were achieved during the second half of 02-03 via the freezing of vacancies. These numbers signal that at best the current year budget is very tight and may not result in the excess carryover revenue available in past years for funding capital and equipment items. At worst, loss of the Sales Tax and MVLFF revenue may reduce the Town's General Fund ending balance significantly.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachment #1: Revenue and Expenditure Report, January 2004

AGENDA ITEM 1(d)

TOWN OF SAN ANSELMO
Staff Report
February 17, 2004

For the meeting of February 24, 2004

TO: Town Council
FROM: Ron Little, Recreation Director
SUBJECT: FINANCIAL REPORT ON RECREATION FUND

RECOMMENDATION

That Council approve the Recreation Fund Revenue and Expenditure Report for the period ending January 31, 2004.

BACKGROUND

The Recreation Department offers a wide array of programs throughout the fiscal year. Most of the programs are seasonal in nature and revenue is collected in advance, with expenditures following after a time lag. This is the fourth monthly financial analysis on the Recreation Fund.

DISCUSSION

At just past the halfway point of the current fiscal year, the attached Revenue and Expenditure Report Summary for the Recreation Fund shows that both the actual revenues and expenditures still fall well within range of the YTD 2002-'03 and 2001-'02 actual figures.

Actual revenue continues to exceed actual expenditures by a comfortable margin. Additionally, actual revenue compares favorably with last fiscal year's revenue figures. Although spring registration for recreation programs began on January 27, most of the spring revenue will be realized in February 2004.

On the expenditure side, staff has been holding the line and has worked diligently to keep expenses below last fiscal year's levels. Staff continues to explore cost-savings and revenue generating opportunities.

Respectfully submitted,

Ron Little
Recreation Director

AGENDA ITEM 1(e) – Continued to March 9, 2004

AGENDA ITEM 1(f) – Continued to March 9, 2004

AGENDA ITEM 2

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

For the Meeting of February 24, 2004

TO: Town Council

FROM: Debra Stutsman, Town Administrator

SUBJECT: Appointments to Arts Commission, Historical Commission, and Mosquito Abatement District

RECOMMENDATION

That Council appoint one member to the Arts Commission, one member to the Historical Commission, and one member to the Mosquito Abatement District.

BACKGROUND

The Arts Commission has a membership of nine seats. The Commission presently has one vacancy, to term expiring in October, 2006. Council has interviewed one candidate, Donna Seager.

The Historical Commission has a membership of fifteen seats. The Commission presently has two vacancies to terms expiring in September, 2007. Council has interviewed one candidate, incumbent Patricia Swenson.

San Anselmo's seat on the Mosquito Abatement District is vacant, to a term expiring in December, 2006. Council has interviewed one candidate, Jim Lammers.

Their applications are attached.

Respectfully submitted,

Debra Stutsman
Town Administrator

Attachment

AGENDA ITEM 3

**TOWN OF SAN ANSELMO
STAFF REPORT
February 18, 2004**

For the meeting of February 24, 2004

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Budget Update

RECOMMENDATION

That Council acknowledge and file the budget update report; approve recommendation to accept donation from the Friends of the Library to keep the Library open on Mondays through June 30, 2004; and accept funds from the Friends of SAVE to maintain the SAVE Assistant position through June 30, 2004.

BACKGROUND

Projected revenues for 2003-04 are coming in short of projections, and it is possible that the Town could experience up to a \$300,000 shortfall by the end of the fiscal year. In addition projections for 2004-05 show revenues falling short of expenditures by \$700,000 to \$1 million. Council appointed a subcommittee of Councilmembers Breen and Thornton to work with the Town Administrator on budget solutions. To date, the following actions have been taken to reduce expenditures:

- For budget year 2003-04, five positions were frozen for the full year, including the Town Clerk/Human Resources analyst, a Maintenance Worker I in Parks, two police officers and one police dispatcher.
- Expenditures for overtime, training, and supplies have been severely curtailed.
- Fees have been increased in the Police and Planning Departments.
- One Police sergeant is attending a 6-month training and State pays 80% of salary and expenses.
- Janitorial services at the Isabel Cook Center have been absorbed by the Parks Department.
- Administrative Services Assistant I position in Public Works/Planning has been frozen.
- Maintenance Worker I position in Street Crew has been frozen.
- Town Council monthly stipend of \$99 has been eliminated.
- Legal expenditures are reduced to only those deemed necessary.
- Uncommitted funds of \$80,000 in Contingency are frozen.

