

From: [Lisa Aozasa](#)
To: [Anne Martin](#)
Cc: [John Bologna](#); [Maria Gonzalez](#)
Subject: Re: ZHO Hearing TEG Partners VIO2017-00054
Date: Thursday, December 14, 2023 12:55:18 PM
Attachments: [Att 1 Neighborhood ltr.pdf](#)
[Att 2 Dangerous Driving Incidents.docx](#)
[Att 3 Finkelstein ltr.pdf](#)

Hello Anne --

Just acknowledging receipt of your email. I've cc'd the ZHO Secretary, Maria Gonzalez here, so she has it as well for the record.

Thank you.

[Let us know how we're doing!](#)

Lisa Aozasa
Deputy Community Development Director

County of San Mateo
Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063
planning.smcgov.org

From: Anne Martin <annemartinmk@gmail.com>
Sent: Tuesday, December 12, 2023 8:59 PM
To: Lisa Aozasa <laozasa@smcgov.org>
Cc: John Bologna <jbologna@smcgov.org>
Subject: ZHO Hearing TEG Partners VIO2017-00054

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RE: ZHO Hearing on Appeal of Citation for Illegal Fence (VIO-2017-00054)

Dear Lisa,

After learning that the TEG Appeal of the above referenced violation will be heard December 21, we're submitting additional documentation of the public safety hazard posed to our neighbors, visitors, and ourselves by the unpermitted fence.

We will be asking the ZHO to deny TEG's appeal and to require that TEG either remove the fence or apply for a CDP by a certain deadline. We feel that a deadline is important in view of the increasing danger to public safety posed by this fence and the years of denials, meetings, and postponements associated with this violation.

TEG was informed in March 2017 that a CDP was required to legalize the fence. The case summary of this violation documents six years of denials, delays and arguments by TEG to keep their fence even after they were informed the fence did not qualify for a CDX.

When TEG appealed their administrative citation in September 2021, a ZHO hearing was scheduled for November 2021 and then cancelled and never rescheduled until now.

During the two years that have elapsed since 2021, there have been accidents, near accidents and other instances of hazardous driving that have occurred due to the fence.

The purpose of this email is to update you and other SMC officials on the continuing threat this fence poses to our neighborhood.

I would appreciate your forwarding this email and attachments to the appropriate members of the planning department for them to review as they prepare their report for the Zoning Hearing Officer.

1. The illegal fence creates hazardous driving conditions by making it difficult and sometimes impossible for vehicles to turn around in the CCWD lot by the Miramar water tank. This forces the drivers to drive backwards 231 feet (77 yards) down a steep, curved one lane gravel road ("Upper Miramar Drive") into an intersection with vehicles and pedestrians coming from four different directions.

When the Covid lockdowns started in 2020, our neighbors and we noticed how many vehicles reverse drove down Upper Miramar Drive. When I spoke to some of these drivers, they indicated that because of the fence abutting the CCWD lot, they were either unable to turn around or afraid to turn around in case their vehicle went over the cliff.

In October 2020, nine neighbors sent a letter to the Director of CCWD (Attachment 1) requesting that she take action to rectify the hazardous driving of the CCWD trucks visiting the Miramar Tank. As a result, most CCWD drivers no longer reverse down the Upper Miramar Drive. Unfortunately, this did not completely remedy the problem since there are many other drivers who

continue to reverse drive down the hill because their vehicles are too big to turn around or they're afraid of driving off the cliff.

As long as TEG's illegal fence remains in place, a neighborhood resident or visitor driving, walking, or biking on Miramar Drive is at risk of being struck by a reverse driving vehicle that loses control or skids down the steep hill. Several years ago, soon after the illegal fence was installed, a Sheriff's vehicle driving backwards down Upper Miramar Drive lost control, skidded into and knocked over several mailboxes along Miramar Drive. It's a miracle that no one was hurt.

We have documented dozens of instances of reverse driving in our neighborhood caused by this fence as well as a few near accidents. Attached to this email is a list of some of the hazardous driving incidents caused by the illegal fence since October 2021. (Attachment 2)

2. The illegal fence makes it extremely difficult for large delivery trucks to turn on to or out of the Blanton's Easement Driveway resulting in several recent instances of trucks almost skidding off the cliff down onto Miramar Drive.

