

April 9, 2017

Mr. Dave Holbrook
Project Planner
Planning & Building Department
San Mateo County Office Building
455 County Center
Redwood City, CA 94063

Re: File No. PLN 2015-000383, Parcel No. 037-285-180,
140 Precita Ave., Moss Beach

Dear Mr. Holbrook,

We own the home at 121 Bernal Avenue, Moss Beach, which directly abuts the above-referenced proposed residential addition construction on our east property side. We wish to formally submit our opposition to the Use Permit sought for this construction, as we did in the original application sought by Mr. Beardsley in August 2016 which was denied by the County. Our current objection is based on the following considerations which are largely unchanged and were expressed in the first hearing of August 18, 2016.

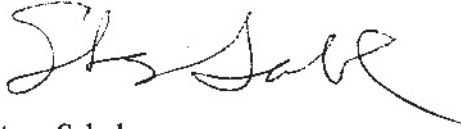
Even though he had plenty of room to place it elsewhere on his property, Mr. Beardsley's existing structure was built extremely close to our property line- 3 feet to be exact (with a roofline that extends nearly atop our fence), which is much less than the standard minimum setback of 10 feet required by the *San Mateo County Zoning Regulations* that were in effect at the time of construction. When we bought our property in 2009, Mr. Beardsley's structure was already built. While it clearly imposed great limitations on our views, it was not a privacy concern for us because it was used for garage space and storage, and was unoccupied. Mr. Beardsley is now seeking to construct a residential unit above his garage, and this is a strong privacy concern to us. (See Photos).

The proposed residential structure looms over the hot tub in our back yard which we use virtually every night. Ms. Jason is self employed, and her first floor music studio/office where she works from every day, as well as our bedroom on the second floor, are both located in the northeast corner of our house. This corner is closest to the proposed residential unit and is occupied virtually 24 hours a day. The imposition of having new residents living so very close in a unit that was not intended for residential use is a great intrusion on our privacy. Further, this change of use from unoccupied to occupied "adds insult to injury", as even the unoccupied structure should have been built much farther away from our and our neighbor's property lines to comply with the zoning regulations in effect at the time, rather than jammed up against our property line. This configuration imposes both the view limitation and the new privacy concerns on the neighbors rather than on Mr. Beardsley, who still has adequate space to build a new structure elsewhere on his property. Further, the adjacent lot that abuts his property to the north is for sale and could also be purchased for this purpose.

Last year, Mr. Beardsley erected without permits another storage structure only 6 feet from our property line (See Photos.) Again, this structure was jammed up against our fence rather than located elsewhere on his property. The County was unaware of the existence of this unpermitted structure until we discussed it at the hearing last August. This type of activity has bred mistrust between neighbors. We remain concerned that whatever design he puts forth now, he will change over time to be increasingly attractive to the rental residents and intrusive to his neighbors.

Based upon these objections and considerations, we request that the applicant be denied the Use Permit for the proposed residential addition construction.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stacy Sabol".

Stacy Sabol

A handwritten signature in cursive script, appearing to read "Sonya Jason".

Sonya Jason

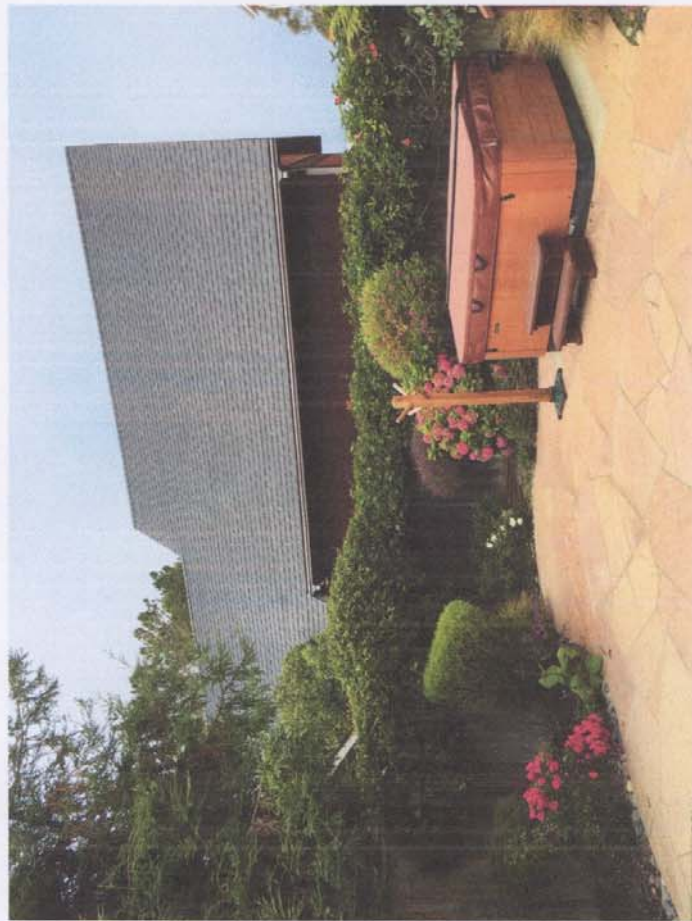
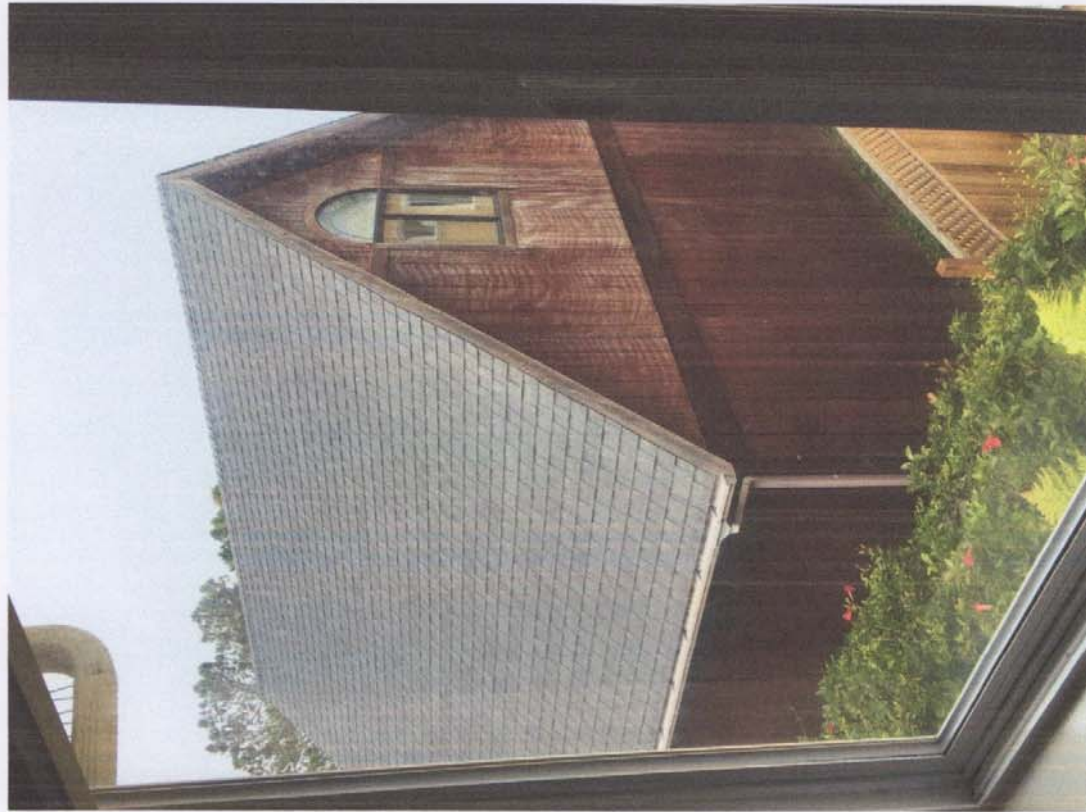
Attachment: Photos 1, 2, & 3

