



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 04/23/2025

ITEM NO: 3

ADDENDUM

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DATE: April 22, 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 12 includes public comments received between 11:01 a.m., Friday, April 18, 2025, and 11:00 a.m., Tuesday, April 22, 2025.

EXHIBITS:

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

PREPARED BY: Erin M. Walters  
Senior Planner

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Reviewed by: Community Development Director

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**From:** Kevin Chesney [REDACTED]  
**Sent:** Tuesday, April 22, 2025 10:52 AM  
**To:** Erin Walters <EWalters@losgatosca.gov>  
**Cc:** Cheryl Smith [REDACTED] Joel Paulson <jpaulson@losgatosca.gov>  
**Subject:** RE: 10 Charles Street - Follow up

[EXTERNAL SENDER]

Erin,

Please include the email below as well as the attachments as discussed.

Kevin

**Kevin Chesney,** [REDACTED]

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**From:** Kevin Chesney [REDACTED]  
**Sent:** Tuesday, April 22, 2025 10:40 AM  
**To:** 'Erin Walters' <EWalters@losgatosca.gov>  
**Cc:** 'Kent E Anderson' [REDACTED]; 'Matthew Dailey' [REDACTED]; 'Cheryl Smith' <[REDACTED]>; 'Joel Paulson' <jpaulson@losgatosca.gov>  
**Subject:** RE: 10 Charles Street - Follow up

Hello Erin,

In my conversation with Cheryl Smith who is my long-time significant other, the current fence situation does not allow the driver to see unless they proceed into the crosswalk which is quite dangerous and based on my understanding is also a driving violation. As she has often commented, we as drivers are used to no fence being in the way. She is also so concerned about the bushes that Firouz planted just behind the fence, which it makes it so much more difficult to see through the lattice. Why have lattice for visibility if you obfuscate the visibility with bushes?

So, please also include this feedback from Cheryl as well as the video, as attached, that she took given her concerns over safety. As she sent me in an email this morning and writes:

“This video demonstrates the lack of visibility of cars as well as pedestrians and cyclists as you approach Los Gatos Blvd. The fencing along Charles Street blocks visibility of the oncoming traffic as you approach Los Gatos Blvd. and the cars on the video appear as blurs and that is driving at normal speed. The cars often go much faster as they race to make the green light at the intersection. As you approach Los Gatos Blvd, in order to see oncoming cars or pedestrians coming from the downtown direction, you must fully enter the crosswalk in order to see clearly as the lattice fencing along Los Gatos Blvd. prevents clear visibility. Firouz has also planted bushes on the inside of the lattice fencing along Los Gatos Blvd. which has now grown enough to block the lattice making it virtually ineffective as a “see through” fencing option.”

Finally, Cheryl recommended that I record a new video at a busier time when children are present in the morning on their way to school, especially with how many cars are on road. I will do that in advance of the next planning meeting since you stated that this issue will be continued. Both Cheryl and I will be present to voice our concerns at the follow up meeting as well as many other neighbors given all our safety concerns. We can also be there for this upcoming meeting if you wish, as well as Kent Anderson, especially based upon my conversation with him this morning, but I am uncertain if we are able to speak given our last conversation.

If we can speak, then we all wish to attend, so please advise.

My neighbors and I are tired of the car being kicked down the road. So, please resolve this issue soon as it has been years since Kent and I rose our safety concerns Firouz.

In summary, the planning committee should deny this exception for the safety the neighbors, my family, and all the children traversing this path in our community.

With kind regards,

Kevin

**Kevin Chesney, Chief Executive Officer -** [REDACTED]

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**From:** Kevin Chesney [REDACTED]

**Sent:** Monday, April 21, 2025 6:16 PM

**To:** 'Erin Walters' <[EWalters@losgatosca.gov](mailto:EWalters@losgatosca.gov)>

**Cc:** 'Kent E Anderson' [REDACTED]; 'Matthew Dailey' [REDACTED]; Cheryl Smith [REDACTED]; 'Joel Paulson' <[jpaulson@losgatosca.gov](mailto:jpaulson@losgatosca.gov)>

**Subject:** 10 Charles Street - Follow up

Dear Erin,

Thank you again for speaking with me regarding the fence exception. I voiced my concerns to Firouz the day he started constructing the fence, along with my neighbor Kent Anderson, who lives at [REDACTED] Los Gatos Blvd, the yellow farmhouse that is directly across Charles St from Firoz's home.

More specifically, I have numerous text messages dating back to December 22, 2022, voicing my concerns as well as asking for a solution to the safety concerns. I have attached a couple of them but will make them all available if you wish.

There are at least 4 neighbors who have voiced their concerns, but only Michelle and I spoke at the last planning meeting. Each time, the can kept getting kicked down the road, with options discussed with Firouz, but no commitment for change. In early 2024, I had to fly to Virginia to care for my mother and stepfather. I became their primary caregiver, and I

lost both parents, one on April 4, 2024, and the other on Christmas, 2024. As such, my messages to Firouz stopped in 2024 as I was focused on other matters.

I am so thankful for the kindness and thoughtful advice you provided when we met. As you must know, it is not easy to raise such objections, given that neighbors wish to remain neighborly, but the safety of my family, my other neighbors, and the unrelated children from Los Gatos High School, Fisher Middle School, and Van Meter Elementary School that traverse these streets each weekday are much more important for us to protect.

It is so important for the planning commission to realize this risk to our community. A potential insurance policy by the owner of 10 Charles Street is not enough, given if someone dies from an accident due to this fence, my neighbors or I will be prosecuted for involuntary manslaughter. The code for safety is clear, and our neighbor has violated it, even though he is an educated contractor who knew the requirements when purchasing the property.

I am hopeful the planning commission will make the right decision to protect us.

With kind regards,  
Kevin

**Kevin Chesney,** [REDACTED]

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1:06



Firoz >

Dec 22, 2022 at 6:22 PM

Hi Firoz. I hope you and you wife are well. Per your earlier phone call regarding the issue with the city compliance with your fence, after viewing the issue and further the non-compliance with the town's codes, i am unable to write a letter on your behalf

I am deeply concerned with the visibility issues, especially after you are planting the hedges in the current places i have witnessed

I have lived here since 1994 and this is a very problematic corner to navigate and you are making far more complex violating our city code.

I am deeply concerned, and if the city gives you a waiver, i will it quite clear that if any accident occurs, which i believe will at some point, they will be financially responsible

I currently can't see well enough



iMessage



1:06



Firoz >



I currently can't see well enough and your decision has put me at financial risk

I wish to be honest and open, but i am planning to express my concerns to the city given my assessment of the situation. To be honest, our neighbor, Mr Anderson already expressed his concerns given his young daughter who is not experienced in driving

I will be filing my concerns with the city, but will do so in a very respectful way

Dec 23, 2022 at 2:31 PM

Hi Firoz, i'm sorry if I upset your wife today. She overheard me talking to our neighbors about my deep concern about the visibility issues for driving. I told Ken i was fine with the fence height and your hedges provided there is a compliant visibility triangle. I also told him that you had requested to speak to us both regarding our visibility



iMessage





INCLUDED WITH THE PUBLIC COMMENT WAS A  
VIDEO FOR REFERENCE.

USE THE FOLLOWING LINK TO VIEW THE  
RECORDING:

<https://www.losgatosca.gov/DocumentCenter/View/41900/Video---10-Charles-Traffic>

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