

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: December 21, 2023

TO: Zoning Hearing Officer

FROM: Code Compliance and Planning Staff

SUBJECT: Consideration of an appeal of an Administrative Citation issued pursuant to County Ordinance Code Chapter 1.40 for construction of a fence without the required permit in violation of County Zoning Regulations Sections 6328.3(h), 6328.3(r) and 6328.4.

County File Number: VIO2017-00054

APPEAL/APPELLANT

The property owner, TEG Partners, submitted a citation appeal and request for hearing on September 22, 2021. The property owner also paid the appeal fee and the \$100 fine on September 22, 2021, in accordance with the provisions of County Ordinance Code Chapter 1.40, Section 1.40.090. The appeal alleges that there are several deficiencies with the Administrative Citation and the enforcement process and requests that the citation be dismissed, and the violation case closed. (Please see Appeal and Request for Hearing, Attachment A.).

PROPERTY INFORMATION

- A. Owner/Responsible Party: TEG Partners LLC; Tejinder Singh, Tripatinder Chowdhry
- B. Owners Address: 18 Terrace Avenue, Half Moon Bay, CA 94019
- C. APN: 048-076-120 (See Vicinity Map, Attachment B)
- D. Address of Violation: The property is undeveloped and does not have an address assigned by the County Building Department.
- E. Size: Approximately 35,061 sq. ft.
- F. Land Use: Undeveloped; no significant structure has been permitted on site.
- G. Zoning: R-1/S-94/DR/CD

- H. General Plan Land Use Designation: Residential, Medium Low Density Residential
- I. Sphere-of-Influence: City of Half Moon Bay
- J. Water Supply/Sewage Disposal: Coastside County Water District/Granada Community Services District
- K. Fire District: Coastside Fire Protection District
- L. Flood Zone: Zone X, Area of Minimal Flooding

Setting: The undeveloped property is situated in an urban hillside residential neighborhood, at the end of Miramar Drive. The property slopes up from Miramar Drive, and is largely devoid of significant vegetation, a sizeable Eucalyptus grove having been removed recently for fire suppression under the County's Hazardous Tree Exemption. An access easement crosses the property and provides access to the adjacent residence at 655 Miramar Drive. The Coastside County Water District owns another adjacent parcel with a water tank and associated facilities on it at 661 Miramar Drive. The 4 to 5-foot-high chain link fence is constructed along the edge of the access easement and along the property line (See Vicinity Map, Attachment B; Aerial Photo 2023, Attachment C; and Site Photos, Attachments I, J and K).

KEY ISSUES

Staff Response to Points of Appeal

The Appeal and Request for Hearing raises several issues with the citation that staff contends are inconsequential or irrelevant, and do not justify dismissal of the citation and closing of the violation case. For example, it is clear from the record, described in detail in this report, that the property owner/appellant understood what the citation was for and what property it pertained to (fence built without permit on APN 048-076-120), how to look up the referenced Code Sections (contact staff or look up on Planning Website), and how to correct the violation (remove the fence or apply for a Coastal Development Permit (CDP) to legalize it). Delays in enforcement were largely due to staff's desire to be flexible and work with the property owners to resolve the violation, rather than resort to enforcement action, particularly during the pandemic. In addition, lack of timely follow-through by the appellant contributed to further delays. Other issues cited in the appeal are irrelevant, since as described further below in the Appeal Process section, the Zoning Hearing Officer's consideration on the citation appeal is limited to whether the violation occurred and whether the responsible person has caused or maintained the violation.

Basis of Violation

The subject property is in the Coastal Zone, within the Coastal Development (CD) District overlay zone. Pursuant to County Zoning Regulations Chapter 20B, all “development” in the Coastal Zone requires a Coastal Development Permit (CDP) or Coastal Development Permit Exemption (CDX).

Specifically, Section 6328.3(h) (Definitions) defines “Development” as “...on land, in or under water, the placement or erection of any solid material or structure...”. The construction of a fence (which is a structure) is considered “development”.

Further, Section 6328.3(r) (Definitions) defines a “Project” to be “...any development (as defined in Section 6328.3(h))...”. The construction of a fence is development, so is therefore also a “project”.

Section 6328.4 (Requirement for Coastal Development Permit) establishes the requirement for a CDP for development in the CD District. Specifically, it states that “...any person, partnership, corporation or state or local government agency wishing to undertake any project, as defined in Section 6328.3(r), in the “CD” District, shall obtain a Coastal Development Permit in accordance with the provisions of this Chapter...”. Section 6328.4 also allows that projects listed in Section 6328.5 (Exemptions) are exempt from the requirement for a Coastal Development Permit. However, as explained further below, the subject fence is not eligible for a Coastal Development Permit Exemption. And as the property owner did not obtain a CDP before constructing the fence and has not applied for an after-the-fact (ATF) CDP to legalize it, staff’s determination is that the fence is in violation of the Zoning Regulations Sections cited above.

ENFORCEMENT TIMELINE

- November 3, 2017 - Notice of Code Violation
- July 8, 2021 - Notice of Code Violation (Attachment D)
- September 8, 2021 - Administrative Citation for \$100.00 (citing Zoning Regulations Sections 6328.3(h), 6328.3(r), 6328.4) (Attachment E)
- September 22, 2021 - Appeal of Administrative Citation filed. (Attachment A)
- November 16, 2023 - Notification of Appeal Hearing letter sent. (Attachment F)

FILE HISTORY

This summary of key actions and events concerning the violation is compiled from Case Activity Notes from the County's permit tracking system, ACCELA, specifically from the violation case (No. VIO2017-00054) and planning case (No. PLN2018-00426) and other sources as noted. (See Attachments G and H).

