



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 12/19/2023

ITEM NO: 16

DATE: December 14, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Open the Public Hearing for an Appeal of a Planning Commission Decision to Deny a Fence Height Exception Request **at 124 Garden Hill Drive** for the 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 and Continue the Matter to January 16, 2024. 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.

RECOMMENDATION:

Open the public hearing for an appeal of a Planning Commission decision to deny a Fence Height Exception request at 124 Garden Hill Drive for the construction of a six-foot tall fence located with the required front yard setback, street side yard setback, and corner sight triangle and continue the matter to January 16, 2024.

REMARKS:

On November 8, 2023, the Planning Commission considered an appeal of a Community Development Director denial of an 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. The Planning Commission denied the appeal and upheld the Community Development Director denial of the fence height exception request.

PREPARED BY: Ryan Safty
Associate Planner

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

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

DATE: December 14, 2023

REMARKS (continued):

On November 17, 2023, the decision of the Planning Commission was appealed to the Town Council by the applicant on behalf of the property owner. Pursuant to Town Code Section 29.20.280, the appeal must be heard within 56 days of the Planning Commission hearing and in this case by January 3, 2024. The Council must at least open the public hearing for the item, and it may continue the matter to a date certain.

Attachment 1 includes a request for a continuance of the item to a date certain of January 16, 2024, as the property owner is not available for the December 19, 2023 meeting. Additionally, the continuation would give the owners time to complete their traffic study.

Because this item was publicly noticed and because the Town Code requires that the Town hold a public hearing within 56 days of an appeal, staff recommends that the Town Council open the public hearing to take public comments from any members of the public who will not be able to attend the January 16, 2024 meeting and continue the appeal hearing to January 16, 2024.

Attachment:

1. Request for Continuance, dated December 1, 2023