

Kevin B. Chesney
[REDACTED]
[REDACTED]

June 12, 2025

Nicolle Burnham, Director of Parks & Public Works
Joel Paulson, Director of Community Development
Town of Los Gatos

Subject: Objection to Longstanding Fence Encroachment, Safety Hazard, and Efforts to Circumvent Planning Commission Denial at 10 Charles Street

Dear Ms. Burnham and Mr. Paulson,

I write to formally object to a fence that has remained in place for over two years at 10 Charles Street, which encroaches into the public right-of-way, exceeds permitted fence height limits and required setbacks, and poses an extreme safety hazard by obstructing visibility at a neighborhood intersection. As a long-standing resident of Charles Street and an adjacent property owner, I object to any after-the-fact permitting or exception being granted by your departments without a formal hearing and full public transparency.

To date, there has been no valid encroachment permit issued prior to construction, and the installation violates multiple provisions of the Town of Los Gatos Municipal Code, including height and setback limits under § 29.40.030, right-of-way encroachment rules requiring a Construction Encroachment Permit under Title 15.50, and the enforcement provisions of § 29.40.0330. More troubling, the property owner attempted to retroactively legalize the fence by appealing to the Planning Commission, which denied the request on May 28, 2025, following public testimony. Despite this denial, the applicant proceeded to file an appeal to the Town Council while simultaneously engaging with both Public Works and the Planning Department outside of public view. These parallel efforts appear designed to circumvent formal review by securing an informal staff-level resolution—based on misrepresented facts, exaggerated claims of neighborhood support, and a consistent pattern of delay. This tactic not only undermines the integrity of the Town's code enforcement process but also prolongs a clear public safety hazard and erodes community trust.

The Planning Commission's denial reflects a proper exercise of authority following public process and should remain determinative unless formally overturned with notice and hearing.

Let me be clear:

- There is no consensus or neighborhood agreement supporting this encroachment or the requested fence exceptions.
- While I understand that in some limited cases, the Community Development Director may grant minor fence exceptions, this particular case already went before the Planning Commission and was denied. Any subsequent approval would therefore constitute a procedural end-run around a formal decision.
- Staff-level or backchannel approvals would be procedurally improper and deeply concerning.

I respectfully request the following:

1. Immediate confirmation that no fence exception or encroachment permit is being issued or considered through either department without a public hearing and formal process.
2. That this letter be entered into the administrative record for 10 Charles Street.
3. That I receive written notice of any future actions, approvals, or hearings regarding this matter.

Failure to uphold the Planning Commission's decision—particularly through informal channels or staff-level workarounds—would constitute a serious breach of public trust, transparency, and due process. If necessary, I am prepared to pursue additional administrative or legal remedies, including formal appeals or action in Superior Court.

Thank you for your attention to this matter. As a committed resident and adjacent property owner, I urge the Town to uphold the integrity of its public process and ensure enforcement of its municipal code. I respectfully request a timely written response confirming the Town's position and intended course of action.