- A. February 22, 2017: Complaint received; Code Compliance Administrative Aide, Rita McLaughlin received the complaint of a fence built on a vacant parcel that was obstructing access to the neighboring properties.
- B. March 8, 2017: Property owner came to the Planning and Building Department and spoke with Ruemel Panglao, who informed the property owner that the fence required a Coastal Development Permit.
- C. November 3, 2017: Coastal Development Permit for the fence had not been completed or submitted. Code Compliance Officer (CCO), Ana Santiago, issued a Notice of Violation to the property owners.
- D. November 9, 2017: Property owner came to Planning and Building with a letter arguing that a CDP is not needed since the fence height is less than 4 feet in height and non-masonry.
- E. December 14, 2017: Code Compliance Officer Ana Santiago acknowledges the letter received and explains that a CDP is required.
- F. September 13, 2018: Summer Burlison from the Planning Department sent an email to the property owners providing two options: 1. Remove the fence and the violation case will be closed. 2. Apply for a CDP to legalize the fence. A deadline of September 28, 2018 was provided to remove or legalize the fence with permits to avoid the issuance of a citation.
- G. October 29, 2018: Property owner applies for a CDX instead of a CDP (PLN2018-00426), which is processed by Planning.
- H. December 18, 2018: Coastal Development Permit Exemption is denied by Planning; since the property is undeveloped, it does not meet the exemption criteria for "Maintenance and alteration of, or addition to, existing single-family dwellings". (See text of email sent to property owner on Attachment H.)
- I. January 2019: Property owners requested a meeting with the Community Development Director (CDD) requesting that he reconsider the CDX denial in December 2018 which he agreed to. They submitted additional information supporting a claim that the situation qualifies for a CDX as "the maintenance and alteration of, or addition to, existing structures other than single-family dwellings and public works facilities". They argued that the "existing facility" that the fence

“maintains” is a water pump/back flow device on the same parcel which is associated with CCWD’s water tank on the adjacent parcel, with the fence providing security and protection for the water pump and the property in general. The CDD asked for any information from CCWD regarding the relationship of the fence to the water pump and back flow device. That request was made on 1/7/2019. No additional information was provided. Since there was no immediate threat to public health and safety, no additional enforcement action was pursued at that time.

- J. January 2020: Property owners visited Planning and asked that the VIO case be closed. On 1/22/20, they submitted information and photos showing the water pump and a fire hydrant on the property, claiming that the water pump is not owned by CCWD, is for personal use only, and the back flow device has been removed. Planning agreed to consider this new information, noting that it wasn’t immediately clear that it supports the position that the fence is related to the maintenance/protection of the water pump as the “existing structure” on the site.
- K. July 8, 2021: The CDX was again denied since it did not meet the exemption criteria for maintenance/alteration/addition to an existing structure. A CDP continues to be required to legalize the fence. Due to concern from the Fire Department and neighbor complaints regarding the fence impeding access, Code Enforcement was directed to proceed with enforcement, giving the property owners 30 days to apply for a Coastal Development Permit. A Notice of Violation was thus mailed to the property owner.
- L. September 8, 2021: Administrative Citation of \$100 issued citing non-compliance with Zoning Regulations Section 6328.3(h), 6328.3(r), 6328.4.
- M. September 22, 2021: Property owner appeals the Administrative Citation.
- N. November 16, 2023: Code Compliance Officer John Bologna sends letter via Certified Mail notifying appellant of Citation Appeal hearing date and summarizing events related to the violation after the filing of the Citation Appeal. (See Attachment F).
- O. December 21, 2023: Citation Appeal Hearing

APPEAL PROCEDURES

Section 1.40.090 allows any recipient of an administrative citation to request an appeal hearing to contest that there was a violation or that he or she is the responsible party by completing a Request for Hearing Form and returning it to the County within 14 days from the date of the administrative citation, along with the processing fee as listed in the County’s fee schedule. The Request for Hearing Form shall include a brief statement of material facts supporting the appellant’s claim that no violation occurred, or no penalties

or other remedies shall be imposed. In accordance with these procedures, the property owners filed a timely and complete appeal.

Section 1.40.120 regulates the Hearing Officer's decision and administrative order. The Hearing Officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person has caused or maintained the violation on the date specified in the administrative citation. After considering all of the testimony and evidence submitted at the hearing, the Hearing Officer shall issue a written decision to uphold or cancel all or part of the administrative citation and shall list the reasons for that decision.

STAFF RECOMMENDATION

The property owners, TEG Partners owned the property in 2017, 2021 when the Notices of Violation and Administrative Citation were issued, and still own it today. They are responsible for constructing the fence without a permit. These points have never been in dispute. Staff believes the regulations are clear – that construction of the fence requires a CDP or a Coastal Development Permit Exemption. The CDD has twice determined that the fence does not qualify for an exemption. The File History shows that the County has followed the process required per Chapter 1.40 in issuing the Administrative Citation and has been extremely flexible in allowing the appellants to pursue legalization of the fence, rather than taking it down. However, the appellants have not followed through in a reasonable period of time. The fence remains on site in violation of Sections 6328.3(h), 6328.3® and 6328.4), inconveniencing adjacent landowners, including public agencies responsible for public health and safety, and should be removed.

Staff recommends that the Hearing Officer uphold the Administrative Citation because the property owners are responsible for creating and maintaining the violation and the violation existed on September 8, 2021, the date the Administrative Citation was issued, and continues to exist. The decision issued by the Hearing Officer should include an Administrative Order to remove the fence that is the subject of these violations by a set date.

Confirmed Violation: The violations were confirmed existing on-site by visits performed by Code Compliance staff January 2021 and by subsequent site visits and aerial photos.

Due Process: The Planning and Building Department has followed the codified procedures to ensure due process for the recipients of the Notice of Violation and Administrative Citation.

Integrity of Permit Requirements: Without use of administrative fines when necessary to enforce permitting and zoning requirements, there is less incentive for compliance, and those property owners who abide by the requirements are done a disservice.

Case Resolution: In order to close the active violation case, the property owners must bring the property into a state of compliance and notify the Code Compliance Section so verification can occur. If the Hearing Officer orders abatement by a set date and abatement occurs on or before that set date, no additional fines will be pursued, provided any outstanding fines are paid.

