

Application for Appeal

County Government Center • 455 County Center, 2nd Floor
 Redwood City • CA • 94063 • Mail Drop PLN 122
 Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

☐ To the Planning Commission

☒ To the Board of Supervisors
Name: Edward T. CoxAddress: 545 Live Oak Ln, Emerald Hills, CAPhone, W: 6503039878H: 6509957343Zip: 94062

Permit Numbers involved:

PLN2019-00400570 Live Oak Ln

I have read and understood the attached information
 regarding appeal process and alternatives.

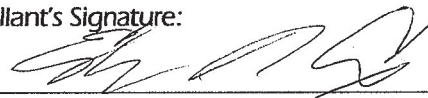
☒ yes

☐ no

I hereby appeal the decision of the:

- ☐ Staff or Planning Director
☐ Zoning Hearing Officer
☐ Design Review Committee
☒ Planning Commission

Appellant's Signature:


Date: 08 August 2023

made on 26 July 2023, to approve/deny
 the above-listed permit applications.

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

See attachment

Attachment to Application for Appeal From Edward Cox

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, Recology 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 Ln 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.

Other considerations in this appeal:

- 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 action.
- 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.
- Cal Fire's Conditional 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 copying 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 been 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 by the DPW.
- 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 hills, I love it!" Although not in attendance on July 26, 2023, Ms. Shu who has unanswered my emails is also a member on the Planning Commission.
- The owner of 570 Live Oak Ln, Philippe Branchu, spoke to me for the first time on August 7, 2023 about improving access to the turnaround during construction and Cal Fire's Conditions of Approval. The dialog between us ended when Mr Branchu accused me of falsifying Cal Fire's comments in our meeting minutes. Considering the lack of trust between us, I would prefer that a solution to the turnaround and access concerns of Cal Fire are overseen by the Board of Supervisors or a San Mateo County official.
- Documents are available upon request to corroborate the above statements. Fire Marshal Tyler Sturm can be reached at 650-245-0170.

**Exhibit 1: Excerpts from Cal Fire's Conditions of Approval Dated 31 August 2022
(see Next Page)**

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 or less over a 120-foot section. These criteria are not met.

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 26 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 width requirement.

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 Ln is not publicly maintained by San Mateo County. Instead, it has been maintained by the homeowners of 566, 558 and 545 Live Oak Lane thus failing this criterion too.

ET Cox

30. Use a minimum volume safety factor of 1.5.
31. Lower detention basin appears to be in flow line of seasonal stream. Infiltration basins cannot overlap with seasonal high groundwater.
32. Confirm detention basins will not overly negatively impact trees to be preserved.
33. Show elevations for driveway. Is the driveway on a bridge or is it on fill? Show any required retaining walls (including those for terraces) and associated subdrains on grading and drainage plan. Please let me know if you have any questions. Please note that the following will be required at the time of the building permit submittal.
34. Drainage Report prepared and stamped by a Registered Civil Engineer demonstrating that the project complies with the County's current drainage policy restricting additional stormwater flows from development projects.
35. A final Grading and Drainage Plan prepared and stamped by a Registered Civil Engineer.
36. An updated C3/C6 Checklist (please provide electronically).

Local Agency Formation Commission

37. Property is within the City of Redwood City water service area. Plans should be routed to the City of Redwood City for review and comment. An application for an Outside Service Agreement shall be submitted to and approved by the City of Redwood City and San Mateo County LAFCo prior to the issuance of a building permit on the parcel. The connection to the City of Redwood City water utility shall not occur prior to this Outside Service Agreement approval. The property owner or the applicant may contact LAFCo for additional information about the Outside Service Agreement process.
38. The property is also within the service area of the Emerald Lake Sewer District (District), a County governed district. The applicant shall work directly with the County to annex the parcel to the District for sewer service.