Sincerely,

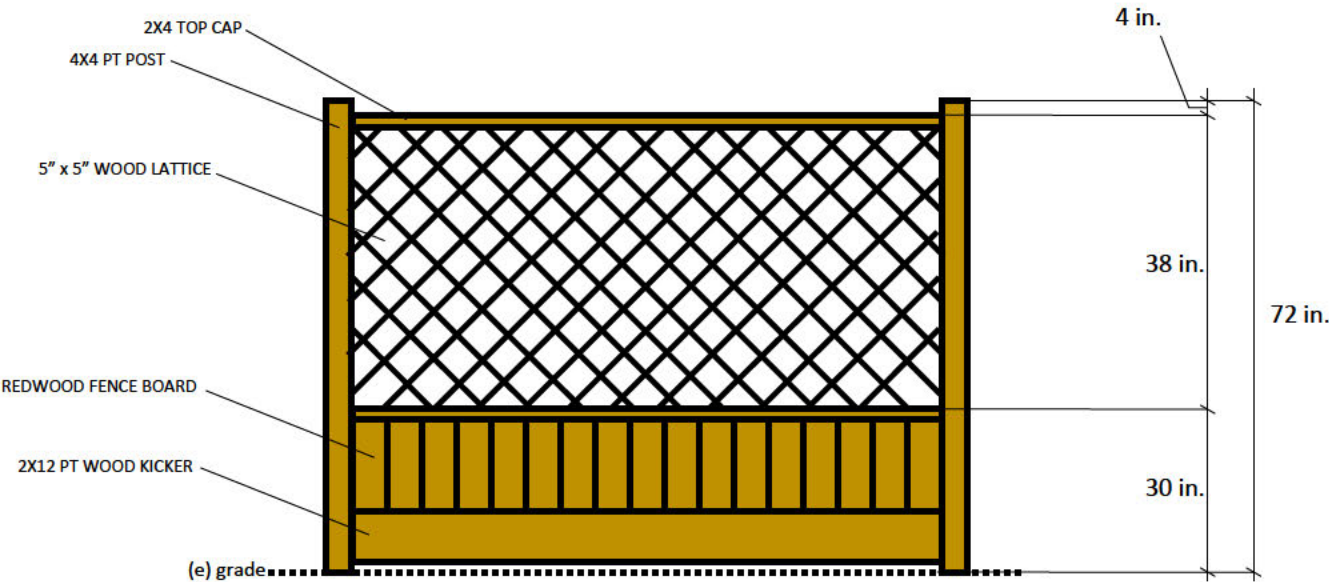
DocuSigned by:



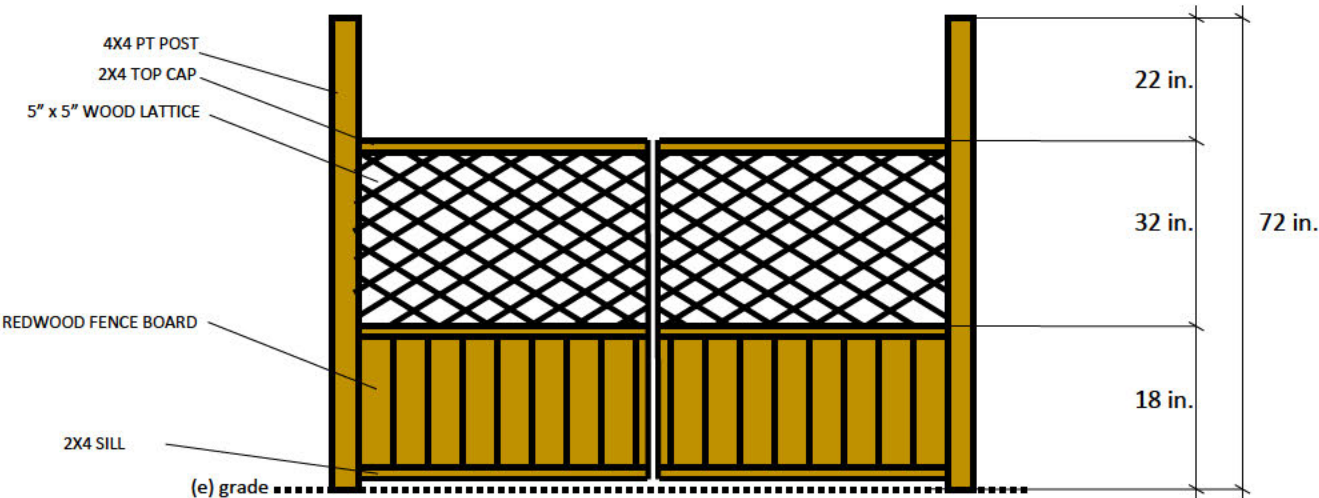
Kevin B. Chesney

CC: Sean Mullin, Planning Manager

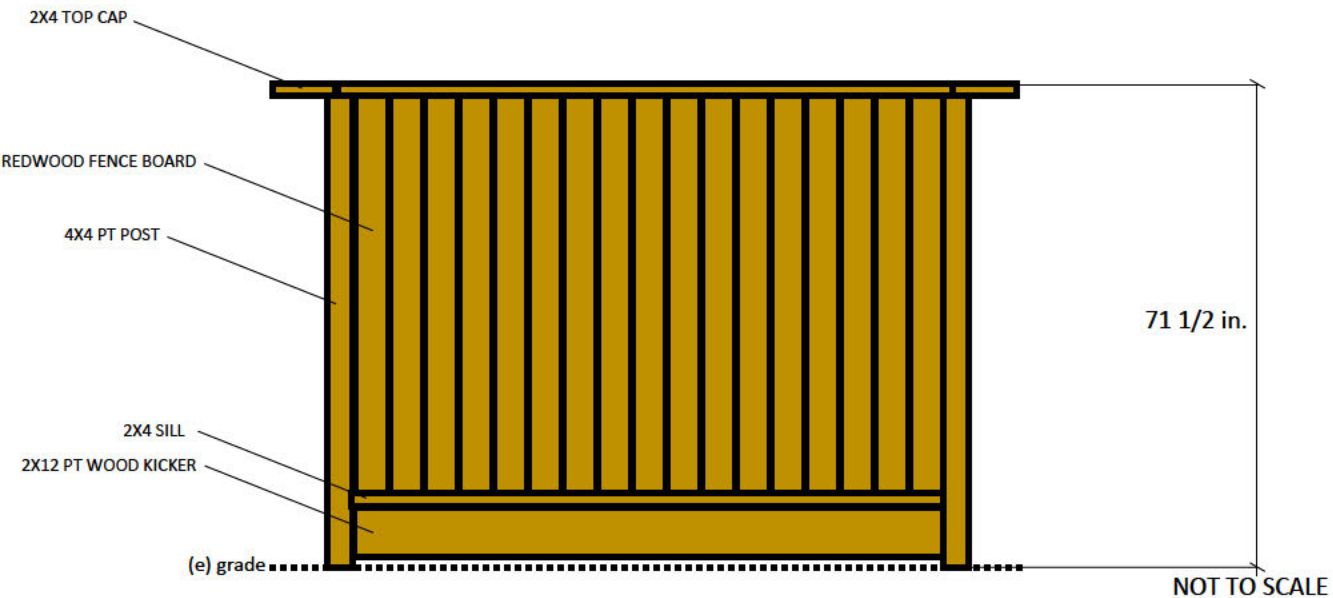
SECTION M: LENGTH APPROX 24 FEET
SECTION O: LENGTH APPROX 24 FEET



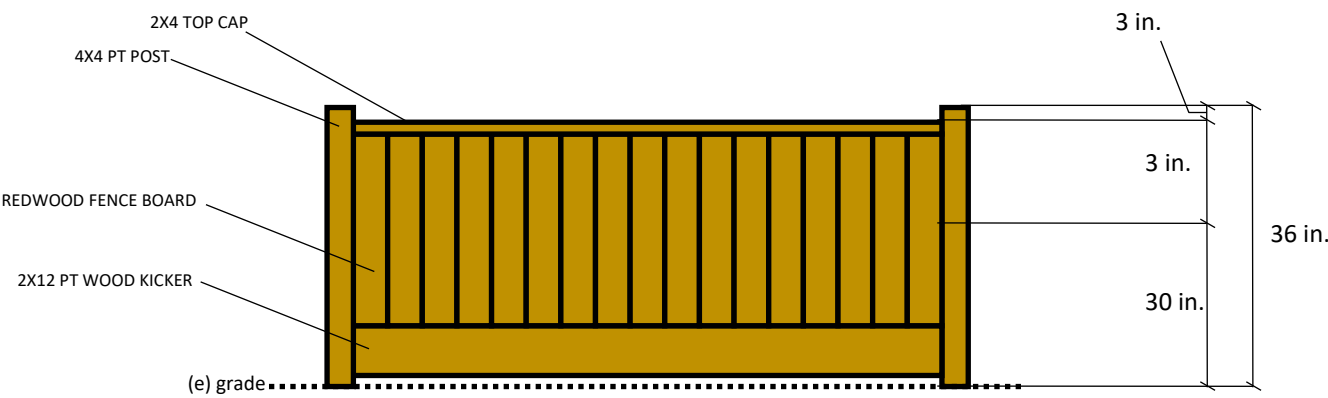
SECTION N: GATE. LENGTH 5 FEET 2 INCHES



SECTION P, Q: LENGTHS APPROX 48 FEET AND 9 FEET



SECTIONS OF FENCE IN AREAS A, B, C, & D: LENGTH APPROX 93.5 FEET



NOT TO SCALE

From: Saeed Malakooti [REDACTED]

Sent: Sunday, June 15, 2025 4:40 PM

To: Sean Mullin <SMullin@losgatosca.gov>; [REDACTED]

Subject:

[EXTERNAL SENDER]

