

Dear Mr. Mora,

Upon purchasing this house, we hoped to have a warm welcome to the neighborhood. We are spending a life's fortune to live in Los Gatos, in the hopes that our newborn daughter has the best chance at a successful, fruitful, and healthy life.

I would like to usher that I aim to be an outstanding and contributing member, and strong supporter, of the Los Gatos Community. As one of a limited number of Cardiac Anesthesiologists that cover Regional Medical Center, Good Samaritan Hospital, and O'Connor Medical Center, I spend my days in the pursuit of improving lives. This has only been validated with the recent COVID pandemic and the necessity for VV-ECMO placement (artificial devices to assist with blood oxygenation) which places all healthcare workers at a DIRECT risk.

We purchased our home amidst a global pandemic with rampant fear across the country. I, myself a physician at the front line, contacted the LG Building Department in an attempt to better understand the myriad town codes and apply for permitting. Unfortunately, things became more difficult with intermittent quarantining and unavailability of people to speak with. Our only option was to use your website [logatosca.gov](http://logatosca.gov) for answers.

- 1) Town Code Section 29.40.0315 does not appear readily accessible online. In fact, I can't find it anywhere. The only guidance available for "Fences, hedges, and walls" is section 29.40.030, which clearly states...
  - a. "In residential zones, fences, hedges, and walls not over 6 feet high are allowed on or within all property lines, except that no owner or occupant of **any corner lot or premises** in the Town shall erect or maintain upon such lot or premises any fence, hedge or wall higher than 3 feet above the curb in a traffic view area unless a permit is secured from the Town Engineer. A traffic view area is the area which is within 15 feet of a public street and within 200 feet of the right-of-way line of an intersection. Barbed wire or razor ribbon wire is prohibited in all zones."
  - b. Our front fence is precisely 6 feet in height. We didn't see our house as a **corner lot or premise**. That being said, the fence was placed out of a sense of necessity. The start of the COVID pandemic was scary for everyone. Given a demonstrated lack of concern for personal space, social distancing, and mask requirements by local residents, it became incumbent for me (and my mother-in-law) to protect my wife and future child from the heavy walking traffic. Not to mention the fact that our house resides next to a community chiropractor office inundated with strangers and across the street from a supermarket parking lot filled with homeless people. In fact, the day we moved into our home we had to kindly ask a homeless gentleman to remove his belongings from our front yard. This is now a matter of personal and public safety.

- 2) The above paragraph is very clear about stating that the 3 feet height, 15 ft from public street and 200 ft from intersection rules only apply to "any corner lot or premises."

Our house is in no way considered a corner lot or premises. The regulation also states that there is a 6ft maximum height for areas "within all property lines." Our house does fall into this category, and definitely adheres to the 6 ft maximum rule.

The Code Section 29.40.0315 applies to ANY CORNER LOT OR PREMISES, it does not say AND the premises/lot inside the block should have the same regulations. Also, it does not say OR any premises/lot inside the block should follow the same rule.

It does not say ANY premises or lots, so it is specifically applies to the corner lots/premises and cannot be considered relevant to our case.

