

**TOWN OF SAN ANSELMO  
PLANNING COMMISSION STAFF REPORT**

**For the meeting of March 1, 2009**  
**Agenda Item D-4**

**Applicant / Property Owner:**

Dennis Allan Odgers  
811 Treat Ave. #2  
San Francisco, CA 94110

**Case No.:**

UP-1005

**Project Location**

122 Sycamore Avenue, APN 006-083-16

**Request**

Use Permit to demolish a single family home and garage located in the R-1 zoning district that was determined to be a public nuisance by the Town Council on January 12, 2010.

**Recommendation**

Conditional approval

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**I. PROJECT SUMMARY**

**Previous Action**

1984                      Town Council rezoned the property from R-1 to R-2.

January 12, 2010      Town Council determined that the property is a public nuisance and that all structures must be removed.

**Environmental Determination**

Categorically Exempt: CEQA Section 15303(a) – One single-family residence, or a second dwelling in a residential zone.

**Authority**

San Anselmo Municipal Code: Article 13 Conditional Use Permit.

## Timing

A determination must be made within 60 days of the project being deemed complete which is April 20, 2010.

## II. STAFF ANALYSIS

The property at 122 Sycamore Avenue has been abandoned for several years and has remained in a state of dangerous disrepair that presents health and safety concerns. The property owner has been notified by the Town on several occasions regarding the problematic conditions on the property. On January 12, 2010 the Town Council held a public hearing and adopted a resolution determining the existence of a public nuisance, and ordering the property owner to abate the public nuisance and reimburse the Town for its costs and fees. The resolution also requires that the property obtain approval from the Planning Commission of a use permit to demolish all of the structures on the property (Attachment 2)

There are no records that the home or the garage has any significant historical value that is worth preservation.

## III. CONDITIONS OF APPROVAL

1. All conditions of approval required within Town Council Resolution # 3896 shall remain in full force and effect, including but not limited to the condition which requires that the property owner shall obtain a building permit for the demolition of all structures on the site within ten (10) calendar days of the Planning Commission's approval of a use permit.
2. The property owner shall indemnify and hold harmless the Town of San Anselmo and its officers and/or employees in the event of any legal action related to or arising from the granting of this entitlement and shall cooperate with the Town in the defense of any such action, and shall indemnify the Town for any award of damages and/or attorneys' fees and associated costs that may result.

Prepared By:

  
Phil Boyle  
Senior Planner

### Attachments:

1. Application
2. Resolution #3896

**PLANNING APPLICATION FORM  
TOWN OF SAN ANSELMO PLANNING DEPT**

**RECEIVED**

**JAN 25 2010**

TOWN OF SAN ANSELMO  
Dept. of Planning and Public Works

<b>For PLANNING COMMISSION action:</b> <input type="checkbox"/> Annexation <input type="checkbox"/> General Plan Amendment <input type="checkbox"/> Design Review (hillside, commercial, multi-family, 5'-8' residential setback additions to existing dwellings) <input type="checkbox"/> Precise Development Plan <input type="checkbox"/> Second Unit Use Permit <input type="checkbox"/> Sign Review <input type="checkbox"/> Parcel Map/Tentative Map/Vesting <input checked="" type="checkbox"/> Tentative Map/ Lot Line Relocation <input checked="" type="checkbox"/> Use Permit* <input type="checkbox"/> Variance** <input type="checkbox"/> Zone Change from _____ to _____ <input type="checkbox"/> Other	<b>For ADMINISTRATIVE action:</b> <input type="checkbox"/> Adm. Design Review (commercial) <input type="checkbox"/> Admin. Design Review (hillsides) <input type="checkbox"/> Admin. Design Review (flatlands) <input type="checkbox"/> Admin. Design Review (5'-8') <input type="checkbox"/> Ministerial Design Review (2 <sup>nd</sup> Units) <input type="checkbox"/> Admin. Design Review (5'-8') <input type="checkbox"/> Administrative Variance <input type="checkbox"/> Minor Exception <input type="checkbox"/> Sign Review - Conforming <input type="checkbox"/> Other (LLR, Parcel Merger, etc)
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Job Site Address: <i>122 Sycamore Ave</i>	Assessor Parcel No.: <i>00608316</i>	Zone: <i>R-2</i>
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Property Owner(s) Name: <i>Dennis Allan Odgers</i>	Phone Numbers: Home: <i>415 970-0886</i> Work: <i>415 970-0886</i>	Fax Number: Cell Phone: <i>415 515-9360</i> E-Mail: <i>dennisodgers@aol.com</i>
Mailing Address: <i>811 Treat Ave, #2</i>	City: <i>San Francisco</i>	State/Zip: <i>CA 94110</i>
Applicant(s) Name (contact person): <i>Dennis Odgers</i>	Phone Numbers: Home: <i>415 970-0886</i> Work:	Fax Number: Cell Phone: <i>415 515-9360</i> E-Mail: <i>dennisodgers@aol.com</i>
Mailing Address: <i>Same</i>	City: <i>San Francisco</i>	State/Zip: <i>CA 94110</i>

