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[REDACTED]

Los Gatos, CA 95032

May 21, 2025

Planning Commission

Town of Los Gatos

110 E. Main Street

Los Gatos, CA 95030

**Subject: Formal Objection and Request for Enforcement of Denial – Fence Exception
Application for 10 Charles Street**

Dear Members of the Planning Commission,

I write to formally renew and expand upon the objections I previously raised in public testimony before the Planning Commission regarding the fence constructed at 10 Charles Street. While the Planning Commission has already heard my initial concerns, particularly in relation to visibility and safety issues caused by its placement, subsequent meetings with Sean Mullin, the project planner, have further reinforced the legal grounds for my objection.

While I appreciate the property owner, Firoz Pradhan, proposing a set of changes to his existing fence, his proposal does not go far enough to resolve the safety issues for visibility, the underlying public right-of-way violation, nor the fairness and aesthetic concerns of having a 6-foot fence on the property line.

Historical Context:

I have lived in the Los Gatos community for many years. I purchased my home at [REDACTED] in 1994 and have always maintained it as my primary residence. Over the years, I have witnessed the changes and development in the area, which further strengthens my commitment to preserving the integrity of the neighborhood. The property in question at 10 Charles Street is a historic home, originally built in 1920. Before its remodel, upon which the address was renamed from 268 Los Gatos Blvd to 10 Charles Street and the front door was moved as well, there was no fencing along Los Gatos Blvd, and minimal fencing along Charles Street with less invasive setbacks. Furthermore, the visibility prior to the fence's construction met the town's line-of-sight zoning requirements for corner lots at busy intersections, which are crucial for public safety.

In contrast, 302 Los Gatos Blvd, which is referenced in the appeal to justify the fence exception application, has a more open and aesthetically pleasing fence that is grandfathered in because it existed in like form prior to my purchase of the property in 1994. While that fence is compatible with the town's current zoning requirements and respects the aesthetic and historical character of the neighborhood, the fence at 10 Charles Street is non-compliant with current zoning laws, encroaches on the public right-of-way, and creates significant safety and aesthetic concerns.

This historical context underscores the importance of maintaining the aesthetic character of the neighborhood, which has always been an open and welcoming space.

Legal Grounds for Objection:

1. Violation of Public Right-of-Way Regulations:

The fence continues to encroach upon the public right-of-way, which is a violation of the Los Gatos Municipal Code. According to Section 23.30.015, any encroachment on public right-of-way is prohibited unless explicitly authorized by the town. The minimal changes proposed by Mr. Pradhan address only some of the safety issues related to visibility, but they fail to correct the ongoing violation of the public right-of-way, which remains a fundamental issue that must be resolved.

2. Zoning Code Compliance:

The fence at 10 Charles Street violates the Town of Los Gatos zoning code, specifically Section 29.40.0310, which mandates that fences, walls, gates, or hedges may not exceed three (3) feet in height within a required front or side yard abutting a street, driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Additionally, the fence obstructs the corner sight triangle, a triangular area at street intersections having sides thirty (30) feet in length, as measured from intersecting property lines. This obstruction impairs visibility for drivers and pedestrians, increasing the risk of accidents.

3. Public Safety and Access:

While my initial objection was based primarily on safety concerns as a driver while exiting Charles Street, it is important to emphasize that the legal violation of the public right-of-way has broader implications for public safety and community welfare. The fence obstructs visibility, which affects both pedestrians and drivers, and creates hazards for those using the right-of-way. By violating the zoning code and public access laws, the fence creates a risk to our town's residents that must be rectified.

Please refer to Exhibits 1 through 3 at the end of this letter, which illustrate the conditions before, during, and after the fence construction and its impact on visibility and the public right-of-way.

- *Exhibit 1: Before the Remodel*

Exhibit 1 shows the property as it appeared before the remodel of 268 Los Gatos Blvd. The photo taken prior to 10 Charles Street's reorientation illustrates how the lot had no fencing on Los Gatos Blvd and minimal, non-invasive fencing along Charles Street.

- *Exhibit 2: During the Remodel*

Exhibit 2, taken during the remodel, shows the construction fence in place. Even with improved visibility compared to today's fence, it contributed to an automobile accident involving a driver exiting Charles Street onto Los Gatos Blvd, highlighting the safety risks associated with obstructed visibility.

- *Exhibit 3: After the Remodel*

Exhibit 3 highlights the current state of the fence at 10 Charles Street. The image starkly demonstrates how the fence dominates the corner lot, closing off sight lines and imposing a visual barrier where there was once open flow. The height and placement of the fence do not align with the town's zoning requirements and further exacerbate the issue of public safety.