Dear Mr. Mullin,

I am writing this letter in reference to Mr. Firoz Pradhan, my neighbor residing at 10 Charles St. Los Gatos.

In reference to the latest property fence modification proposal (attached drawing), I believe the visibility issues should be resolved once the designated areas "A, B, C & D" fence height is reduced to 3' as it describes in the proposal.

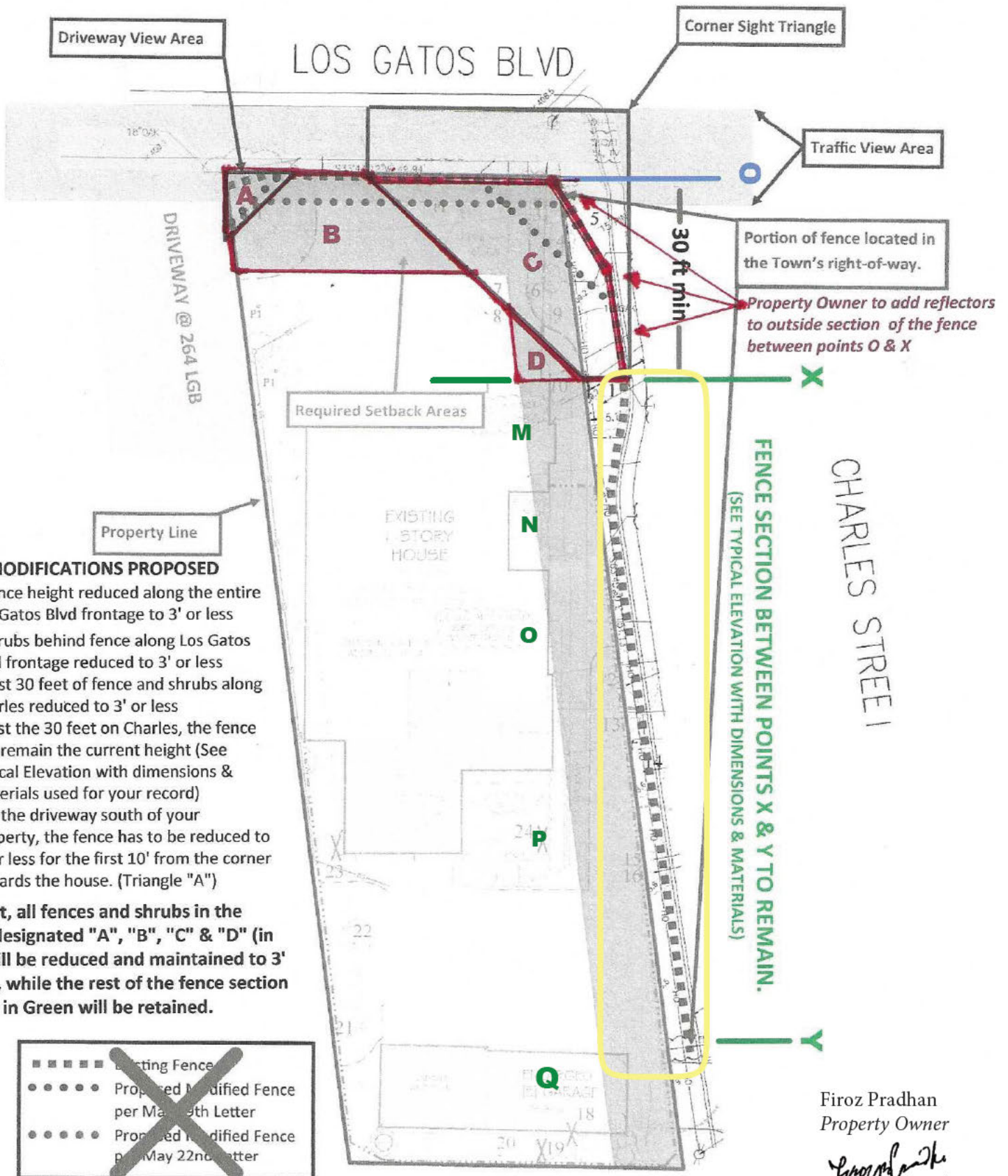
I hope this letter can be helpful in clarification of current fence wall concerns. Please feel free to contact me if further information is needed.

