

455 Los Gatos Blvd., Suite 101
Los Gatos, California 95032
Telephone: (408) 395-3100
Facsimile: (408) 395-3120

August 28, 2023

Community Development Department
Town of Los Gatos
110 E. Main St.
Los Gatos, CA 95030

Attn: Sean Mullin

Re: 124 Garden Hill Drive, Los Gatos
APN: 42423084

Dear Mr. Mullin:

I represent Rushikesh Kulkarni, owner of the above-referenced property.

This letter shall serve as my "letter of justification" in support of my client's request for an exception to the traffic triangle 3-foot fence rule which has been applied, I believe erroneously, to his property. My client would like to install 6-foot fences around the open area on the side of his house, which is the only area which serves as a back yard for his family due to the placement of his home on the lot.

First, the property is not located on an intersection. The traffic triangle rule was developed to allow cars to have adequate visibility when approaching an intersection. Mr. Kulkarni's property is simply on a loop of the road. There is no place where a car would approach his property where there would not be adequate visibility, nor are there any safety concerns for pedestrians.

Section 29.40.0320 states:

On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:

(1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or

(2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.

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(d) A special security concern exists that cannot be practically addressed through alternatives.

(e) As previously stated, this is the only area on my client's property that can function as a backyard. This creates a special privacy concern that cannot be practically addressed by additional landscaping or tree screening.

My client has video footage of a coyote walking down his street. This is a special wildlife concern that cannot be addressed through alternatives. It is also a special security concern given the fact that my client has 3 young children who have no place to play outside but in that area. We see no alternative ways to address the safety of my client's children other than to have a tall fence to keep the children in and the coyotes out.

The "backyard" of my client's property was designed for entertaining for large parties, family, friends and business personnel. With a three-foot wall, there is no privacy and installing a 6-foot barrier, 15 feet back from the 3-foot fences substantially decreases the usefulness of the backyard.

There is also a major safety issue for the small children that live here. On many occasions there have been coyote sightings with coyotes walking along the street. The fence at 3 feet high is not workable to avoid the threat from the coyotes.

As can be seen from the attached photographs, there is not an actual intersection at the turn in the road. Pictures were taken from Geern Hill Dr. and Farm Hill Drive and there is no safety issue even with the construction fencing which was placed on the property line.


There are also photos going around the curve on Garden Hill Drive which show more than sufficient visibility to allay any safety concerns for pedestrians or cars.

There is little doubt that an exception is appropriate for 124 Garden Hill Dr. An exception should therefore be granted for this property.

The intent of the code was a safety concern primarily at intersecting streets. In the configuration of the streets in this instance, there is clear visibility for cars, pedestrians and therefore there is no need to enforce the traffic triangle.

My client has contacted his neighbors regarding this situation. They indicated that they had no concerns regarding visibility or safety on the street, but that they felt uncomfortable that they had an unfettered view into his private backyard.

Very truly yours,



MARTIN N. LETTUNICH

455 Los Gatos Blvd., Suite 101
Los Gatos, California 95032
Telephone: (408) 395-3100
Facsimile: (408) 395-3120

September 13, 2023

Community Development Department
Town of Los Gatos
110 E. Main St.
Los Gatos, CA 95030

Attn: Sean Mullin

Re: 124 Garden Hill Drive, Los Gatos
APN: 42423084

Dear Mr. Mullin:

As you know, I represent Rushikesh Kulkarni, owner of the above-referenced property.

I recently submitted my client's "letter of justification" in support of his request for an exception. My client has requested that I provide you with a supplement to that letter to include in your review of his situation the following information.

My client is of East Indian descent. He belongs to a religion which places special importance on the sun and its east west passage through the sky. According to the tenants of his religion, he is to hold prayer sessions on the east side of his yard. He has tried to do so, but, prior to erecting the bamboo fence, the neighbors would stop and watch his private prayer sessions with his family. The lack of privacy with the short fence made it very difficult and uncomfortable for my client and his family to practice their faith.