ATTACHMENTS

- A. Appeal and Request for Hearing
- B. Vicinity Map
- C. Aerial Photo 2023
- D. Notice of Violation 2021
- E. Administrative Citation 2021
- F. Notification of Citation Appeal Hearing Letter 2023
- G. Summary of Case Activity VIO2017-00054
- H. Summary of Case Activity PLN2018-00426
- I. Site Photos 2017
- J. Site Photos 2021
- K. Site Photos 2023

2023_12_13_VIO2017-00054_ZHOSR_WPC_FINAL



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A

TEG PARTNERS, LLC

September 22, 2021

RE: Case # VIO2017-00054
Location of Alleged Violation: APN 048 076 120, Half Moon Bay (the "Property")

APPEAL AND REQUEST FOR HEARING

Dear Sir/Madam:

Please consider this letter to be Teg Partners LLC's ("Appellant") appeal and its request for a hearing before a neutral Hearing Officer. The Appellant reserves the right to supplement its argument and provide additional exhibits and information at or prior to the time of the Hearing as determined by the neutral Hearing Officer.

A written copy of this appeal and request for hearing before a neutral Hearing Officer and a check drawn in the favor of San Mateo County for an advance deposit of \$100 was mailed on September 17, 2021, (USPS Tracking number 9405 5012 0652 2013 3650 78). There was a reference to an Appeal Processing Fee also, but I could not find the amount anywhere, so when you emailed me that the Appeal Processing Fee was \$473.55 on Monday, Sept 21, 2021, I mailed the check in the amount of \$473.55 the same day (USPS Tracking number 9405 5012 0652 2017 0836 64).

Background

The Administrative Citation (the "Citation") provides that the reason for the Citation is: "Fence built on an undeveloped parcel. A CDP is required to legalize the fence."

The fence which is the subject matter of the Citation is approximately 4 feet in height. A picture depicting the fence is attached hereto, marked Exhibit 1, and incorporated by this reference.

In 2016 and 2017, it became obvious that something had to be done about the lack of safety, the constant trespass and vandalism at the Property. After several incidents, Deputy Sudano

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Appeal & Request for Hearing

of the Sheriff's Department recommended that fences and cameras be installed at the Property. Based upon the recommendations made by Deputy Sudano, Appellant installed fence and cameras. As a result of the installation of the fence and cameras, the trespasses and vandalism decreased substantially.

The Citation Violates Appellant's Due Process and is Vague and Ambiguous

The Citation provides that the Citation is based upon "Zoning and/or Building Violations" and cites three sections, to wit: 6328.3 (h); 6328.3 (r) and 6328.4. But no additional information is provided to determine where to find the code sections.

The Notice is Vague and Ambiguous

The Notice of Violation provides that the reason for the Citation is "Fence built on an undeveloped parcel." But nowhere in the Zoning Ordinance of the County of San Mateo (the "Zoning Ordinance") is "undeveloped parcel" defined.

The Citation Fails to Comply with Section 1.40.060 of the Code

Each administrative citation shall contain the following information:

(1) Date of the violation and any previous correspondence from the County regarding the violation, including the warning notice;

Appellant's Comment: The Citation does not comply.

(2) Address or a definite description of the location where the violation occurred;

Appellant's Comment: The Citation does not comply.

(3) Section of this code, County Ordinance or state law or regulation that was violated and a description of the violation;

Appellant's Comment: The Citation does not comply.

(6) Actions required to correct the violation;

Appellant's Comment: The Citation does not comply.

The Code Violates Due Process

Appellant should be able to argue any and all defenses to the County's Citation.

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The County is Estopped from Pursuing the Alleged Violation

The County became aware of the erection of the fence on February 22, 2017 through a complaint. The matter was investigated and on March 14, 2017, the Planning Department of the County determined that the complaint was invalid.

The County is Precluded from Pursuing the Citation Because of Laches

The alleged violation started in February 2017. The county has unreasonably delayed any action regarding the alleged violation.

Lack of Legitimate Government Purpose

Without admitting that a Coastal Commission Permit is required, the undersigns argue that the regulations requiring such a permit for the construction of a 4 ft each fence on the property for safety purposes does not carry a legitimate interest.

Statute of Limitations

The County is not allowed to pursue the alleged violation. The County became aware of the alleged violation in February 2017, more than 4 years ago. The period within which the County may issue a violation has expired. See Code of Civil Procedure, Section 343.

The Citation is Based upon Unjustified Pressure on the County from Ill-willed Individuals acting as a Mob

The fence were erected prior to February 2017. One fence runs along a gravel driveway which is an easement for ingress and egress purposes leading to the property known as APN 048 076 130 (Previously owned by Mr. and Ms. McIver and now owned by Mr. and Ms. Blanton). To the undersigns' knowledge, there is no complaint about that fence.

The Citation is Pursued Based upon Discriminatory Motive

The fences in and of themselves do not create any issue regarding access and/or fire safety or permit application. One has to look elsewhere for the motive behind certain ill-willed individuals acting as a Mob, intent to harm the undersigns and the resulting County action. The facts lead to the conclusion that the actions are based upon race, religion and national origin and in violation of 43 USC section 1983.

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Appeal & Request for Hearing**

The County is Pursuing Enforcement in Violation of Section 1.40.060

Section 1.40.060 of the Code specifically provides the process which must be followed to serve an accused person of an alleged violation. Notice is the corner stone of Due Process. The County failed to comply with its own requirement and Due Process.

No Permit is Required

To the extent that the County is alleging that Appellant is required to obtain Coastal Commission Permit (“CCP”) to maintain a fence on the Property, Chapter 123 of the Coastal Zoning Regulation, section 13.20.061 does not support the County’s position.

It is therefore respectfully requested that citation be dismissed and alleged violation closed.

Sincerely,

TEG Partners, LLC
By: /S/ Tejinder Singh
Encl.