DISCUSSION

At the meeting of February 10, 2004, the Council voted by a 3-2 margin (Chignell, Kroot dissenting) to close the Library on Mondays effective March 1, 2004, saving \$6,600. Since that meeting, the Friends of the Library have met and propose to donate the \$6,600 to the Town with the purpose of keeping the Library open on Mondays through June 30, 2004. This contribution would be a one-time gift and similar support is not possible after June 30.

On the same vote, the Friends of SAVE were asked to consider contributing \$4,000 toward the salary of the SAVE assistant for the period March 1 to June 30. The Friends of SAVE have since met and offered to make this contribution to the Town.

Also as a result of action at the February 10 meeting, at its meeting of February 12 the Ross Valley Fire Board directed the Fire Chief and Executive Officer to review the Fire Department budget for cost saving measures.

OUTSTANDING ISSUES

- Meeting with employee groups – The Marin Association of Public Employees (MAPE) representative has asked for more time to meet in advance with smaller groups of employees before meeting with management. Staff has already met with the San Anselmo Police Officers Association (POA) President and the management group.
- Options for revenue enhancement – Staff has been researching the various options available to the Town for raising revenue. Staff recommends that Council consider raising the Municipal Services Tax, currently set at \$78 per living unit and per 1,500 square feet of structure of nonresidential use. Should the Council wish to put a measure on the November 2004 ballot, it would require a unanimous vote of Council declaring a fiscal emergency, in that it is not a regular election of Councilmembers. The current \$78 maximum tax was set in 1983. Further analysis is necessary to recommend the amount of any new tax.

CONCLUSION

Special thanks go to the Friends of the Library, the Library Advisory Board, the Friends of the San Anselmo Volunteer Effort, and the Volunteer Advisory Board for stepping forward during these difficult economic times to help maintain services in the Town. Staff will continue to provide updates on the budget situation at each meeting.

Respectfully submitted,

Debra Stutsman
Town Administrator

AGENDA ITEM 4

TOWN OF SAN ANSELMO STAFF REPORT

February 18, 2004

For the meeting of February 24, 2004

TO: Town Council
FROM: Debra Stutsman, Town Administrator
SUBJECT: Landscape Design Competition

RECOMMENDATION

That Council consider the request of the San Anselmo Chamber of Commerce to hold a Landscape Design Competition in conjunction with the San Anselmo Art & Design Festival.

BACKGROUND

The 2004 San Anselmo Art & Design Festival will feature a number of new home design elements, including a cooking demonstration stage and a home and garden demonstration stage. This will be one of the first festivals of its kind in the Bay Area, combining traditional arts and crafts with home & garden design at an outdoor street festival.

In line with this concept, the Chamber and the promoter propose having a professional landscape design competition for the event.

DISCUSSION

The plan is to invite a number of local landscape designers to create a semi-permanent landscape installation on Town property, as follows:

- The location of the competition would be the median between San Anselmo Avenue and Sir Francis Drake Blvd, between Ross and Mariposa Avenues.
- The approximately 325 feet of median would be divided into 20 to 30 foot sections and assigned to ten (10) local designers to design and plant the section.
- The competition would be judged by local celebrities or a panel of judges.
- Prizes for the competitions have not been confirmed, but would include publicity and promotion associated with the event.
- The landscaping would be completed no later than one week before the Festival weekend.

An overview of the competition prepared by the Chamber of Commerce is attached. The innovative proposal would create a professionally landscaped, attractive median area with no initial cost to the Town.

ISSUES

The median area under discussion is currently landscaped with pine trees and shrubs. Several years ago a large accumulation of bottlebrush and manzanita was cleared away at the urging of merchants who felt visibility from Drake Blvd. would be advantageous to business. There is no apparent water hookup on the median, although staff is pursuing whether water might be available at the site. Presently Town maintenance is limited to mowing weeds several times a year with a large-wheeled mower.

Staff's main concern about the proposal is the ongoing maintenance of the site given the Town's difficult fiscal situation. Newly landscaped areas require regular watering. Even if a water hookup is located on the site, staff time or Town funds would be needed to hand water or to install an irrigation system. If water onsite is not available, the watering process becomes even more cumbersome and time consuming with 55-gallon drums. Weeds growing in a landscaped area require more staff time to hand weed or carefully weed whack, as opposed to running a large mower over the area.

