

Dear Jennifer and Ryan:

I'm writing this letter as a replacement appeal for my previously filed appeal (submitted by Martin Lettunich on my behalf) to the town council regarding fence exception for 124 Garden Hill Dr, Los Gatos, CA 95032.

To memorialize the sequence of events w/r/t my fence, I have included below the relevant chronology of events:

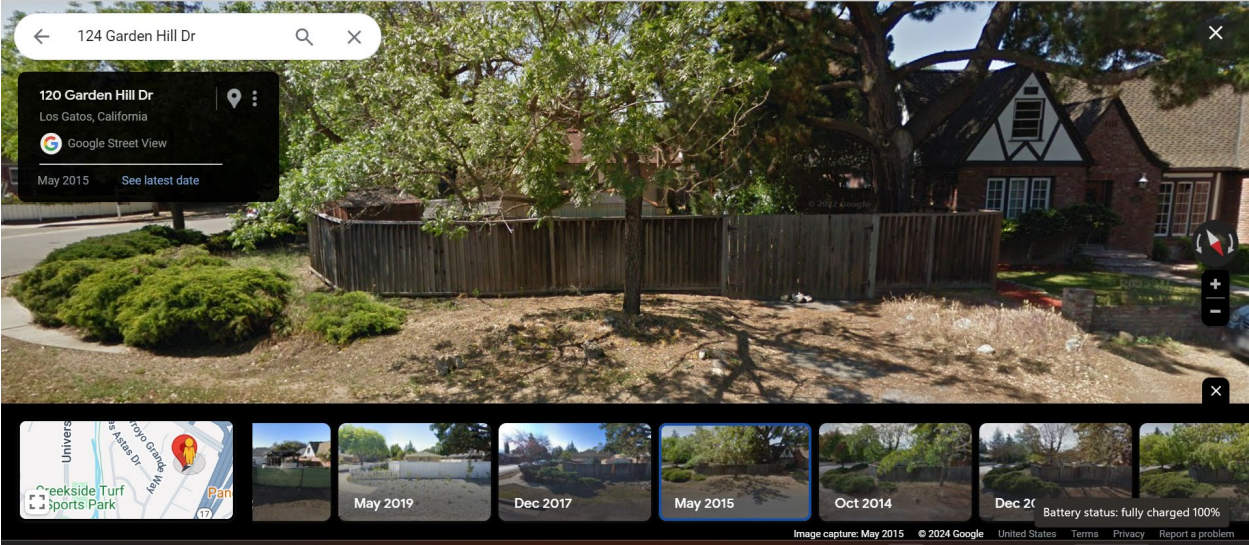
1. We built a 6' fence along the front side of the property along Garden Hill Dr and a 3' fence along the corner sight triangle and side property line along Garden Hill Dr. This fence construction was reviewed by town inspectors Bobby DeHerrera and Eric Christianson and approved via final inspection onsite. They subsequently signed the final inspection card and issued the Occupancy certificate for our property.
2. As we began living at the property, we started to experience quite a few security hazards due to the short 3' fence height esp. as my little kids (ages 3 and 6) would play in the yard. We had a few coyote sightings right along the curbside by my property where the fence height is only 3' as well as several strangers that regularly frequent the street to access Vasona Park trail. Out of concern for my kids security as well as secondary privacy concerns, we erected a temporary bamboo fence along the corner sight triangle area and the side of the house. This bamboo fence added an additional 3' fencing above the original 3' fence making the total fence height around the corner 6'
3. Subsequently, I received a citation from the city regarding the bamboo fence obstructing traffic view and not being compliant with the town ordinance
4. Upon receiving the citation, I appealed to the Planning Commission to grant me an exception to have my fence height along the sight triangle to be 6' high
5. During the original Planning Commission hearing, Martin Lettunich, whom I had hired as a consultant to represent me, argued that the corner sight triangle fence ordinance didn't apply to my lot as it wasn't a corner lot. The Planning dept recommended to the Commission that the exception for corner sight triangle cannot be granted due to (i) traffic visibility concerns and (ii) the lot was still a corner lot. Additionally, the planning dept. also raised the issue of the 6' fence along the front of my house not being permitted per planning approved permit since it doesn't comply with the 15' front yard set back requirements
6. Following the rejection of my appeal by the planning commission, Martin Lettunich appealed to the town council to grant me the 6' height exceptions on the following grounds: (i) the front side fence was already permitted and sight inspector approved (ii) the corner fence should be allowed because its not a corner lot.
7. I then engaged with the Planning Dept (Jennifer and Ryan) to find a constructive path forward that would address the city's concerns while providing for my security and safety needs as the property owner
8. To further assess my situation, I provisioned a third-party traffic study from Sandis. Nate Levine from Sandis performed a preliminary traffic study to established line of sight guidelines for vehicles along the corner of our property. Nate also collaborated and consulted with city traffic engineer Mike V. Following a few back and forth discussions between Nate and Mike, it was

understood that the traffic study findings, while suggesting that a 5'6" setback along the corner could allow for a 6' fence height, were ultimately deemed inadequate by Mike. Based on the prelim traffic study, Mike wasn't comfortable to recommend granting me the exception even if I were to pull the fence 5'6" inside the property line from the corner.

9. Based on the above fact patterns, I had another discussion with Jennifer and Ryan on Monday, Jan 8th whereby I recommended the following considerations for the town council as part of my revised current appeal:
 - a. The 6' fence I've built along the front side of the lot is substantially a replacement fence of what already existed previously. The previous fence was a 6' fence that was ~5' setback from the property line. The newly built fence is also a 6' fence but has a 4'5" setback from the property line. Since the variance is only 7", and our immediate neighbors along that side of our house have no issues with the design, I would like to request an exception to allow me to keep this newly constructed fence. As such, this was reviewed and approved by sight inspectors Bobby DeHerrera and Eric Christiansen and they signed the permits and occupancy certificate upon reviewing the fully built fence. It's also worth noting that the citation I received did not mention this fence.
 - b. For the corner fence (bamboo fence), I propose that we will remove it and comply with the citation request. However, to ensure the security of my children, I would like to request an exception to allow me to build a see through fence with iron bars along the sight triangle and front side of the property. Hopefully, this will be viewed as a fair compromise where I'm completely willing to give up my privacy but would like to request the city grant me the permission to ensure my security
 - c. I have included below, photo evidence to show the setback of 4' 5" for the front fence to demonstrate it's substantially a replacement of existing fence. I have also included a photo of examples of iron bar see through fence we would build if granted the exception for the corner height of the fence. This iron bar fence would add an extra 3' on top of the existing 3' fence making the total fence height 6' but the top 3' of it being see-through fence.



Requesting exception be granted to keep the permanent fence in the above picture on the front side as its substantially a replacement of existing fence. See evidence of 5' setback previously from google image below followed by tape measured set back showing current 4' 5" setback.





Will agree to remove the bamboo fence and requesting exception to replace the bamboo fence with a see through iron bar fence. Sample iron bar fence shown below. This iron bar fence will add 3' on top of existing 3' solid wood fence along the sight triangle ensuring a happy median for traffic visibility as well as our security.