- 3) According to Section 29.40.0305, the intent of the fence regulations is to:
  - a.) Preserve the natural beauty of the Town of Los Gatos:
    - Our fence does not block any natural beauty as it is an open view fence, not a solid fence. It does not interfere with any part of the natural beauty.
  - b.) Preserve the natural movement of wildlife:
    - The birds and squirrels can easily operate their daily lives with the fence in place.
  - c.) Protect traffic view areas:
    - The fence doesn't hamper the traffic view area as we are far away from the intersection (i.e. not the corner house)
- 4) Further according to the same Section 29.40.0305, the city of Los Gatos acknowledges the residents have the right to:
  - a.) Protect children: We have a 2 month
  - b.) old infant at home (see picture attached.)
  - c.) Contain animals
  - d.) Protect garden or agricultural areas: We have a lot of fruit trees that we love and care for.
  - e.) Maintain privacy: Invasions of our privacy have occurred multiple times:
    - Sometimes people come to our home mistakenly while searching for the chiropractor's office next door.
    - A man, posing as a lawyer for the city of Los Gatos, attempted to sneak into our front yard through the wooden fence. We did not let him in and so he sent neighbors a request to file complaints against our metal fence. Instead three different neighbors showed us his e-mails, and offered their support. In fact, they pointed out how happy they are to have something so beautiful in their neighborhood to raise their property value. Upon further investigation, we discovered that this man was actually a real estate broker. We still don't know what his reasons were for such behavior.
    - One day when walking home with my pregnant wife (before the baby was born), I had to interact with a homeless man who was attempting to use our wooden fence as a restroom.
- 5) Security is an important factor for us. The political situation is unstable, and there can be riots or dangerous situations anywhere at any time, not to mention Covid is a huge concern. For all these reasons, we need to trust that we have something secure in place to protect ourselves.
- 6.) There are several fences all over Los Gatos that are 6 feet high.

We are asking for an exception for the vehicular gate regulations.

Vehicular gates shall be set back from the edge of the adjacent street a minimum of eighteen (18) feet as measured along the centerline of the driveway. A greater setback may be required when a gated entrance serves more than one (1) house.

- (a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.

According to the above exception, we can keep this gate because we are adjacent to a commercial property, which is a corner building.

(e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.

( [Ord. No. 2286](#), § I, 8-6-19)

Our lot has several fruit trees that produce various fruits. Because of this, many uninvited visitors show up to collect them, including homeless people coming from the plaza across the street. We need additional security to prevent these unwanted guests. Therefore we are asking for an exception to qualify for this special circumstance.

We also would lose our emergency parking spaces entirely if we move the gate to 18 feet from the property line, as they would be blocked off by the gate. I need emergency parking that I can use to get out quickly when I am on call for urgent surgical procedures day and night.

Also, as you can imagine, not having adequate parking in one's own home is an extreme hardship and huge interference with daily life (going to and from work, carrying groceries, not to mention a heavy car seat for my wife with a baby inside.)

The only other parking space would be closer to the house, but that section is going to be used for children's play. There is no other space for our daughter to play outside when she grows up. If the parking is forced out, it would have to be moved to this space, and the baby's play area would disappear.

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

We respectfully ask that you make an exception and allow our fence with the vehicular gate to remain intact. We are very willing to get the permit required to secure legalization of this gate. If any and all other permits are needed, we will be happy to comply. We can ask Mr. Meyer which paperwork/permit(s) are necessary. We ask that an exception be granted by the Town Engineer and Community Development Director.

Also, on our street and several streets around the neighborhood, there are many 6 feet high fences (see addresses below and pictures attached) with a high vehicular gate on the property line in plain view in front of people's houses. There are many more in the neighborhood but the following is only a list of the addresses around our house. Based on all the aforementioned reasons, we respectfully ask for you to allow us to also have such a gate and fence.

List of 6 Ft high fences addresses in our neighborhood:

- 16698 Los Gatos Almaden Road
- 16486 Los Gatos Almaden Road
- 16400 Los Gatos Almaden Road
- 16388 Los Gatos Almaden Road
- 16360 Los Gatos Almaden Road
- 16194 Los Gatos Almaden Road
- 16166 Los Gatos Almaden Road
- 16250 Blossom Hill Road
- 907 Blossom Hill Road
- 16310 Shannon Road

List of vehicular gates on the property line addresses in our neighborhood:

- 16400 Los Gatos Almaden Road
- 16388 Los Gatos Almaden Road
- 16374 Los Gatos Almaden Road
- 16360 Los Gatos Almaden Road
- 16194 Los Gatos Almaden Road
- 16166 Los Gatos Almaden Road
- 15996 Los Gatos Almaden Road
- 907 Blossom Hill Road
- 16450 Shannon Road

Thank you so much for your time and kindly attention to this matter.

With utmost respect,

The Kohanchi Family

[REDACTED]