CONCLUSION

The Landscape Design Competition proposal is an intriguing new concept that deserves serious consideration. If the issues around limited Town resources for maintenance can be overcome, the results would be a professionally landscaped area of which the Town could be proud.

Respectfully submitted,

Debra Stutsman
Town Administrator

AGENDA ITEM 5

TOWN OF SAN ANSELMO **TOWN COUNCIL STAFF REPORT**

For the meeting of 2-24-04

DATE: 2-17-04

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Sir Francis Drake Blvd. Bridge Rail and Walkway Replacement project. Approve Creegan and D'Angelo Consulting Civil and Structural Engineers to perform the design engineering and construction management.

RECOMMENDATION

Approve Creegan and D'Angelo Consulting.

DISCUSSION

This project is a federally funded HBRR grant. The scope of the work is to replace the bridge railing, which is deteriorating, and replace the metal walkway, which is rusting and corroding.

An RFP was sent to six companies. We received three proposals. A selection committee selected Creegan and D'Angelo, refer to attached documentation.

FISCAL IMPACT

	TOTL COST	TOWN SHARE
Design Engineering	\$ 48,000	\$ 5,506
Construction	\$185,000	\$21,219
Construction Management	\$ 27,000	\$ 3,097
Total	\$260,000	\$29,822

Town Share will be from Measure G funds.

ATTACHMENTS

- Documentation for the consultant informal selection.
- RFP letters of request.
- RFP
- Proposals

AGENDA ITEM 6

**TOWN OF SAN ANSELMO
STAFF REPORT
February 18, 2004**

For the Meeting of February 24, 2004

TO: Town Council

FROM: Janet Pendoley, Finance & Administrative Services Director

SUBJECT: 2.7% AT AGE 55 RETIREMENT PROGRAM FOR LOCAL MISCELLANEOUS MEMBERS OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM;

1. APPROVAL OF RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFONRIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO; AND
2. INTRODUCTION AND FIRST READING OF ORDINANCE NO.-----AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM AND THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO

RECOMMENDATION

1. That Council approve the attached Resolution of Intention to approve an amendment to the contract between the Board of Administration of the California Public Employees' Retirement system and the Town Council of the Town of San Anselmo, for the purpose of extending the 2.7 percent at age 55 retirement program to local miscellaneous (non-safety) members of the Public Employees Retirement System;
2. That Council introduce and waive the first reading of an ordinance authorizing an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the Town Council of the Town of San Anselmo, for the purpose of extending the 2.7 percent at age 55 retirement program to local miscellaneous (non-safety) members of the Public Employees Retirement System.

BACKGROUND

Like most municipalities in the state, the Town of San Anselmo contracts with the California Public Employees Retirement System (PERS) for a retirement program for its employees. The contract provides one retirement plan for safety personnel (sworn police officers and firefighters) and another plan for all other employees enrolled in the pension program, termed "miscellaneous employees."

The 2002-2005 collective bargaining agreement with the Marin Association of Public Employees (MAPE) provides that effective July 1, 2004 the Town Council will modify the retirement plan for the miscellaneous members to the 2.7% at age 55 formula. The Town currently contracts with PERS for the 2.0% at age 55 for miscellaneous employees. The contract for safety employees provides a 3% at age 50 retirement plan.

DISCUSSION

Under the 2.7% at 55 retirement plan, employees are eligible to retire at age 55 with a pension equal to 2.7% of salary for every year of service in the PERS program. The same formula based on years of service applies to the current 2% at 55 retirement plan.

The Town entered into this agreement with MAPE with the intention of making the Town more competitive in the local labor market.

ANALYSIS

For San Anselmo, PERS has projected that modifying its retirement plan for miscellaneous employees to the 2.7% at 55 formula will cost \$1,386,550 (in current dollars) over the next 20 years. This number includes both employer and employee contributions and is calculated as the present value of those contributions. PERS does not project rates for the plan beyond 20 years.

