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**APPEAL FORM**

(For more information, see Section 17.22.220 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT LILLIAN C. YOUNG

ADDRESS 3650 SNEATH LANE, SAN BRUNO, CA. 94066

DAYTIME TELEPHONE (650) 588-5689

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT \_\_\_\_\_

ADDRESS \_\_\_\_\_

DAYTIME TELEPHONE \_\_\_\_\_

APPEAL BEING MADE TO:  Board of Supervisors  Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

*The reasons for my appeal are in the attached. I will not be available from Aug 1 through Aug 19th, 2008. I, therefore request that any hearing for my appeal not be scheduled within the period of August 1st through 19th, 2008. Thank you for your consideration.*

DATE OF ACTION BEING APPEALED July 14, 2008

Signature Lillian C. Young

Date 7/14/08

L. Lillian Young appeal zoning administrator's approval of the tentative parcel map P07-0021, design waivers, including waiver to allow dead-end road to exceed 2640 feet, the adoption of the negative declaration, and of more specifically the following:

① The Notice of Public Hearing stated, "All persons interested are invited to attend and be heard or to write their comments." Since I planned to attend the hearing, I prepared my statement to present at the hearing. There was no indication on the Notice of Public Hearing of a time limit for the presentation. Additionally, because of the condition "If you challenge the application in court, you may be limited to raising only those items you or someone else raised at the public hearing...". I had to cover every aspect of the application and the staff report. My statement was cut short by the Zoning Administrator (ZA) and was unable to complete. My questions were not answered.

I (Young) appeal the following based on EDC Code 16.48.060 C:

② That the hearings have not been made in impartial manner, Code 2.63.500 B  
That the testimony has not been submitted under oath, affirmation, or penalty of perjury, Code 2.63.500 B

③ That Young did not receive adequate notice that Young testimony was limited to five minutes. That a five-minute time limit is definitely not sufficient to address the issues contained in a staff report that is in excess of 50 pages long and that staffers had over half the year to prepare, a report replete with falsification and innuendo. Code 2.63.500E

④ That Young did not have:

- The right to examine parties and witnesses. Code 2.63.500 G
- The right to conduct such cross-examination as required for a full disclosure of the facts. Code 2.63.500 G
- The right to question opposing witnesses and parties on any matter relevant to the issues, which specifically would include the staff that prepared the staff report. It should be noted that the ZA, Roger Trout of the planning department did not answer the questions presented. Code 2.63.500 G
- The right to examine all documents prior to and during the hearing. Code 2.63.500 G
- The right to rebut the evidence. Code 2.63.500 G

⑤ That the tentative parcel map, attached sheets and accompanying reports failed to show clearly the required information. Code 16.48.030

⑥ That the tentative parcel map improvements as proposed by the staff report do not conform to the standards and specifications contained in the Subdivision Design and Improvement Standards Manual as specified in Code 16.44.120

- 7) That the staff report for the tentative parcel map application uses different standards for "off-site" and "on-site". Code 16.44.120
- 8) That the guaranty of record provided by the title company for the record easement is insufficient to identify its location and alignment. Recorded PM 10-40 shows the road located on the Lungren property. PM 49-130/130A should not be used because it was approved and recorded based on false premise.
- 9) That the staff report and the tentative parcel map fail to show easements for required access and to identify and locate the utility easement that Carr has the rights over the access between the proposed Carr subdivision and access to Deer Valley Road . Code.16.48.030B.
- 10) That while the tentative parcel map application was made last year the tentative parcel map accompanying the hearing material was not prepared until May of this year.
- 11) That the tentative parcel map has been drawn so as to incorrectly locate the Carr existing driveway and the ZA did not request correction made.  
That the tentative parcel map has been drawn incorrectly so as to show Old Neumann Road on the Young property.  
That the tentative parcel map has been drawn incorrectly to suggest that the driveway on the Carr parcel is a 20' road to remain, whereas it is much narrower.
- 12) The denial by the Zoning Administrator to allow adequate time for interested parties to address the concerns with the proposals, it then denies those parties the right of challenge in a court of those issues denied to be heard.
- 13) That the staff report incorrectly addresses the Young driveway on the Young private property as Old Neumann Road . Old Neumann Road is the easement in the Lungren property as shown on PM 37-35. The Young driveway is not in any recorded R&PUE.
- 14) That the Young driveway does not and will not even marginally meet the EDC standards for fire safety and access requirements for the Carr subdivision. The Young driveway is a 12' seal-coated driveway, that with drainage ditches and side slopes, exceeds 20' in width.
- 15) That EDC cannot impose liability and responsibility on Young to maintain the driveway for the purpose of providing access and fire safety to others to meet EDC requirements for subdivision of the property of others. Staff report P07-0021 proposes sub-standards and fire safety requirements on the Young property.
- 16) That the grant deed 834-612 is located in the Lungren owned property as is clearly shown on the EDC recorded parcel map 10-40.

17) That the easement in the Lungren owned property is the easement named Old Neumann Road and recorded on parcel map 37-35.

18) That the EDC ordinances and design standards require a 50 foot right-of-way for access extending to a public road as specified in the EDC DISM page 19, 2). Access b) rural subdivision.

