

Written Public
Comment(s) for Item No. 4



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January 18, 2024

Hon. President Warren Slocum, Hon. Vice President David Canepa, and Members of the Board of Supervisors
County of San Mateo
400 County Center
Redwood City, CA 94063

RE: Letter of Support for *Hopeful Horizons: Empowering Lives Initiative*

Dear Hon. President Slocum, Hon. Vice President Canepa, and Members of the Board of Supervisors,

For seven decades, the San Mateo County Economic Development Association (SAMCEDA) has been a leading voice for the economic engine that is San Mateo County. SAMCEDA believes in the power of a strong economy driven by an appreciation of what that engine provides to our ecosystem on the Peninsula.

By working with employers of all sizes and industries, engaging with our public sector and our elected leadership, recognizing that we have 21 individual jurisdictions (20 cities and one county) and collaborating and communicating with the Chambers of Commerce, non-profit organizations and our educational institutions, SAMCEDA tackles the most difficult challenges through goal-oriented solutions.

On behalf of SAMCEDA, we support the proposed new Chapter 3.109 of Title 3 of the San Mateo County Ordinance Code, *Hopeful Horizons: Empowering Lives Initiative*. This would provide shelter at an available *Shelter Location* to those experiencing homelessness and prohibits unregulated encampments on public property in San Mateo County.

The County has and continues to be a leader on housing and homelessness issues. The Board of Supervisors, County Executive, and your teams work tirelessly to support our most vulnerable and this ordinance will strengthen your efforts.

We appreciate your consideration of this vital ordinance for those experiencing homelessness.

Sincerely,

Rosanne Foust
President & CEO, SAMCEDA

From: [Cathy Baird](#)
To: [CEO BoardFeedback](#)
Subject: Item 4: Hopeful Horizons - please delay the vote
Date: Sunday, January 21, 2024 3:48:14 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Supervisors:

The Encampment Ordinance would criminalize homelessness in unincorporated San Mateo County by enabling the County to clear encampments anytime a shelter bed is available. This is not necessary for health and safety of encampments, since concerns such as substance use and fire hazards are already criminalized. We should not define homelessness itself as criminal, since homelessness is primarily a problem caused by the high cost of housing.

(https://homelessness.ucsf.edu/sites/default/files/2023-06/CASPEH_Report_62023.pdf and <https://mtcdrive.app.box.com/s/nei8x775oi5m47mqhu8ctpyyqrioa2v3/file/794888675969>)

Though the ordinance intends to help unhoused residents access available shelter, several provisions would enable the County to uproot residents' lives without providing adequate support or services. Please consider these changes:

- Define "shelter bed" as a private bedroom, not a bed in a congregate shelter. Forcing unhoused residents into congregate shelters in which they do not feel safe may cause further trauma without addressing the core causes of homelessness, the shortage of affordable homes.
- Require outreach to be performed by unarmed peer-support specialists and other trained civilians, **not law enforcement personnel**.
- Provide clarity about storage of personal items. Ninety days of storage does not account for the amount of time a formerly unhoused person needs to become stable and self-sufficient. Also, how will storage be funded? Hopefully, individuals themselves will not have to pay the fees to get their belongings out of storage.
- Provide concrete requirements to comply with the County's Language Access Policy (not just "cognizant of potential language barriers").
- Require the County to release public notices for which any individual can sign up to receive updates on when and where encampment clearances are occurring.

San Mateo County has made significant progress to provide incentives for unsheltered individuals to be housed by creating genuinely desirable housing options such as the Navigation Center and Project Homekey. The County will most effectively solve the homelessness crisis by ensuring safe and affordable housing options are available to all residents.

Please delay your vote on this ordinance to take the time to consider NOT criminalizing homelessness and adding County accountability to the measure. Thanks.

Cathy Baird
San Carlos

From: [Kira Willow](#)
To: [CEO BoardFeedback](#)
Subject: Comment on Hopeful Horizons initiative, agenda item 4 for Jan 23, 2024
Date: Monday, January 22, 2024 11:07:18 AM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

There are many reasons people choose encampments over shelters and I'm grateful for the empathy shown by the authors in recognizing several of them. I'd like to encourage you to take that empathy a step further, though, as I believe it will show that there are better approaches to help people move into shelters.

