



TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
 110 E. Main Street
 Los Gatos, CA 95030

APPEAL OF THE DECISION OF
DIRECTOR OF COMMUNITY DEVELOPMENT

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the DIRECTOR OF COMMUNITY DEVELOPMENT as follows:

DATE OF DECISION: July 2nd, 2021

PROJECT/APPLICATION: Fence Height Exception (FHE-21-003)

LOCATION: 755 Blossom Hill Rd, Los Gatos, CA 95032

Pursuant to the Town Code, any interested person as defined
 Commission any decision of the Director.

Interested person means:

1. *Residential projects.* Any person or persons or ent
 1,000 feet of a property for which a decision has be
 will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any pers
 demonstrate that their property will be injured by t

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

Please see the statement attached.

I reserve the right to submit a more detailed supplement by letter.

IMPORTANT:

1. Appeal must be filed not more than ten (10) days after
 Development. If the tenth (10th) day is a Saturday, Sun
 the workday immediately following the tenth (10th) da
2. The appeal shall be set for the first regular meeting of the Planning Commission. The
 Planning Commission will permit, more than five (5) days after the date of the filing of the appeal. The
 Planning Commission may hear the matter anew and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME: Nina Guralnik

SIGNATURE: Nina Guralnik

DATE: 8/3/2022

ADDRESS: 755 Blossom Hill Rd, Los Gatos, CA 95032

PHONE: (415) 307-6381

EMAIL: nina_guralnik@yahoo.com

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION:	1. _____	DATE: _____
	2. _____	DATE: _____
	3. _____	DATE: _____

PLAPPEAL \$ 234.00 Residential
 PLAPPEAL \$ 934.00 Commercial
 PLAPPEAL \$ 95.00 Tree Appeals

We are appealing the decision to cut our fence from 6 feet to 3 feet and to move the vehicular gate 18 feet from the property line based on the following arguments:

- 1.) At the current moment, we are not applying for an exception for permission to build a fence. Our fence is already built, and it cost a great deal of money because it was made entirely from galvanized material. Now it would cost a lot to reconstruct it. We already borrowed money to build it (which we are still very slowly paying back) in order to protect our family, and now we simply don't have the funds for the reconstruction. It would be a significant financial hardship. Despite that, we love the community we live in and will do our best to work for its benefit.
- 2.) If this regulation is based on the homogenous "beauty" of the city, then we would need to remove or alter all the other existing 6 foot tall fences. Otherwise, there is no "beauty" if 900 fences are 6 feet tall and another few hundred that do comply are now 3 feet tall.
- 3.) As far as the argument that the rule somehow protects wildlife, perhaps the wildlife should be educated enough to understand that they need to enter and exit through the 3 foot high front fence, but not through the 8 foot high back and side fences. Though it can be fathomed, that the exact location of the fence in proportion to the house is of no importance whatsoever to an animal. Perhaps we don't want to welcome all wildlife into our yard. We certainly welcome bunny rabbits, but why should we invite coyotes, for example, to play with our 1 and a half year old baby?
- 4.) My son-in-law is a doctor, and by moving the vehicular gate, the city would be taking away his emergency parking that allows him to get to the OR in 5 minutes at night, when on-call. Furthermore, he should be thinking about the patient on the table in those times, rather than about the safety of his wife and daughter left alone at home without the added security of the fence. (when the house is located on a main road).
- 5.) My daughter is a well-known actress who works on popular TV shows and movies. She works mostly in Los Angeles, and though she keeps her home address as private as possible, (and Hollywood maintains that contact should go through agents rather than actors directly) she still regularly receives requests, online messages and e-mails from fans. (We have tons of these examples in writing). The messages run the gamut from requesting a simple headshot and autograph to a shout-out on social media to video messages to crazy things that you can imagine. (multiple people have asked for her address). Some fans are nice and polite while others may be stalkers. Should someone like that get a hold of her address, (which has happened in the past) with no metal fence in place, a low wooden gate that can easily be entered would lead this person straight to her front door with unbeknown intentions.

6) Location is unique.

Our house is likely one of the only ones in Los Gatos county completely surrounded by businesses. There are no other homes in this situation.

- The dental/chiropractor office next door has high foot traffic. This poses a clear safety risk to our home. The gate helps distinguish our home from the practice making it less likely for patients to inadvertently park in our driveway.
- The shopping centers (with gas station) to the right and across from us have odd characters at all hours of the day. We've seen people selling goods to one another between 1-3 AM. I've confronted people a number of times - suffice it to say we needed an added barrier of protection from these individuals.
- There is a nursing home across the street with innumerable workers on a daily basis. That creates a privacy issue. The residents of this nursing home also applaud our fence, and have expressed their support in keeping it up because it adds to the beauty of their view.
- Our home is placed on a long straight stretch of road between Cherry Blossom lane and Los Gatos Blvd. Despite the city's best efforts to curb the speed of vehicles on this road, cars are driving upwards of 60 miles/hr (measured on my radar, constantly). As I understand it there have been multiple accidents and even the death of a child in recent years. I won't be a statistic to a car accidentally jumping our curb and ending up in our living room. Our fence is galvanized steel, at six feet would be able to prevent the inevitable catastrophe in this exact scenario. Furthermore, when this tragedy occurred, people asked for the speed limit to be reduced on this road, and it has not been done yet. It seems like that is not as urgent as lowering the fence in front of our house.

