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**Cécile Bastide and Julien Le Dem**

827 Indian Rock ave  
Berkeley, CA 94707

1st March 2023

**Planning and Development Department**

Land Use Planning Division  
1947 Center Street, 2nd floor  
Berkeley, CA 94704

Re: Appeal of the Approval of the Administrative Use Permit #ZP2021-0183

Dear Madam, Sir,

We live close by Erin Egan and Sanju Thomman at 870 Santa Barbara ave.  
They are very good and reasonable neighbors that we appreciate having in  
the neighborhood.

Recently they have endeavored a project to make their backyard safer for their  
young child. We are in the hills and the existing fence was not appropriate or  
sturdy enough to prevent risks of falling downhill at the end of their yard.

As parents ourselves of a child of approximately the same age we understand  
and support their efforts to make their home safe.

Sincerely,

**Cécile and Julien Le Dem**

Handwritten signatures of Cécile and Julien Le Dem. The signature on the left is 'Cécile' and the signature on the right is 'Julien Le Dem'.

February 28, 2023

Land Use Planning Division  
Attn: ZAB Secretary  
1947 Center Street, 2nd floor  
Berkeley, CA 94704

RE: Administrative Use Permit #ZP2021-0183

Dear Board Members:

We lived at 866 Santa Barbara Road, from 1992 until 2021, the final three years of which we were privileged to live next door to the Thomman family. We raised our two children, Ian and Camille, in the house. We are in favor of permitting the Thommans to keep their backyard fence for the following reasons:

- Sanju, Erin, and their son Morgan were helpful, generous, and **considerate neighbors** who befriended all on our street.
- The fence provides a **critical level of safety** for those on both sides. In 1993, a 6' tall fence was installed to replace a similarly dilapidated fence, also atop a 3' retaining wall. Our home often became a gathering place for our kids' friends, because we had a safe backyard. Furthermore, our yard frequently had children kicking soccer balls, passing footballs, throwing basketballs, and practicing archery. An adequate fence helped contain these activities and provided protection for our neighbors from a potentially errant ball or arrow, any one of which could do more harm to a plant, animal, or human than any minimal reduction in sunlight.
- The Thomman's fence is to the **NNE** of Ms. Schick's property. Of course, the sun rises in the east, is at its brightest midday from the south, and sets in the west. It is disingenuous and incorrect to claim that any significant amount of sunlight would be blocked by a fence that is NNE from her yard.
- We raised two dogs in our home, one a 95-lb Lab and the other a 17-lb Chihuahua mix, both of whom had 24-hour access to our backyard. Both of these **dogs could jump** a 3-foot fence, and in fact both jumped a 4-foot wall; whereas, Ms. Schick is requesting the Thomman's fence not exceed 3 feet in height. Should the Thomman family adopt a dog, how would they keep it securely in their own yard and out of Ms. Schick's yard?
- The retaining wall between the Indian Rock and Santa Barbara back yards runs the **entire length of the block** on the downhill side, and virtually every Santa Barbara home has a back fence of about 6' above their corresponding retaining wall. Every neighbor we have known for those 28 years, except for Ms. Schick, has appreciated this configuration of fences and not raised a concern, and this is because responsible fencing on our block benefits the parties on both sides.

Thank you for your consideration.

Donald and Julie Anderson  
1708 Canyon Run  
Healdsburg, CA 95448

Land Use Planning Division  
Attn: ZAB Secretary  
1947 Center Street, 2nd floor  
Berkeley, CA 94704

February 28, 2023

Re: Appeal of the Approval of the Administrative Use Permit #ZP2021-0183

Dear Board Members,

We appreciate the CEQA approval of the administrative use permit for our backyard fence. Further justification for our fence is detailed below.

**Safety:** Our active 4-year-old son plays in the backyard. A 3-foot fence is inadequate to prevent him and his friends from climbing or falling over. A standard 6-foot fence provides the safety we need for children. For this very reason, every house on our block has a similar back fence on top of the adjoining retaining wall. Further, Ms. Schick uses her backyard adjacent to our property to store potentially dangerous gardening tools, materials, and trash (please see photos in application) to which we risk exposure without an adequate fence.

**Privacy:** A 3-foot fence would not provide us with adequate privacy to enjoy our backyard. Prior to building our present fence, Ms. Schick would approach us from her back yard and make unwelcome communications with our family and visitors. This prior lack of privacy led us to stop using our backyard.

**Sunlight:** Our fence is to the NNE of Ms. Schick's property (see attached aerial photo), so the assertion that the fence significantly blocks sunlight to her yard is unfounded.

**Fence Quality/Appearance:** Our fence is of high-quality redwood boards and is unfinished on both sides. It is very well designed and constructed. It is an improvement in appearance over the previous dilapidated wire fence that it replaced.

**Harassment:** Ms. Schick has been complaining to us about our back yard since before we even moved into our home in 2018. At that time, she objected to the landscaping that the previous owners had done. We advised her that once we moved in, we would try to address her concerns, and we exchanged phone numbers. After we moved in, her and her partner's (Ron's) complaints about our yard became more frequent. This hit a crescendo when Ron, told us, "This is not Iraq. This is not Pakistan." Since Sanju Thomman is of Indian descent, this was most troubling since we had not previously experienced such direct racism from neighbors. We attempted to discuss this incident with Ms. Schick, and she responded, "Let bygones be bygones". Evidence of these communications can be provided.

We appreciate the improvement in our lives and sense of security that our fence has been providing. Thank you again for your consideration.

Sincerely,  
Sanju Thomman  
Erin Egan