Backyard of 121 Bernal Avenue, Moss Beach, master bedroom view

Photo 1 - upper left, Mr. Beardley's structure very close to property line, restricting views and intruding upon hot tub privacy.

Photo 2 - lower right, large window viewing into our master bedroom.

Photo 3 - lower left, un-permitted storage structure close to fence.



Janneth Lujan

From: Dave Holbrook
Sent: Monday, April 10, 2017 12:47 PM
To: Janneth Lujan
Subject: FW: PLN2015-00383 response from Majdi 123 Bernal Ave Moss Beach CA

Importance: High

The other neighbor's challenge of the Beardsley case; please copy & get to the PC. Thanks.

-----Original Message-----

From: MAJDI ABDUL [mailto:ma9505@att.com]
Sent: Monday, April 10, 2017 11:42 AM
To: Dave Holbrook <dholbrook@smcgov.org>
Subject: PLN2015-00383 response from Majdi 123 Bernal Ave Moss Beach CA
Importance: High

Hi Dave,

I received the proposed changes package on the PLN2015-00383 project in my mail box in Friday 04/07/2017, and I honestly find it very offensive and insulting for the following reasons:

- 1- the existing barn is not 5 ft. away from my yard as indicated in the letter, it is actually and according to the survey letter 4ft and 8 inches from the siding of the barn, and if you add to it the roof edge, it is only 3ft and 6 inches away, this wall is 25ft in the sky, blocking all the sun and air, and to remind you as well the proper set back is 20 ft. according to the code.
- 2- during the design phase of my house in 2014, I moved the house away from his barn as much as I can to get the sun and light to my bedrooms, bathrooms, kitchen, and family room windows, and for most of the rooms it is the only side with windows. Now he (Mr. Steve) is extending his clear violation to cover my windows and kill any air quality or warm can reach to my house.
- 3- the proposed changes didn't resolve the privacy problem, since the barn will turn to a living space in my setback, and that privacy wall is nothing more than adding more living space for his 2nd unit.
- 4- I want to remind you also, that this lot is zoned for rural zoning, this is not mission district of San Francisco, this is the most rural area in San Mateo county, and it is not acceptable to me nor to the county of San Mateo code of planning to have a neighbor violate the setback that way, and it is not for his primary living, actually it is for a 2nd unit in a single residential lot.
- 5- I reached out to my neighbors in 121 Bernal to get there approval to open few windows facing there side incase Steve get the ok to proceed in his project and they threaten to sue me if I do so for violating their privacy.

I talked to my engineer and my lawyer on Saturday and today and they both suggested to sue the county planning department for the existing barn and any new additions or any change on the use within my setbacks, and both are confident the county planning code that started as early as 1928 is enforceable not only on new projects but also on existing approved structures with a court order.

I hope I don't have to go that direction, it all depends on the outcome of April 12th.

I would suggest for Steve to buy the lot next to him to build a 2nd unit there or build a 3rd floor on his primary home, but definitely not on neighbors setback.

Dave, people are greedy in nature, that's why we have regulations to stay civilized and protect the rights, I hope you stand to your principles and do the right thing.

Kind Regards

Majdi Abdul | Phd | AT&T Mobility |

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