This ordinance will be impacting people who are simply trying to make the best decisions for themselves. Other laws exist, such as the recent example of CARE court, for people who can't make choices to care for themselves. This ordinance, then, would only be necessary for people who have made a reasonable decision that an encampment is better for them than a shelter.

There are many reasons a shelter may not be adequate for a particular unhoused person, including religious requirements or needing to stay with loved ones. Anyone would choose to stay in a tent if the alternative is to lose access to the things or people that mean the most to you and help you want to continue living. The ordinance makes space for some of these realities, but can't possibly account for all of them. Anyone who slips through the cracks faces the threat of prosecution for having something else more important to them than a roof over their head.

Studies, like one from 2019 by Herring, Yarborough and Alatorre, show that this ordinance will make life harder for unhoused people, and won't help move them into shelters. Instead, I encourage you to continue improving our shelter system and removing the barriers that keep it from being a good option for many of our county's unhoused residents. Provide a roof that doesn't take away the most important things in their lives and they won't need to be coerced into choosing it.

Thank you,
-Kira Willow

From: [Clara Jaeckel](#)
To: [CEO BoardFeedback](#); [Warren Slocum](#); [Dave Pine](#); [David Canepa](#); [Noelia Corzo](#); [Ray Mueller](#)
Subject: public comment for 1/23/2024 agenda item 4
Date: Monday, January 22, 2024 1:19:45 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Dear Supervisors,

My name is Clara Jaeckel and I've lived in San Mateo County for 26 years. I am dismayed to see this proposed ordinance on your agenda, and I strongly urge you to oppose it and seek more supportive and effective strategies for assisting unhoused residents of our county.

All the accounts I have heard from homeless outreach workers in Redwood City, where I live, report that successfully connecting unhoused people with services starts with building a relationship of trust. This often requires significantly more than two contacts and offers of shelter. Many times the shelter someone is offered is unsuitable for any number of entirely rational and valid reasons, such as not being able to bring their pet; not being able to bring all their belongings - and separate offsite storage is not sufficient when we're talking about all a person has left to their name; a lack of privacy in congregate shelters; or restrictive conditions like highly limited curfew hours. Also, a person with past experiences of poor treatment may have good reason to take time to assess what an offer of shelter will really mean for them.

Adding the threat of a misdemeanor for declining an offer will do nothing to help. It will only serve to make people evade contact and refuse to speak with outreach workers at all. This will make it even more difficult to build the trust needed for a positive outcome.

The best thing we can do to create a more stable community for both housed and unhoused residents is provide more affordable housing. I urge you to continue focusing your efforts there and not hobble our outreach work with this ordinance.

Thank you,
Clara Jaeckel
Redwood City

Written Public
Comment(s) for **Item No. 6**

To: Honorable Board of Supervisors

From: Edward T. Cox (appellant) *etc*

Date: 22 January 2024

Subject: 23 January 2024 BoS Meeting for Non-Conforming Use Permit (NCUP) and Major Modification of an Approved Design Review Permit and Grading Permit at 570 Live Oak Lane in the Unincorporated Emerald Lake Hills Area.

Bottom Line: Until Concern A (misrepresentation of the site in the AM&MA); Concerns B&C (Clarification on the Accountable Party/ies for the Maintenance Agreement); Concern D (Timing on the creation of the new turnaround) and Concern E (Protection of an exposed sewer line) the project should be delayed because of the risk to the community and to the owner of 570 Live Oak Ln.

Problem Statement: Reducing the turnaround from 25 feet to 15 feet during the construction of 570 Live Oak Ln is unacceptable because it will limit access for Service and Public Safety vehicles as well as hinder homeowners from safely turning around a narrow street further complicated during construction with more congestion in a small space. Please note that SMC Sewer routinely needs the turnaround for maintaining a manhole and Recology uses this street feature weekly.



Background: Prior to the Design Review hearing for 570 Live Oak Lane on 07 July 2020 when the property was to be developed and sold by Fred Herring, he verbally assured me that the turnaround would not be affected during the construction of the site. That assurance was found to be untrue in the building plans shown to me by my neighbor prior to the San Mateo County Planning Commission Meeting of 26 July 2023.

