

M·A·R·A

THE MONTECITO AREA
RESIDENTS' ASSOCIATION

The MARA News

Winter 2003–2004 Edition

Montecito Area Residents' Association

P.O. Box 150266

San Rafael, CA 94915-0266

Our "Make a Difference" Days

Twice a year the City sponsors a weekend for residents to "make a difference" with a neighborhood cleanup or a beautification project.

In July, MARA chose to beautify a weed-covered triangle at Park and Jewell streets. This was the first of six such areas throughout the neighborhood that MARA plans to improve in the future. These triangles are created where streets meet at an angle. The City has retained such property so that nothing is built there to obstruct the vision of drivers approaching the particular intersection.

Cory Bytof, the coordinator for the Volunteer Program, is definitely a "hands-on" volunteer himself. On the weekend of July 26, Cory showed up early and worked alongside MARA members to pull roots, cut out ivy, and place decorative rockwork.

After the plot was cleared, other members installed irrigation, planted ground cover, and mulched the area. MARA member Randy Dodd arranged for the plot to receive water, and the plants are thriving. After the winter rains, it is expected that the groundcover will have spread considerably and will turn the unused area into a well-landscaped addition to the neighborhood. ➤



New Rules on Second Units

To Be Legal or Not to Be Legal

With the highly publicized Legalization Incentive Program (LIP) for the possible legalization of illegal units—which MARA supports—we felt we should publish a way to report potentially illegal second dwelling units, given their near-epidemic status in some neighborhoods.

Many second units cannot be legalized due to building-code violations, lack of offstreet parking, or health- and safety-code violations.

On the most recent "Make a Difference" Weekend" (October), despite a heat wave, volunteers showed up at Mission and Union to "pitch in." They gathered trash from the streets and trimmed back excess vegetation that encroached on the sidewalks along Union Street.



ROLLED-UP SHIRTSLEEVES BRIGADE

IN HONOR OF WORK DONE
ON THE MARA TRIANGLE
AT PARK AND JEWELL STREETS

• 2003 •

John Beales

Cory Bytof

Randy Dodd

Laurel Garver

Vickie Hatos and Stephanie

Scott Kaplan

Doug & Lynn Mason

Kurt & Jackie Schmidt

Sid Waxman



What Constitutes a Second Dwelling Unit?

In San Rafael, a "dwelling unit" is defined as "one or more rooms designed, occupied, or intended for occupancy as separate living quarters for the exclusive use of one household, with a kitchen, sleeping facilities, and sanitary facilities." A "second dwelling unit" is "an additional separate dwelling unit meeting defined standards as specified in Section 14.17.120 (of the Zoning Code), and [is] located on the same lot as a single-family dwelling."

The City of San Rafael is very supportive of people's adding second dwelling units (also called ➤

(New Rules on Second Units—cont'd)
mother-in-law or granny units) on property as a source of affordable housing. However, the City Council has adopted a policy of aggressive enforcement against illegally created second units.

What Makes a Second Unit Legal?

Prior to 1950, zoning codes in San Rafael allowed two families to reside on a single-family parcel. Between 1950 and 1983, second units were not allowed at all. However, since June 1983, zoning codes have provided for second units with approval of a use permit by the Planning Commission and the issuance of a building permit. Therefore, the construction date of a second unit is an important component in determining legality.

Another factor in determining the legality of a second unit is establishing whether the unit contains a kitchen (as defined in Section 14.17.120 of the Zoning Code) and is occupied by a separate household. Enforcement of this is difficult, as some older San Rafael single-household homes were built with upstairs and downstairs kitchens. Also, some homes have wet bars or minikitchens in family rooms or pool cabanas.

Consequently, the best proof of the presence of two separate households is a copy of a lease between a renter and the property owner, or the offering of the second unit for rent. Second units approved since 1983 are also subject to deed restrictions, which require that the property owner reside onsite. If the owner does not inhabit either the principal dwelling or the second unit, occupancy of the second unit is considered illegal.

How Should a Potentially Illegal Second Dwelling Unit Be Reported?

The general telephone number for San Rafael's Code Enforcement Division is 485-3097.

To report a possible violation, describe the unit location, the nature of the violation, any supporting evidence available, and your name and telephone number as the person filing the complaint. The generated complaint form is not made available to the public, and the name of the person making the complaint remains anonymous.

