



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 05/28/2025

ITEM NO: 2

DESK ITEM

DATE: May 28, 2025
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of a Community Development Director Decision to Deny a Fence Exception Request for an Existing Fence Partially Located in the Town's Right-of Way and Exceeding the Height Limitations within the Required Front Yard and Street-Side Yard Setbacks on Property Zoned R-1D. **Located at 10 Charles Street.** APN 532-36-022. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Fence Height Exception Application FHE-23-001. Property Owner/Applicant/Appellant: Firouz Pradhan. Project Planner: Sean Mullin.

REMARKS:

Exhibit 21 includes public comments received between 11:01 a.m., Tuesday, May 27, 2025, and 11:00 a.m., Wednesday, May 28, 2025.

EXHIBITS:

Previously received with the March 12, 2025, Staff Report:

1. Location Map
2. Required Findings
3. Recommended Conditions of Approval if Appeal is Granted
4. Administrative Warning VL-22-578
5. Fence Height Exception Request – Letter of Justification
6. Email between Planning and Engineering staff
7. Annotated Site Plan Prepared by Staff
8. Fence Height Exception Denial Letter

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director

PAGE 2 OF 2

SUBJECT: 10 Charles Street/FHE-23-001

DATE: May 28, 2025

- 9. Appeal of the Community Development Director Decision
- 10. Letter of Justification for Appeal
- 11. Traffic View Area Diagrams

Previously received with the April 23, 2025, Addendum Report:

- 12. Public Comments received between 11:01 a.m., Friday, April 18, 2025, and 11:00 a.m., Tuesday, April 22, 2025

Previously received with the April 23, 2025, Desk Item Report:

- 13. Comments received from the applicant
- 14. Public Comments received between 11:01 a.m., Tuesday, April 22, 2025, and 11:00 a.m., Wednesday, April 23, 2025

Previously received with the May 28, 2025, Staff Report:

- 15. Modified Recommended Conditions of Approval
- 16. Regulated areas exhibit by staff
- 17. Applicant response letter, dated May 19, 2025
- 18. Applicant response letter, dated May 22, 2025
- 19. Public comments received between 11:01 a.m., Wednesday, April 23, 2025, and 11:00 a.m., Friday, May 23, 2025

Previously received with the May 28, 2025, Addendum Report:

- 20. Public comments received between 11:01 a.m., Friday, May 23, 2025, and 11:00 a.m., Tuesday, May 27, 2025

Received with this Desk Item Report:

- 21. Public comments received between 11:01 a.m., Tuesday, May 27, 2025, and 11:00 a.m., Wednesday, May 28, 2025

Kevin B. Chesney

[REDACTED]

[REDACTED]

May 27, 2025

Planning Commission

Town of Los Gatos

110 E. Main Street

Los Gatos, CA 95030

Subject: Public Comment - Item #2, Fence Exceptional Appeal at 10 Charles Street

Dear Members of the Planning Commission,

I am writing to submit an additional public comment regarding Item #2 on the May 28, 2025, Planning Commission agenda, concerning the fence height exception appeal for 10 Charles Street.

In reviewing the staff report and the applicant's information in the recent addendum report, I noted that Mr. Pradhan has made a claim that "all neighbors" support the proposed fence modifications "with the exception of a single neighbor, Kevin Chesney." I want to clarify for the record that this statement is inaccurate and overstates the degree of community consensus.

I am not the only neighbor who has raised concerns. Several residents have previously submitted objections and voiced concerns about the encroachment into the public right-of-way, code violations, and traffic safety implications. As the owner of [REDACTED] immediately adjacent to the subject property, I remain concerned that the fence as built compromises visibility and safety and fails to comply with the Town's objective zoning and setback regulations.

The applicant has also implied that a prior fence along Charles Street justifies the current design and placement. This claim is misleading. As shown in the attached Exhibit A (Photo: 268 Los Gatos Blvd – Side View), the preexisting fence covered only a small fraction of the property line, and did not extend along the full Charles Street frontage. Even if this minimal fencing existed in 2019, it cannot be invoked to justify a significantly expanded and structurally different fence.

Moreover, new construction, especially when located in the public right-of-way and exceeding height limits, is not eligible for grandfathering under Town Code. To allow it, would undermine established visibility and safety standards and set a troubling precedent.

