



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT E



COUNTY OF SAN MATEO
PLANNING AND BUILDING

Application for Appeal

455 County Center, 2nd Floor | Mail Drop PLN 122
Redwood City, CA 94063
(650) 363-4161
planning.smcgov.org

- ☐ To the Planning Commission
☒ To the Board of Supervisors

This form must be completed and submitted to the Planning and Building Department, along with the appeal fee, no later than 10 working days after the Letter of Decision on the application has been issued. Please contact planning_commission@smcgov.org if you have questions regarding the deadline to file an appeal or the materials that must be submitted.

1. Appellant Information

Name: Sung Sim Park

Address: 3875 Jefferson Ave.

Emerald Hills, CA

Phone, W: _____ H: (408) 429-0670

Zip: 94062

2. Appeal Information

Permit Numbers involved:

PLN2025-00201

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:

[Signature]

Date: 4/23/2026

made on April 8th 2026, to approve/deny the above-listed permit applications.

3. Basis for Appeal

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. To this end, please identify the County policies and/or regulations that you believe have not been adequately addressed and explain why.

See Attached:

Basis for Appeal 1 for Privacy

Basis for Appeal 2 for Drainage/Grading Permit

Basis For Appeal

Appellant: Sung Sim Park

Address: 3875 Jefferson Ave. Emerald Hills

Email: sungsim.park@gmail.com Phone: (408) 429-0670

Project: 3865 Jefferson Avenue Parcel A, Emerald Lake Hills

File No.: PLN2025-00201

Decision Appealed: Planning Commission decision dated April 8, 2026, rejecting appeal and adding Condition No. 6 to address privacy issue as reflected in the April 9, 2026 Letter of Decision.

Issue 1 (Privacy): Summary:

Dear Members of the Board of Supervisors,

We appeal the April 8, 2026 Planning Commission decision regarding the above-referenced project. The Commission recognized the privacy concerns resulting from the proposed second-floor windows and as a result added Condition 6 requiring larger border screening plantings. However, Condition 6, among potentially other issues:

1. Conflicts with County fence/hedge height rules limiting side yard fences and hedges to 6' height as it increases the size of screening vegetation from 5 gallon plants under 6' to 15 gallon plants reaching a mature height of 20-25 feet and will thus reduce light and air.
2. Is insufficiently specific and overbroad as to exact planting location and spacing; thus the larger trees must or might used all along the property line, including much of the total boundary length where no sightlines requiring additional screening exist.

See Exhibits 1-4 for illustrative plans and pictures for the above. We note that, per Condition No. 16, a change to clearstory design for the second floor bedroom windows is already recommended as a reasonable alternate or complementary solution (versus screening vegetation alone) for the privacy issue. We respectfully ask the Board to revise Condition No 6 to state that:

1. **Any planned vegetation must comply with fence/hedge height rules and not interfere with recorded easements on the subject property to provide access to common lake easements.**
2. If the Board does (still) require particular plantings, either provide a specific plan including locations or require the applicant to submit such a plan for further review.

Issue 1 (Privacy): Detailed Statement of Grounds:

The added Condition No. 6 reads:

The screening materials between the two subject parcels be increased form(sic) the proposed 5-gallon, Pittosporum tenuifolia to, 15-gallon minimum size, evergreen species that achieves a minimum height of 20 to 25 feet in mature growth. The applicant shall

provide photographs to the Design Review Officer to verify adherence to this condition prior to a final building permit approval by the Current Planning Section.

As we read it, the required side-setback plantings of the above Condition 6 would greatly exceed County hedge/fence height rules. We were offered no opportunity to oppose or comment on this plan/condition.

The County Zoning Ordinance **8.04.020 as to Purpose** states:

The Zoning Ordinance is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare, and for the accomplishment thereof is adopted for the following more particularly specified purposes:

(d) To provide adequate **light, air, privacy**, and convenience of access to property; and to secure safety from fire, inundation, and other danger.

The County fence ordinance **8.332.010(b)** seeks to balance **light, air, privacy** as follows:

8.332.010 - Fences, Walls, and Hedges.

*(b) Fences, walls, and hedges **not exceeding six (6) feet in height** may occupy any side or rear yard area, provided: ...*

The above height limit of 6' is to prevent undue blockage of **light and air** on neighboring properties. The proposed plantings of 15 gallon plants in close proximity constitutes a "hedge" as it will block our light and air in the same manner as any other hedge or fence. Common sense says that any vegetation that functions similar to a fence for blocking light and air such as that proposed in Condition 6 is a "**hedge**" falling under this ordinance. Certainly, vegetation planted for the **express purpose** of privacy screening would be such a **hedge**.