Sincerely,

Saeed Nejad

[REDACTED]

[REDACTED]



NOTE: Town to allow property owner to maintain fence & shrubs in the right of way through a License Agreement.

Firoz Pradhan
Property Owner

[Signature]

Dated: June 12, 2025

Kevin B. Chesney

[REDACTED]

[REDACTED]

August 12, 2025

To: Mayor Mathew Hudes and Members of the Town Council

Re: 10 Charles Street Fence Appeal – Response to Appeal Arguments and Affirmation of Planning Commission Decision

Dear Mayor Hudes and Members of the Council:

As an adjacent property owner and long-standing resident of Charles Street, I write to address specific arguments raised in the appeal of the Planning Commission's May 28, 2025 decision denying the fence exception at 10 Charles Street. This matter has now been ongoing for over two years, during which the community has endured a dangerous fence that poses serious public safety risks and impairs visibility at a busy intersection

Town planning staff did not recommend approval of the fence exception, and the Planning Commission voted 5–1 to deny the request, a decision reflecting a strong consensus that the fence violates zoning and right-of-way regulations and continues to present safety hazards.

The appellant argues the Commission should have approved the request with conditions. Yet even with potential visibility adjustments, the fence would still violate core requirements. No new evidence has been presented that would change the facts or justify reversing the decision.

The appellant also cites a Public Works comment suggesting a license agreement could address the right-of-way issue. This misstates its significance. A license agreement is only a procedural option if directed by the Council; it cannot replace zoning compliance or override height, setback, or safety rules. Any implication of Town "willingness" to approve should be corrected.

With no new or compelling evidence, limited neighborhood support, and ongoing safety and compliance concerns, there is no sound basis to overturn the Commission's decision. I respectfully urge the Council to affirm and uphold that decision and reject the appeal.

Sincerely,

DocuSigned by:



115957AA769D480
Kevin B. Chesney

cc: Sean Mullin, Planning Manager

[REDACTED]

August 13, 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 town fencing code for a front/side yard fence. There are two separate issues that need to be addressed. I own the property on the south side of his property so I will speak to the issue of our shared fence line and the fence line that affects me, which is on the Los Gatos Blvd side.

His current plan for the fence line on Los Gatos Blvd and extending around the [REDACTED] e on south side of his parcel onto the property line between his property and [REDACTED] is to lower the fence, and the shrubbery behind it, to 36 inches high, which falls in line with town code. I no longer have any objections with that portion of the fence, which on his diagram is shown as A, B, and the LGB section of C.

I hope that this issue can be resolved soon so that safety can be restored to the Los Gatos Blvd side. I currently have little to no visibility from my driveway. Thank you for your time, diligence, and attention.

Sincerely yours,

Michelle Huntley