1. Mailed Check for \$100 USPS Tracking number 9405 5012 0652 2013 3650 78
2. Mailed Check for \$473.55 USPS Tracking number 9405 5012 0652 2017 0836 64

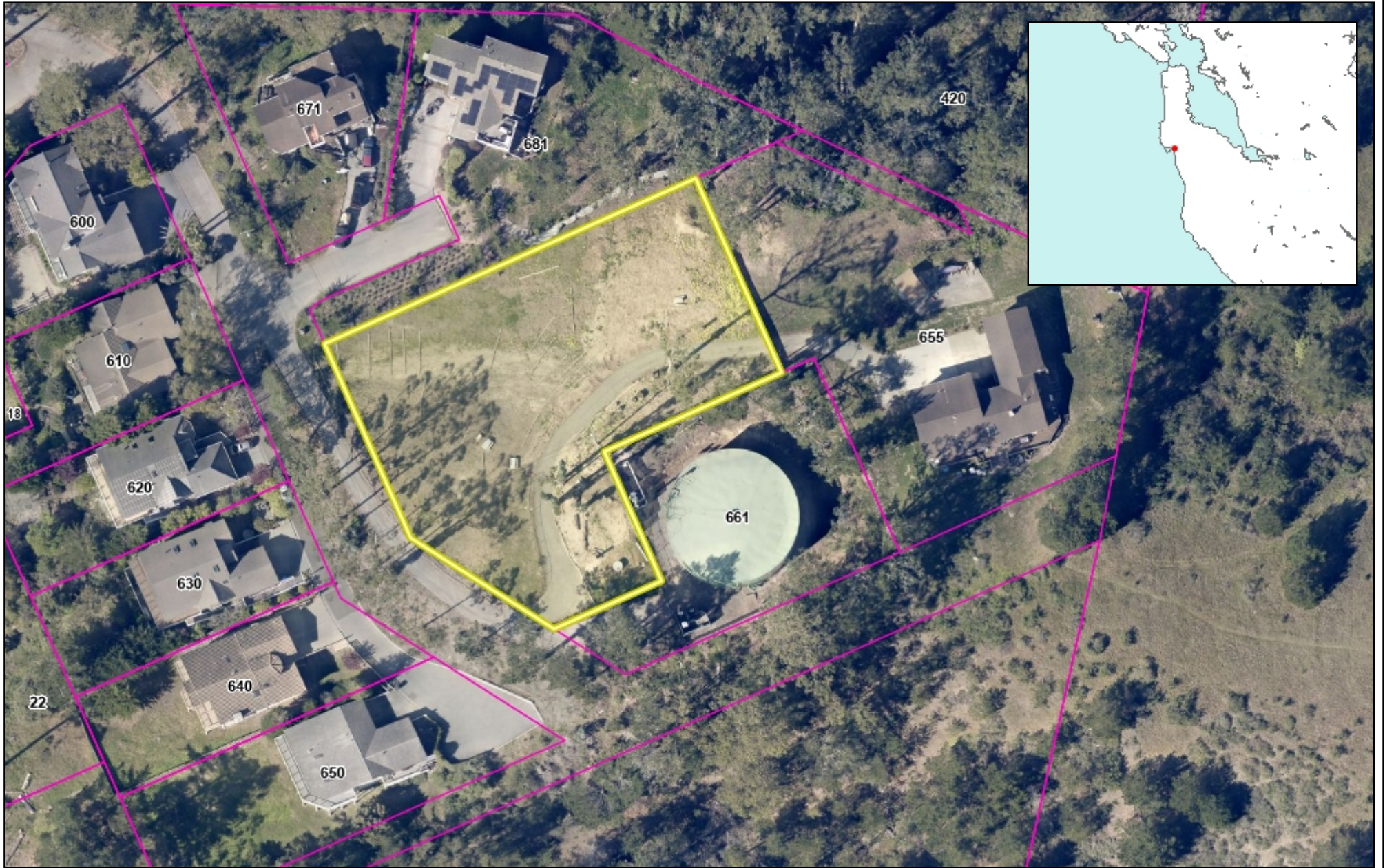
EXHIBIT-1





COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



0.04 0 0.02 0.04 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

1:1,128



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C






Google Maps 661 Miramar Dr




Imagery ©2023 Google, Imagery ©2023 Airbus, CNES / Airbus, Maxar Technologies, U.S. Geological Survey, Map data ©2023 50 ft



661 Miramar Dr Building

- 
 Directions
- 
 Save
- 
 Nearby
- 
 Send to phone
- 
 Share

 661 Miramar Dr, Half Moon Bay, CA 94018

Photos





COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D



NOTICE OF VIOLATION

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT
CODE COMPLIANCE DIVISION, 455 COUNTY CENTER, 2nd FLOOR
REDWOOD CITY, CA 94063 (650) 363-4825 (Office)

Date Issued: _____
VIO#: _____

AVISO IMPORTANTE, si desea una traducción, favor de llamar al número (650) 363-4825 dentro de las horas de 7:00 a.m. y 4:00 p.m.

Name of Property Owner/Responsible Person:
Address if Different than Violation(s)

An inspection of the premises located at _____ in the County of San Mateo revealed the code violation(s) noted below.

THE VIOLATION(S) NOTED BELOW MUST BE CORRECTED BY: _____.

A REINSPECTION WILL BE MADE ON OR AFTER THE CORRECTION DATE TO VERIFY COMPLIANCE. If the violation(s) has (have) not been corrected by the date shown above, Administrative Citations ranging from \$100 to \$500 per violation per day and/or more severe enforcement remedies may be implemented. To avoid receiving fines and/or penalties, or if you need further information and/or an extension (not guaranteed), you must contact the Code Compliance Officer listed below by the above date.

SEE REVERSE SIDE FOR FAILURE TO COMPLY NOTICE

Inoperable/abandoned vehicle on the property

- San Mateo County Ordinance Code Section 7.60.140 Remove all inoperable, wrecked, dismantled, licensed or unlicensed vehicles from the property or relocate into fully enclosed structure. DO NOT relocate onto public street.

