



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 05/28/2025

ITEM NO: 2

DATE: May 23, 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.

BACKGROUND:

On March 12, the Planning Commission considered the appeal of a Community Development Director decision to deny a fence height 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. The Planning Commission received the staff report, testimony from the applicant, input from the public, and voted unanimously to continue the matter to the April 23, 2025 meeting with the following direction to the applicant:

- Address the right-of-way and safety issues created by the fence;
- Redesign the fence at the corner of Los Gatos Boulevard and Charles Street to adhere to the Corner Sight Triangle standards to staffs' approval;
- Redesign the fence near the driveway serving 264 Los Gatos Boulevard to address sight and safety concerns; and
- Any approval carry the conditions that there be no changes to the materials or solidness of the fence and that there be no plantings allowed along the fence.

On April 23, 2025, staff recommended that the Planning Commission continue this matter to a date certain of May 28, 2025, to allow the applicant additional time to prepare a response to

PREPARED BY: Sean Mullin, AICP
Planning Manager

Reviewed by: Community Development Director

the Commission's direction of March 12, 2025. A member of the public pulled this item from the Consent Calendar and provided comments to the Commission. The Commission then continued this matter to the May 14, 2025 meeting.

On May 14, 2025, staff recommended that the Commission continue this matter to the May 28, 2025 meeting due to the applicant's previously arranged travel plans. The Commission continued this matter to the May 28, 2025 meeting.

DISCUSSION:

The subject property is located at the corner of Charles Street and Los Gatos Boulevard. The Town Code limits the height of fences, walls, trees, and shrubs to three feet when located in a required front and street side setbacks; corner sight triangle; driveway view area; or traffic view area. The subject property is encumbered by all four of these areas. Exhibit 16, prepared by staff, demonstrates the interaction of the various areas on the subject property to identify the portions of the property where a fence is limited to a maximum height of three feet. The entirety of the existing fence is located in areas limiting its height to three feet. Additionally, portions of the fence are located in the Charles Street right-of-way.

In response to some of the discussion at the Planning Commission meetings of March 12, 2025 and April 23, 2025, staff contacted the Los Gatos-Monte Sereno Police Department and requested any record of collisions occurring at the corner of Charles Street and Los Gatos Boulevard within the last year. Police records for the last year include one reported collision at this intersection.

As discussed below, the applicant submitted two letters that present two separate options for consideration by the Planning Commission.

May 19, 2025 Letter

Exhibit 17 includes a letter from the applicant dated May 19, 2025. This letter details the applicant's efforts to address the Planning's Commission's direction. Specifically, the applicant indicates that they met with neighbors and Town staff to discuss modifications to the fence. The option presented in Exhibit 17 proposes to maintain the fence at the current height, design, and location with two modifications:

1. Corner of Los Gatos Boulevard and Charles Street – As shown in Exhibit B of the May 19, 2025 letter, the fence would be modified with the intent of meeting the corner sight triangle as discussed with the Town Engineer. The portions of existing fence located in the triangular area at the intersection having sides 30 feet in length as measured from the face of the curbs on Los Gatos Boulevard and Charles Street would be removed and a new matching portion constructed along the hypotenuse of the triangle. This modification would improve visibility through the corner. Staff notes that the proposed modification would not

meet the specific requirements of the definition of corner sight triangle provided in Town Code Sections 26.10.065 and 29.40.0310, which require the dimensions of the triangle to be measured from the intersecting property lines rather than the face of the curbs.

2. Adjacent to 264 Los Gatos Boulevard – As shown in Exhibit C of the May 19, 2025 letter (Exhibit 17), the fence adjacent to the driveway serving the adjacent property at 264 Los Gatos Boulevard would be modified with the intent of meeting the driveway view area as discussed with the Town Engineer. The applicant proposes to eliminate the portions of the fence located within a seven-foot by eight-foot triangle measured from the back of the sidewalk and a new matching portion constructed along the hypotenuse of the triangle. Staff notes that the proposed modification would not meet the specific requirements of the definition of driveway view area provided in Town Code Section 29.40.0310, which requires a triangle with 10-foot dimensions.

Through the option presented in the May 19, 2025 letter (Exhibit 17), the applicant does not propose a height reduction. The proposed modifications would partially address the safety concerns created by fencing located in the corner sight triangle and driveway view areas; however, the modifications would not adhere to the dimensions required by the Town Code. With the modifications, the fence would remain in the required front and street side setbacks; corner sight triangle; driveway view area; and traffic view area at a height exceeding the maximum allowed three feet. Additionally, portions of the fence located along Charles Street would remain in the right-of-way and the applicant indicates that they are willing to enter into the appropriate agreements with the Town to maintain private improvements in the right-of-way.

May 22, 2025 Letter

Exhibit 18 includes a second letter from the applicant dated May 22, 2025. This letter responds to information provided by staff in an email following up on a meeting with the applicant and clarifying the proper dimensions for the corner sight triangle and driveway view area. In the letter, the applicant presents a second option (Exhibit G), which maintains the current height and design of the fence with the following modifications:

- The fence would be moved further away from Los Gatos Boulevard. The letter provides three separate distances for the proposed relocation: three feet; three feet, six inches; and three feet, nine inches. The applicant confirmed to staff that the intent is to move the fence three feet, nine inches further away from Los Gatos Boulevard;
- Trees planted in front of the fence would be relocated behind the relocated fence;
- A portion of the relocated fence at the corner of Los Gatos Boulevard and Charles Street would be set at an angle to connect to the fence along Charles Street to address the sight lines at the corner; and

- A portion of the relocated fence adjacent to 264 Los Gatos Boulevard would be set at an angle to connect to the fence along the shared property line to address the sight lines at the neighbor's driveway.

