

**TOWN OF SAN ANSELMO
TOWN COUNCIL STAFF MEETING**

For the meeting of June 24, 08

DATE: 6-20-08

TO: Mayor and Council Members

FROM: Rabi Elias, Public Works Director

SUBJECT: Appeal of Public Works Director's decision to require sidewalk at 14 Beverley Way as public improvements.

Background and discussion:

Per Title 9 Chapter 9 of the San Anselmo Municipal Code, the Public Works Director can require public improvements as a condition of building permit issuance. In this case frontage improvements consisting of new four feet sidewalk were required as an infill towards a continuous safe and accessible sidewalk. Only one property with a small frontage will be left before a complete side walk will be established on that side of the road. The adjacent neighbor was recently required to install a sidewalk and he complied.

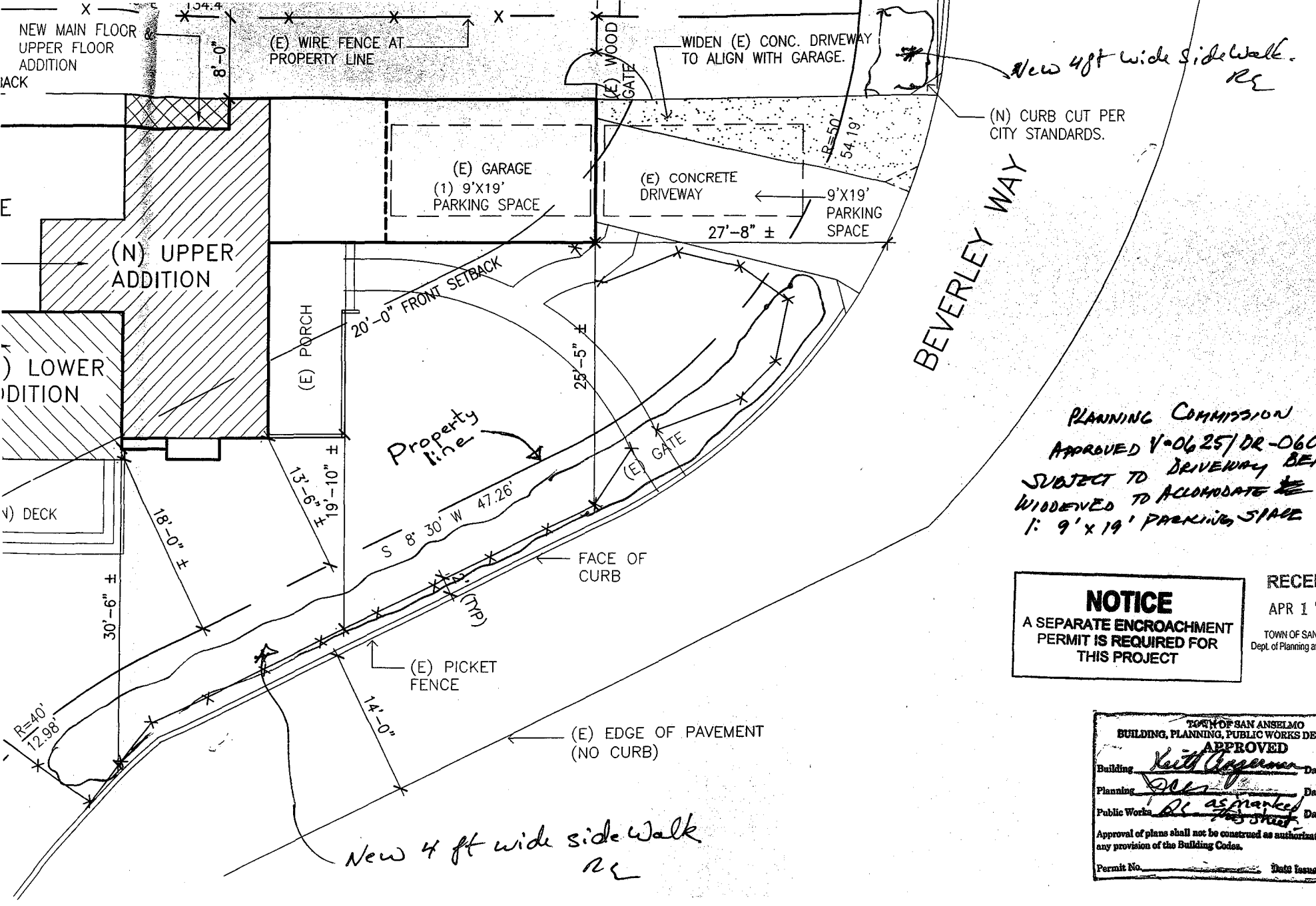
An existing picket fence would have to be relocated in order to install the sidewalk.