In 2021, driving conditions on Upper Miramar Drive became more hazardous when TEG cut down virtually every tree on the planted median abutting Upper Miramar Drive, exposing a steep cliff which has no delineation and no trees to prevent a skidding vehicle from sliding down the cliff on to Miramar Drive below where we and our neighbors and drive and walk.

This exposed cliff makes it especially dangerous when a large delivery truck attempts to enter or exit the Blanton's easement driveway since the illegal fence makes it extremely difficult to make the turn.

Over the years – especially in July 2023 – we've witnessed several instances of large delivery trucks driving to or from the Blantons having difficulty making the extremely tight turn required by the fence. On a few occasions, a truck or a trailer went off the road and appeared to be in danger of skidding and sliding over the cliff edge and down onto Miramar Drive. I have several videos showing trucks almost going off the road as they attempt to turn into or out of the Blanton's Driveway

When the rainy season comes and Upper Miramar Drive – which is a dirt road - gets muddy, there's an even greater likelihood of a large truck skidding as it attempts to navigate around the illegal fences and sliding down the cliff.

3. The illegal fence was installed for the sole purpose of preventing the widening of the easement driveway by the previous owners of 655 Miramar and does not stop illegal activities on the TEG lot.

In two emails dated October 2 and October 9, 2018, Dave Finkelstein, attorney for TEG, asserted that the fence's "only purpose is to prevent the illegal widening of the easement to the adjacent owner's property that was being conducted at night and without permits...." (Attachment 3).

The unpermitted widening Mr. Finkelstein refers to occurred in 2016-17 and was conducted by contractors employed by the McIvers who owned the residence at 655 Miramar before the Blantons. The McIvers sold 655 Miramar to the Blantons in October 2020 and since then there have been no allegations of unpermitted widening of the easement driveway. The purpose for the fence disappeared when the McIvers sold their residence.

TEG has also argued that the fence serves as a deterrent to criminal activities on the TEG and CCWD lots. Yet the fence didn't prevent the theft of TEG's cameras from their lot in August 2019. Nor did the fence prevent an unknown individual from illegally tampering with the fire hydrant on the TEG lot in September 2021.

This unpermitted fence on TEG's undeveloped lot has been a nuisance and a threat to public safety in our neighborhood for years. In light of this continuing public safety hazard, TEG should be given a hard deadline to apply for a CDP. If they do not comply in a timely manner, we request that the county take appropriate action to remove this hazard.

Thank you for your attention to this matter.

Sincerely,

Anne C. Martin

Richard L. Martin

620 Miramar Drive, Half Moon Bay

October 26, 2020

Ms. Mary Rogren
General Manager
Coastside County Water District
766 Main Street
Half Moon Bay, CA 94019

CC: James Derbin, Superintendent

RE: Public Safety Hazard near Miramar Water Tank

Dear Ms. Rogren,

As residents of the neighborhood located directly below the Miramar Water Tank, we are writing to notify you of a public safety hazard caused by unsafe driving by the CCWD employees who visit the water tank. The purpose of this letter is to request that you take action as soon as possible to correct this dangerous situation.

Since the pandemic lockdown, most of us in the neighborhood have been working from home and home schooling our children. Some of us have chosen to not leave our neighborhood and have been walking the roads in the neighborhood, including the dirt and gravel public access road ("Upper Miramar Drive") up to the Miramar Water Tank.

On numerous occasions, we have been shocked to see CCWD trucks drive BACKWARDS down Upper Miramar Drive - a steep and narrow gravel road - into an intersection where cars and pedestrians are coming from four different directions - Hermosa Ave, up Miramar Drive, from the paved portion of Miramar Drive ("Lower Miramar Drive") and from the driveway of the residence at 610 Miramar Road. There are no stop signs anywhere in this neighborhood.

This is an area where - now more than ever - pedestrians are walking, children are playing and people are bicycling. Moreover, muddy conditions or loose gravel or debris on Upper Miramar Drive increases the possibility that vehicles backing down the road could skid into the intersection with tragic consequences.

Upon speaking to CCWD personnel, we've learned that the reason for this dangerous manoeuver is that they find it extremely difficult or impossible to turn their work trucks around in the parking area by the water tank because of a chain link fence that was installed two or three years ago between CCWD

property and the adjacent lot (APN-048-076-120) owned by TEG Partners LLC. This fence prevents the drivers from safely turning around in the parking area, thus forcing them to drive in a dangerous manner by backing down a steep hill into a residential neighborhood, creating a major public safety hazard.