Through the option presented in the May 22, 2025 letter (Exhibit 18), the applicant does not propose a height reduction. The proposed modifications would partially address the safety concerns created by fencing located in the corner sight triangle and driveway view areas; however, the fence would remain in the required front and street side setbacks; corner sight triangle; driveway view area; and traffic view area at a height exceeding the maximum allowed three feet. Additionally, portions of the fence located along Charles Street would remain in the right-of-way and the applicant indicated that they are willing to enter into the appropriate agreements with the Town to maintain private improvements in the right-of-way.

PUBLIC COMMENTS:

Public comments received between 11:01 am, Wednesday, April 23, 2025 and 11:00 am, Friday, May 23, 2025 are included as Exhibit 19.

CONCLUSION:

A. Summary

The property owner is requesting that the Planning Commission grant their appeal of the Community Development Director's decision to deny an exception to the fencing regulations, approving the exception for a fence partially located in the Town's right-of-way and exceeding a height of three feet located in the front and street-side yard areas, traffic view area, corner sight triangle, and the Town's right-of-way. The applicant responded to the March 12, 2025, direction of the Planning Commission with two options for modifications to the fence as described above and shown in Exhibits 17 and 18.

B. Recommendation

Staff recommends that the Planning Commission deny the appeal and uphold the Community Development Director decision to deny the requested exception due to safety and Town liability issues created with public improvements located in the Town's right-of-way.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Grant the appeal and approve the fence height exception with the findings in Exhibit 2 and the modified draft conditions provided in Exhibit 15; or
3. Grant the appeal with additional and/or modified conditions.

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
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

Received with this 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

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PLANNING COMMISSION – March 12, 2025
CONDITIONS OF APPROVAL

10 Charles Street
Fence Height Exception FHE-23-001

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. APN 532-36-022. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures.

Property Owner/Applicant/Appellant: Firouz Pradhan
Project Planner: Sean Mullin

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

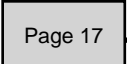
1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below.
2. EXPIRATION: The Fence Height Exception approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. MATERIALS: The fence design, openness, and materials shall be maintained with no changes.
4. PLANTINGS: No new plantings are allowed between the fence and Los Gatos Boulevard or Charles Street. Any plantings installed in these areas in the time period between construction of the fence and the granting of this appeal shall be removed. All existing remaining plantings shall be maintained in compliance with the requirements of the Town Code.
5. 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. EXHIBIT 3

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

Engineering Division

6. PRIVATE IMPROVEMENTS IN THE PUBLIC RIGHT-OF-WAY (LICENSE AGREEMENT): The property owner shall enter into an agreement with the Town for the private improvements (fence) constructed within the Town's right-of-way. The agreement shall commit the Owner to always maintaining the improvements in a good and safe condition; ensuring local vegetation around the private improvements complies with Town Code sections 23.10.080, 26.10.065, and 29.40.030; providing proof of insurance coverage for the improvements; and indemnifying the Town of Los Gatos. The agreement must be completed and accepted by the Director of Parks and Public Works and recorded by the Town Clerk at the Santa Clara County Office of the Clerk-Recorder.



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May 19, 2025

Sean Mullin

Planning Manager

Town of Los Gatos

110 E. Main Street

Los Gatos, CA 95030

Respected Mr. Mullin..

10 CHARLES STREET, LOS GATOS, CA 95030 – FENCE HEIGHT EXEMPTION [FHE-001]

I am writing for your and the Planning Commission's kind consideration with respect to the continuation of the Planning Commission's hearing held on March 12th, 2025.

BACKGROUND INFORMATION:

During the above hearing, the Planning Commission deliberated over two key issues:

- (a) Visibility whilst egressing from Charles St, and from the neighbor's property
- (b) Portion of the fence along Charles St being in the public right of way.

With respect to (a), the Town recommended that I should work with the neighbors & the Staff to come up with a workable solution, and - with respect to (b) – while no decision was made, the Planning Commission was able to confirm with the Town Attorney that the Town could protect itself adequately if any concessions were made in this regard.

FOLLOW-UP ACTION UNDERTAKEN

With respect to the above, the following action steps were taken:

- (a) Engage with Neighbors
- (b) Engage with Staff, including in-person, on-site meetings with you & Gary Heap.
(See **Exhibit A** capturing email exchange with the Town staff on this issue)

PROPOSED MITIGATION TO ADDRESS VISIBILITY CONCERNS

Per site visit by Mr. Gary Heap on Thursday, May 8, 2025, I was instructed to:

“Submit a plan that shows removal of the fence at the corner within the 30’ triangle measured from the point at which the face of curb on Charles matches the face of curb on Los Gatos Boulevard. Likewise, you need to show removal of the fence along your neighbor’s property at their driveway. This would be a 10’ triangle measured 10 feet from the back of walk.”