County Fire Department

39. Fire Department access shall be within 150 feet of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be a minimum of 20 feet wide, all-weather capability, and able to support a fire apparatus weighing 75,000 lbs. 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. This access shall be provided from a publicly maintained road to the property. Grades over 15% shall be paved and no grade shall be over 20 percent. When gravel roads are used, it shall be class 2 base or equivalent compacted to 95 percent. Gravel road access shall be

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Ed Cox <etcox10@gmail.com>

Agenda Item 3 (PLN2019-00400) for 26 July 2023 Planning Commission Meeting

Edward Cox <etcox10@gmail.com>
To: planning_commission@smcgov.org

Tue, Jul 25, 2023 at 11:52 AM

Dear Planning Commission,

I will be in person on July 26th in the Board of Supervisors Chambers to discuss my concerns shown below related to Agenda Item 3.

Warmest regards,

-Edward Cox
545 Live Oak Ln
650.303.9878

Current State:

The homes at 545, 558 and 566 Live Oak Ln utilize a 25-foot wide turnaround that is also used by our neighbors and their family/friends, as well as large service vehicles used by Public Safety (e.g., CalFire), Recology, San Mateo County Sewer Maintenance and others (see Attachment 1). Note: This privately funded roadway and turnaround were placed by the previous owners of 545, 558 and 566 Live Oak Ln prior to 2004.

Proposed Building Plan State:

The width of the turnaround would be reduced from 25 feet to 15 feet according to street markings and the proposed building plans, essentially rendering the turnaround useless (see Attachments 1 and 2). I also have long-term concerns about access to the turnaround because of limited parking in that area affecting the intended use.

Impact of Proposed Building Plan:

Without sufficient spacing with the reduced turnaround width there is a higher risk of folks being hurt by vehicles trying to navigate through the already tight area. I would also expect higher foot traffic and vehicle congestion during construction increasing the aforementioned personal injury risk. CalFire and other public safety vehicles will also be restricted in their access to the area, and again I expect greater fire risks and health risks to the building crew during construction. I am also unsure how SMC Sewer would be able to maintain the manhole near the proposed building site, and failure to service this manhole results in the release of raw sewage (See Attachment 3). I am also concerned about the above ground sewer line being damaged during construction and the area not being readily accessible before the sewage enters the year-round creek that feeds into lower Emerald Lake used by many residents in the summer. The servicing of a construction Porta-Potty for the workers would be challenging at best too. Further, I am uncertain how Recology would serve the homes at 545, 558 and 566 Live Oak Ln without the turnaround let alone a debris box for construction-related materials.

Proposed Path Forward before Starting Construction:

Partially build out the public "paper-road" at its current end and expand the width of the road to the property line as shown in Attachment 4 to allow for vehicles to turn around during and after construction. This proposal provides a durable solution to the turnaround concern for all and improves the overall safety of the neighborhood with the improved access. On 24 June 2023, Fire Captain Tyler Sturm visited the site and expressed access concerns, and he should be consulted if the proposed widening and extension of Live Oak Ln fully or partially mitigates his concerns.