The specific actuarial information from PERS, required to be disclosed prior to adoption of the amendment, is as follows:

Change in present value of benefits:	\$1,386,550
Increase in Actuarial Value of Assets:	0
Change in the accrued liability:	\$919,328
Change in the employer rate, 2004-05:	11.363%
Change in rate prior to change in benefit:	5.065 %
Change in rate due to change in benefit:	6.298%
Change in employee rate, 2004-05:	.968%

FISCAL IMPACT

The modification to the 2.7% at 55 retirement plan is projected to cost the Town \$1,386,550 (in today's dollars) over the next 20 years. The employer contribution for 2004-05 without an upgrade is scheduled to increase by \$117,225 due to a rate increase from 2.9% to 8.0%. The plan enhancement will cost an additional \$138,328 due to an employer rate increase of 6.3% and an employee rate increase of 1%. The total cost of employer and employee contributions above the 2003-04 amount is \$255,553.

CONCLUSION

In order to implement the modification to the retirement plan, the Council must pass the Resolution of Intent to modify the agreement with PERS to provide the 2.7% at 55 retirement plan, and adopt an ordinance authorizing the modification to the agreement. There must be at least 20 days between the approval of the resolution and first reading of the ordinance and the final adoption of the ordinance. Due to the change in the employee contribution rate, an employee election is required prior to the adoption of the ordinance.

If the resolution is approved, and Council introduces the ordinance, the adoption of the ordinance would be scheduled for the Council meeting of March 23, 2004. The plan would be eligible to go into effect on July 1, 2004.

Respectfully submitted,

Janet Pendoley
Finance and Administrative Services Director

Attachments: Attachment #1 Resolution of Intention
 Attachment #2 Ordinance No. _____ authorizing an amendment to the
 contract with PERS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM

WHEREAS, the Town Council of the Town of San Anselmo has approved a resolution of intention to approve an amendment to the contract between the Board of Administration of the Public Employees Retirement System and the Town Council of the town of San Anselmo, in order to provide the 2.7% at 55 retirement plan to local miscellaneous members of the Public Employees Retirement System,

The Town Council of the town of San Anselmo does ordain as follows:

Section 1.

That an amendment to the contract between the Town Council of the Town of San Anselmo and the Board of Administration , California Public Employees Retirement System, marked Attachment 1, and by such reference made a part hereof as though set in full.

Section 2.

The Mayor of the Town Council of the Town of San Anselmo is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the Town of San Anselmo.

Section 3.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the Ross Valley Reporter, a newspaper of general circulation published and circulated in the County of Marin, and thenceforth and thereafter the same shall be in full force and effect.

I hereby certify that this Ordinance was duly adopted and approved this _____ day of _____, by the Town Council of the Town of San Anselmo, at a regular meeting thereof, by the following vote, to wit:

AYES:

NOES:

ABSENT:

MAYOR

ATTEST:

TOWN CLERK

AGENDA ITEM 7

**TOWN OF SAN ANSELMO
STAFF REPORT**

February 17, 2004

For the Meeting of February 24, 2004

TO: Town Council

FROM: Lisa Wight, Senior Planner

SUBJECT: Appeal of Planning Commission's conditional approval of a sign near the top

of the building, subject to design conditions not on the applicant's proposal, specifically: 1) the chevron insignia/shield be blue, rather than red; and 2) the size of the sign and chevron insignia be reduced such that the "b" letter would be reduced from a 48" height to a 36" height, making the overall sign 75% of that proposed at 305 San Anselmo Avenue, APN 7-282-20

RECOMMENDATION

That the Town Council upholds the Planning Commission's conditional approval of the sign, thereby denying the appeal.

APPLICANT/APPELLANT: Ken Fisher for US Bank, 1014 Timothy Drive, San Jose 95133

BACKGROUND: **January 5, 2004:** Planning Commission conditionally approved (ayes:3/noes:2) a sign near the top of the building, subject to design conditions not on the applicant's proposal, specifically: 1) the chevron insignia/shield be blue, rather than red; and 2) the size of the sign and chevron insignia be reduced such that the "b" letter would be reduced from a 48" height to a 36" height, making the overall sign 75% of that proposed.

DISCUSSION OF APPEAL

Appeal points are noted in *italics*, followed by staff's comments in normal font.

- *“The Bank would like the sign of original size in the application. They would like to use their standard logo colors of a red and white shield with blue letters.”*

The Planning Commission did not support the size of the proposed sign because although it would be in scale with the building, the building is much larger than current Code allows, and, therefore, the existing smaller, previously-approved sign should remain. Concerns regarding the red shield were that the existing, previously-approved blue color was more appropriate on this building.