Accordingly, I have identified the corners of the 30’ triangle at the intersection of Los Gatos Boulevard and Charles St, as well as the 10’ triangle at the neighbor's property. See **Exhibit B** & **Exhibit C** respectively showing photographs and plans showing location of the proposed fence, clearly understanding that any fence existing within the 30’ triangle will be removed.

Notes: (a) The new sections of the proposed fence shall be built with the same design and specifications, including the large format lattice work for enhanced visibility, and shall not be replaced without the written approval of the Town of Los Gatos's Planning Department. (b) With respect to the neighbor's property, I have also shown a 7’x8’ triangle as an option for consideration as this will enable us to build the new fence section without causing any disruption to the existing tree, but I shall implement the 10’ triangle if required.

PROPOSED MITIGATION TO ADDRESS FENCE BEING IN THE TOWN'S RIGHT OF WAY

With regard to the above, I would like to draw your attention to the following:

1. I had earlier stated that, to the best of my knowledge, I did recall that there was an existing fence along a good portion of Charles St when we acquired the property in February 2019, and that I was willing to swear, under penalty of perjury, that we simply built the new fence to mimic the location of the new fence as it existed then, and extend it along the rest of Charles St, simply following the bulge along the curb. I do understand, ofcourse, that even though we switched from a very tall and opaque fence to a custom-designed & custom-crafted lattice fence for aesthetic appeal & expanded visibility, our naiveté does not automatically grandfather the earlier fence.
2. As a couple of neighbors claimed that there was no fence at all along Charles St, and I did vividly remember otherwise, I dug into all past emails, public records, private archives etc, and, lo & behold, found photos of the fence that existed when we acquired the property in February 2019 (See **Exhibit D**).
3. If the fence along Charles had to be pushed back, access to the front yard – the principal area of kids to play – gets very tight, particularly as the front, right hand side corner of the home has been blessed with a cluster of heritage and other trees.
4. One of the neighbors, Mr. Douglas Olcott, informed me, via a letter, that “the public right of way narrows significantly as one approaches the boulevard due to the bulge in the curb line of the street. As a result of this, there is a risk of drivers, particularly at night, hitting the curb. The presence of the current fence which follows the bulge and the curb line actually provides more visibility whilst entering Charles St, thereby reducing the aforementioned risk factor.”
5. Most importantly, as I have said earlier in response to a question raised by one of the Commissioners during the March 12th hearing, **I am willing to provide the Town the necessary documentation to ensure that any concessions given in this regard may be reversed at will by the Town.**

CONCLUSION

I hope we have been able to demonstrate that the specific goals and concerns of the community as well as the Town have been met, and while we may have been short in meeting the letter of the code, we have clearly met the spirit of the law.

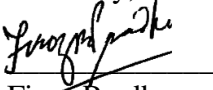
REQUEST

We once again humbly request you to grant us the exception. As I mentioned earlier, I will be travelling extensively overseas during the next couple of months, and would like to get the modifications as proposed above completed, ideally before my travel plans.

Finally, please feel free to reach out to me in case you may have any questions or concerns.

Thank you for your consideration.

Sincerely,



Firoz Pradhan

Tel: 408.821.2052

Email: firoz.pradhan@gmail.com

Enclosures: As above



10 Charles St - Proposed Meeting on Friday (05/16)

Gary Heap <GHeap@losgatosca.gov>

Wed, May 14, 2025 at 11:06 AM

To: Firoz Pradhan <firoz.pradhan@gmail.com>

Cc: James Watson <JWatson@losgatosca.gov>, Sean Mullin <SMullin@losgatosca.gov>

Firoz,

I think we provided you some good feedback last week, and I don't know what else we would provide you if we came out again. You need to submit a plan that shows removal of the fence at the corner within the 30' triangle measured from the point at which the face of curb on Charles matches the face of curb on Los Gatos Boulevard. Likewise, you need to show removal of the fence along your neighbor's property at their driveway. This would be a 10' triangle measured 10 feet from the back of walk. Once you're represented that on your plans, send them in to Sean who will then route them to us for confirmation.

I'm still working on an allowance for the fence along Charles to remain, and can update you on that by the end of the week.

Gary

From: Firoz Pradhan <firoz.pradhan@gmail.com>**Sent:** Tuesday, May 13, 2025 1:29 PM**To:** Gary Heap <GHeap@losgatosca.gov>**Cc:** Firoz Pradhan <firoz.pradhan@gmail.com>**Subject:** 10 Charles St - Proposed Meeting on Friday (05/16)

[EXTERNAL SENDER]

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Based upon discussions with the Town's Engineering & Public Works Department held on Thursday, May 8th, it is proposed that the existing fence section at the corner of Los Gatos Boulevard and Charles St be removed, and be replaced with a new fence section that is angled along the straight line drawn from point A to point B, established or located per Public Works guidance as follows:

..... Point A to Point C (Curb Corner): 30'0"; Point B to Point C (Curb Corner): 30'0" (Note: Points A, B & C are shown above).

