

**FILING FEES**  
**\$505.00 (PLAPPEAL) Residential**  
**\$2,031.00 (PLAPPEAL), per**  
**Commercial, Multi-family, or**  
**Tentative Map Appeal**  
**TRANSCRIPTION \$500 (PLTRANS)**

Town of Los Gatos 8P39390  
Office of the Town Clerk **RAID**  
110 E. Main St., Los Gatos CA 95030  
NOV 21 2023

**APPEAL OF PLANNING COMMISSION DECISION**

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION **11-9-23**

**FHE-23-005**

**124 Garden Hill Drive**

PROJECT / APPLICATION NO:

ADDRESS LOCATION:

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

*Interested person means:*

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:  
**See attached.**

2. The Planning Commission's decision is not supported by substantial evidence in the record:  
**See attached.**

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

**IMPORTANT:**

1. **Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10<sup>th</sup> day following the decision. If the 10<sup>th</sup> day is a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10<sup>th</sup> day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME: **Martin Lettunich for Rushi Kulkarni**

SIGNATURE: *Martin Lettunich*

DATE: **11-15-23**

ADDRESS: **455 Los Gatos Blvd., Suite 101, Los Gatos, CA 95032**

PHONE: **[REDACTED]**

**\*\*\* OFFICIAL USE ONLY \*\*\***

DATE OF PUBLIC HEARING: \_\_\_\_\_

**Pending Planning Department Confirmation**

DATE TO SEND PUBLICATION: \_\_\_\_\_

DATE OF PUBLICATION: \_\_\_\_\_

Attachment to APPEAL OF PLANNING COMMISSION DECISION of 11-9-23 (hearing on 11-8-23)

124 Garden Hill Drive Request for Fence Height Exception No. FHE-23-005

1. There was an error or abuse of discretion by the Planning Commission and
2. The Planning Commission's decision is not supported by substantial evidence in the record:

Appellant is having a traffic study done. It is Appellant's belief that the traffic study will show that there is not a public safety issue in this location and that therefore Appellant's request for a fence height exception should be granted, or, in the alternative, a compromise as to the setback requirement on the east side of his property should be negotiated.

The side fence that fronts the north side of the property, which acts as a rear yard fence, was approved as a field call during construction. Appellant was told that he did not need a permit and went ahead and built the fence. At final inspection, with the fence in full view, the fence was approved, except for the first panel on the east side of the fence. The inspectors asked Appellant to remove that section of fence because it interfered with the traffic triangle. He did so. Once that panel was removed, there was another inspection and Appellant was told that all was fine except that his hedges had grown a little above 3 feet and had to be trimmed back. After receiving his occupancy permit and moving in, Appellant became concerned about the safety of his children due to the wildlife in the area, especially the coyotes, so he put up a temporary fence just behind the 3 foot allowed fence on the east side of the property, to protect his children and his privacy. A citation was issued for that 6 foot bamboo fence, but no citation was issued for the 6 foot fence on the north side of the property.

**RECEIVED  
TOWN OF LOS GATOS**

**NOV 17 2023**

**CLERK DEPARTMENT**