Please advise if emailing this letter to you is sufficient to have this information included in his request for a fence height exception, or if we need to submit it in some other way.

Thank you for your assistance.

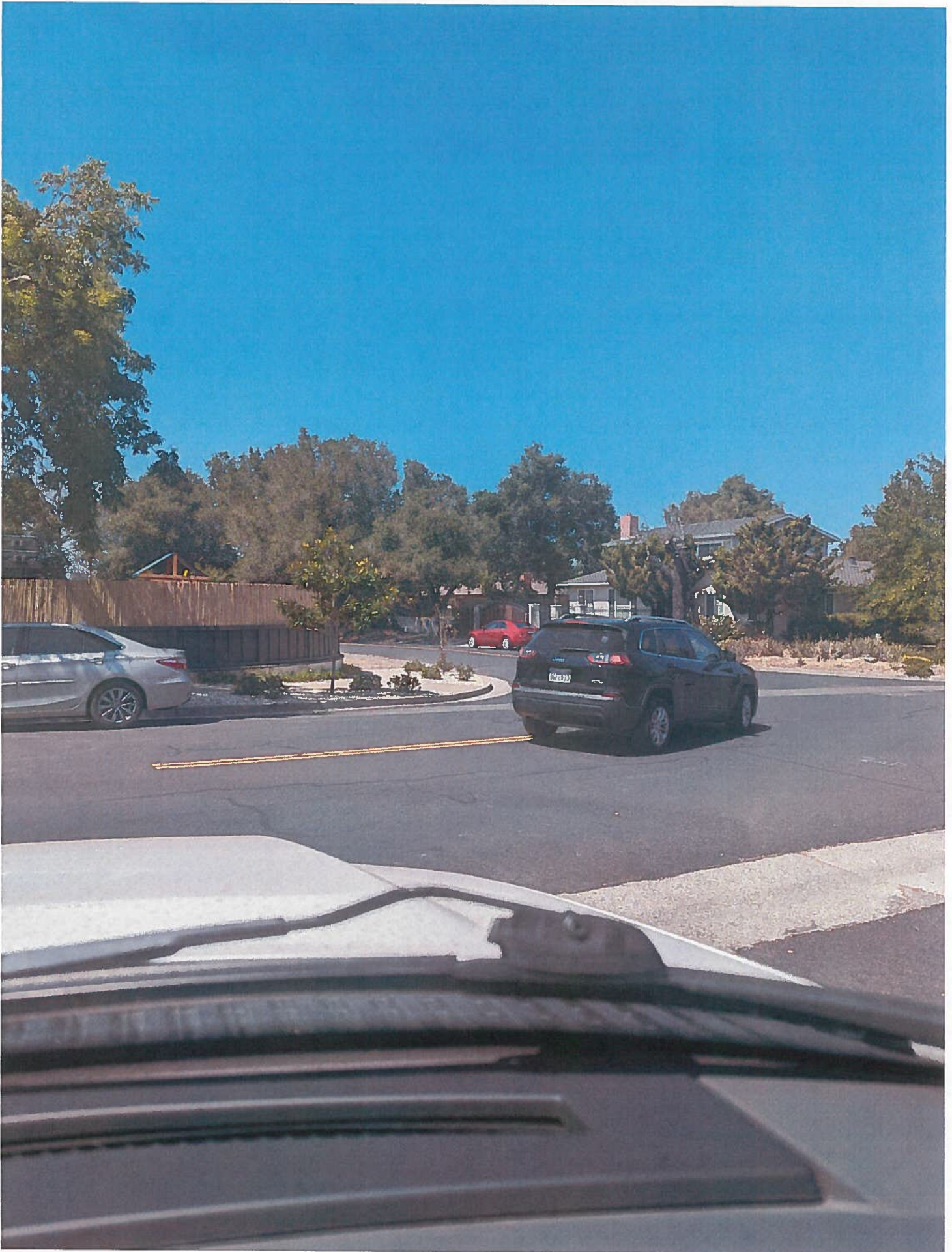
Very truly yours,



MARTIN N. LETTUNICH

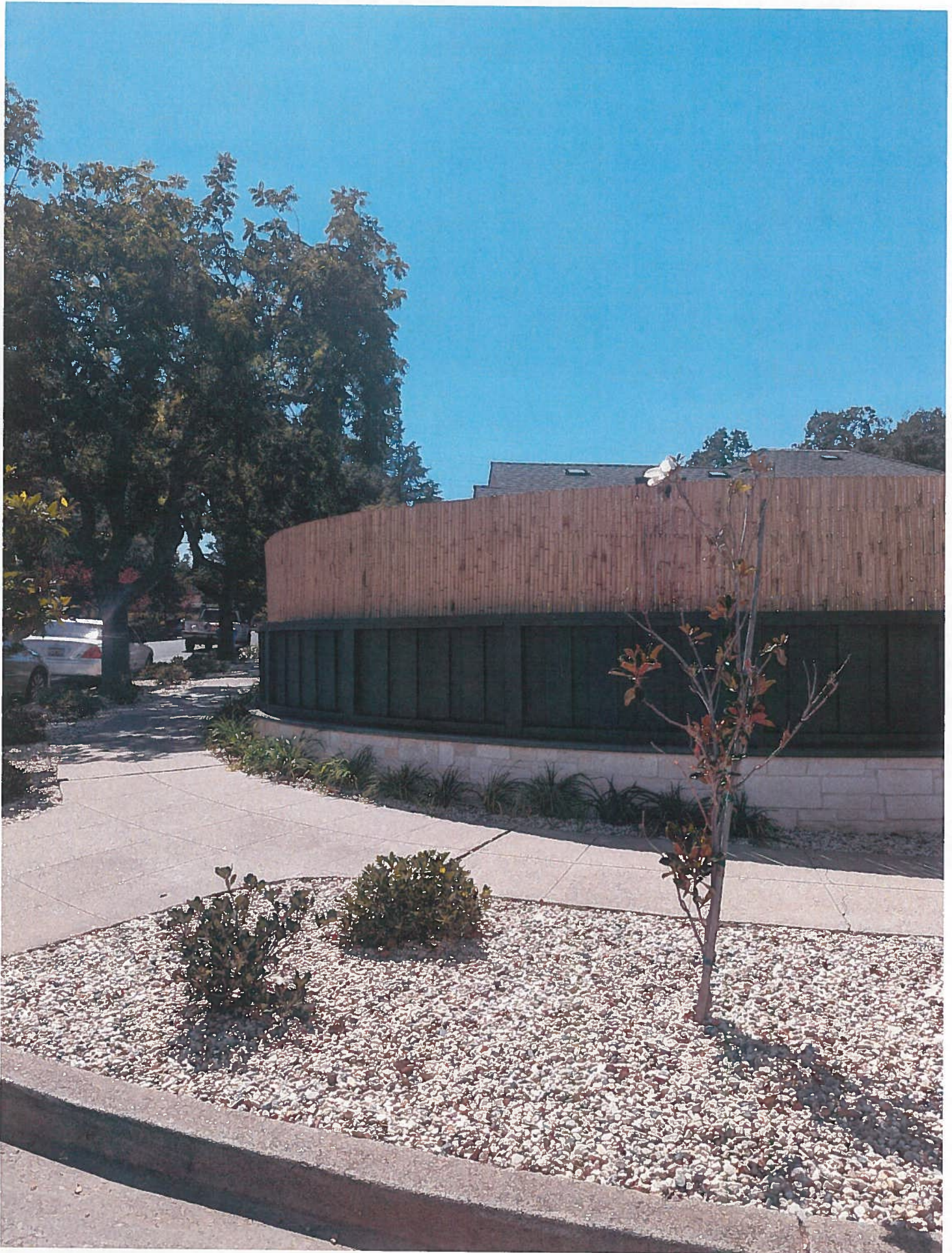