- > The new fence section, along with the existing fence section that will be retained, is shown in dark black line on the next sheet, while the resulting enhanced visibility triangle (on both sides) is shown shaded in green color.
 - > All plants and bushes that fall within the visibility triangle shall be removed or maintained to a height of 36" maximum, while all original trees that existed prior to February 2019 when the property was acquired shall be retained.
- humbly request that all existing plants, bushes and trees that are inside the proposed fence (i.e. outside the visibility triangle be allowed to be retained. The existing fence design and specifications, including the large format lattice work, shall be retained for enhanced visibility, and shall not be replaced without the written approval of the Town of Los Gatos's Planning Department.



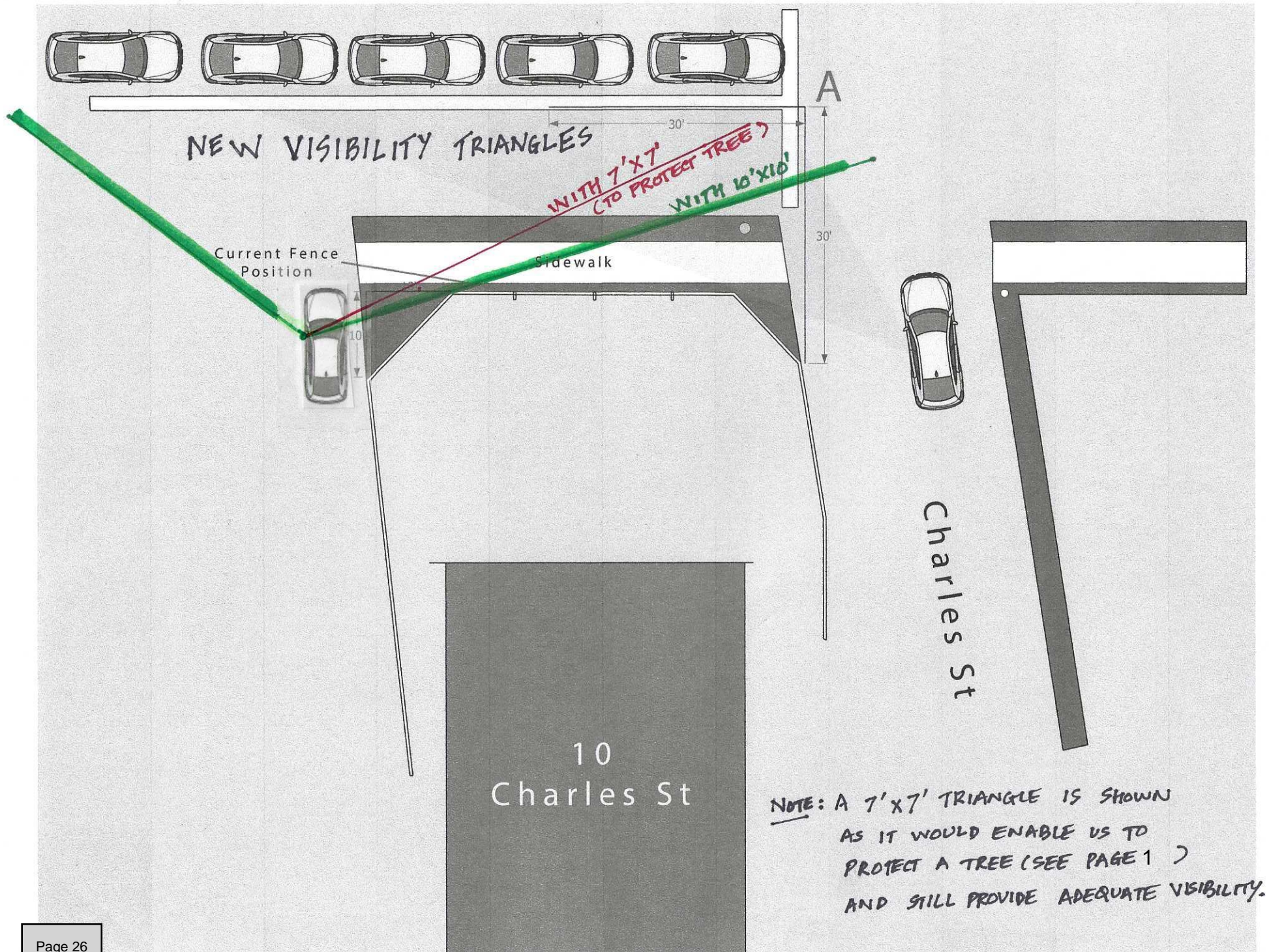




FENCE MODIFICATION AT INTERIOR PROPERTY (COMMON FENCE SHARED WITH MICHELLE)

The proposed fence modification plan is based upon a 10'x 10' triangle as directed by Public Works. However, constructing a fence along this path may interfere with the existing tree (shown in the picture above). Accordingly, an alternative is shown by constructing a visibility triangle using approximately 7'0" along Los Gatos Boulevard and 8'0" along the common shared fence so as to avoid any damage or disruption to the tree.

This option will also enable us to simply remove the two existing corner fence sections, and construct a new section connecting the two existing non-corner posts. Needless to say, while this significantly enhances visibility, and, hence, we feel it is a practical solution, we are open to



SOLID WOOD FENCE SHOWN HERE, MOSTLY COVERED WITH HEDGE, BUT STILL PARTIALLY VISIBLE HERE WITH LATTICE WORK AT BOTTOM SECTION.