4. Seriousness of the Violation:

I would like to emphasize that the property owner, Firoz Pradhan, is a licensed general contractor with California Contractors State License Board (CSLB) license number 899346. As a professional in the construction industry, he is fully aware of the legal requirements concerning zoning laws, setbacks, and public right-of-way regulations. His failure to adhere to these regulations—despite being a licensed contractor—raises serious concerns about professional accountability, especially given the heightened obligation to comply with zoning laws in construction projects.

5. Enforcement of Town Regulations:

Allowing this fence to remain in place without corrective action would undermine the principle of equity in law, where all Los Gatos residents must adhere to the same regulations for the safety and well-being of the community. Permitting this noncompliance would signal to other contractors and property owners that similar violations may be overlooked, weakening the rule of law in future applications. Upholding the law equitably ensures fairness and safety for all residents, maintaining the integrity of the neighborhood.

Impact on Neighboring Property Values:

The fence at 10 Charles Street has negatively impacted the property values of neighboring homes, including my own at [REDACTED]. While the fence may offer benefits to the property owner, it is equally important to consider the broader, long-term impact on the entire community.

Aesthetic Considerations: The fence's design and placement detract from the overall curb appeal of the neighborhood. An unattractive and imposing fence influences potential buyers' perception of the block, reducing nearby home values.

Privacy and Light Obstruction: The fence obstructs light and creates a sense of enclosure for adjacent properties, diminishing the feeling of openness that is characteristic of the neighborhood. This perceived reduction in space and natural light negatively affects the desirability and value of neighboring homes.

Market Perception: The presence of this fence, which is unsafe and imposing, further influences market perception and buyer interest, compounding the negative impact on surrounding property values.

Based on my years of residence at [REDACTED] and firsthand knowledge of the neighborhood, I firmly believe the fence negatively impacts the aesthetic value and marketability of neighboring properties, including my own. Other concerned neighbors I've spoken with have also raised similar concerns about its visual and financial impact on the community. This undermines the collective property value of the neighborhood.

Request for Action:

In light of the Community Development Director's decision to deny the fence exception, I respectfully request that the Planning Commission take the following actions:

- Uphold the decision to deny the exception, based on the clear violations of the right-of-way and zoning codes.
- Recommend that Town staff require the prompt removal of the fence to restore compliance with public right-of-way regulations and zoning setbacks within 30 days.
- Encourage Town staff to enforce the citation and take appropriate follow-up action, including penalties or fines, should the property owner fail to comply.

Conclusion:

While my initial objection was motivated by concerns about public safety, I now fully support the Community Development Director's decision to deny the exception based upon the above-mentioned legal grounds. The ongoing violation of public access laws and zoning codes must be addressed to ensure the safety and well-being of the community.

I respectfully urge the Planning Commission to take swift and decisive action to rectify this issue, uphold the town's regulations, and ensure that such violations are corrected without further delay. Timely action will not only ensure compliance but also safeguard the safety, aesthetic integrity, and property values within the neighborhood.

Thank you for your attention to this important issue.

Sincerely,

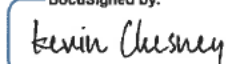
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Kevin B. Chesney