7) Ordinance Contradiction

Series of events as they stand.

The home was purchased in October of 2020. Many attempts were made to communicate with the city of Los Gatos. There was limited accessibility to staff members for direct information. Their unavailability throughout most of 2021 was a problem for new homeowners unfamiliar with the area.

The day we moved into our home there was a homeless person sleeping in our driveway INSIDE of the supposed secure wooden gate already in place. The person kindly left when asked, fortunately.

Before the fence was up, various people regularly came into our backyard unannounced "picking our persimmons." Some of them were under the impression the previous owners had abandoned the property given how much quieter and more polite we were in comparison. They were shocked when I walked outside and calmly asked them to leave. Before coming outside, however, I had no idea what they came for. With a wife and baby at home to protect, and 3

strangers outside my window, imagine how frightened I could be at night. I was well within my right to defend my property by the way.

Given the above information, what would be the most appropriate manner to protect your family without aggression? We looked to whatever information was available at the time.

UNFORTUNATELY, the information posted on the city's website had the outdated fence ordinance listed (as of 11/2020). I (a physician) and the contractor used what was easily and readily available to put up a fence in accordance with the rules. I apologize for not having looked up the complete compendium of city ordinances or running it through the office of the City of Los Gatos, **but the contradiction listed on the website versus the updated ordinance handbook should not come at our loss.**

Our fence was built merely 1 short year after the amendment to this law that made our specific fence proportions no longer allowed. Unfortunately, it was nearly impossible to get this information online, despite extensive searches on our part prior to building the fence. The most available record that we could find stated the 6 ft rule, rather than the new, obscure to find 3 ft rule. We also tried to call numerous times and could not get this information. Perhaps a professional who works with county issues, such as yourselves, would easily be able to get this information, but for us lay people, it was extremely difficult, so much so that we did not even find out about the new regulation until after the complaint, and that is how we ended up in this predicament. That is why we are now asking for an exception.

8) The fence was placed solely for safety during a Covid pandemic. There are two people on our street who have made outlandish comments to my wife and I on our walks with our 19 month old daughter. One person said "surprised how good looking your daughter is." My wife and I are a proud interracial couple. Is it possible that this is motivated by racism or ignorance that we should be protected from?

- Lastly, there is significant hypocrisy in citing our home and not the other hundreds within a close proximity that violate the ordinance. If we were being chosen out of 250 high fences because of racism or ignorance, then those complaints should not be validated. Furthermore, a neighbor told us that someone was coercing people to complain about the fence.

Response to 18 ft setback vehicular gate rules:

1. Our property already had a row of trees in front, up to 7 feet tall that already decrease visibility coming out of our driveway.
2. Unlike all the other fences in the city that are already in place, a lot of which violate this ordinance, ours is perforated in design. It is completely see through with large holes in between the rails making it very easy to see the outgoing or incoming cars.
- 3.) In response to the setback - our gate opener was intentionally installed as to allow for the receiver to work from a distance of 1000 feet. This was deliberate in an attempt to avoid the dangers of stopping for an opening gate.

For the vehicular gate, if an 18 ft setback is required as a safety measure for the passing traffic, that is already a non-issue in our case, as the gate can be opened from hundreds of feet away, thus well before pulling up to it (and pulling in would never stop traffic). Please see the contractor's description of the remote and methods of operation attached:

- "Albano MD-1 Long Range Transmitter

I bought and connected the longest transmitter that could be found. It's placed near the car control panel and easy to use. There is only one button that sends a signal to the receiver and starts to open or close the gate. It can be programmed with most receivers quickly and easily. Its range of operation is up to 1000 feet. Link with manufacturer's description here (<https://www.northshorecommercialdoor.com/almdloragado.html>)

If changing the transmitter is not an option, REIGN XRE-100 relay Extender can be purchased. There are 2 transmitters included in the kit (manual attached) (link included below) (<https://www.northshorecommercialdoor.com/transmitter-solutions-tx-100.html>)

This device can work with a range of up to 500 feet as it described in specification. Range: ½ miles through obstruction. It sends a signal to retransmit from the opener to the gate through these 2 extenders."

In the manufacturer's description, it is clear that with the devices described above, there is plenty of time to open the gate while driving to it from a long range.

4.) As a compromise, we are willing to leave the gate open at all hours during the day to avoid conflicting with any regulations. The gate is primarily in place to protect from nighttime intruders.

5.) Our home is uniquely placed amid commercial properties. We share a wall with a large chiropractor/dental office, are directly across a large retirement complex and two shopping centers. It is also directly on blossom hill road. Not a small neighborhood or side street as to create a visual problem with the "character of the neighborhood". We don't exist in such a setting.

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