

RE 570 Live Oak Lane -Responses to "Other Considerations" Listed in Mr. Cox's Appeal to Project Approvals by San Mateo County Staff and Planning Commission

1. *I am requesting to overturn the Planning Commission's decision to approve PLN2019-00400 until durable remediation actions are taken to meet the Cal Fire's Conditions of Approval requirements dated August 31, 2022 for this project (see Exhibit 1) as well as maintaining a turnaround for Public Safety, Ecology and SMC Sewer trucks during construction. At the Planning Commission meeting held on July 26, 2023, I shared a proposal (see Exhibit 2) to meet all of the above requirements and Steve Menowitz, Director of Community Development stated: "Making Live Oak Lane wider seems to make sense" but ultimately discounted the approach based on cost instead of public safety. To address the question of cost, I will have an estimate ready for my proposal to discuss with the Board of Supervisors and seek buy-in from my neighbors for this expense.*

Response: It is not the responsibility of the owners of 570 Live Oak Lane to address a problem that impacts the entire neighborhood. The Director of Planning & Building was very straightforward in this rejection of this appeal issue during the Planning Commission Hearing. Like any project, some disturbance during construction is to be expected.

2. *Fire Captain/Deputy Fire Marshal Tyler Sturm of Cal Fire has repeatedly stated to me access concerns related to this project and he pre-approved me including this information. As of this Appeal, he is also uncertain why Cal Fire has not been given the opportunity to review and comment on the updated building plans that includes an ADU that would typically trigger such actions.*

Response: All changes since the Design Review approval were done in a way which need not trigger a need for the Fire Department to reconsider their project approval. All changes are within the existing envelope of the building previously approved; access, turnaround etc. were not changed in any way. We have no control over plan routing for review and are doing our best now to make sure the Fire department has full visibility to approve this project in its final form.

3. *Fred Herring failed to show Cal Fire's Conditions of Approval requirements to the Planning Commission, so the approval decision was made without this information. Instead, Mr. Herring showed a letter from 2019 from Cal Fire regarding the Alternative Methods and Means related to the fire suppression system.*

Response: All project Conditions of Approval (including those of the Fire Marshal) were reviewed by County Staff. Those conditions were included in the Staff Report in which approval by the Planning Commission was recommended.

4. *Cal Fire's Conditions of Approval requirements were shared with me in November 2022 by the Department of Public Works employee Diana Shu. Ms. Shu stated at that time that she would notify Cal Fire of my concerns but only contacted this organization 7 months later upon my further request. In*

addition, despite me coping in her manager, Khoa Vo, in a subsequent email correspondence with Ms. Shu I still have not received a response. A separate email to DPW has also be ignored.

In email correspondence that I was bcc'ed on by Mr. Herring from August 2019, Ms. Shu met with Fred Herring and provided guidance to make his lot of greater value. Given the above silence towards my clarifying email related to the ownership/maintenance of the Live Oak Ln roadway, this feels like an unfair bias towards Mr. Herring ty the DPW

Response: I would be very happy to believe that the Department of Public Works (and Diana Shu in particular) will forever consider my projects in an unfairly positive light. Sadly, I fear DPW will continue to treat my submissions in the same way they treat submittals by other applicants.

5. I feel the Planning Commission was biased towards the applicant as illustrated in the closing remarks of Planning Commissioner Frederick Hansson who stated: "This (design) is imaginative, organic and it looks like folds to the contour of the hiffs I love it! Although not in attendance on July 26, 2023, Ms. Shu who has unanswered my emails is also a member of the Planning Commission.

Response: Can positive commentary by a Planning Commissioner at Public Hearing be reasonably described as an "unfair bias" in my favor? I'll be happy to benefit from more comments like those of Commissioner Hansson at future hearings.

6. *Excerpt :1 Access shall be at a minimum of 20 feet wide, all weather capability and able to support a fire apparatus weighing 75,000 lbs.*

Response: As a long-term owner of 545 Live Oak Lane, I am not aware of any calculation performed on the privately built road to support the 75.000 pound requirement and this roadway is 10 feet of less over a 120-foot section. These criteria are not met.

Response: Live Oak Lane is a 20° right-of-way. The paved roadway is (as noted by Mr. Cox) sometimes as narrow as 10'. This has been the circumstance for many years. Years during which many homes (including Mr. Cox's 545 Live Oak Lane home) were designed, permitted and constructed. If this standard Condition of Approval did not apply to all the other homes on this street, it is a similarly inappropriate requirement at 570 Live Oak Lane. Furthermore, the proposed project at 570 Live Oak increases the width of the turning area at the end of the existing paved way and makes a bad situation notably better.

7. Excerpt 2: Where a fire hydrant is located in the access. a minimum of 26 feet is required for a minimum of 20 feet on each side of the hydrant.

Response: the architect, Fred Herring, fails to show in the drawing provided to Cal Fire the fire hydrant and the requirement of 20 feet in each direction from the fire hydrant with at least 36 feet across. Even after construction, the 20 foot segment south of the fire hydrant is only 13 feet to 21 feet across thus failing the 26 foot requirement.

Response: The fire hydrant which will provide water to protect the home at 570 Live Oak Lane is immediately opposite the proposed home (at the foot of Mr. Cox's driveway). The hydrant is within

the 20' wide public right-of-way. That hydrant appears on multiple sheets of project drawings. The requirement cited by Mr. Cox is as inappropriate (and impossible to provide within the available right- of-way) at 570 Live Oak Lane as it was when Mr. Cox's 545 Live Oak Land home was approved and constructed.

8. *Excerpt 3: this access shall be provided from a publicly maintained road to the property. The publicly maintained Live Oak Lane roadway ends at the mailboxes located at 550 Live Oak Lane. The road leading to the proposed building site of 570 Live Oak Lane is not publicly maintained by the homeowners of 566, 588 and 545 Live Oak Lane thus failing this criterion too.*

Response: One project Condition of Approval (proposed by DPW) is the clear differentiation of the public/private boundary where new improvements at 570 Live Oak Lane reach the paved street within the right-of-way. These new private improvements (which will allow improved turning area for emergency vehicles at the end of Live Oak) will be maintained by the owners of the 570 Live Oak Lane home.