

Town of Los Gatos  
Office of the Town Clerk  
110 E. Main St., Los Gatos CA 95030

APPEAL OF PLANNING COMMISSION DECISION

**FILING FEES**  
**\$464.00 (PLAPPEAL) Residential**  
**\$1,867.00 (PLAPPEAL), per**  
**Commercial, Multi-family, or**  
**Tentative Map Appeal**  
**TRANSCRIPTION \$500 (PLTRANS)**

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)  
DATE OF PLANNING COMMISSION DECISION 6/14/23

PAID  
JUN 21 2023  
TOWN OF LOS GATOS

PROJECT / APPLICATION NO: \_\_\_\_\_

ADDRESS LOCATION: 380 Blackwell Drive

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

BP38187

Interested person means:

1. Residential projects. Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. Non-residential and mixed-use projects. Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; OR

2. The Planning Commission's decision is not supported by substantial evidence in the record: The Planning Commission allowed the exception request for a higher-than-standard electronic gate for safety reasons - but added the condition that the gate would need to be set back an additional 5 feet in order to prevent traffic back up they believed would occur as a safety issue for passing mo

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS. (continued on next page)

IMPORTANT:

1. Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10<sup>th</sup> day following the decision. If the 10<sup>th</sup> day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10<sup>th</sup> day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME: Lawrence W Cesnik

SIGNATURE: Lawrence W Cesnik

DATE: June 20, 2023

ADDRESS: 380 Blackwell Drive

PHONE: 408-836-8183

EMAIL: Larry.cesnik@gmail.com

\*\*\* OFFICIAL USE ONLY \*\*\*

DATE OF PUBLIC HEARING: \_\_\_\_\_

Pending Planning Department Confirmation

DATE TO SEND PUBLICATION: \_\_\_\_\_

DATE OF PUBLICATION: \_\_\_\_\_

ATTACHMENT 5

Th

Lawrence Cesnik

380 Blackwell Drive, Los Gatos, CA 95032

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2. CONTINUED

However, as I will present in more detailed descriptions and photographs still to come, there are at least 3 issues that I have with the commission's decision:

1. The statement made by one of the commissioners that the vehicle picking up our son for his day program is likely a van/longer vehicle – and therefore would protrude into the street without a gate setback. In fact, the transportation company with which we contract – Union Taxi – picks up our son in a compact/medium size sedan – which fits between the curb and gate without protrusion.
2. The assumption that there will be a “queuing/backup hazard” when we exit or enter the gate due to the delay in opening it. In fact – as I explained to the commission, our plan is to avoid this problem by a) waiting to back out until the gate is completely open b) before approaching the gate for entering, opening it remotely early enough (it has good range) so that it is fully open when we are in front of the driveway.
3. Not recognizing that pushing the gate back 5 feet will (a) be a major inconvenience and will “squeeze” the very limited space we have to park our vehicles (b) will increase the safety risk to our son by shortening the amount of time for him to reach the gate during any potential “bolt” and (c) disrupt the aesthetics of our property that we have worked hard/invested in to develop and maintain -as well as the surrounding neighborhood

RECEIVED  
TOWN OF LOS GATOS

JUN 20 2023

CLERK DEPARTMENT