



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 11/8/2023

ITEM NO: 2

DESK ITEM

DATE: November 8, 2023
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of a Six-Foot Tall Fence Located Within the Required Front Yard Setback, Street Side Yard Setback, and Corner Sight Triangle on Property Zoned R-1:8. **Located at 124 Garden Hill Drive.** APN 424-23-084. Fence Height Exception Application FHE-23-005. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures and Section 15301: Existing Facilities. Property Owner: Rushikesh Kulkarni. Applicant/Appellant: Martin Lettunich. Project Planner: Ryan Safty.

REMARKS:

Exhibit 13 includes neighbor support letters, received from the applicant on November 7, 2023.

EXHIBITS:

Previously received with the November 8, 2023, Staff Report:

1. Location Map
2. Required Finding
3. Recommended Conditions of Approval if Appeal is Granted
4. Building Permit B20-0574 Approved Plans
5. Building Permit B21-1157 Approved Plans
6. Administrative Warning, Dated August 4, 2023
7. Project Plans, Received September 7, 2023
8. Letter of Justification, Received September 7, 2023
9. Fence Height Exception Denial Letter, Dated September 27, 2023
10. View Area Diagrams
11. Appeal of the Community Development Director Decision, Received October 5, 2023
12. Pictures of Subject Property

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

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SUBJECT: 124 Garden Hill Drive/FHE-23-005

DATE: November 8, 2023

Received with this Desk Item Report:

13. Neighbor Support Letters, Received November 7, 2023

My name is: NIKET & RUCHIKA AGARWAL

I live at: [REDACTED], LOS GATOS, CA 95032

124 Garden Hill Drive is near my home and I drive by that property on a daily basis. I am well aware of the curve in the road adjacent to 124 Garden Hill Drive and the two cul de sacs that are near that curve. I know that there is a bamboo fence on the side yard nearest the street. It is at least 6 feet tall. In my opinion, that fence does not obstruct any visibility around the curve in any direction that is in any way dangerous to traffic or pedestrians. I support Mr. Kulkarni's request to allow the building of a permanent fence with parameters (height and location) similar to the bamboo fence now in place which would require a granting of his request to the Town of Los Gatos for an exception to the traffic triangle rule, the purpose of which is to ensure adequate visibility for vehicular and pedestrian traffic to avoid accidents. There is no need for application of the traffic triangle rule here as there is adequate visibility. I support Mr. Kulkarni's right to erect a permanent fence in this location on his property, similar in height and placement to the bamboo fence now in place to protect his children and the privacy of his yard. It is our understanding that there will be a hearing on November 8 at the Planning Commission Meeting at 7 pm at the Town Hall to make a determination on Mr. Kulkarni's request for an exception to the traffic triangle rule. I support the granting of Mr. Kulkarni's request by the Planning Commission.

Niket Agarwal

Dated: 11/6/2023

RECEIVED
NOV 7 2023
TOWN OF LOS GATOS
PLANNING DIVISION

My name is: *Betsy King*

I live at: [REDACTED] *LOS GATOS, CA 95032*

124 Garden Hill Drive is near my home and I drive by that property on a daily basis. I am well aware of the curve in the road adjacent to 124 Garden Hill Drive and the two cul de sacs that are near that curve. I know that there is a bamboo fence on the side yard nearest the street. It is at least 6 feet tall. In my opinion, that fence does not obstruct any visibility around the curve in any direction that is in any way dangerous to traffic or pedestrians. I support Mr. Kulkarni's request to allow the building of a permanent fence with parameters (height and location) similar to the bamboo fence now in place which would require a granting of his request to the Town of Los Gatos for an exception to the traffic triangle rule, the purpose of which is to ensure adequate visibility for vehicular and pedestrian traffic to avoid accidents. There is no need for application of the traffic triangle rule here as there is adequate visibility. I support Mr. Kulkarni's right to erect a permanent fence in this location on his property, similar in height and placement to the bamboo fence now in place to protect his children and the privacy of his yard. It is our understanding that there will be a hearing on November 8 at the Planning Commission Meeting at 7 pm at the Town Hall to make a determination on Mr. Kulkarni's request for an exception to the traffic triangle rule. I support the granting of Mr. Kulkarni's request by the Planning Commission.

Betsy King

Dated: 11/6/2023

My name is: HIMANSHU & SHIWANI GILANI

I live at:



LOS GATOS, CA 95032

124 Garden Hill Drive is near my home and I drive by that property on a daily basis. I am well aware of the curve in the road adjacent to 124 Garden Hill Drive and the two cul de sacs that are near that curve. I know that there is a bamboo fence on the side yard nearest the street. It is at least 6 feet tall. In my opinion, that fence does not obstruct any visibility around the curve in any direction that is in any way dangerous to traffic or pedestrians. I support Mr. Kulkarni's request to allow the building of a permanent fence with parameters (height and location) similar to the bamboo fence now in place which would require a granting of his request to the Town of Los Gatos for an exception to the traffic triangle rule, the purpose of which is to ensure adequate visibility for vehicular and pedestrian traffic to avoid accidents. There is no need for application of the traffic triangle rule here as there is adequate visibility. I support Mr. Kulkarni's right to erect a permanent fence in this location on his property, similar in height and placement to the bamboo fence now in place to protect his children and the privacy of his yard. It is our understanding that there will be a hearing on November 8 at the Planning Commission Meeting at 7 pm at the Town Hall to make a determination on Mr. Kulkarni's request for an exception to the traffic triangle rule. I support the granting of Mr. Kulkarni's request by the Planning Commission.

Himanshu Gilani
Shiwani Gilani

Dated: 11/6/2023

My name is: RANDY & LORI SCHMIEDING

I live at: [REDACTED], LOS GATOS, CA 95032

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Randy Schmieding



Dated: 11/6/2023

My name is: MIKE & EMMA KESSLER

I live at: [REDACTED], LOS GATOS, CA 95032

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Emma Kessler

Dated: 11/6/2023

My name is: CHAD & ALISA SCHROTER

I live at: [REDACTED] LOS GATOS, CA 95032

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Dated: 11/6/2023

My name is: NGUYEN & CHAU LUU

I live at: [REDACTED], LOS GATOS, CA 95032

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