



**TOWN OF LOS GATOS**  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
(408) 354-6872 Fax (408) 354-7593

CIVIC CENTER  
110 E. MAIN STREET  
LOS GATOS, CA 95030

June 20, 2023

Larry Cesnik  
380 Blackwell Drive  
Los Gatos, CA 95032  
Via Email

**RE: 380 Blackwell Drive**  
Fence Height Exception FHE-23-002

Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of an Automated Vehicular Gate Exceeding the Maximum Height and with Reduced Setbacks on Property Zoned R-1:8. Located at 380 Blackwell Drive. APN 424-12-027. Categorically Exempt Pursuant to CEQA Guidelines Section 15303 (e): New Construction or Conversion of Small Structures.

PROPERTY OWNER: Larry Cesnik and Martha Johnson

APPELLANT: Larry Cesnik

APPLICANT: Ramin Zohoor

At its meeting of June 14, 2023, the Town of Los Gatos Planning Commission granted the above appeal.

The attached conditions of approval will not be final until the Planning Commission has approved the June 14, 2023, meeting minutes at their next meeting, confirming any additional or modified conditions of approval for the project in the underlined font. You will be notified in writing once the Planning Commission has approved the minutes.

PLEASE NOTE: Pursuant to Section 29.20.275 of the Town Code, this approval may be appealed to the Town Council within 10 days of the date the approval is granted. Therefore, this action for approval should not be considered final, and no permits by the Town will be issued until the appeal period has passed.

If you have any questions, I can be contacted by email at [smullin@losgatosca.gov](mailto:smullin@losgatosca.gov).

Sincerely,

Sean Mullin, AICP  
Senior Planner

**PLANNING COMMISSION – June 14, 2023**  
**CONDITIONS OF APPROVAL**

**308 Blackwell Drive**  
**Fence Height Exception FHE-23-002**

**Consider an Appeal of a Community Development Director Decision to Deny a Fence Height Exception Request for Construction of an Automated Vehicular Gate Exceeding the Maximum Height and with Reduced Setbacks on Property Zoned R-1:8. Located at 380 Blackwell Drive. APN 424-12-027. Categorically Exempt Pursuant to CEQA Guidelines Section 15303 (e): New Construction or Conversion of Small Structures. Fence Height Exception Application FHE-23-002. PROPERTY OWNER: Larry Cesnik and Martha Johnson. APPELLANT: Larry Cesnik. APPLICANT: Ramin Zohoor. PROJECT PLANNER: Sean Mullin.**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

*Planning Division*

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below.
2. EXPIRATION: The Fence Height Exception approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. BUILDING PERMIT: The proposed vehicular gate requires a Building Permit.
4. VEHICULAR GATE: The vehicular gate must open inward, towards the residence or slide parallel to the street.
5. VEHICULAR GATE RELOCATION: The vehicular gate shall be relocated to comply with the 18-foot setback as required by Section 29.40.0315 (c)(3) of the Town Code.
6. ADDITIONAL FENCING: Additional fencing between the existing front property line fencing and the relocated vehicular gate needed to enclose the driveway area is approved to exceed three feet, but shall be no taller than the height of the existing adjacent fencing.
7. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement (“the Project”) from the Town shall defend (with counsel approved by Town), indemnify, and hold harmless the Town, its agents, officers, and employees from and against any claim, action, or proceeding (including without limitation any appeal or petition for review thereof) against the Town or its agents, officers or employees related to an approval of the Project, including without limitation any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”). Town may (but is not obligated to) defend such Challenge as Town, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense.

Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney’s fees on a fully-loaded

basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether incurred by Applicant, Town, or awarded to any third party, and shall pay to the Town upon demand any Costs incurred by the Town. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in such Challenge as Town, in its sole discretion, determines appropriate, all the applicant's sole cost and expense. No modification of the Project, any application, permit certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant's indemnity obligation.

*Building Division*

8. PEDESTRIAN GATE REQUIRED: Identify the location of the required pedestrian gate;
9. PEDESTRIAN GATE: For pedestrian access in the vicinity of an automated gate, a separate pedestrian gate shall be provided. The pedestrian gate shall be installed in a location such that a pedestrian shall not come in contact with a moving vehicular access gate. A pedestrian gate shall not be incorporated into an automated vehicular gate panel.

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