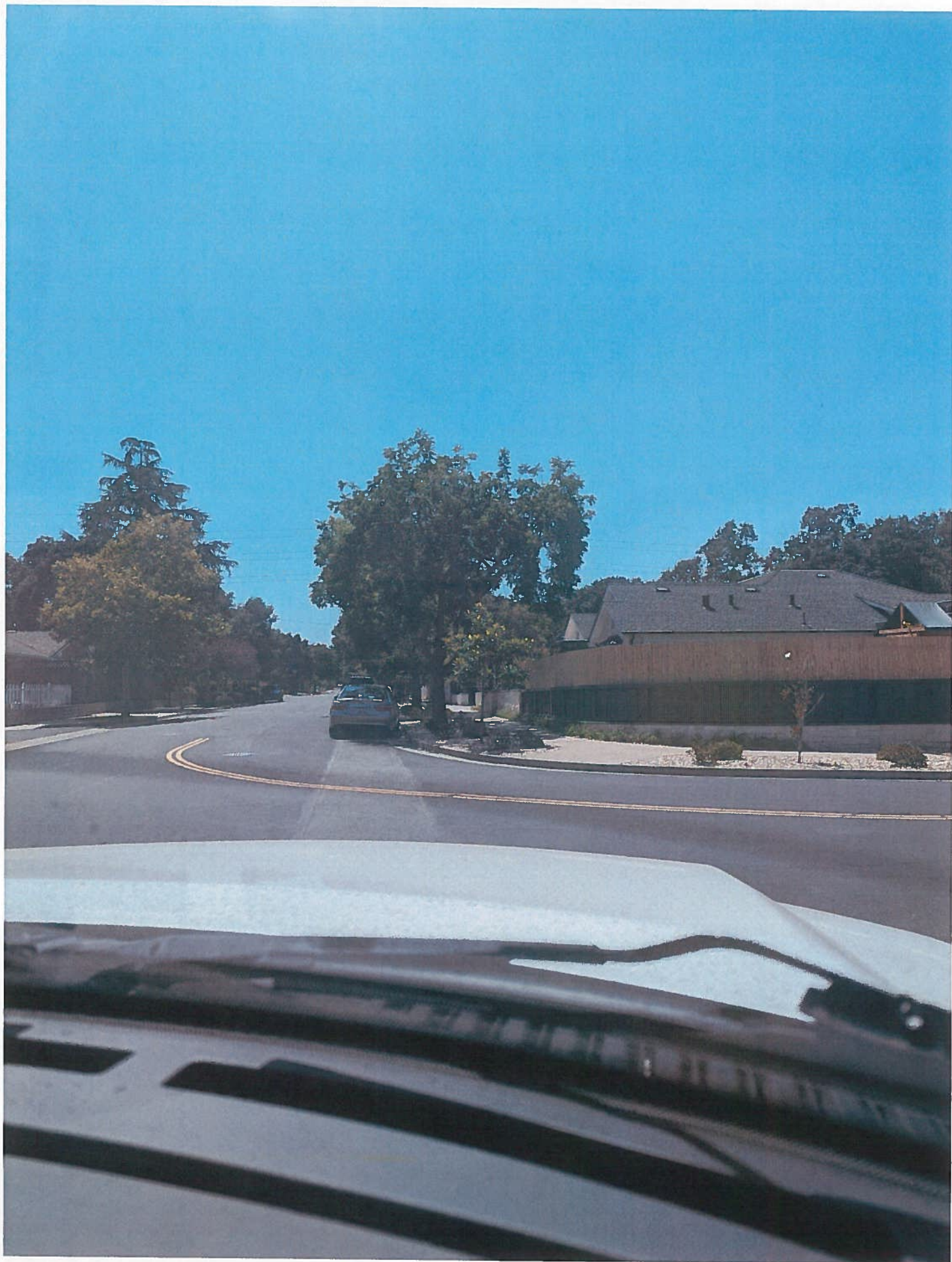






From Garden Hill
Construction Time





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