4 Charles St

Los Gatos, California



Google Street View


Apr 2019 See more dates





APPROX. 78"
TALL WOOD FENCE
THAT WAS COVERED
BY THE HEDGE
SHOWN HERE.

This car was abandoned
by someone, and had to
be towed away by the
Police.



SOLID WOOD FENCE WITH
LATTICE AT BOTTOM SECTION.
ALSO, AN ANTIQUE WROUGHT
IRON GATE THAT HAS BEEN
REUSED AND LOCATED AS AN
ENTRY GATE TO THE BACKYARD

May 22, 2025

Sean Mullin

Planning Manager

Town of Los Gatos

110 E. Main Street

Los Gatos, CA 95030

Respected Mr. Mullin..

10 CHARLES STREET, LOS GATOS, CA 95030 – FENCE HEIGHT EXEMPTION [FHE-001]

Thank you for taking the time to meet with me this morning, and helping me understand the implications of the email dated 05/19/25 (**Exhibit E**) sent by James Watson..

Based upon this, I am attaching two exhibits for your and the Planning Commission's review and kind consideration:

Exhibit F - As mandated per James Watson Email - per Town Code - May-20-2025

Exhibit G - Proposed Mitigation per Neighbor Discussions - May-09-2025

It is very clear to me that the fence configuration shown in Exhibit F is extremely onerous, impractical and unacceptable, yielding a loss of 55% of the front yard (totally 1,525 sft), and causing significant hardships!

I strongly feel that the mitigation worked out with all but one of the neighbors (Exhibit G) works really well, both in terms of addressing any visibility or safety concerns, as well as allaying my personal apprehensions I may have had around security.

I equally feel confident that the mitigation that was explained by the Public Works staff during the site visit on Thursday, May 8th, and which was acceptable to me, and proposed in my earlier submission to you via email dated 05/19/25 (See Exhibit B & Exhibit C attached with that email) works equally well, and also enjoys the support of most of the neighbors.

CONCLUSION

I hope we have been able to demonstrate that the specific goals of the community as well as any *practical concerns* of the Town Staff have been met, and while we may have been short in meeting the letter of the code, we have clearly met the spirit of the law.

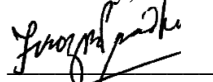
REQUEST

We once again humbly request you to grant us the exception by allowing us to move forward with the mitigation proposed in Exhibits B & C (preferred), or in Exhibit G.

Finally, please make my earlier submission dated 05/19/25 part of your Staff Report. And please feel free to reach out to me in case you may have any questions or concerns.

Thank you for your consideration.

Sincerely,



Firoz Pradhan

Tel: 408.821.2052

Email: firoz.pradhan@gmail.com

Enclosures: As above



10 Charles St - Propose Meeting on Friday (05/16)

James Watson <JWatson@losgatosca.gov>

Tue, May 20, 2025 at 1:33 PM

To: Firoz Pradhan <firoz.pradhan@gmail.com>

Cc: Sean Mullin <SMullin@losgatosca.gov>, Gary Heap <GHeap@losgatosca.gov>

Hi Firoz,

Unfortunately, Gary and I made a mistake when helping you understand the Corner Site Triangle regulations. The 30-foot measurement is from the property line, not the intersection of the two street curb faces, as I incorrectly advised. Please review Town Code Sec. 26.010.065 and Standard Drawings ST-232 for more information.

Additionally, after our visit, Town Code Sec. 23.10.080 regarding the Traffic View Area was also brought to my attention. This section requires that any fences, walls, hedges, and shrubs in the defined Traffic View Area at a corner to be no more than 3-feet in height. This Traffic View Area is defined as a 15-foot wide 200-ft long swath of land measured 15-feet from the face of curb and 200-feet from the property line. This Traffic View Area is represented on Town Standard Drawing ST-232 (attached).

Finally, the issue of the fence located in the neighbor's Driveway View Area as defined in Town Code Sec. 29.40.0310 goes away when the fence is reduced to 36-inches or moved outside of the Corner Sight Triangle, Driveway View Area, and Traffic View Area.

Please revise your plans to show either the fence reduced to less than 36-inches in height measured from the top of adjacent street curb for fences located within either the Corner Site Triangle or Traffic View Area. show the relocated fence behind the 30-foot triangle measured from the intersection of the front and side yard property lines in compliance with

The fence constructed in the public right-of-way may be approved with the submission of an executed License Agreement between the property owner and the Town that stipulates indemnification for the Town, perpetual insurance coverage requirements, an agreement to remove the improvements at your cost if requested by the Town due to a Town Project, and other misc. terms.

The Staff Report for this Fence Height Exception is due today. Could you please revise your plan to comply with the above referenced Town Codes? Please let me know if you have any questions. Thank you.

Best Wishes,

James Watson, P.E | Senior Civil Engineer – Land Development



From: Sean Mullin <SMullin@losgatosca.gov>

Sent: Monday, May 19, 2025 1:56 PM

To: Gary Heap <GHeap@losgatosca.gov>; James Watson <JWatson@losgatosca.gov>

Subject: FW: 10 Charles St - Proposed Meeting on Friday (05/16)

Hi Gary/James,

I am writing the staff report now and looking at his response. Let me know whether PPW thinks the response adequately addresses the Planning Commission's concerns, and/or if there is any inaccuracies in the content of the letter.