The existing fence and part of the landscaped yard is in the Public right-of-way as indicated on the plan attached.

Attachments:

Plan showing the location and the sidewalk requirement.

The appeal document.



PLANNING COMMISSION
 APPROVED V-0625/DR-0608
 SUBJECT TO DRIVEWAY BEING
 WIDENED TO ACCOMMODATE
 1: 9'x19' PARKING SPACE

NOTICE
 A SEPARATE ENCROACHMENT
 PERMIT IS REQUIRED FOR
 THIS PROJECT

RECEIVED
 APR 17 2008
 TOWN OF SAN ANSELMO
 Dept. of Planning and Public Works

TOWN OF SAN ANSELMO
 BUILDING, PLANNING, PUBLIC WORKS DEPARTMENTS
APPROVED

Building Keith Caserman Date 4/17/08
 Planning RC Date 4/16/08
 Public Works RC as marked Date 4-23-08

Approval of plans shall not be construed as authorization to deviate from any provision of the Building Codes.

Permit No. _____ Date Issued _____

2

Rabi

TOWN OF SAN ANSELMO
525 SAN ANSELMO AVENUE
SAN ANSELMO, CA 94960-2682
(415)258-4600

Appeal Fee: \$420.00

APPEAL OF ADMINISTRATIVE OR PLANNING COMMISSION ACTION

Appellant's Name and Address:

Greg + Liz Chambers

14 Beverley Way

Daytime Phone:

454-4002

Address of Subject Property (if applicable):

14 Beverley Way

Date of Action: 6-3-08

Action being appealed: requirement we install sidewalk

Reason(s) you are appealing the action:

Please see attached.


Signature of Appellant

6-11-08

Date

An appeal must be filed with the Town Clerk within ten days of the Planning Commission action or the administrative action being appealed.

SIDEWALK APPEAL

14 BEVERLEY WAY, SAN ANSELMO

LIZ and GREG CHAMBERS
454-4002

APPEAL OF ADMINISTRATIVE OR PLANNING COMMISSION ACTION

Elizabeth and Greg Chambers
14 Beverley Way
San Anselmo, CA 94960
(415)454-4002

SUBJECT PROPERTY: 14 BEVERLEY WAY

We are requesting a review of the decision by the Public Works/Town Engineer to require us to install a sidewalk as part of our house remodel. We would like you to overturn the decision to require installation of a sidewalk. Although we understand that a sidewalk is desirable and necessary in many parts of San Anselmo, we don't believe it is necessary or appropriate here and are appealing the sidewalk decision for the following reasons:

- (1) We believe that it is unnecessary due to the lack of traffic on our cul-de-sac and is better served in areas located on streets commonly accessed by pedestrians and as thoroughfares to schools and other locations where safety is an issue;
- (2) A sidewalk will significantly diminish the useable portion of our yard and will cause a threat to our children with the creek directly across the street from us;
- (3) A sidewalk will disrupt the quaint feel of our street.

Background Information

We purchased our house at 14 Beverley Way in July of 2007 after searching throughout Marin for the perfect neighborhood. San Anselmo is just that, a perfect blend of character and hominess with a fabulous downtown and unbeatable public schools. We feel so grateful to have found a home here. Unfortunately the home is 2 bedrooms and 1200 square feet, just a little small for our family of five. A remodel was going to be required from the outset of purchasing the house. Now we are in the process of having our building permits finalized and beginning construction any day. Very recently we learned from friends that part of this process is a determination of whether a sidewalk would be required on our property. To find out more, on June 3, 2008, I went to the Building Department and asked at the counter whether a decision had been made concerning a sidewalk for our property. I was told that Public Works/Town Engineer requires a sidewalk as part of our permit. My heart fell; We love this yard as it is and know that this house will lose something very special if we are required to take out part of our front garden to put in an unnecessary cold gray concrete sidewalk.