Since a portion of CCWD property by the Miramar Tank is leased to cellular providers for cell phone towers, we are also extremely concerned about the hazards posed by cell tower maintenance or installation trucks having to back down Upper Miramar Drive into our neighborhood. On Saturday, October 25, 2020, the T-Mobile maintenance crew has to back down Upper Miramar Drive when they realized they couldn't turn their truck around by the water tank in order to test and power up the backup generator for the tower. After backing down the hill, the crew then drove backwards up the hill so they could service the generator in preparation for the PG & E power shut-off.

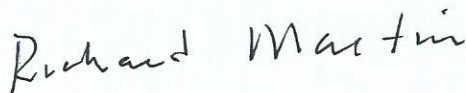
We are also concerned that in the event public safety vehicles need to respond to an incident at the CCWD property, their ability to safely depart from the property could be impaired by the fence. In fact, about two years ago, a Sheriff's Department vehicle, while backing down Upper Miramar Drive, after responding to an incident on the hill, skidded into and damaged several mailboxes along the side of the road.

We would appreciate your taking the appropriate action to rectify this grave public safety hazard in our neighborhood.

Sincerely,



Anne Martin
620 Miramar Drive



Richard Martin
620 Miramar Drive



Merry Belden
600 Miramar Drive



Matthew Show
610 Miramar Drive

Genevieve BWS

Genevieve Wortzman-Show
610 Miramar Drive

Bradley Lucas
681 Hermosa Avenue

Bradley Lucas

Melanie Lucas
681 Hermosa Avenue

Melanie Lucas

Matthew Dalton
671 Hermosa Avenue

Matthew Dalton

Marlena Dalton

Marlena Dalton
671 Hermosa Avenue

**Accidents, Near Accidents and Dangerous Driving Incidents Caused
by the Unpermitted Fence October 2021- December 12, 2023**

2023

January

**Jan 9 – Silver sedan Drives Up to Fence and Backs Down Upper Miramar Drive
("the Hill")**

**Jan 13 – Large Amazon Truck Drives Up to Fence, Is Unable to Turn Around and
Drives Backward Down Hill**

February

**Feb 17, 11 am – White Budget rent a Truck Drives Up to CCWD lot and Drives
Backward Down Hill Because Unable to Turn Around**

March

March 26 – SUV drives up to Fence and Backs Down the Hill

**March 31 – Large Comcast Business Truck Up Blanton Driveway to their gate and
then backs down driveway and the Hill**

April

April 9, – Blue SUV drove up to Fence and Backed Down Hill

May

May 9 – Truck drives to Fence and backs down Hill

May 13 – Car Drove to CCWD lot and Backed Down Hill

June

June 6 – Two Sheriff cars called to the TEG lot during a dispute between TEG and CCWD workers forced to back down the hill because fence and other vehicle parked on CCWD prevented them from turning around.

July

July 11, 2:20 – Large Flatbed truck attempting to deliver roofing supplies to Blantons has difficulty turning on to Blanton driveway because of fence and almost goes over the side of the cliff on to the street below – Miramar Drive - as it attempts to make the turn.

July 12 – Large work truck forced to drive backwards down Hill because fence blocked it from turning around.

July 20 – Large pick-up truck with trailer delivering roofing materials to Blantons unable to turn on to their driveway due to fence. As it backed down the Hill, the trailer almost went over the side of the cliff on to Miramar Drive.

August – December

August 28 – PG & E Pickup backs down the Hill

September 22 – Amazon truck drives up to fence and because unable to turn around backs down the Hill

November 8 – Large FedEx delivery truck has trouble exiting Blanton driveway due to fence and is in danger of going over the cliff as it backs up and attempts to turn on to Miramar Drive.

December 6 – Small flatbed truck loaded with construction supplies drives up to fence, realizes he's lost and backs down because unable to turn around because of fence.

2022

January

Saturday, January 15, 2022 – Lost SUV Drove Backwards Down Hill

Because Driver was Afraid to Turn Around Due to Fence – The illegal fence which makes turning difficult, combined with the unfenced steep cliff along Upper Miramar Drive and the CCWD lot causes many drivers to hesitate to try to turn around. Several have told me that they prefer to risk driving backwards down the hill rather than risk falling off the cliff.

Saturday, January 22 - White Van Drove Backwards Down Hill Because of Inability to Turn around Due to Fence.