Exterior of property in unclean, unsafe and/or unsanitary condition Overgrown Weeds

- 2015 International Property Maintenance Code Section 302.1 Maintain exterior property and premises in a clean, safe and sanitary condition.
- 2015 International Property Maintenance Code Section 302.4 Remove all overgrown and/or dead weeds and/or vegetation from the exterior of the property. Maintain growth at a maximum height of 18 inches or less.

Over height Fences, Walls, Hedges Accessory Structure and/or fence/wall in disrepair

- San Mateo County Zoning Regulations Section 6412 Fences, walls, and hedges shall not exceed four (4) ft. in height in front yard and six (6) ft. in height in side yard areas: Reduce the height of the fence, wall, and/or hedge to not exceed the required height limitations.
- 2015 International Property Maintenance Code Section 302.7. Maintain all accessory structures, including detached garages, fences and walls in good repair and in a structurally sound condition.

Construction/Grading without permits and inspections

- San Mateo County Building Regulations Section 9006 A valid County permit is required prior to starting work. Immediately cease all work, apply for and obtain proper permits from the Planning and Building Department. A final inspection approval may be required.
- San Mateo County Building Regulations Section 9283. Excavating, grading, filling, and/or land clearing/disturbing requires a valid permit prior to start of work. Immediately cease all work. Apply for and obtain a grading or clearing permit with the Planning Department.

Heritage Tree and/or Significant Tree Violation

- San Mateo County Ordinance Code Sections 11.051 & 12.020.A. A valid county permit is required to remove, destroy or trim a Heritage or Significant tree, whether indigenous or exotic: You must apply for and obtain an *"after-the-fact tree cutting permit"* with the Planning Department.
- Other: _____

Please call or email me at _____ for more information or call one of the following numbers:
Code Compliance Division: (650) 363-4825 Planning Division (650) 363-1825 Building Division (650) 599-7311

SIGNATURE/PRINT NAME

DATE ISSUED

AVISO IMPORTANTE

si desea una traducción, favor de llamar al número (650) 363-4825
dentro de las horas de 7:00 a.m. y 4:00 p.m.

IMPORTANT - PLEASE READ

Consequences of Failure to Correct Violations

San Mateo County Ordinance Code Chapter 1.40 outlines some of the enforcement remedies available to encourage compliance with this notice.

This includes, but is not limited to, the issuance of Administrative Citations for code violations. If the violation(s) has (have) not been corrected by the date specified on the front side of this Notice of Violation, Administrative Citations, ranging from \$100 to \$500 per violation per day, and/or more severe enforcement remedies may be implemented.

Other available enforcement remedies, include, but are not limited to: civil penalties, criminal prosecution, civil injunction, withholding of future permits, abatement, property lien, and recordation of the violation(s) with the County Recorder's office

Per San Mateo County Ordinance Code Section 1.40.020, the above remedies are cumulative and nothing prohibits the use of more than one remedy being used at the same time.

If you are unclear on the violations or how to correct them or are requesting an extension (not guaranteed), please contact the Code Compliance Officer designated on the front of this notice in advance of the compliance deadline given.

Please note: If your property previously had a notice recorded through the County Recorder's office, including, but not limited to, a Notice of Violation or Stop Work Notice - that pre-existing violation may need to be resolved before the current violation case can be closed. Additional fines and penalties may be imposed to resolve the former violation.

AVISO IMPORTANTE

si desea una traducción, favor de llamar al número (650) 363-4825
dentro de las horas de 7:00 a.m. y 4:00 p.m.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT E



SAN MATEO COUNTY ADMINISTRATIVE CITATION

APN(s): 048-076-120

Date: 09/08/2021

Location of Violation(s): APN 048-076-120, Half Moon Bay

Property Owner(s): Teg Partners LLC

Case#: VIO2017-00054

Mailing Address (if different): 18 Terrace Avenue, Half Moon Bay

CITATION AMOUNT:

- 1ST CITATION \$100.00
- 2ND CITATION \$200.00
- 3RD CITATION \$500.00
- and/or subsequent violations within 12-month

**Required corrections must made
AND fine due by this date:**

09/22/2021

Refer to the back of this citation for additional information on payment of this citation, consequences for failure to pay citation, failure to correct violation(s), and your rights to appeal.

Description of Violation(s):	Required Correction(s):
<input type="checkbox"/> Sections 1.12.010 (5) & 2.60.40 IPMC 302.8 Inoperable Motor Vehicles	Remove all inoperable, wrecked, dismantled, and/or unregistered vehicles from the exterior of your property or place within a fully-enclosed, legal structure. "Motor Vehicle" includes cars, trucks, trailers, boats, RV's, and ATV's. DO NOT relocate onto street.
<input type="checkbox"/> Sections 1.12.010 (4) & 2.60.40 IPMC 302 Accumulations Nuisance	Remove all accumulations of debris, garbage, rubbish, lumber, broken/discarded household items, and/or junk from the exterior of your property.
<input type="checkbox"/> Sections 1.12.010 (4) & 2.60.40 IPMC 302.4 Overgrown Vegetation	Remove all overgrown and/or dead weeds and/or vegetation from the exterior of your property.
<input type="checkbox"/> Section 1.12.010 and 2.60.40 IPMC 302.9 Graffiti	Abate the graffiti on your property.
<input type="checkbox"/> Sections 1.12.010 & 2.60.40 IPMC Chapter 302 OTHER Nuisances	Abate the following nuisance: <input style="width: 200px; height: 30px;" type="text"/>
<input type="checkbox"/> Section 6412 Fences, Walls, and Hedges: Height Limitations	Reduce the fence, wall, and/or hedge on your property to not more than 4 feet high in front yard area and 6 feet high in rear yard area or contact the Planning Department (650) 599-1825 regarding a height exception application and obtain approval for an exception.
<input type="checkbox"/> Section 12,020 Permit Required to Cut, Remove, or Destroy any Significant Tree	Apply for and obtain an after-the-fact tree-cutting permit with the County of San Mateo Planning Department (650) 599-1825.
<input type="checkbox"/> Section 8602.0 Permit Required for Grading, Excavating, Clearing, and Filling activities	STOP all work and immediately apply for and obtain a grading permit with the County of San Mateo Planning Department (650) 599-1825.
<input checked="" type="checkbox"/> Zoning and/or Building Violations Section(s): 6328.3(h) 6328.3(r) 6328.4	Fence built on an undeveloped parcel. A CDP is required to legalize the fence. If permit is denied, the fence must be removed from the property.