- (1) Beverley Way is a four house cul-de-sac, or dead-end street off of Mountain View. Across the street from our house is the creek. Three of the Beverley Way houses are on our side of the street with a single house located on the creek side.

Traffic is non-existent on this street. The only people who come down this street are the neighbors who live here. There is no purpose for a sidewalk; there is nowhere to go. The

street ends at a fence separating town homes from the cul-de-sac. Those town homes have no access to Beverley Way.

Our remodel will not increase traffic on this cul-de-sac. We are simply adding bedrooms due to the fact that our three small boys currently share one room.

(2) Our property is unusually shaped. Viewed from above, it appears like a slice of pie. The property has a wide front yard, narrow east side yard, and small back yard. When we bought the house last summer, a fence already encircled the yard: perfect for keeping our now three year-old away from the creek across the street.

At the narrowest point, our front porch is just seventeen feet from the fence. A sidewalk would take away four of those feet and we would need to replace the fence to contain our youngest child. We would lose lawn area where the children play while providing a sidewalk that leads to a dead-end.

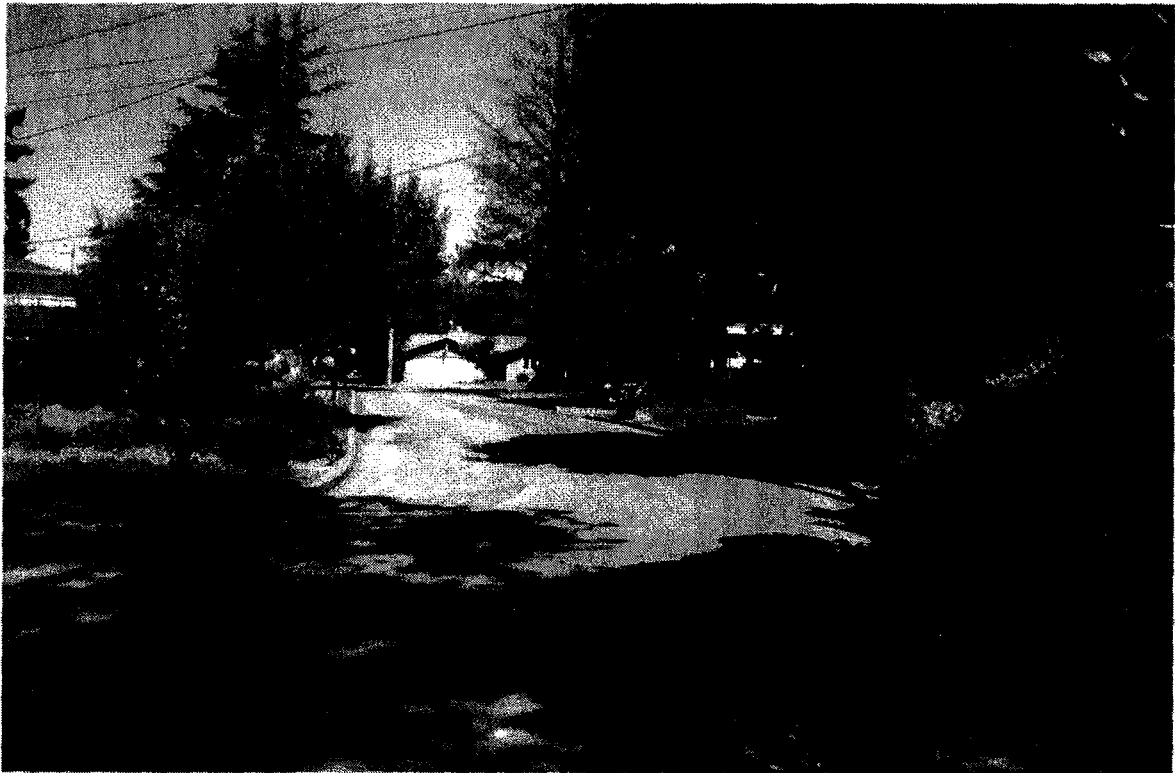
(3) Our street feels quaint and filled with nature, not the place for a sidewalk. We think our street will lose something if a sidewalk is required to meet up with Mountain View. The relaxed nature of our street will be compromised and nothing will be gained.