Thanks,

Sean



Sean Mullin, AICP • Planning Manager

Community Development Department • [110 E. Main Street, Los Gatos CA 95030](#)

Ph: 408.354.6823 • smullin@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

COMMUNITY DEVELOPMENT HOURS:

Counter Hours: 8:00 AM – 1:00 PM, Monday – Friday

Phone Hours: 8:00 AM – 5:00 PM, Monday – Friday

Town Closure Notice: Town offices will be closed Monday, May 26, 2025, in observance of the Memorial Day Holiday. We will resume regular business hours on Tuesday, May 27, 2025.

All permit submittals are to be done online via our Citizen's Portal platform. All other services can be completed at the counter. For more information on permit submittal, resubmittal, and issuance, please visit the [Building](#) and [Planning](#) webpages.

CONFIDENTIALITY DISCLAIMER

This e-mail is intended only for the use of the individual(s) named in this e-mail. If you receive this e-mail and are not a named recipient, any use, dissemination, distribution or copying of the e-mail is strictly prohibited. If you have received this communication in error, please immediately notify us at the above e-mail address.



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2 attachments

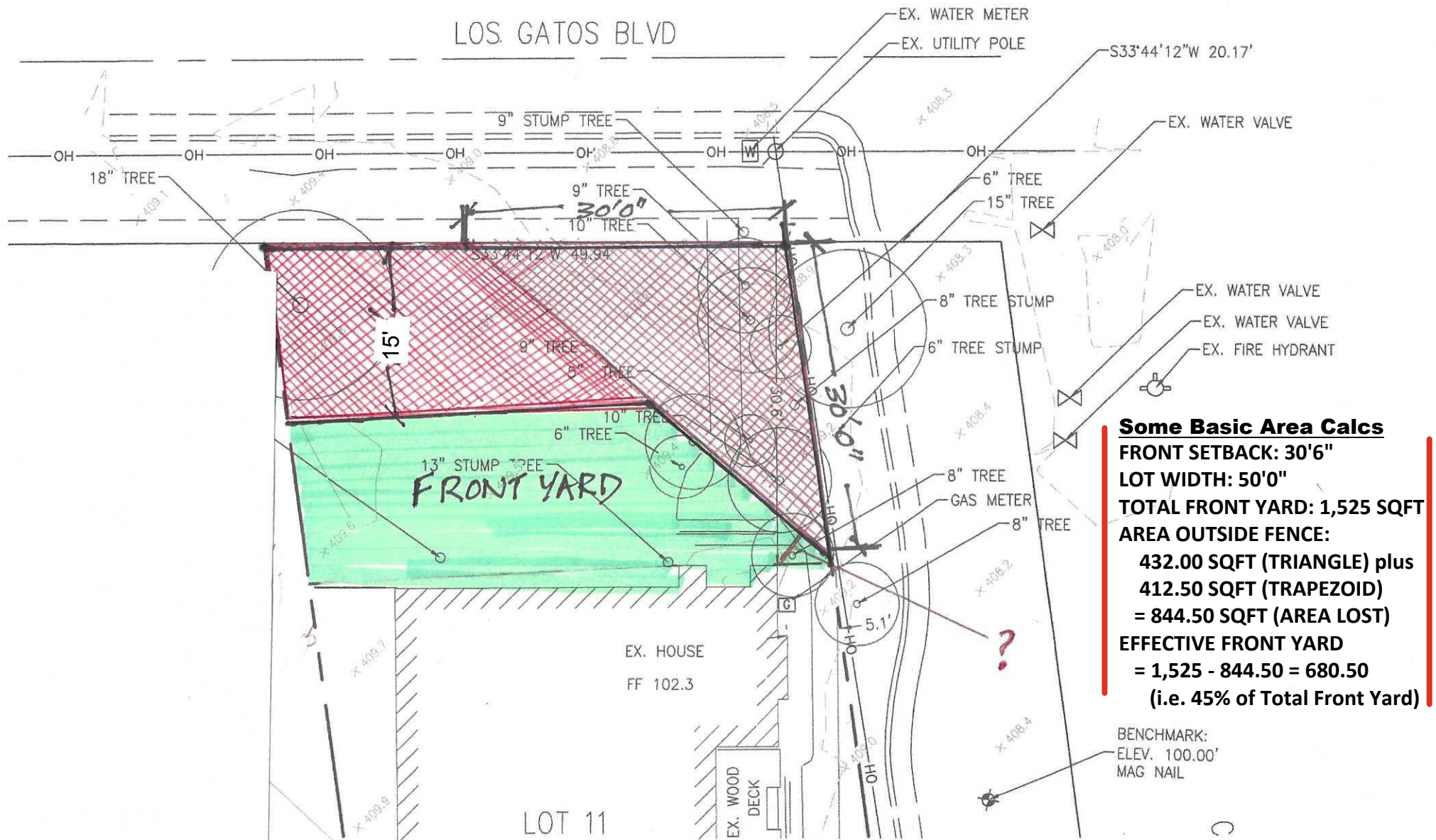


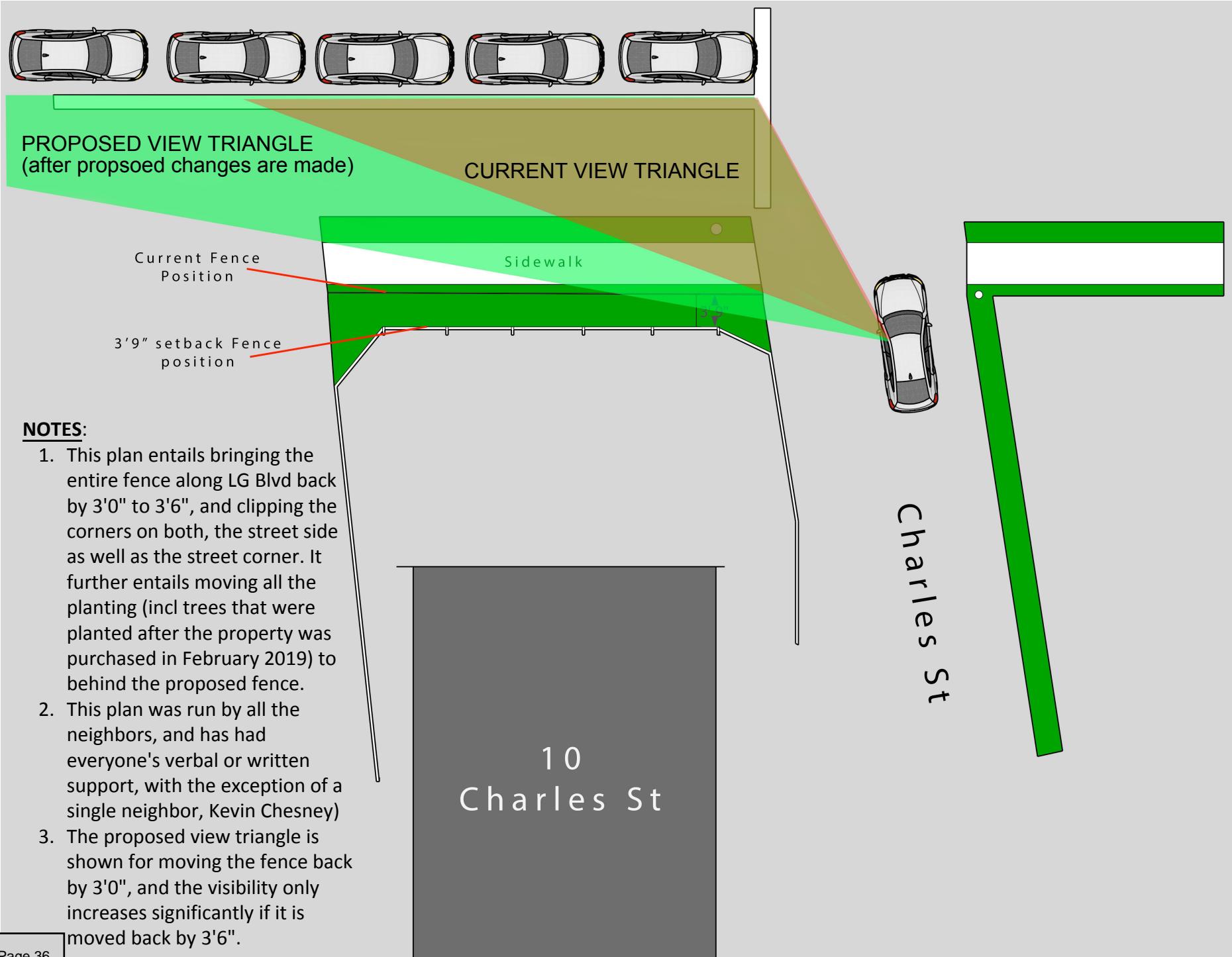
10 CHARLES ST - BINDER - INFORMATION PACKAGE FOR STAFF REPORT - May-19-2025.pdf
13335K



LosGatos_ST-231_232_SiteTriangle.pdf
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EXHIBIT F - IMPLICATION OF FENCE IF TOWN CODE WAS TO BE IMPLEMENTED WITH CURRENT FENCE DESIGN





Kevin B. Chesney
[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,


DocuSigned by:

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Kevin B. Chesney

Exhibit 1 – Before the Remodel

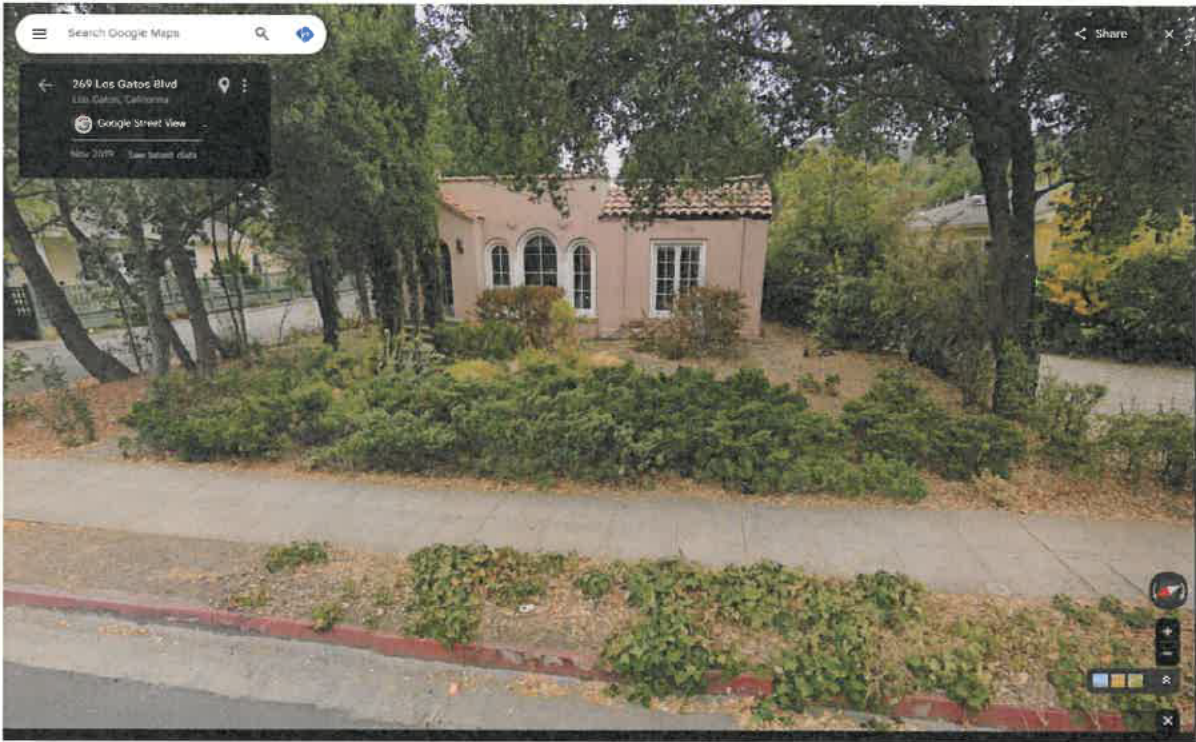


Exhibit 2 – During the Remodel

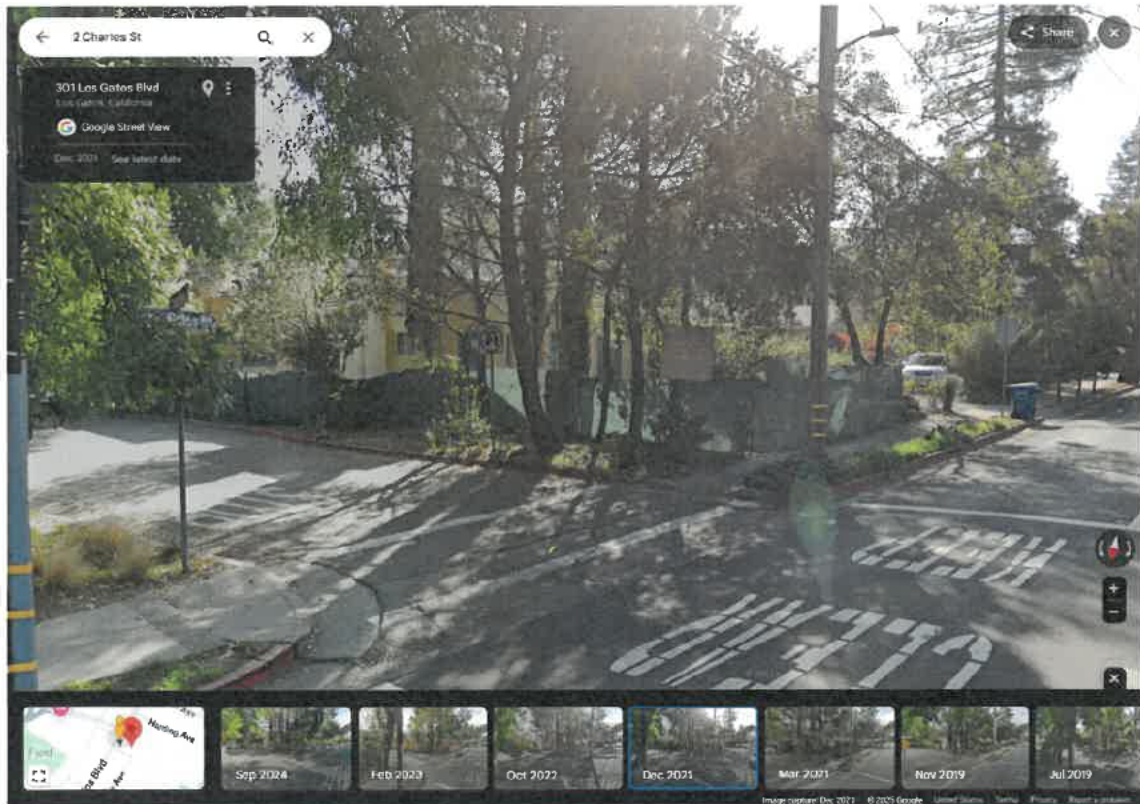


Exhibit 3 – After the Remodel

