

RECEIVED

SEP 29 2021



TOWN OF
SAN ANSELMO
EST. 1907

TOWN OF SAN ANSELMO
BUILDING, PLANNING & PUBLIC WORKS

525 San Anselmo Avenue, San Anselmo, CA 94960-2682
www.townofsananselmo.org
(415) 258-4600 | Fax (415) 459-2477

Appeal Fee for Non-Applicant: \$837.00

Appeal Fee for Applicant: \$2,614.00

APPEAL OF ADMINISTRATIVE OR PLANNING COMMISSION ACTION

Appellant's Name and Address:

Brooke Peterson 20 Lincoln Park
San Anselmo

Hassan Afrookteh u

Daytime Phone and Email:

415-377-8446 btsterlingpeterson@gmail.com

415-377-8442 afrookteh@comcast.net

Address of Subject Property (if applicable): 9 Laurel Ave. San Anselmo, CA

Date of Planning Commission action or date of written notice of administrative action:
9/20/2021

Action being appealed: Denial of application for design review, variance to allow one parking space to be created in the north side setback, and allow an area in the front setback to be used as a parking space, variance to maintain the existing structure to allow for demolition over 50%

Reason(s) why the action should not be sustained. (San Anselmo Municipal Code Sec. 1-4.03)

Please see a letter from Law Offices of John E. Sharp dated 9/28/2021 detailing the reasons why the Planning commission denial of the application should not be sustained attached to this application.

Signature of Appellant(s)

Date

9/28/21
9/28/21

A written appeal shall be filed with the Town Clerk within 10 calendar days after receipt of written notice of the administrative decision which is being appealed or within 10 calendar days after the Planning Commission decision. (San Anselmo Municipal Code Section 1-4.02)

Law Offices of
JOHN E. SHARP
24 Professional Center Parkway, Suite 110
San Rafael, CA 94903

John E. Sharp
john@johnsharplaw.com

Telephone: (415) 479-1645
Facsimile: (415) 295-7020

September 28, 2021

HAND DELIVERED

Mayor Brian Colbert
and Members of the San Anselmo Town Council
525 San Anselmo Avenue
San Anselmo, CA 94960

Re: ***Appeal of Hassan Afrookteh and Brooke Peterson: Planning Commission
Action of 9/20/21***

Dear Mayor Colbert and Members of the Council:

This office represents Appellant, Hassan Afrookteh and Brooke Peterson, ("Appellants"), with reference to the action of the Planning Commission ("Commission"), taken on September 20, 2021, denying Design Review, Parking Variance, and Demolition Permit for 9 Laurel Avenue, San Anselmo ("the Project"). Please include this correspondence in the Administrative Record of proceedings. Please provide this office with any and all notices, agendas, and staff reports and/or other communications pertaining to the Project and appeal.

The basis of the appeal is that, in denying the Project, the Commission abused its discretion inasmuch as the Commission's decision was unsupported by substantial evidence. The Commission abused its discretion insofar as its decision was not supported by proper findings, nor were any purported findings supported by substantial evidence. (Code of Civil Procedure 1094.5(b)). To the contrary, the evidence supported approval of the Project and the Commission acted arbitrarily and in excess of its jurisdiction.

Substantial evidence is defined in, without limitation, *Topanga Assn. for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506. Among other things, the *Topanga* decision requires that the Commission determine whether substantial evidence exists to support the findings set forth in the Town Code. Moreover, the findings must bridge the analytic gap between the raw evidence and the denial of the entitlements considered by the Commission on September 20. In this instance, the failure to follow Section 1094.5, Town Code, and related authority occurred inasmuch as the Commission appears to have pre-determined that Appellants

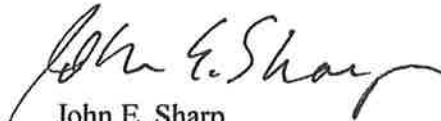
Mayor Brian Colbert
Members of the San Anselmo Town Council
September 28, 2021
Page 2

would not receive approval of anything involving a second story, then worked backward from this conclusion.

Appellants reserve the right to supplement his appeal, including submitting further correspondence, up to and including at the time of the hearing.

Thank you for your attention to these matters.

Very truly yours,
LAW OFFICES OF JOHN E. SHARP



John E. Sharp

JES/aea

cc: Client