Current Concerns – Alternative Means and Methods of Construction or Alternate Design (AM&MA) Dated 09 November 2023 (Exhibit 1)

- A) Using the property line markings in the turnaround placed by the firm Herring and Worley (H&W), the current utility pole and its anchor would have to be moved to comply with proposed 570 Live Oak Ln Emergency Vehicle Access Easement. See yellow rope in the image below that shows 20 feet from property line as well as Exhibit 3. Why are the utility pole and its anchor missing in the approved AM&MA for expanding the turnaround? How will the requirements of the approved AM&MA dated 09Nov23 be met?



- B) The AM&MA states: *“A copy of the Maintenance Agreement associated with these new improvements as prepared by San Mateo County Public Works, executed by the **property owners** and recorded in the offices of the County Recorder must be provided to the Fire Marshal prior to the securing of a final inspection of improvements proposed under BLD2022-00389”*. Is *“**property owners**”* as shown above creating an expectation that the

owners of 545, 558 and 566 Live Oak Lane (others?) are required to co-sign the Maintenance Agreement before Final Inspection?

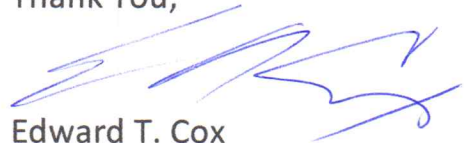
Current Concerns – Excerpts from Steve Monowitz Letter (Exhibit 2)

- C) *“(T)he **owner** is required to record a maintenance agreement with the Department of Public Works”*. Which one of the two statements is correct; the one from the AM&MA that states **owners** (see Concern B above) or the letter from Mr. Monowitz that uses **owner**?
- D) *“County Fire must review and approve the on-site Emergency Vehicle Turning Access Easement, which must be prepared, executed and recorded prior to issuance of a building permit.”* Does this statement require the expansion of the turnaround as shown in the AM&MA attachment prior to construction? Is this statement in the letter from Mr. Monowitz binding? If prior to construction, the impact would be the reduction of the turnaround from 25 feet to 20 feet during construction, which may be manageable for cars, but I cannot speak to larger vehicles used by SMC Sewer, Recology or CalFire.

Other Concerns – Ed Cox and the Neighbors I Spoke With

- E) What precautions are required prior to construction to ensure that the above ground sewer line adjacent to the proposed garage of 570 Live Oak Ln isn't inadvertently damaged especially during grading? See Exhibit 4. The concern is that this sewer line, if compromised, would leak raw sewage into the creek below that ends up in Lower Emerald Lake used by 100's of residents in the summer as well as year-round wildlife.
- F) When can we expect communication about the building logistics for 570 Live Oak Ln on a narrow street with a highly sloped lot? For example, where will construction workers park their cars and where will concrete deliveries be staged?

Thank You,



Edward T. Cox

PS: I am available to address any of the other points raised in my appeal off-line

Exhibit 1



SAN MATEO COUNTY FIRE DEPARTMENT

OFFICE OF THE FIRE MARSHAL

Address: 320 Paul Scannell Drive, San Mateo CA 94401 | Phone: (650) 345-1612

Email: smcfdfiremarshal@fire.ca.gov | Website: www.cfsfire.org

This application is for a request for Alternate Materials and Methods of Construction or Alternate Design as allowed under the authority of Section 104.9 of the California Fire Code. Applicant must submit two copies by a Licensed engineer, Architect or Fire Protection Engineer depending on the request.

NOVEMBER 9, 2023

PROJECT INFO

Project Address: 570 LIVE OAK LANE		Permit No: BLD 2022-00389	
Occupancy Group: U/R-3	Type of Construction:	Fire Sprinklers (Y/N): YES	No. of Stories: 2
Total Floor Area: 3257	Floor Area Per Floor: MAX. 1392	Tenant Floor Area: N.A.	Project APN# 057-163-090
Describe End Use: SINGLE-FAMILY DWELLING WITH ATTACHED ADU			

SUBJECT OF ALTERNATIVE

(Separate forms should be filled out for each different item): **PROVIDE EXPANDED TURNAROUND AT THE END OF DEVELOPED/PAVED LIVE OAK LANE. PROVIDE AN AUTOMATIC FIRE SPRINKLER SYSTEM BASED ON A 4-HEAD CALCULATION.**