4 attachments

Attachment 1_PLN2019-00400.pdf
665K

Attachment 2_PLN2019-00400.pdf
389K

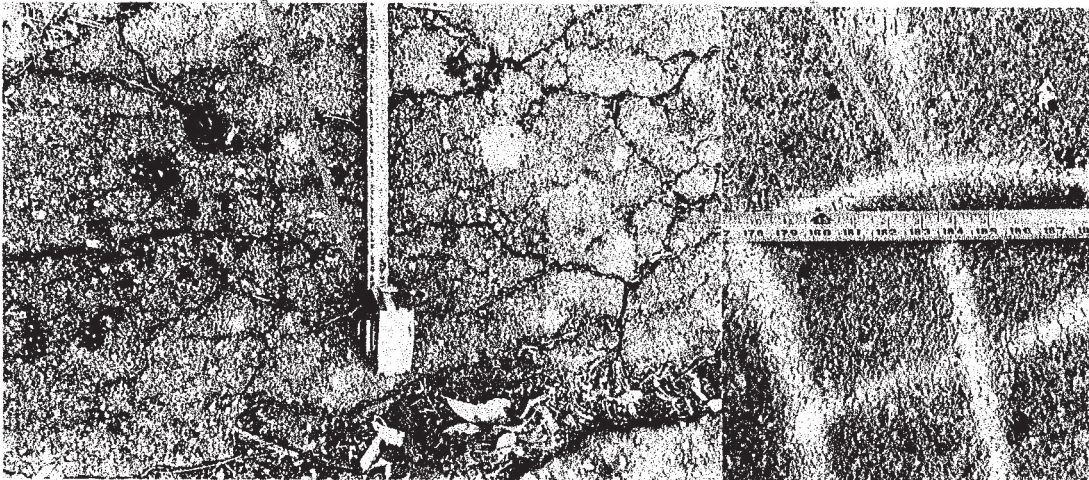
Attachment 3 - Raw sewage escaping from manhole near creek that feeds Emerald Lake.pdf
122K

