

**Jaime McAvoy**

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AGENDA ITEM # 3.3  
Distributed: 11/06/2014

**From:** Susan <jsmandle@hotmail.com>  
**Sent:** Wednesday, November 05, 2014 3:08 PM  
**To:** Suzanne Avila; Jaime McAvoy; Nicole Horvitz  
**Subject:** FW: Commission meeting 11-6-14 Mueller Height variance to 8'

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Date: Wed, 5 Nov 2014 14:36:32 -0800

Subject: Commission meeting 11-6-14 Mueller Height variance to 8'

From: [REDACTED]

To: jsmandle@hotmail.com; jitze@couperus.org; kavitat@comcast.net; jima.pc@gmail.com; richard.partridge@comcast.net

Commissioners:

My name is Joseph Wilczak, [REDACTED]. I am not able to attend the Planning Commission Meeting on Thursday evening. The multiple residence property of [REDACTED] is accessed via a 300' plus proected access road from Duval Way.

I stand opposed to any after the fact height variance. At one point along our driveway the fence already looms to eleven feet.

I ask that any decision related to the Mueller Construction project be postponed while the file is reviewed.

Briefly, In Feb, 2014, I was informed by the Planning Dept that a straight line 6' fence along our driveway was being replaced with the same type 6' fence. This turned out not to be the case as the simple fence project was modiified multiple times without notice to neighbors and became a construction project with multiple code violations and safety violations pointed out to the Planning Dept as construction progressed.

Violations include, but not limited to: Road grading and grading without permit, changing the elevation and drainage creating a flood danger to road and property access done without permit, height exceeding six feet, building a burm on the side of an embankment, building a double gate for pedrestian and vehicle access into the side of our driveway directly into the path of road movement used by owner, tenant, and service vehicles. ( code violation and extreme safety violation.) Our driveway was used by Mueller grading equipment instead of using Mueller driveway, and caused significant damage to road and property access. Additionally, a water project was installed on either side of the front of our driveway, when in use

bubbles up through our driveway, causing significant damage and done in violation of code and without permit as far as I can tell at this early point of due diligence.

Planning dept indicated that Mueller needed this double gate accessing our driveway. I asked why? Planning dept indicated Mueller needed our driveway to access his septic tank. I asked the location of Mueller's septic tank? Planning dept indicated they did not know the location of Mueller's septic tank.

Without sounding flippant, it cannot be true that homes can be built in Los Altos Hills without the Planning dept knowing the location of septic tanks and drain fields.??

I accidently came across an old site map of 26075 Duval Way, which clearly indicates that the Mueller drain fields have been installed within the boundries of 26101 Duval Way, and the fence in question has been constructed within the surveyed boundries of the road dedicated to the access of my property. The map is a copy so we need to verify this information through the original or an enhanced copy as well as review the building plans of 26075 Duval Way to discover the truth of Mueller's only being able to access his septic tank by using our driveway.

As an aside, if Mueller et.al. has been given permission to access the side of our driveway, then have I and any tenants have the right to use this gate to move across Mueller property to access Duval Way?

Lastly, I was invited by the planning staff to the final inspection for this project, but was denied participation.

For these reasons I request that any decisions related to 26075 Duval Way be suspended pending the discovery of answers to these questions.

Thank you for your consideration,

Joseph Wilczak