That all construction must be outside of the drip line of Oak trees. Resolution 199-91

19) That improvement plans for off-site road improvements prepared by registered civil engineer have not been provided. The DOT engineer incorrectly stated at the ZA hearing that Improvement plan is not submitted until after entitlement has been awarded. This is contrary to Resolution 58-94 and will not give Young the opportunity to evaluate and contest the impact on Young property before the entitlement.

There is no assessment of drainage requirements or requirement for ditches in the staff report.

20) That the staff report indicates that the Young driveway is the access road for the Carr subdivision. Whereas the parcel map guarantee provided, uses the grant deed 834-612 road easement which is in the Lungren property. Regardless of the location of the road access, a 20' road easement is not wide enough for a required 18' road with shoulders, ditches and side slopes. Therefore, a legal description prepared by a civil engineer or land surveyor must be provided for the required off-site access easements where neither the sub-divider nor the County has sufficient title.

21) That the appraisal prepared by a professional appraiser of the cost of land necessary for the above required easements has not been provided.

22) That staff report incorrectly uses standard plan 101C for an ADT of less than a staff report determined parcel count requirement. In addition, the staff report fails to include other potential subdivisions.

That EDC is considering acquiring a portion of Young property for the financial benefit of others.

23) That the EDC is considering using tax money to acquire a portion of Young property.

That the taking of Young property in part or whole is destroying Young's dreams of over 20 years.

That the taking of part of Young property destroys plans that have been professionally prepared and paid for.

That the Staff Report deviations from the standards and ordinances is so extensive as to be ludicrous.

That a plan for a road overlying the existing Young driveway cannot be made wider than the existing 12 feet without the removal of heritage oak trees.

That a widening of the Young driveway would require a substantial property take to the north of the existing driveway requiring total elimination of the Young development plan, the fence line, the power and phone lines, and other oak trees. .

It is ridiculous to consider the use of the driveway or the acquisition of the Young property when there are two 25 foot wide easements which by agreement of the owners could provide the necessary easement that would allow the construction of an access road that would meet existing and future design standards. And to accommodate potential future subdivision of Carr and Kaline plus others. The Kaline property was addressed at the hearing by Carr's representative.

24 That EDC is proposing the use of sub-standards on the private land of young. Young does not accept.

That the installation of sub standards conveys a liability of those sub standards to the property owner which is unacceptable. Young does not accept

That the staff report incorrectly states that drainage ditches exist along the Young driveway in the Young private property, whereas the ditch has been destroyed by the illegal construction by the Lungrens.

That the Young property has previously provided easements in its creation subdivision to those other parcels in the subdivision. PM 13-143

That the Carrs and EDC have been well-informed of existence and records of Young property, but have made every effort to deny Young of constitutional property rights.

That the zoning administrator indicated that property rights had to be settled in a court of law. This is only true when the EDC illegally conveys rights to one party on the land of another. The only alternative the underlying property owner has is to regain its rights through court action. The actual determination goes back to the surveys and recorded documentation.

25 That the allowance of a 5000' dead-end road far exceeds the Design standard limits length to "... not more than 2640', and only when... will not serve more than 24 existing or potential parcels " Design Manual, page 22, Access, 12). With the Kaline subdivision, the staff report must take into account 27 parcels. To waive and requirement for the dead-end road length would not be consistent with the County code and could have the effect of nullifying objectives of Articles II of Chapter 16.

Off-site access required to serve the subdivision shall be improved to the same standards as required On-site. Design Manual page 20, Access, 12Ci.

26

That road preparation and graded width shall be to minimum County road standards but the minimum width of surfacing shall not be less than 18 feet. Design Manual page 20, Access, 12Cii.

That the road shall have well-defined roadside ditches. Design Manual page 20, Access, 12Ciii.

That the applicant must demonstrate adequate access exists or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate.. The minimum requirement is two 9' wide lanes.

27

That essentially any construction on the private driveway of Young would be inconsistent with the intent of policy 7.4.4.4.

28

That it is the EDC requirement that the DOT sets and checks the required design standards for access. The design standards are not set at the fire protection district's subjective discretion.

That without a specific design plan for road access and drainage across the private land of Young , it is not possible to make specific argument to a proposed design that doesn't exist.

29

That the added increased use of the Young driveway and/or the widening of the Young driveway would split a portion of the Young private property making that portion on the far side unusable and yet a liability.

30

That the staff report fails to consider future subdivision of properties to the north and the potential for double access.

31

That in hindsight, it can be seen the accumulative actions were actually commencement of subdivision improvements were in fact violation of the requirements of resolution 58-94 section 2 sub-section F. 1) "after approval of the tentative subdivision map and before the final map is considered for approval, no sub-divider shall commence or caused to be commenced any construction of the subdivision improvements ..." and in preparation of acquiring the needed access for the Carr subdivision and in advance of the tentative parcel map and final map. This included:

- Carr aided the Lungren's in the illegal widening of the Young driveway.
- Carr supported the Lungren's right to use the Young driveway.
- Carr wrote a letter to EDC stating false facts concerning Young.
- Carr physically blocked Young and the Young's contractor from repairing damage to the Young Oak trees caused by the illegal widening by the Lungrens

32

Holes have been drilled in the trunk of a magnificent old Oak tree (with perhaps poison inserted) on the Young property. The destruction of that tree could only benefit the subdivision intentions (road widening) of the Lungrens and the Carrs.

Young