TYPE OF APPLICATION	ACCT NO.	FEE
Annexation/Design Review-Residential/General Plan Amendment/Lot Line Adjustment/Tentative Map/Use Permit/Variance/Zoning Amendment	01.57.705	\$ 1,200 (1)(2) <i>1200</i>
Administrative Design Review	01.57.705	\$ 600
Administrative Variance	01.57.705	\$ 720
Minor Exception	01.57.705	\$ 238
Admin. Commercial Design Review	01.57.705	\$ 360
Ministerial Residential Second Unit	01.57.705	\$ 720 (1 <sup>st</sup> four hours)
Sign Review (conforming)	01.57.705	\$ 119
Temporary Outdoor Display	01.57.705	\$ 100
Certificate of Compliance	01.57.705	\$ 1,920
Plan Storage	01.24.02	\$ 2 per/pg
Environmental Review/Negative Declarations/ Environmental Impact Reports	01.57.705 01.24.20	\$ 1,600 (3) Consultant cost plus 20%
Peer Review	01.24.30	Consultant cost plus 20%
General Plan Maintenance Fee	01.57.710	10% of application fee <i>120</i>
Planning Technology Fee	01.57.711	5% of application fee <i>60</i>
Planning Training Fee	01.57.712	5% of application fee <i>60</i>
Appeals	01.57.705	\$ 504
Additional Planning Deposit and Research Fee \$119/hr	01.24.20	
<b>TOTAL APPLICATION FEE</b>		<b>\$ 1,440</b>

**PROJECT DESCRIPTION**

*Demolition of existing house and garage structures.*

**GENERAL INFORMATION (IF APPLICABLE):**

	Existing	Proposed
Lot Size		
Dwelling Size	1st story: 2nd story:	1st story: 2nd story:
Garage		
Deck(s)		
Porch		
Lot Coverage or FAR <sup>1</sup>		
Dwelling Height Above Grade (roof peak)		
No. of Stories		
On-Site Parking <sup>2</sup>		
No. of spaces		
Size of spaces		
Zoning		
Flood Zone		

1. **Lot Coverage** applies to flatland residential in R-1, R-2, and R-3 zones and to Professional zones. It is defined as the land area covered by all buildings and improvements with a finished height above grade of 36" or more, including all projections except for eaves which project less than 2' from the face of a building.

**Floor Area Ratio (FAR)** applies to hillside residential in R-1, R-1-H and R-1-C zones, and to Commercial zones. It is defined as the ratio between the total floor area of a building(s) on a lot and the area of that lot in gross square feet.

2. Minimum parking dimensions are 9' wide by 19' long by 7' high.

*Restrictions: Are there any deed restrictions, easements, etc. that affect the property, and, if so, what are they?*

*Dennis Odgers*  
 \_\_\_\_\_  
 Signature of Property Owner

*Dennis Odgers*  
 \_\_\_\_\_  
 Signature of Applicant

*1-25-10*  
 \_\_\_\_\_  
 Date

*1-25-10*  
 \_\_\_\_\_  
 Date

**RESOLUTION NO. 3896**

**A RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF SAN ANSELMO ORDERING ABATEMENT OF A PUBLIC  
NUISANCE AT 122 SYCAMORE AVENUE IN SAN ANSELMO**

WHEREAS, the property located at 122 Sycamore Avenue ("the property") is owned by Property Owner Dennis Odgers;

WHEREAS, the property is dangerous or harmful to persons who may go upon such property;

WHEREAS, the property has been abandoned and in disrepair for several years;

WHEREAS, the property's condition violates the Town Municipal Code, International Property Maintenance Code, and California Health and Safety Code;

WHEREAS, the property owner has not submitted the required planning application form and building application (demolition form) and requisite fees to the Town;

WHEREAS, the property owner received written notice from the Town on July 23, 2009 that he had 30 days to abate the nuisance or the Town would schedule a public nuisance hearing;

WHEREAS, the property owner received notice on October 22, 2009 and December 21, 2009 that the Town staff had scheduled a public nuisance hearing for January 12, 2010 before the Town Council regarding the property; and

WHEREAS, a public nuisance hearing was held on January 12, 2010 before the Town Council to determine whether the property constitutes a public nuisance;

NOW, THEREFORE, BE IT RESOLVED that the Town Council hereby determines the existence of a public nuisance at 122 Sycamore Avenue in San Anselmo; and

BE IT FURTHER RESOLVED that the Town Council imposes against the property owner the following timeline and costs:

• By **January 26, 2010**, the property owner is required to complete and submit the following documents to the Town in order to demolish the structures on the property:

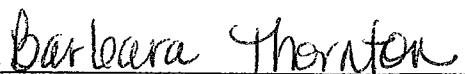
- (1) Planning Application Form (Town form);
- (2) Acknowledgement of Planning Permit Processing Costs (Town form);
- (3) Town Use Permit Supplemental Questionnaire (Town form);
- (4) Town Building Permit Application for Demolition (Town form);

(5) Bay Area Air Quality Management District Permit and Permit Number (from Bay Area Air Quality Management District)


- By **January 26, 2010**, the property owner shall pay all applicable fees to the Town for the planning application, Use Permit and building permit.
- The property owner shall obtain approval from the Planning Commission of a Use Permit to demolish all of the structures on the property; per Title 10, Article 13- Conditional Use Permit of the San Anselmo Municipal Code.
- Within ten (10) calendar days from the Planning Commission approval, the property owner shall obtain a building permit for the demolition.
- Within **thirty (30) calendar days from the date of issuance of the building permit** for the demolition project, the property owner must obtain a final inspection sign-off for demolition of the structure on the property (garage and house).
- The property owner shall reimburse the Town for its costs including staff/administrative time/costs related to abatement and all reasonable attorneys' fees incurred by the Town in the total amount of \$6,898.50.
- The property owner shall pay a penalty rate of \$1,000 per day (not to exceed \$100,000) for the property owner's failure to meet any of the above compliance dates with the penalty to accrue daily until the item(s) is/are satisfied.
- Pursuant to Town Municipal Code, 1-2.05, if the property owner fails to abate the nuisance within 30 calendar days from the date of issuance of the building permit, the Town staff shall abate the nuisance (demolish the structures on the property). The expense of the abatement shall constitute a personal obligation of the property owner.

The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on January 12, 2010, by the following vote:

AYES: Coleman, Kroot, McInerney, Thornton  
NOES: None  
ABSENT: Greene

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Town Clerk