Second Street Repaved

At long last, Second Street has been repaved—one of the few projects to receive approval at present, when the City's funding has been so limited.

Proposed Parking Changes at Whole Foods

Whole Foods Market has applied for permission to remove buildings at 14 and 16 Mary Street to provide additional parking for its customers.

Vehicles would then be able to enter and exit on either Mary or Union Street, thus easing some of the congestion at the present Union Street entrance.

At MARA's request, Nader Mansourian, head of the City Traffic Department, surveyed the traffic flow in and around Third and Union. He has suggested broadening Union by the fire station to add a left turn lane. However, since this is not on the list of preapproved areas for improvements, the City Council would have to review it first.

Aldersly Celebrates Rejsegilde

Rejsegilde (pronounced RAY • suh • GEE • uh) is a Danish tradition that marks the completion of the roof framing of a building when the last truss is in place—a kind of “crowning out.”

The owner of the new building treats the workers to beer and *akvavit* (a dry, ginlike Scandinavian spirit flavored with caraway seeds), then to lunch, with more beer and *akvavit*. It is said that if the owner fails to do this, there will be problems with the building—the roof will leak or the chimney won't draw properly.

A pole with wreaths is placed at the highest point to let everyone know this is as high as the building will go.

On November 5, many local friends and neighbors and the construction crew joined Aldersly residents to celebrate this “crowning out” of their new Assisted Living Facility. When completed, the facility will have thirty apartments—eighteen studios and twelve one-bedrooms—with thirty-three parking spaces beneath. A delivery area for large trucks has also been created on Belle Avenue to improve the flow of traffic around Aldersly.

Cyr Miller of the San Rafael City Council commended Aldersly on this project and the value of the building addition to the surrounding community. To Aldersly's credit, it consulted with architects, the City of San Rafael, and its neighbors for several years before commencing work.

Interestingly, site excavation slowed when the contractors unearthed layers of building foundations, some dating back eighty years.

Construction is now expected to be completed by April 1, 2004.

Construction Continues at San Rafael High School

Storage units, heavy trucks, and randomly placed chain-link fencing will continue to dominate the SRHS campus for the next two years as, area by area, the structure is stripped to its concrete bones and reconstructed. Of priority to the project are asbestos removal and modernization.

The classrooms and library on the upper floor of the Liberal Arts wing have been completed, including all new cabinets, and improved communications and security systems in the library. Elevators, ramps, and bathrooms with handicap access have been installed. The Music and Computer Science buildings are next on the list to receive the same type of renovation.

Funding comes from the \$9 million allocated to SRHS in the 1999 School Bond Issue. A further \$24 million in bond funds will be spent on classrooms but will also include site improvements. At present, meetings are being held to create a Master Plan for this phase of the project. The committee includes Montecito residents Matt Guthrie, Alastair Cumming, and Linda Jackson.

This is the time for area residents to voice their concerns and make comments to MARA (to contact MARA, see back page). Some of the improvements we are suggesting are sidewalks and noise control. We are also concerned that Terra Linda High School's use of the football field taxes the facility unduly and requires extra costs to be borne by San Rafael taxpayers in terms of overhead (lighting, maintenance, staffing, and cleanup) and earlier-than-expected replacement. Use of other fields needs to be better managed to compensate SRHS for cost of upkeep.

Noise Ordinance a Last Resort

Source: *San Rafael City Focus*, Winter 2003
(www.cityofsanrafael.org)

Part of the pleasure of living in the Happy Valley area (our Montecito neighborhood) is the quiet that can be enjoyed here.

Late-night hammering, the early-morning whine of a leaf blower, and noisy parties may be more than annoying—they may be illegal—and the City of San Rafael has an enforceable noise ordinance in place to help counter these things when simple, straightforward, courteous communication fails.