Signature of
Issuing Officer:

Printed Name of
Issuing Officer:

John Bologna

IMPORTANT INFORMATION - READ CAREFULLY

Administrative Citation: The San Mateo County Ordinance Code Section 1.40.010 provides for the issuance of administrative citations for Code Violations. There are three levels of citations that can be issued progressively for a violation. The fines, as indicated on the front of the citations, are \$100.00 for the first citation, \$200.00 for the second citation, and \$500.00 for the third and subsequent citations for violations of the same San Mateo County code section within 12 months. These citations may be issued each day the violation(s) exists.

Your Appeal Rights: You have the right to file an appeal of the administrative citation. You may do so by completing a Request for Hearing form or by requesting your appeal in writing that includes a brief statement of material facts supporting your claim that no violation occurred or no penalties or other remedies shall be imposed. Return the Request for Hearing form or your written request for hearing to the County, together with a processing fee and an advance deposit of the penalty within fourteen (14) days from the citation date.

Failure of any person to timely file a written and complete appeal shall constitute a waiver of his or her right to an administrative hearing and adjudication of the administrative citation. A full description of the hearing process for the County's administrative hearing for Ordinance Code violations and your rights in that process are found in the San Mateo County Ordinance Code Chapter 1.40 Administrative Remedies.

Consequences of Failure to Pay Fine: The failure of any person to pay the fine assessed by the administrative citation within the time specified on the citation may result in any legal remedy available to collect such fee. The County has the authority to collect all costs associated with the filing of such actions. Failure to pay the fine requirements may be found in the San Mateo County Ordinance Code Section 1.40.150.

How to Pay Fine: The amount of the fine is indicated on the front of the administrative citation. You may pay by mail or in person at the Planning and Building Department located at 455 County Center, 2nd floor, Redwood City, CA 94063. Payments can be made by Visa, Master Card, personal check, cashiers' check, or money order payable to San Mateo County. Please write the CASE# on your check or money order.

If the citation is not paid or appealed within fourteen (14) days from the date of issuance or mailing of the citation, whichever is later, a late payment charge may be imposed (the schedule of penalties shall specify the amount). Please follow the instructions to ensure proper processing of your payment. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the County of San Mateo.

Consequences of Failure to Correct Violation(s): There are numerous enforcement options that can be used to encourage the correction of the violation(s). These options include, but are not limited to: civil penalties, criminal prosecution, civil injunction, withholding of future permits, abatement, lien, and recordation of the violations with the County Recorder. These options can empower the County to collect fines, to demolish structures, make necessary repairs, and abate nuisances at the owner's expense. Any of these or other options may be used if the administrative citations do not achieve compliance.

If you need further clarification about payment of the citation please call San Mateo County Code Compliance at (650) 363-4825.

If you need further information about the violation(s) and/or how to comply, please contact the officer designated on the front of the citation.

Fine Due for THIS Citation:	\$100.00
Total Fines Due for ALL unpaid Citations issued for these violation(s):	\$100.00

AVISO IMPORTANTE, si desea una traducción, favor de llamar al número (650) 363-4825 dentro de las horas de 7:00 a.m. y 4:00 p.m.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT F



COUNTY OF SAN MATEO
PLANNING AND BUILDING

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

November 16, 2023

Dear TEG Partners LLC,

VIA Certified Mail

RE: Notification of Citation Appeal Hearing Date (VIO2017-00054, APN 048-076-120); fence constructed on a vacant property without permit

The above referenced violation remains open and unresolved. On September 22, 2021, pursuant to County Ordinance Code Chapter 1.4, you appealed the citation issued to you on September 9, 2021, for failing to correct the violation by removing the fence or filing the proper permit application required to legalize it. It was then and remains the Department's position that the proper permit required to legalize the fence on the vacant property is a Coastal Development Permit (CDP), per Chapter 20B of the County Zoning Regulations.

The Department planned to schedule the appeal hearing in October or November 2021, but you requested additional time. At your request, a meeting with the Deputy Director was held in November 2021 when it was agreed that the Department would continue to hold off scheduling the appeal hearing, based on your assurance that you would submit a Design Review/Coastal Development Permit or Exemption application for both a new home and legalization of the existing fence together by January 2022. In September 2022, you instead submitted a request to close the violation case and again argued that the fence is eligible for a Coastal Development Permit Exemption (CDX). The Community Development Director responded, again restating that development of a fence alone on a vacant property is not eligible for a CDX, and that unless the fence is removed, a CDP application is required to legalize it.

As of this date, the fence has not been removed and no Design Review application for a new home nor a CDP to legalize the fence alone has been submitted. As such, the Department plans to schedule your citation appeal hearing for the Zoning Hearing Officer meeting on December 21, 2023. Additional information regarding the hearing will be sent at least 10 days prior to the meeting.