CODE REQUIREMENT

(Specify code edition and section): **REQUEST MADE UNDER SEC. 104.90 OF CFC. DETERMINATION OF SPECIFIC FIRE CODE SECTIONS FOR WHICH AN ALTERNATE MEANS IS PROPOSED TO BE ISSUED BY THE OFFICE OF THE FIRE MARSHAL.**

ALTERNATE PROPOSED

(Attach detail if necessary): **PROPOSED IMPROVEMENTS PROVIDE EMERGENCY VEHICLE TURNING AREA AT THE END OF THE EXISTING PAVING. STEEP TOPOGRAPHY PREVENTS EXACT COMPLIANCE WITH CAL FIRE TURNAROUND STANDARDS.**

JUSTIFICATION

(Attach copies of any reference, test reports, expert opinions, etc.):
SEE ATTACHED "JUSTIFICATION/FINDINGS OF EQUIVALENCY"

REQUEST BY

Owner Name: F. MONET & P. BRANCHU	Owner Phone Number: 650/716-7189
Owner Address: C/O HERRING & WORLEY, INC.	Owner Signature: <i>Philipp Branchu/FH</i>
Petitioner Name: HERRING & WORLEY, INC./F. HERRING	Petitioner Phone Number: 650/591-1441
Petitioner Address: 1658 EL CAMINO REAL, SAN CARLOS	Petitioner Signature: <i>F. Herring</i>

For Office Use Only

Fire Chief Signature:	Approved: _____	
Date:	Denied: _____	

Final Fire Department Comments:

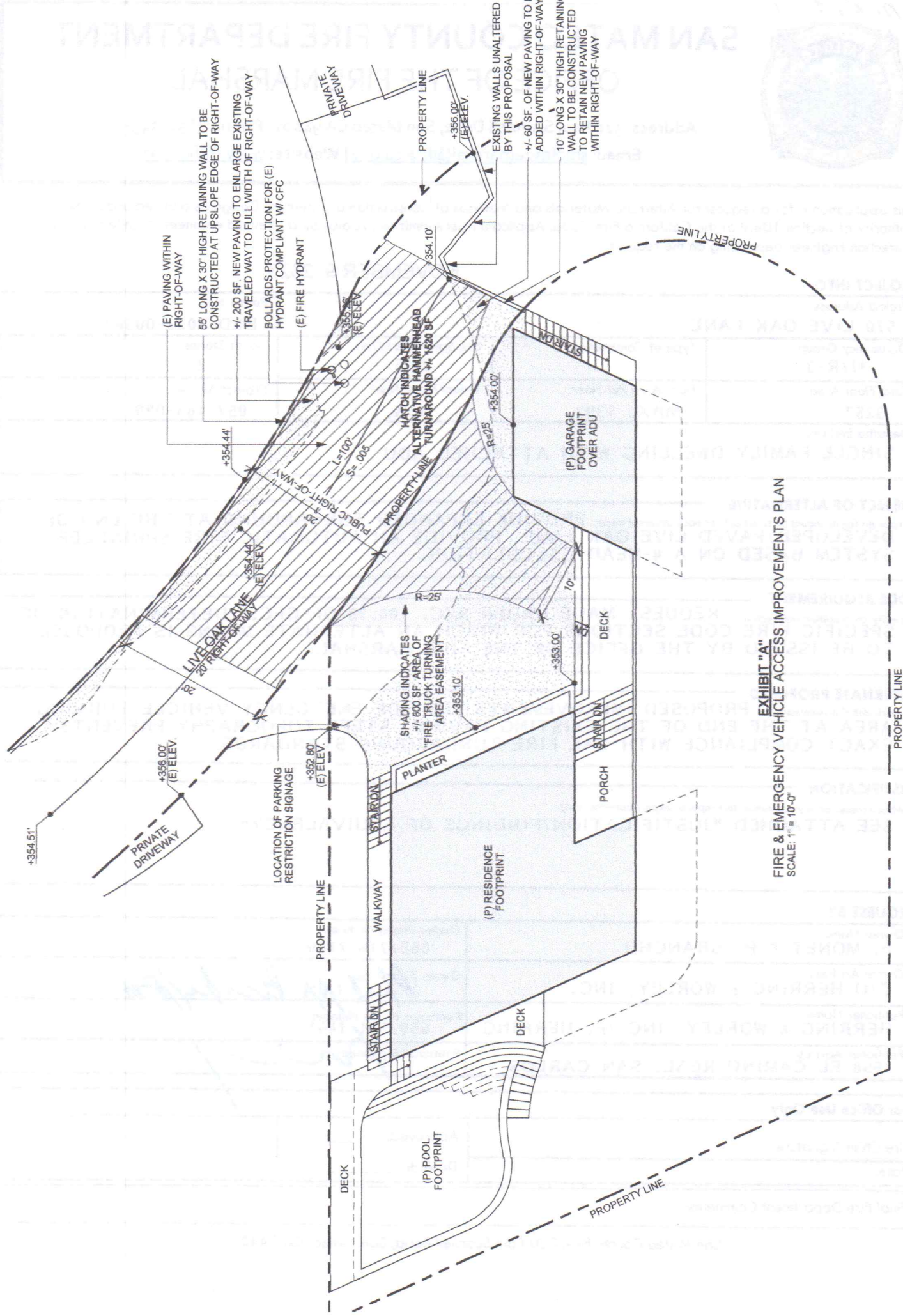


EXHIBIT "A"
FIRE & EMERGENCY VEHICLE ACCESS IMPROVEMENTS PLAN
 SCALE: 1" = 10'-0"

JUSTIFICATIONS FOR FINDINGS OF EQUIVALENCY OF
PROPOSED ALTERNATE MATERIALS AND METHODS

1. Fire sprinkler system within the proposed dwelling to be based on a four (4) head calculation.
2. The area of paving within the public right-of-way must be expanded as illustrated on attached Exhibit "A". A copy of the Maintenance Agreement associated with these new improvements as prepared by San Mateo County Public Works, executed by the property owners and recorded in the offices of the County Recorder must be provided to the Fire Marshal prior to the securing of a final inspection of improvements proposed under BLD2022-00389.
3. A Fire Truck turning Area Easement based on the attached Exhibit "A" must be prepared, executed and recorded prior to the scheduling of a final inspection of improvements described on BLD2022-00389. Easement documents must specify that no long term (overnight) parking is permitted within the designated easement area. Copies of all recorded easement-related documentation must be provided to the Fire Marshal.
4. Prior to the scheduling of a final inspection of improvements proposed under BLD2022-00389 the permit applicant must secure the approval of the Office of the Fire Marshal confirming the completion of required fuel reductions on the 570 Live Oak Lane property.

Exhibit 2

Board Meeting Date: January 23, 2024
Special Notice / Hearing: 10-day notice;
publication and
300-foot radius
Vote Required: Majority

To: Honorable Board of Supervisors
From: Steve Monowitz, Director of Planning and Building
Subject: EXECUTIVE SUMMARY: Consideration of an appeal of the Planning Commission's decision to approve a Non-Conforming Use Permit (NCUP) and Major Modification of an approved Design Review Permit and Grading Permit at 570 Live Oak Lane in the unincorporated Emerald Lake Hills area.
County File Number PLN 2019-00400 (Herring)

RECOMMENDATION:

Public hearing to consider an appeal of the Planning Commission's decision to approve a Major Modification of a Design Review Permit, Non-Conforming Use Permit (NCUP), and Grading Permit, to allow construction of a 2,466 sq. ft. single family residence at 570 Live Oak Lane in the unincorporated Emerald Lake Hills area:

- A) Open public hearing
- B) Close public hearing
- C) Deny the appeal and uphold the Planning Commission's decision to approve the Non-Conforming Use Permit and Major Modification of a Design Review Permit and Grading Permit, PLN 2019-00400, by making findings and adopting the conditions of approval in Attachment A and determining that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303.