Finally, two friends we have met over the last few months are in the process of remodeling their homes, or just beginning such work. One of those projects is on Mountain View Avenue, another is on Suffield Avenue. Neither of those jobs was required to add sidewalks as a requirement to receive their permits. Yet, both of these streets would seem much more likely places to require a sidewalk.

Mountain View Avenue leads directly to Sir Francis Drake Boulevard and is traveled by high school students every day on their way to and from school. Suffield Avenue, we are told, is an alternate "Safe Routes to School" street. It would appear that direct links or paths to the public schools are much better places to require sidewalks. We agree sidewalks are good for the town in certain locations or situations: downtown, streets leading to schools, or where public safety is an issue. However, our house and our street do not fall under those banners: We are situated one house away from a dead-end.

Conclusion

Please overturn the sidewalk decision. We so want to keep the quaint feel to our street, protect our children from the potential dangers of the creek, and keep the size of our front lawn which is the most usable portion of our yard. The lack of a sidewalk will not interfere with the safety of this street as the only pedestrian and street traffic comes from the four families that live on this street. Nothing will be gained, but the enjoyment of our property will be severely compromised.



View of Beverley Way looking towards
Mountain View Ave.



↑
mountain view

Brown shingled house
is 7 Beverley Way

5.7.



View of the Boehm's house at
end of street. Our house is
next door

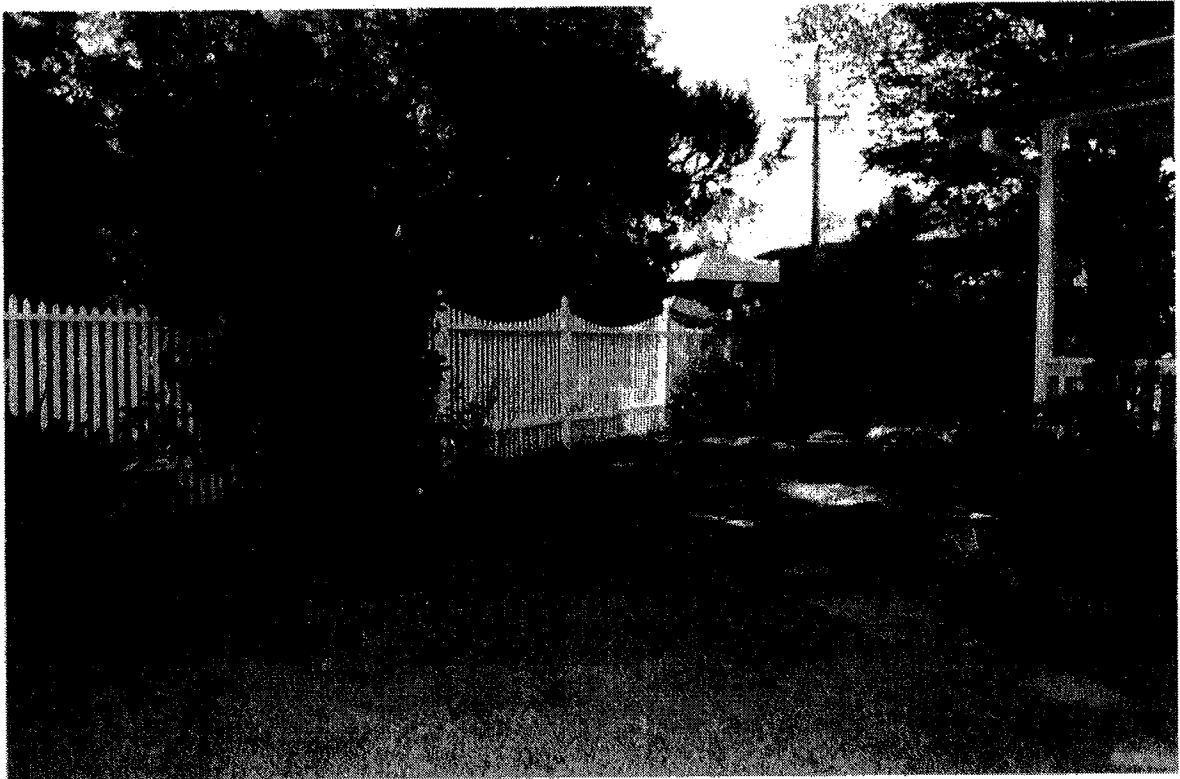


12 Beverley Way - next door
to ~~us~~ us.



The creek across from us and
dead end of street



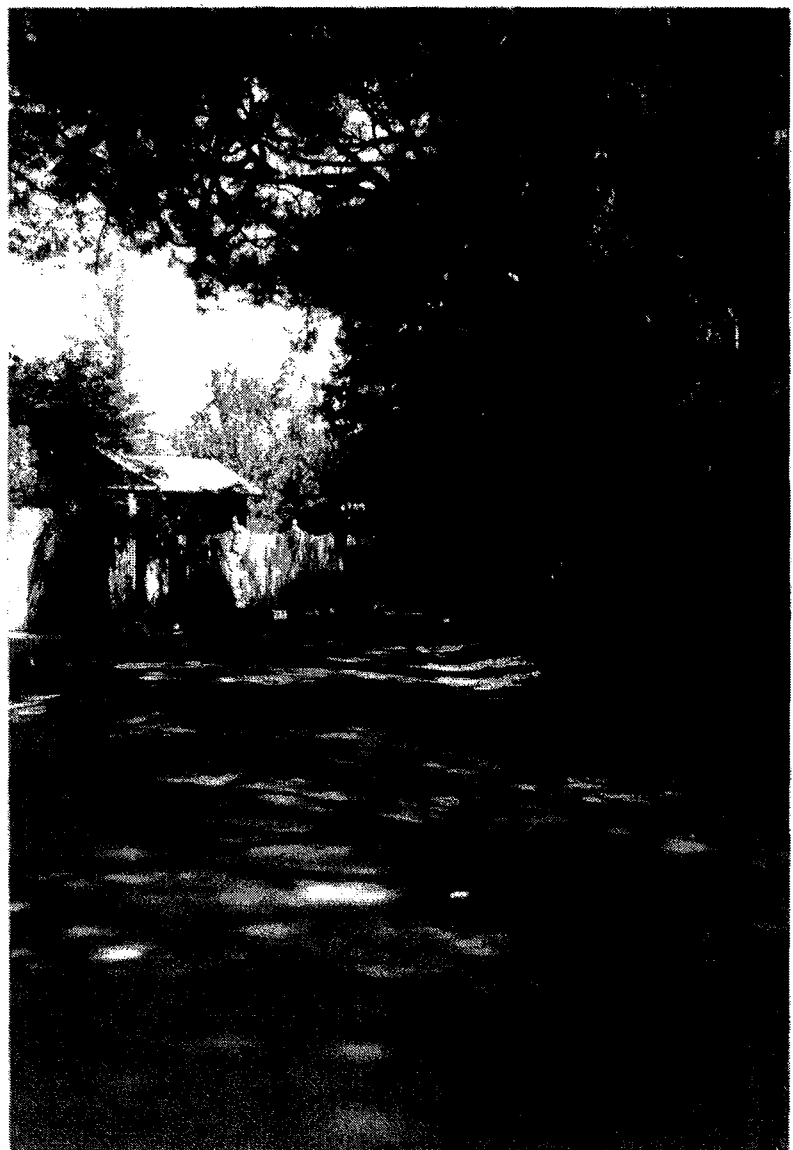


View of our yard



our plum tree next
to fence

more of
A Beverley-
our house



Building Department
Town of San Anselmo
525 San Anselmo Ave.
San Anselmo, CA
94960

Russell P. Boehm
18 Beverley Way
San Anselmo, CA
94960

June 10, 2008

Re: 14 Beverley Way Sidewalk

Dear Sirs:


My neighbors, the Chambers, at 14 Beverley Way, will soon be remodeling their home. I'm told the Building Department is requiring a sidewalk to be installed in front of their property. I ask the San Anselmo Building Department to change their decision and allow the Chambers to keep their front yard intact.

Beverley Way is a cul-de-sac with only four homes on it. The street gets virtually no automobile traffic and has the quaint ambiance of years long past.

In certain situations, sidewalks are a needed public right of way that provide pedestrian safety. The decision to construct a sidewalk in front of the Chambers' home provides neither.

Please allow the Chambers to keep their front yard as-is. The Town of San Anselmo needs to acknowledge that under certain conditions, sidewalks are unnecessary.

Thank you,


Russ Boehm
415 717-0001