Sincerely,

John Bologna
Senior Code Compliance Officer



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT G



COUNTY OF SAN MATEO

PLANNING AND BUILDING

County Government Center
 455 County Center, 2nd Floor
 Redwood City, CA 94063
 650-363-4161 T
 650-363-4849 F
planning.smcgov.org

VIO2017-00054

Summary of Case Activity

APN: 048076120

ADDRESS: MIRAMAR DR, HALF MOON BAY, CA 94019-0000

Fences have been built on a vacant parcel that are obstructing access to the neighboring property (Fences are on Parcel 048-076-120 which appears to have the same address as Parcel 048-076-130)

Activity	Date Assigned	Done By	Status	Status Date
Enforcement	11/16/2023	JOHN BOLOGNA	Notes	11/16/2023
11/16/2023, letter mailed to property owner via certified mail. The letter highlights a timeline of inactivity from the property owner to resolve this violation.				
ZHO hearing tentatively set for December 21, 2023.				
Enforcement	09/22/2021	Summer Burlison	Notes	09/22/2021
9/22/21 SSB - \$100 citation fee paid.				
	09/22/2021	Summer Burlison	Notes	09/22/2021
9/22/21 SSB - Appeal filed, fee paid. Routed to Lisa A.				
Enforcement	09/08/2021	JOHN BOLOGNA	Notes	09/08/2021
08/06/2021, property owner sent an email to the Deputy Director of the Planning Department addressing his concerns on why the fence should remain and not be removed from the property.				
	09/08/2021	JOHN BOLOGNA	First Citation	09/08/2021
09/08/2021, the property owner has not complied with the County as he has not applied for a CDP and the fence still remains on the undeveloped parcel. \$100 citation mailed to the property owner via regular mail.				
Enforcement	07/15/2021	JOHN BOLOGNA	Violation Notice Sent	07/15/2021
07/08/2021, Notice of Violation mailed to property owner via regular mail.				
Enforcement	07/08/2021	Lisa Aozasa	Notes	07/08/2021
7/8/21 LAA – since CDX (PLN2018-00426) was again denied, CDP is required to legalize fence. Due to concern from Fire regarding access, moving forward with enforcement. Requesting application for CDP to be submitted within 30 days. Will send information on application forms, process, fees.				
Enforcement	02/07/2020	Lisa Aozasa	Notes	02/07/2020
2/7/20 LAA -- VIO 2017-00054 remains open and unresolved. See PLN 2018-00426 for more information on status of efforts to legalize the fence.				
Enforcement	07/09/2019	Joan Kling	Notes	07/09/2019
Need to check on status of this case.				
Enforcement	12/24/2018	Mike Schaller	Notes	12/24/2018
12/24/18 mjs - Property owner came in to make request to remove violation. Advised him to submit a letter stating his position and that would be forwarded to Camille or Summer who have been involved with this case previously. They can review and work with Code Enforcement regarding this request.				
Enforcement	09/27/2018	Camille Leung	Notes	09/27/2018

Activity	Date Assigned	Done By	Status	Status Date
9/27/18 CML - I met with TJ and Tripp for the Pre App (PRE2018-00053). I gave them forms, fees, calendar, and told them that the County will not issue any permits, including Deign Review, until the fence violation is resolved. I stated that the only way to resolve the violation is for the fence to be removed. As no permits for construction will be issued until the violation is resolved, he fence cannot be retained as a future fence for the residence or as a construction fence.				
They asked as to whether they can install 2 "no trespassing signs" in lieu of the fence. I said that this could potentially qualify for a CDX. COunty would need sign specs, post specs, overall height and location map. Prior to approval of any CDX, fence would have to be removed first.				
Enforcement	09/13/2018	Joan Kling	Notes	09/13/2018
Summer sent email to Singhs saying Code Compliance will soon issue Citations. Deadline is Sept. 28. Citations will be issued after that.				
	09/13/2018	Summer Burlison	Notes	09/13/2018
9/13/18 SSB - Emailed to TJ Singh, cc'd code compliance officer:				
Hello TJ,				
Code Compliance mentioned they are getting ready to issue a citation for the unpermitted fence installed along the access easement running through your property as there's been no confirmation that it has been removed and no application for a Coastal Development Permit (CDP) to seek legalization. It was agreed that I could reach out to you before a citation is issued (which carries citation fees) to try to get resolution (and avoid any citation fees for you!). Your options are below:				
1. Remove the fence and call code compliance to site verify removal, which would address the violation and upon confirmation of removal, the violation case would be closed.				
2. Apply for a CDP to legalize the fence, in which staff would likely recommend denial for the fence as it does not serve a permitted use on the property and detracts from the natural surrounding environment. A CDP would require a public hearing before the Planning Commission (PC) and the PC's decision is appealable. The CDP application filing fee for an after-the-fact CDP is approximately \$7,800.				
One of the above options needs to completed by Friday, September 28, 2018 in order to avoid the issuance of a citation by the Code Compliance Section.				
Regards, Summer				
Enforcement	12/14/2017	Ana Santiago	Notes	12/14/2017
They need a CDP. They want to deny that they need one, and have submitted a letter stating so. I explained again they still need a CDP.				
Enforcement	11/09/2017	Summer Burlison	Notes	11/09/2017
11/9/17 SSB - Owner came in with letter stating reasons why they don't believe they need a CDP including because the fence is less than 4' in height and non-masonry (it's chain link). He pointed to previous brochure given to him highlighting that building permit is not require for fence less than 6' in height.				
Enforcement	11/03/2017	Ana Santiago	Violation Notice Sent	11/03/2017
They have not completed the CPD for the fence. I issued the NOV.				
Enforcement	10/25/2017	Ana Santiago	Notes	10/25/2017
Property owner spoke with Joan Kling the Code Compliance Manager. He gave her a copy of notes in Accela that she stated it was a civil matter. She explained he needed a CDP and gave him copies of the LCP requiring the Coastal Development Permit and the meaning of exemption, and she showed him where he does not meet the exemption.				
Enforcement	09/21/2017	Ana Santiago	Notes	09/11/2017
They have applied for the CDP. It was deemed incomplete.				
Enforcement	04/07/2017	Ana Santiago	Complied	04/07/2017
Final Proccessing	04/07/2017	Ana Santiago	Workflow Closed	04/07/2017
Investigation	09/21/2017	Ana Santiago	In Violation	03/14/2017
See Ruemel's notes on 3/8/17.				