Attachment 4_PLN2019-00400.pdf
401K

Attachment 1: Images of Turnaround and Street Markings



Turnaround



Current Width 25 feet

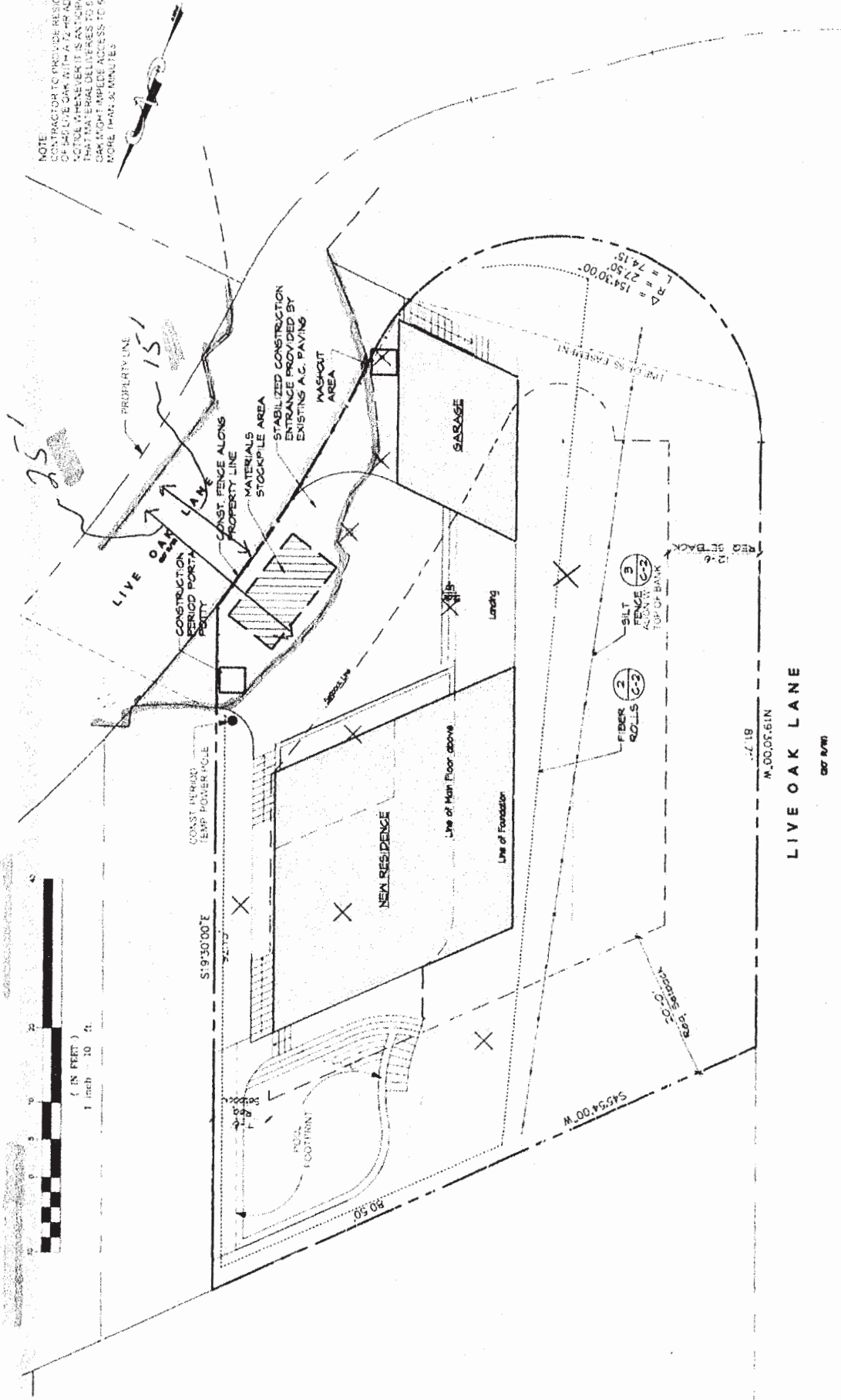
Proposed Width 15 feet

Attachment 2

Current vs. Plans

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NOTE
CONTRACTOR TO PROVIDE RESIDENTS
OF LIVE OAK WITH A 24-HR ADVANCE
NOTICE WHENEVER IT IS ANTICIPATED
THAT MATERIAL DELIVERIES TO SITE MAY
CAUSE TRAFFIC DELAYS TO SITE FOR
MORE THAN 30 MINUTES



EROSION CONTROL PLAN WITH CONSTRUCTION MANAGEMENT REQUIREMENTS
SCALE: 1"=10'-0"

7/25/23, 8:40 AM

Gmail - Raw sewage escaping from manhole near creek that feeds Emerald Lake



Ed Cox <etcox10@gmail.com>

Raw sewage escaping from manhole near creek that feeds Emerald Lake

Amanda Tse <atse@smcgov.org>

Wed, Aug 4, 2021 at 12:01 PM

To: Edward Cox <etcox10@gmail.com>

Cc: Fred Herring <flh1741@sbcglobal.net>, Mimi Nguyen <mnguyen1@smcgov.org>

Hello Ed,

Thanks for letting me know! Someone from our crew will be out there momentarily to check the situation. In the future, please call (650)363-4100 regarding emergency sewer backups or overflows. That way- if I am off, someone would still be able to help you. Please let me know if you have any further questions!

Thanks,

Amanda

From: Edward Cox <etcox10@gmail.com>

Sent: Wednesday, August 4, 2021 11:21 AM

To: Amanda Tse <atse@smcgov.org>

Cc: Fred Herring <flh1741@sbcglobal.net>; Mimi Nguyen <mnguyen1@smcgov.org>

Subject: Raw sewage escaping from manhole near creek that feeds Emerald Lake

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.

Hi Amanda,

You previously helped us with our sewer line connection at 656 Park Road. Unfortunately I noticed that at our current home, 545 Live Oak Ln, there is raw sewage escaping from the manhole. This manhole is gravity fed into the same manhole behind 655 Park that your crew services (monthly?) to keep it operational. We also connected 656 Park to this unit. See pictures below. Beyond the smell affecting our home, I am concerned about the potential of raw sewage entering the creek and making its way down to Emerald Lake, which is open for my neighbors' use this summer.

Please feel free to call me if I can provide additional help,

-Ed Cox

650.364.3035

<https://mail.google.com/mail/u/0/?ik=fe2c783a70&view=pt&search=all&permmsgid=msg-f:1707190458320676226&dsqt=1&simpl=msg-f:1707190458320676226>

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