February

Saturday, February 5 - Pickup Truck Drove Backward Down Hill Due to Inability to turn around due to fence

Wednesday, February 9 – Lost driver Drove Backward Down Hill Because of Inability to Turn around Due to Fence.

Thursday, February 17 – Visitor to Blanton’s Home Forced to Drive Backwards Down the Hill Due to TEG Car Blocking Blanton’s Driveway – When the visitor drove up Upper Miramar Drive on her way to the Blanton’s home, she noticed the TEG car was parked in the Blanton’s driveway. Because the narrow chokepoint created by the illegal fence along the driveway makes it extremely difficult, if not impossible, for two vehicles to safely maneuver in the driveway, she stopped. The driver of the TEG car then indicated she should drive down the hill, leaving the visitor no choice but to drive backwards all the way down the hill so that the TEG car could drive down.

Friday, February 25 – TEG Contractor Drives Pickup Truck with Trailer Attached Backwards Down the Hill.

March

Sunday March 13 - Lost Driver of Pickup Truck Drives Backward Down Hill.

When I spoke with him, the driver stated that he felt it was less dangerous to drive backwards down a steep gravel dirt road than attempt to turn around in CCWD lot because the fence made it very difficult to maneuver and he was afraid of going off the cliff.

Tuesday March 15 – Yellow Delivery Truck Delivering to Blanton Home Unable to Turn on to Blanton Driveway Due to Fence and Forced to Drive Backwards Down the Hill.

Wednesday March 30 – Work truck drives backward down Hill

After meeting with TEG lot owner in the area adjacent to the Blanton driveway, driver was either unable or unwilling to turn around before driving down the hill.

April

April 1 – White pickup truck drives up to CCWD lot and reverse drives down Hill

May

May 9 – Green SUV drives up to fences by Blanton driveway and backs down.

May 19 - Visitor to Blanton's Home Forced to Drive Backwards Down the Hill Due to Car Driven by TEG lot Owner Blocking Blanton's Driveway –

When the visitor drove up Upper Miramar Drive on her way to the Blanton's home, she noticed the TEG car was parked in the Blanton's driveway. Because the narrow chokepoint created by the illegal fence along the driveway makes it extremely difficult, if not impossible, for two vehicles

to safely maneuver in the driveway, she stopped. The driver of the TEG car then indicated he wanted to drive down the hill, leaving the visitor no choice but to drive backwards all the way down the hill so that the TEG car could drive down.

May 21 – Two Large tree removal work trucks backed down the Hill.

June

June 2 – Orchard Landscape truck hired by TEG drives backward down hill

June 3 – Two Orchard Landscape trucks hired by TEG drive backwards down Hill

June 6 – Orchard Landscape truck hired by TEG drives backward down Hill

June 10 – Van drives up to fence and drives backward down Hill

June 15 – Two Orchard Landscape trucks hired by TEG drives backward down Hill

June 29 – 30 Contractor working on TEG lot drives Grey SUV backwards down Hill several times

July

July 15 - Delivery Truck Unable to Make Furniture Delivery to Blantons and forced to back down the Hill - Large delivery truck attempting to make a delivery to the Blanton home was unable to turn on to Blanton Driveway due to fence. Mr. Blanton directed the truck to park in the CCWD lot and drove his pickup truck down to the truck so delivery people could load his order into his truck so he could deliver them to his house. He made this trip at least 2 or 3 times. Since the

delivery truck was unable to turn around due to the fence, it had to back down the hill.

July 28 – Truck with trailer Unable to Turn Around Due to Fence and Drives backward down the Hill.

July 29 – Large CCWD Work Truck Unable to Turn Around and Forced to Back Down Hill.

9:11 – White Work Truck Working on CCWD lot Unable to Turn Because another Truck Was Parked in Lot and Forced to Back Down Hill

August

Aug 10 – SUV drove up to fence and then drove backwards down the Hill

August 30 – Work van drives up to fence and then backs the Hill

September

September 8 – Visitor Blocked from Accessing Blanton Driveway Due to Another Vehicle Parked in the Driveway is forced to back down the Hill. Visitor parked her car on Miramar Drive and walked up to Blanton home.

Sept 9 – White SUV drove up to fence and drove backwards down the Hill

Sept 28- Work Truck Drives up to Fence and Drives Backward Down the Hill.

October

October 4 – Large White Pickup Truck Drives up to fence and then Backs Down the Hill.