The property line in question is a south-east exposure for our property, in the direction of receiving sunlight. The originally planned Pittosporum trees, along this boundary on the applicants submitted plan on page C-4, form such a **hedge** but would be under 6' when planted and could be so maintained. At the design review hearing, the Committee recognized the problem as to vegetation height restrictions. If small Pittosporum under 6' are all replaced with evergreen Pittosporum that **mature to a height of 25'**, it would **drastically** impact the **light and air** on our back yard; for example it could impede the growth of new fruit trees and vegetable gardens, as well as negatively impact other existing trees and vegetation.

Further, the planned vegetation in the recorded pathway easement across the subject property to provide access to the common lake should not be allowed. The County when considering a plan for the adjacent "Parcel B" subdivided property prohibited a proposed firepit within the pathway easement as it interfered with same.

Issue 2 (Drainage/Grading-Permit concern): Summary:

The commission upheld the Director of Planning and Building's decision to approve the Design and Grading Permit PLN2025-00201 despite missing information required by 10.68.060(A)(5). In particular, contours for our property (including the location of a drainage culvert) and the locations of nearby protected trees were missing. Without this information, neither we nor the county were able to properly evaluate the permit application. The Commission indicated that any potential drainage issues would be dealt with at the building permit stage. However, this decision prevents our ability to comment on any issues related to the missing information at a hearing, and similarly prevents our ability to appeal any county decision related to this missing information, as there is no public comment or hearing at the building permit stage. The area in question on our property has been subject to ponding and flooding in heavy rain already, and thus special care needs to be taken to prevent any reduction in the ability of 3865 Jefferson to accept stormwater, and further any construction must take care not to impact existing trees (including those improperly omitted from the plan) providing erosion control or other benefits. See attached Exhibit 5 for a plan showing the locations of the slopes (with slope directions), trees, and other areas at issue. Thus we request that the Board direct the applicant to submit a revised and complete application and provide us an opportunity to comment on and appeal any county decisions related to the revised application, possibly by **requiring at least this issue to be reheard by the DRO.**

Issue 2 (Drainage/Grading-Permit concern): Detailed Statement of Grounds:

Title 10.68.060(A)(5) list minimum required information for grading plans to contain. Out of the minimum required information (a)-(r), the submitted plan omitted the following four

- (d) *locations of adjacent buildings or structures within 50 feet of the proposed work, subsection;*
- (e) *adjacent-property contours extending at least 10 feet beyond all project boundaries, subsection;*
- (j) *approximate boundaries of areas with a history of flooding, subsection;*
- (l) *locations of trees 12 inches or more in diameter within 12 feet of the disturbed area, subsection;*

Also, 10.68.110 2. states ...*When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to allow the Director of Planning and Building to prepare their recommendation on the modified project.*

If required grading-plan contents were missing, the proper course was modification, resubmittal, and deferral, not approval first and technical completion later. But the County's LoD relies heavily on future drainage analysis, stormwater-control plan, etc. at the related later

building-permit-stage review for the missing records, when there is no opportunity to provide comments and feedback by the interested parties for inaccuracies or omissions.

These grading permit requirements along with the design review process are in place so that any inaccuracy of information submitted can be reviewed by interested parties like myself whose property can be negatively impacted with drainage changes brought on by the grading. If the protected trees, culvert structure, flood area, and elevation contours are inaccurately depicted or omitted, the resulting drainage requirement may be inadequate to maintain the current excess storm water flow pattern, and thus impact our property.

Respectfully submitted,
Sung Sim Park
Date: 04/22/2026

EXHIBIT #1

hazardous trees on 3875 Jefferson removed on 12-7-2022.

3875 Jefferson Ave

Existing Protected Trees (Acacia) on 3875 Jefferson Ave of trunk sizes 10", 12", 16" not shown in the plan



Landscaping in the recorded 5' pathway easement impairing use of and access to the lake

Combined submitted Plans for:

- Parcel A PLN2025-00201 Page L-1
- Parcel B PLN2025-00202 Page L-1

The two pages of two plans show pittosporum hedge to be planted in the side setback along the entire boundary with 3875 Jefferson Ave. Also shown is proposed landscaping in the easement.