Exhibit 1 – Before the Remodel

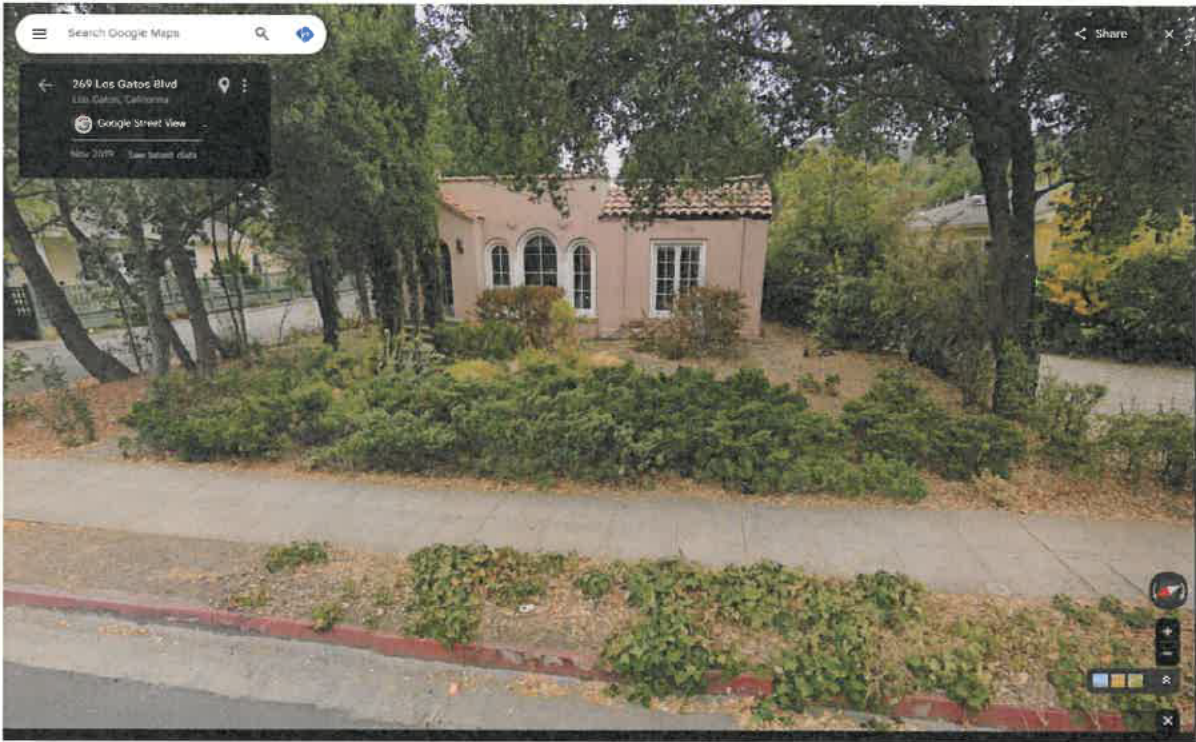


Exhibit 2 – During the Remodel

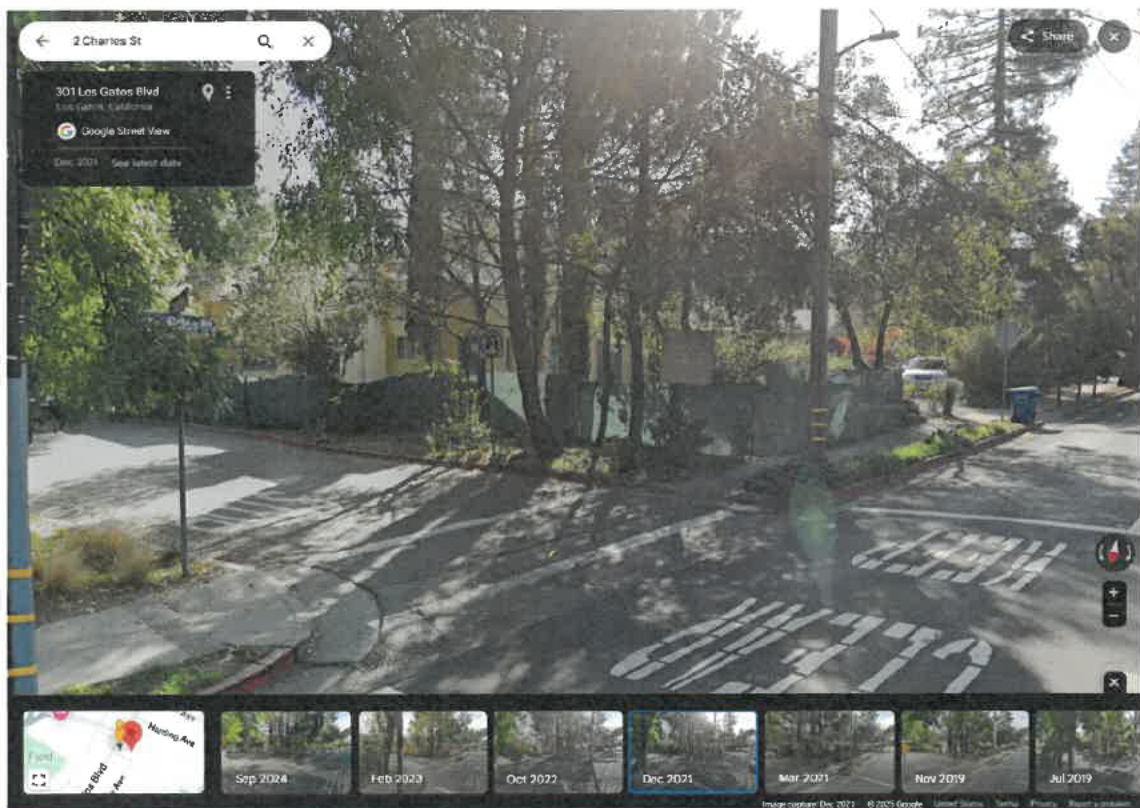


Exhibit 3 – After the Remodel