October 8 – Black SUV Drives up to fence and backs down hill

November

November 28 – ACCIDENT Mrs. Blanton reports that she hit one of the illegal fences while driving down her driveway

December

December 5 – Visitor to TEG Lot in Large White Pickup Drives Backward Down Hill

December 7 – White pickup Visiting CCWD Drives Backward Down Hill

December 9 – White pickup drives to CCWD lot and drives in Reverse Down Hill

2021

October

October 21 – Van Forced to Drive Backwards Down Muddy Hill Because Fence Blocked it From Turning Around - On Thursday October 21, after a night and during a morning of steady rain, a doggie daycare van attempted to drive up to the residence at 655 Miramar (“Blanton Residence”) to pick up and later drop off the Blanton’s dog. In both instances, the driver was unable to drive up the Blanton’s driveway due to the muddy conditions and walked up to their residence to pick up and later drop off the dog. Because of the illegal fence, the van was unable to turn around at the entrance to the Blanton’s driveway and on **two** occasions that day and was forced to drive backwards down a steep, muddy road in order to reach the paved portion of Miramar Drive.

Friday, October 22 - Near Head on Collision Caused by Illegal Fence. At 6:01 PM Mrs. Blanton owner, of 655 Miramar Drive, driving home with her two young children, was blocked from entering her easement driveway over the TEG parcel by a large work truck driven by a TEG contractor that had parked there. The work truck drove down the driveway towards her car and, because of the narrow chokepoint created by the fence, almost hit

her car head on. After almost causing an accident, the truck backed into the CCWD lot which allowed Mrs. Blanton to drive to her home.

Friday November 5 – Truck Drives Backward down Hill Because It's Unable to Turn Around Due to Fence. A white work truck was forced to drive backward down Upper Miramar Drive into our neighborhood because several other vehicles had parked at the top of Upper Miramar Drive.

December 1 – PG & E Work Truck Forced Drive Backward Down Hill Because of Inability to Turn Around due to Illegal Fence

December 15 – UPS Truck Forced to Drive Backwards Down Hill Because of inability to Turn Around Due to Fence

Joan Kling

From: David Finkelstein <dfinkelstein@dgflaw.com>
Sent: Tuesday, October 09, 2018 5:23 PM
To: Joan Kling; Timothy Fox; Summer Burlison; Steve Monowitz
Cc: Tejinder singh (tjsingh007@me.com); David Finkelstein
Subject: RE: Security fence - 655 Miramar Violation Case 2017-00054

To Joan Kling: Please respond to my request below for a meeting with you and Steve Monowitz to discuss this matter. As previously stated, the fence does not enclose anything as it runs only a short way along the easement, but it serves to prevent the illegal widening of the easement that was being done by the adjoining neighbor without permits and at night using trucks with masked over license plates. – David

David G. Finkelstein, Esq.
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From: David Finkelstein
Sent: Tuesday, October 02, 2018 11:17 AM
To: jkling@smcgov.org; tfox@smcgov.org; sburlison@smcgov.org; smonowitz@smcgov.org
Cc: David Finkelstein
Subject: FW: Security fence - 655 Miramar Violation Case 2017-00054

To Joan Kling et. al. : My law firm represents Mr. Singh and his co-owner in this matter. This partial fence should be exempt from a coastal permit because its only purpose is to prevent the illegal widening of the easement to the adjacent parcel owner's property that was being conducted at night without permits by persons arriving in trucks with masked license plates. The fence does not enclose the entire property but only runs on about 5% of the property and it matches the see through fence of the adjoining county water tank property. We believe the persons who illegally were widening the easement without

permit or their attorney is the one who is complaining. The partial fence has also stopped other illegal activities including trucks parking on the property and in one case my client's video shows a naked man running across the parcel in the evening – we request a meeting with you and Steve Monowitz to present our case for an exemption. – David

David G. Finkelstein, Esq.
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Begin forwarded message from: Joan Kling <jkling@smcgov.org>
Date: September 27, 2018 at 1:39:22 PM PDT
To: Tejinder singh <tjsingh007@me.com>
Cc: Timothy Fox <tfox@smcgov.org>, Summer Burlison
<sburlison@smcgov.org>
Subject: RE: Security fence - 655 Miramar Violation Case 2017-00054

Hi TJ,

Thank you for your email. The information you provided below does not change the County's position that a Coastal Development Permit is needed for the installed fencing.