Constant noise in residential and industrial areas must fall within specified decibel limits day and night:

- *General noise* is limited to specified decibels from Sunday through Thursday between 7:00 a.m. and 9:00 p.m. and Friday and Saturday to 10:00 p.m.
- *Residential power equipment* may be used only from 8:00 a.m. to 8:00 p.m. Monday through Friday, or 9:00 a.m. to 6:00 p.m. on a Saturday or Sunday.
- *Professional construction and delivery* are limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 6:00 p.m. Saturday, and never on Sunday.
- An exception is made for *garbage collection*, which can be from 6:00 a.m. to 9:00 p.m. Monday through Saturday for residential and mixed-use property, and 4:00 a.m. to 9:00 p.m. daily for industrial or commercial property. (This exception allows trash pickup during the cooler part of the day and keeps trucks from congesting traffic during the morning rush.)

To report a violation, call the San Rafael Police Department at 485-3000. An officer will measure the level of sound and, if the complaint is valid, issue a warning. If the violation is repeated within six months, the offender will be issued an infraction citation, and after that a misdemeanor charge.

If you have questions regarding noise in your area, call Sgt. Jonathan Bean at 485-3039.

Success\$ful October Yard Sale

Many neighbors participated (profitably) in the Annual MARA-sponsored neighborhoodwide yard sale that took place on Saturday, October 18.

To promote the event, MARA volunteers delivered flyers throughout the area and placed newspaper ads. On the day of the sale, board members Scott Kaplan and John Beales put up signs and delivered balloons to identify the many sales sites.

Watch for notice of our next big Montecito-area yard sale and be sure to take full advantage of it.

Mystery Lines Explained

Overnight, wide white lines appeared inside the curb along San Rafael High's perimeter. The striping, done prior to a cross-country race, was likely for the safety of the student runners, who in the past have sometimes run in the street despite traffic.

Trees—20/20 Foresight

The City of San Rafael, after years of meeting with residents and representatives of the neighborhood associations, is now finalizing its 20/20 General Plan, which will direct policy until the year 2020. ↗

(Trees—20/20 Foresight—cont'd)

While we await publication of this plan, we need to appreciate the foresight of earlier planners who chose to put thousands of trees along our streets. Some of these trees are about a hundred years old. They provide changing beauty throughout the year, give us shaded walkways, and help absorb traffic noise.

When MARA president Jackie Schmidt saw trees being removed along Grand and Belle avenues, she contacted Tom Rothenberg of the Parks Department, who said that, even after discrete pruning, some elms infected with dutch elm disease had to be removed by his crew. The elms have since been replaced.

Among the replacements are crape myrtle, which may be seen along Grand Avenue near Mission. This tree gets its name from its crinkled flower petals, which resemble crape (crêpe) paper. During the fall we enjoy the large, six-inch clusters of bright pink blossoms, soon followed by leaves of brilliant yellow, orange, and red. These trees are not plagued by mildew or other diseases and are well suited to the Marin climate.

Present budget restrictions have scaled back the work the Parks Department can do, but some American sweetgum (*Liquidambar styraciflua*) trees also had to ➤



Your Valuable Input

It takes all kinds of stitch-in-time jobs to keep our neighborhood a place we enjoy living—everything from beautification and cleanup to block parties and yard sales, from “watchdogging” City planning and building departments about new construction requests,

be removed when their shallow roots lifted sidewalks and created a hazard for pedestrians.

The liquidambar tree is large and spreading and is often mistaken for maple because the leaves are similar—its leaves are lustrous and bright green above, paler beneath. They are also distinguished by their prickly seed balls and beautiful fall colors. The cut bark exudes a sweet, fragrant liquid used to make perfumes, and the wood is used to make furniture.

As we plan for the future, it is important to continue to care for our trees. Not only do they provide a wonderful, parklike place for us to live, they serve as living reminders of our local heritage.

Like to Join MARA?

To become a MARA member or renew your annual membership, send your name, address, telephone number, and e-mail address (if you wish) along with a \$10 check (\$5 for seniors) payable to “Montecito Area Residents’ Association” c/o MARA, P.O. Box 150266, San Rafael, CA 94915-0266. Members should either be residents of the Montecito area or retail, commercial, or other organizations located in the neighborhood.

to putting out a newsletter. Find out what you can do to make a difference:

- Attend our once-monthly board meeting (second Wednesday, 7:00 p.m. to 8:00 p.m.) at the San Rafael Conference Center, 750 Lindero Street (at Second).
- E-mail us at MARA@cwnet.com.
- Write to us at P.O. Box 150266, San Rafael 94915.

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