Activity	Date Assigned	Done By	Status	Status Date
Investigation 3/8/17 RSP - Applicant came to counter. Notified that fence requires a CDP.	03/08/2017	Ruemel Panglao	Notes	03/08/2017
Complaint Received	02/22/2017	Rita McLaughlin	Investigation	02/22/2017



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT H



PLN2018-00426

Summary of Case Activity

APN: 048076120

ADDRESS: MIRAMAR DR, HALF MOON BAY, CA 94019-0000

CDX to address VIO2017-00054 for fences which have been built on a vacant parcel that are obstructing access to the neighboring property (fences are on Parcel 048-076-120 which appears to have the same address as Parcel 048-076-130).

Activity	Date Assigned	Done By	Status	Status Date
Project Decision	07/08/2021	Lisa Aozasa	Final Denial	07/08/2021
<p>7/8/21 LAA – the applicants submitted no further information supporting the contention that the fence was eligible for a CDX as an “addition to an existing structure”, and after consulting with the CDD, the CDX is again denied. A CDP is required to legalize the fence. Also, upon learning from Fire that the fence is a concern vis a vis access, will be coordinating with Code to contact applicants and follow up with enforcement. See VIO 2017-00054.</p>				
Project Decision	02/07/2020	Lisa Aozasa	Notes	02/07/2020
<p>2/7/20 LAA -- Applicants requested a meeting with the CDD and requested that he reconsider the denial in November/December 2019 which he agreed to. They submitted additional information supporting a claim that the situation qualifies for a CDX as “the maintenance and alteration of, or addition to, existing structures other than single-family dwellings and public works facilities”. The “existing facility” that this fence “maintains” is a water pump/back flow device on the same parcel which is associated with CCWD’s water tank on the adjacent parcel, with the fence providing security and protection for the water pump facility and the property in general. The CDD asked for any information from CCWD regarding the relationship of the fence to the water pump and back flow device. That request was made on 1/7/2019. No additional information was provided. Since there is no threat to public health and safety, no additional enforcement action was pursued..</p> <p>The week of January 6th, 2020, the applicants came by the office and asked me to close the VIO case. After further research into where things left off a year prior, I discovered that the VIO case could not be closed because the CDX was not approved. On 1/22/20, the applicants submitted information and photos showing the water pump and a fire hydrant on the property, claiming that the water pump is not owned by CCWD is for personal use only, and the back flow device has been removed. It’s not clear that this supports the position that the fence is related to the maintenance/protection of the water pump – or the fire hydrant – as the “existing structures” on the site, so will consult with the CDD the week of February 18th, 2020.</p>				
	02/07/2020	Lisa Aozasa	Notes	02/07/2020
Project Decision	04/10/2019	Ruemel Panglao	Workflow Closed	04/10/2019
Agency Referrals	12/18/2018	Ruemel Panglao	No Agency Review Require	12/18/2018
Appeals	12/18/2018	Ruemel Panglao	Not Appealable	12/18/2018
Application Submitted	12/18/2018	Ruemel Panglao	Completeness Review	12/18/2018
CEQA Preparation	12/18/2018	Ruemel Panglao	Exemption	12/18/2018
Project Analysis	12/18/2018	Ruemel Panglao	Deemed Complete	12/18/2018
Project Decision	12/18/2018	Ruemel Panglao	Workflow Closed	12/18/2018
	04/10/2019	Ruemel Panglao	Final Denial	12/18/2018
Required Advisory Committee	12/18/2018	Ruemel Panglao	No Advisory Committee Re	12/18/2018
Staff Decision - Hearings	12/18/2018	Ruemel Panglao	Denied	12/18/2018

Activity	Date Assigned	Done By	Status	Status Date
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12/18/18 RSP- The Coastal Development Permit Exemption (CDX) has been denied per the Community Development Director (SAM). The following email was sent to the applicant:

Dear TJ,

After review of your application for an after-the-fact Coastal Development Permit Exemption (PLN2018-00426) for the subject fence, the Community Development Director has determined that the fence does not meet the exemption criteria (see the Exemption/Exclusion Worksheet here:

<https://planning.smcgov.org/sites/planning.smcgov.org/files/documents/files/Categorical%20Exemption%20Checklist.pdf>)

and has therefore denied the application. The fence shall require an after-the-fact Coastal Development Permit (CDP) that will be subject to a Planning Commission public hearing for decision because, per Section 6328.3(q) of the Zoning Regulations, the fence is not a principal permitted use and, per Section 6328.9(c) of the Zoning Regulations, a CDP not associated with any other permit shall be subject to decision by the Planning Commission.

The materials you have submitted can be used as a start for your CDP application . We will just need the appropriate forms, fees, and supplemental documentation required for an after-the-fact CDP to get the process going.

The following items are required for the initial submittal. This does not preclude further requests for information, materials, and additional fees during the review process:

1. Planning Permit Application: <https://planning.smcgov.org/documents/planning-permit-application-form>
2. Coastal Development Permit Application: <https://planning.smcgov.org/documents/coastal-development-permit-application-companion-page>
3. Environmental Information Disclosure Form: <https://planning.smcgov.org/documents/environmental-information-disclosure-form>
4. Proof of Ownership (deed or tax bill)
5. Survey which clearly demarcates 1) the location of the fence, 2) the height of the fence, and 3) the boundaries of the access easement.
6. Location Map
7. Site Plan (scaled)
8. Elevation of the chain link fence that notes material and color (scaled)
9. Supporting statements
10. Fees – approximately \$7800.00 (you will be provided a complete breakdown of fees at submittal prior to payment)

I will place notes in the system so that any of the counter planners will be able to intake your application. Failure to submit the CDP application within 30 days will result in continued enforcement action by the Code Compliance Section.

Please let me know if you have any questions.

Sincerely,
Ruemel

Application Submitted	11/06/2018	Tiare Pena	Notes	11/06/2018
11/6/2018 tgp - Had a conversation with Mr. Singh at the desk. The purpose of the fence is to protect the water pump located on the vacant parcel.				



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT I







COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT J







COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT K



NO
TRESPASSING

11/30/2023



11/30/2023



11/30/2023