BACKGROUND:

The applicant proposes to construct a 2,873 sq. ft. single-family residence, attached 486 sq. ft. two-car garage, pool, and 640 sq. ft. Accessory Dwelling Unit (ADU) on a non-conforming, 8,232 sq. ft. parcel, where 75,000 sq. ft. is the minimum lot size for a lot with a 45 percent slope. The project requires grading in the amount of 240 cubic yards (c.y.) of cut and 240 c.y. of fill and removal of six (6) significant trees. This proposal is a modification to the 2022 approval of a 2,466 single-family residence with a 457 sq. ft. detached garage. The applicant seeks a Non-Conforming Use Permit for additional floor area and lot coverage, including 1) floor area of 35.9 percent where 30 percent is the maximum 2) 33.5 percent lot coverage where 25 percent is the maximum and 3) to

allow a 1-foot front setback where 20 feet is required for the 640 sq. ft. ADU on an undeveloped parcel.

DISCUSSION:

On August 8, 2023, the Planning and Building Department received an appeal of the Planning Commission's decision. The appeal states that the project did not meet County Fire's conditions of approval, dated August 31, 2022 pertaining to the fire truck turnaround (Attachment F). The appeal also raises concerns regarding the existing condition of Live Oak Lane roadway and requests that the County require the applicant to complete additional roadway improvements and maintain a turnaround in the right-of-way.

The Applicant responded to the appeal by working with County Fire to revise the fire truck turnaround design and has received Fire's conditional approval. County Fire's approval includes the following requirements: 1) the project is required to have a 4 head sprinkler system; 2) the project is required to expand the public right of way in two areas along Live Oak Lane (260 s.f. of new paving) and install 65 feet of retaining wall; 3) the owner is required to record a maintenance agreement with the Department of Public Works; and 4) County Fire must review and approve the on-site Emergency Vehicle Turning Access Easement, which must be prepared, executed and recorded prior to issuance of a building permit. Determinations of whether to allow for options to the standard fire requirements are made by County Fire, who has approved an AM & MA for this project.

The Appellant asserts that the Planning Commission did not have full information regarding the necessary changes required by County Fire's conditions of approval when it approved the project and that the project does not meet County Fire conditions of approval dated August 31, 2022 that are listed below:

- a. *Minimum road width of 20 feet and load requirements to support a fire apparatus of 75,000 lbs.*

Staff's response: The Emergency Vehicle Turning Access Easement found on Attachment A of the AM & MA illustrates expansion of the existing right-of-way to 20 feet with additional paving and retaining walls. The existing road width of Live Oak Lane to the north of the parcel is allowed as a part of the revised AM & MA, approved by County Fire (Attachment H), due to the existence of areas of steep topography which prevents full compliance with County Fire standards.)

- b. *Where a fire hydrant is located in the access road, a minimum road width of 26 feet is required with a minimum of 20 feet of clearance on each side of the hydrant.*

Staff's response: The existing hydrant, which is located opposite the subject parcel on Live Oak Lane does not meet the 26-foot right-of-way width but has been determined to be adequate by County Fire, when combined with other alternative methods for the project to meet fire safety measures. This requirement has been removed from County Fire's conditions of approval based on the revised and approved AM & MA (Attachment H).

- c. *Access shall be provided from a publicly maintained road.*

Staff response: Live Oak Lane is not a publicly maintained road in front of the subject parcel. The approved AM & MA recognizes this condition and, accordingly, includes a requirement that the access be constructed and maintained to standards as determined by the Department of Public Works and County Fire (Attachment H). On that basis, the referenced requirement has been removed from County Fire's conditions of approval.

- d. *The appeal letter also includes assertions by the Appellant that there is bias on the part of DPW staff and the Planning Commission.*

Staff's response: The Appellant makes these assertions based on what they perceive to be intentional delay by DPW staff in communicating their concerns to County Fire and admiration for the design of the project by a Planning Commissioner. These assertions focus on the perceived intentions of these persons in performance of their professional duties, instead of on the compliance aspects of the project. There is no evidence indicating any conflict of interest or undue influence upon these individuals in the performance of their duties.

The Planning Commission approved the Non-Conforming Use Permit, Major Modification of the Design Review Permit, and Grading permit on July 26, 2023 by making the findings for each permit. These were not challenged in the appeal.

Based on the discussion of approved Alternate Methods and Means Agreement for the project and how it addresses the concerns brought forth in the appeal, the appeal concerns are addressed.

This report has been reviewed and approved by the County Attorney's Office as to form.