To be clear, my opposition is not personal. It is rooted in a commitment to fair application of the law, public safety, and the protection of shared civic spaces. As staff has concluded, neither of the applicant's proposals complies with the visibility and right-of-way standards defined by the Town Code. I respectfully urge the Commission to deny the appeal and preserve the integrity of the planning process.

Thank you for including this comment in the public record.

Sincerely,

DocuSigned by:
Kevin Chesney
1159F7AA769D480...
Kevin B. Chesney



Exhibit A: Photo Showing Limited Extent of Former Fence Along Charles Street



Michelle Huntley



May 7, 2025

Los Gatos Building/Planning Commission

To Whom It May Concern,

This letter is in regards to the fence owned by my neighbor, Firoz Pradhan, who is requesting an exemption to the the town fencing code for a front and side yard fence. This issue was brought up at a previous town council meeting in which we hoped to find a solution that would work for all parties involved. There were two points that needed to be addressed.

The first was the side that shares a driveway with my property at [REDACTED]. Mr. Pradhan has proposed a solution to me that includes moving the entire Los Gatos Boulevard section of the fence to provide a 3 foot, 6 inch setback from the Los Gatos Blvd curb in addition to angling the corner of the fence which will increase visibility both for me and any pedestrians passing by the property. He has also agreed that bushes will be moved well inside the fence line. These changes resolve any concern I have on my side and I do not have any issues with this new design.

The second issue was with the Charles street side of the property. The issue here, for everyone involved, has always been safety. I cannot attest to that, as I am certainly not qualified, but this proposal is a great improvement upon the original fencing and allows for much greater visibility. Town codes exist to keep people safe but I realize exceptions can be made that provide for best property use without compromising safety. I would defer to the town inspectors and experts to judge if there is adequate visibility and would absolutely support the exemption request if deemed safe with a caveat that the permit includes some wording about any future replacement fence being in like kind and that the location may not be altered to diminish setback (though this maybe redundant with current town code, I feel it is very important for the future of the properties).

I hope that after many years, we can finally resolve this issue, get the current visibility issues resolved, and move on. Thank you for your time and consideration of this issue.

Sincerely yours,

Michelle Huntley



May 8, 2025

Town of Los Gatos
Planning Commission
110 E Main St
Los Gatos, CA 9030

Re: fence bordering property of Firoz Pradhan at 10 Charles St

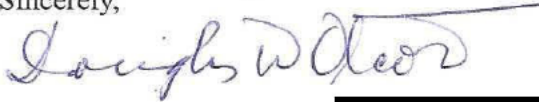
Following my conversation this morning with Firoz Pradhan the owner of the property at 10 Charles Street in Los Gatos on the fence which borders this property and its position relative to Los Gatos Boulevard and Charles Street, I am writing to update my comments on this fence and to make one recommendation to improve the safety and visibility of the intersection of this section of Charles Street with Los Gatos Boulevard,

1. Regarding visibility, I had no problems or concerns with the way the current fence stood, both whilst entering or exiting Charles Street. Firoz Pradhan, the appellant, brought to my attention that a couple of neighbors still had concerns about the safety and visibility of the intersection of our section of Charles Street with Los Gatos Boulevard and briefed me and allowed me an on-site visit today on how he was addressing these issues, namely, by moving the existing fence 3ft 6in. back from the Boulevard and clipping its corners. I have reviewed the proposed changes in the field and am now even more confident that with the proposed changes the fence does not raise any visibility or safety concerns.

2. I also wish to bring up another important issue to the Planning Commission. The public right of way onto Charles Street narrows significantly as one approaches it from the Boulevard due to the bulge in the direction of the curb on Firoz's side of the street. There is no street light or reflecting warning sign at the intersection. As a result there is a risk of drivers, particularly at night, hitting the curb. The presence of the current fence which follows the direction of the bulge in the curb actually provides more visibility whilst entering Charles Street thereby reducing the aforementioned risk factor. To reduce this risk further, I have recommended to the appellant that

he install some reflectors on the existing fence posts installed along the bulge. I have received his assurance that he would be willing to do this.

Sincerely,



May 8, 2025

Douglas Olcott, resident at [REDACTED] Los Gatos, since 1977,

PhD Stanford in Archaeology and Architectural History, M.S. CS&EE, GISP, 40 years of experience as a software engineer in Silicon Valley, 13 more years experience as a GIS software engineer in the IT Department of the County of Santa Clara before his retirement, parent of children and my son's children who attended and walked to Los Gatos schools

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