Note that PLN2025-00201 fails to show the entirety of parcel A; the pittosporum hedge continues along the pole portion of the flag lot out to Jefferson Ave.

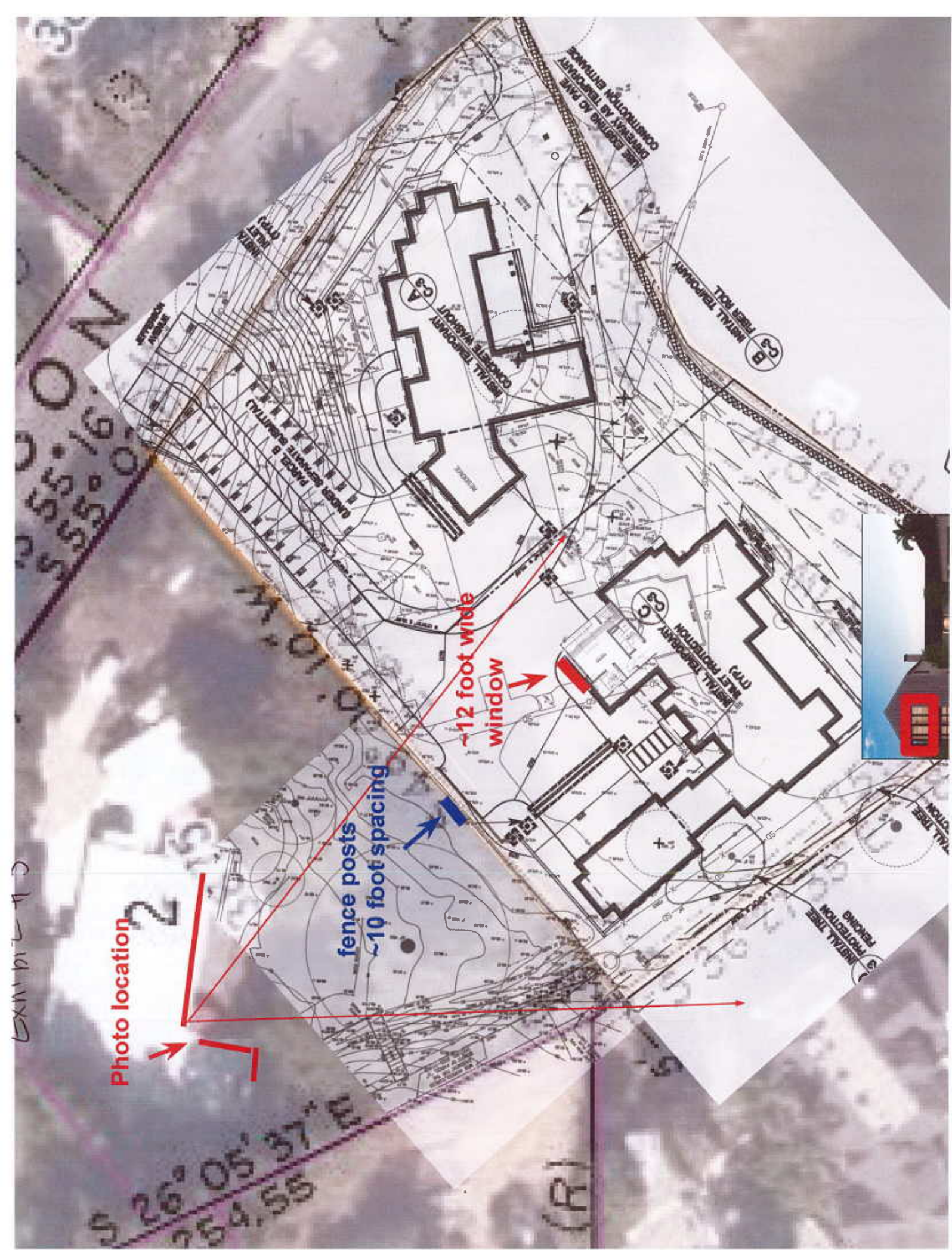
Firepit in the recorded 20' pathway easement, suggested to move or not be proposed in the conditions of approval for PLN2025-00202 (parcel B)



~12 feet wide window
seen from ~135 feet
away

Hedges in most places along the boundary will do little for
the privacy but negatively impact light and air.

fence post to post
~10 feet wide seen from ~100 feet away
standing on deck near guest bedroom window



January 2023



December 2023



June 2023



Applicant's current violation of hedges
with the county (VIO 2025-00131)



Exhibit #4