FISCAL IMPACT:

There is no fiscal impact to the County from denying the appeal and upholding the Planning Commission's approval of the requested permits.

Exhibit 3: Expanded Tamaround (Red Line)

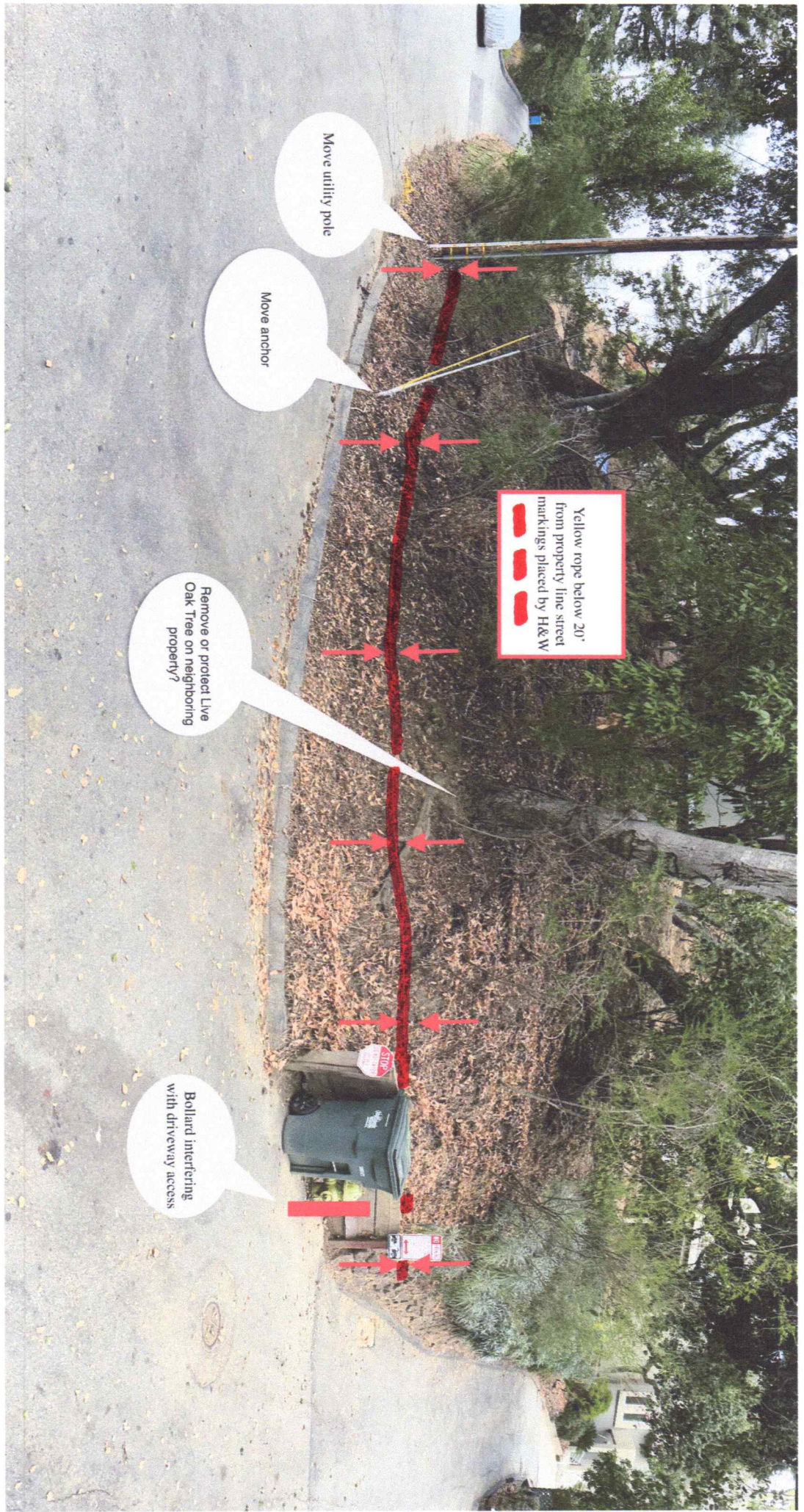


Exhibit 4: Above Ground Sewer Line