DISCUSSION OF REQUIRED FINDINGS FOR APPROVAL

Sign Review

1. *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;*

The Planning Commission felt that the wall sign would not be a size appropriate for the use and would not be aesthetically compatible with existing improvements in the surrounding area, and that the blue background for the chevron insignia/shield would be more compatible with the existing building color.

2. *Will not impair or interfere with existing improvements and the natural elements in the surrounding area;*

Due to its size and color, the Commission felt that the wall sign would interfere with existing improvements in the surrounding area. The wall sign would be much more visible from the residential Barber Tract.

3. *Will minimize or eliminate adverse physical or visual effects which might otherwise result due to the relation and juxtaposition of such sign to:*
 - a) *The scale, mass, height, area, and materials of adjacent buildings and structures, including signs;*
 - b) *Areas and rights of way for the containment, movement, or general circulation of persons, animals, and vehicles; and*
 - c) *Other developments or improvements which may suffer a diminution or elimination of sun and light exposures, views, vistas, and privacy.*

The Commission felt that the wall sign would not minimize adverse visual effects, which might result due to the relation of such sign to the scale and mass of the area.

RECOMMENDATION

- To uphold the Planning Commission's conditional approval of the application, thereby denying the appeal.
- Should the Council vote to grant the appeal and thereby approve the project without the two added conditions, staff recommends the following conditions of approval:
 1. Approval is based on the plans date stamped received by the Town on December 15, 2003;
 2. All conditions of approval shall be printed at the top of Sheet 1 of the Building permit drawings.
 3. Should construction not begin within one year from the date of this approval, the approval shall be considered null and void. A one-time-only, one-year extension can be requested in writing to the Planning Director prior to the expiration date.

Attachments: Appeal
Planning Commission minutes and staff report for January 5, 2004
Plans and APN map

c: Ken Fisher

1014 Timothy Drive
San Jose, California 95133

Location

305 San Anselmo Avenue, APN 7-282-20

Request

Sign review and sign variance for a 2-sided 5.76 square foot projecting sign on the wall near the doors and a 148 square foot wall sign near the top of the building, both located on the San Anselmo Avenue wall elevation (Code maximum total signage: 150 square feet).

Recommendation

Approval of the projecting sign and denial of the wall sign.

Previous Action

August 4, 2003: Planning Commission continued the hearing for scaled elevations.

2003: Administrative approval of two signs with square footage total of 33 square feet:

1) Near roof facing San Anselmo Avenue: 27 square feet; and 2) projecting from building: 2.88 square feet each side, which equals 5.76 square feet.

1997: Administrative approval of three signs with square footage total of 79 square feet (although 3 exceeded the Code maximum of 2 signs, it was a reduction from the 1990 approval of 5 signs, so administrative action was taken):

- 1) Near roof facing San Anselmo Avenue: 35 square foot sign - internally illuminated individual mounted letters: ' Bay View Bank': white acrylic face;
- 2) Near roof facing Ross Avenue: 35 square foot sign - internally illuminated individual mounted letters: ' Bay View Bank': white acrylic face; and
- 3) Near doors facing San Anselmo Avenue: 9 square foot (4.5 sq ft each side) non-illuminated projecting sign: 'Bay View Bank': blue background with white letters.

1990: Planning Commission variance approval of five signs totaling 93.5 square feet (Code maximum: 2).

I. PROJECT DESCRIPTION

A scaled elevation has been submitted depicting the sign in its proposed location. Note that it extends significantly wider than the two previously approved 'Bay View Bank' sign and the 'US Bank' sign.

The proposed projecting sign is similar in design as the temporarily installed sign, with the exception that the US would be on a red background, rather than a blue background. The combined square footage of the signs at 154 square feet would exceed that approved in 1997 by 75 square feet, exceed that approved in 2003 by 121 square feet, and exceeds the Code maximum by 4 square feet. Staff cannot make the findings to support the larger sign near the roof. The required findings of aesthetic compatibility and having minimal adverse visual effects due to its scale and mass cannot be made. The sign would be too large even for this building. It would cover an area more than double the length of the sign currently installed.

II. REQUIRED FINDINGS FOR APPROVAL

III. RECOMMENDATION

To approve the projecting sign and refer the wall sign back to the applicant for design reconsideration.

Report prepared by: