



**TOWN OF LOS GATOS  
COUNCIL MEETING AGENDA  
AUGUST 19, 2025  
110 EAST MAIN STREET AND TELECONFERENCE  
TOWN COUNCIL CHAMBERS  
7:00 PM**

Matthew Hudes, Mayor  
Rob Moore, Vice Mayor  
Mary Badame, Council Member  
Rob Rennie, Council Member  
Maria Ristow, Council Member

**IMPORTANT NOTICE**

This is a hybrid meeting and will be held in-person at the Town Council Chambers at 110 E. Main Street and virtually through Zoom Webinar (log-in information provided below). You may watch the Council meeting without providing public comment on Comcast cable channel 15 or at [www.LosGatosCA.gov/TownYouTube](http://www.LosGatosCA.gov/TownYouTube). Members of the public may provide public comments for agenda items in-person or virtually by following the instructions listed at the end of the agenda.

This meeting will be teleconferenced pursuant to Government Code Section 54953(b)(3). Council Member Rob Rennie will be participating via teleconference from a location at 20424 Frenchtown Frontage Road, Frenchtown, MT, 59834. The teleconference location shall be accessible to the public and the agenda will be posted at the teleconference location 72 hours before the meeting.

**To watch and participate via Zoom, please go to:**

<https://losgatosca-gov.zoom.us/j/85481444677?pwd=561kip53XZTmhrTCwGDoNCvDTWQnwJ.1>

Enter Passcode: 535103.

**CALL MEETING TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS**

- i. Friends of the Library Donation

**CONSENT ITEMS** *(Consent Items are considered routine Town business and may be approved by one motion. Any member of the Council may remove an item from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Mayor asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions located at the end of this agenda. If an item is removed, the Mayor has the sole discretion to determine when the item will be heard.)*

**1. Approve the Minutes of the August 5, 2025, Town Council Study Session**

**RECOMMENDATION:** Approve the Minutes of the August 5, 2025, Town Council Study Session.

**2. Approve the Minutes of the August 5, 2025, Town Council Meeting**

**RECOMMENDATION:** Approve the Minutes of the August 5, 2025, Town Council Meeting.

**3. Receive the Monthly Financial and Investment Report for June 2025**

**RECOMMENDATION:** Receive the Monthly Financial and Investment Report for June 2025.

**4. Ratify the Town Council Selection Committee's Recommended Youth Commissioner Appointments**

**RECOMMENDATION:** Ratify the Town Council Selection Committee's recommended Youth Commissioner appointments.

**5. Authorize the Town Manager to Execute a First Amendment to the Agreement for Services with Frank and Grossman Landscape Contractors Inc. for Janitorial Services to Reduce the Scope of Work and Compensation through June 30, 2029**

**RECOMMENDATION:** Authorize the Town Manager to Execute a First Amendment to the Agreement for Services with Frank and Grossman Landscape Contractors Inc. (Attachment 1) for a reduction of janitorial services for town facilities through June 30, 2029, decreasing the contract value for Fiscal Year 2025-26 from \$266,920 to \$205,536 and the total five-year contract from \$1,270,370 to \$1,024,834.

**6. Adopt a Resolution Approving a List of Approved Street Names for New Street Projects**

**RECOMMENDATION:** Adopt a resolution approving a list of approved street names for new street projects.

**7. Approve Purchase Orders with Baker and Taylor not to exceed \$115,000 for Fiscal Year (FY) 2025-26**

**RECOMMENDATION:** Approve Purchase Orders with Baker and Taylor not to exceed \$115,000 for Fiscal Year (FY) 2025-26.

**8. Authorize an Expenditure Budget Appropriation Adjustment to the Community Grants Line Item in the Amount of an Increase of \$5,000 from \$150,000 to \$155,000**

**RECOMMENDATION:** Authorize an expenditure budget adjustment to the Community Grants line item in the amount of \$5,000 to be consistent with Council direction provided on May 20, 2025.

**9. Approve the Revised Town Council Code of Conduct Policy 2-04**

**RECOMMENDATION:** Approve the revised Town Council Code of Conduct Policy 2-04.

**10. Approve the Town Boards, Committees, and Commissions Code of Conduct Policy**

**RECOMMENDATION:** Approve the Town Boards, Committees, and Commissions Code of Conduct Policy.

**VERBAL COMMUNICATIONS** *(Members of the public are welcome to address the Town Council on any matter that is not listed on the agenda and is within the subject matter jurisdiction of the Town Council. The law generally prohibits the Town Council from discussing or taking action on such items. However, the Council may instruct staff accordingly. To ensure all agenda items are heard, this portion of the agenda is limited to 30 minutes. In the event additional speakers were*



*not heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment. Each speaker is limited to no more than three (3) minutes or such time as authorized by the Mayor.)*

**OTHER BUSINESS** *(Up to three minutes may be allotted to each speaker on any of the following items.)*

**11. Receive the Bi-Annual Police Services Report for January – June 2025**

**RECOMMENDATION:** Accept the bi-annual Police Services Report, highlighting the accomplishments and ongoing efforts of the Los Gatos-Monte Sereno Police Department (LGMSPD) during the reporting period of January – June 2025.

**PUBLIC HEARINGS** *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes for closing statements.)*

**12. Consider an Appeal of a Planning Commission 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. APN 532-36-022. Fence Height Exception Application FHE-23-001. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner/Applicant/Appellant: Firoz Pradhan. Project Planner: Sean Mullin**

**RECOMMENDATION:** Adopt a resolution (Attachment 16) denying an appeal of a Planning Commission 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 front yard and street-side yard setbacks on property zoned R-1D, located at 10 Charles Street.

**OTHER BUSINESS** *(Up to three minutes may be allotted to each speaker on any of the following items.)*

**13. Provide Direction for the Distribution of \$155,000 Included in the FY 2025-26 Budget for Community Grants**

**RECOMMENDATION:** Provide direction for the distribution of \$155,000 included in the FY 2025-26 budget for Community Grants.

**COUNCIL / MANAGER MATTERS**

**CLOSED SESSION REPORT**

**ADJOURNMENT** *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time.)*

**ADA NOTICE** - In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk’s Office at (408) 354-6834.

Notification at least two (2) business days prior to the meeting date will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104].

The ADA access ramp to the Town Council Chambers is currently under construction and will be inaccessible until further notice. Individuals who require the use of that ramp to attend meetings should contact the Clerk's Office at least two (2) business days in advance to arrange for alternative accommodations.

**NOTICE REGARDING SUPPLEMENTAL MATERIALS** - Materials related to an item on this agenda submitted to the Town Council after initial distribution of the agenda packets are available for public inspection in the Clerk's Office at Town Hall, 110 E. Main Street, Los Gatos and on the Town's website at [www.losgatosca.gov](http://www.losgatosca.gov). Town Council agendas and related materials can be viewed online at <https://losgatos-ca.municodemeetings.com/>.

### HOW TO PARTICIPATE

Members of the public may provide public comments for agenda items in-person or virtually through the Zoom Webinar by following the instructions listed below.

The public is welcome to provide oral comments in real-time during the meeting in three ways:

**Zoom Webinar (Online):** To participate from a PC, Mac, iPad, iPhone or Android device.

Please use this URL to join: [https://losgatosca-](https://losgatosca.gov.zoom.us/j/85481444677?pwd=561kip53XZTmhrTCwGDoNCvDTWQnwJ.1)

[gov.zoom.us/j/85481444677?pwd=561kip53XZTmhrTCwGDoNCvDTWQnwJ.1](https://losgatosca.gov.zoom.us/j/85481444677?pwd=561kip53XZTmhrTCwGDoNCvDTWQnwJ.1)

Passcode: **535103**. You can also type in **854 8144 4677** in the "Join a Meeting" page on the Zoom website at [www.zoom.us](http://www.zoom.us) and use passcode 535103.

When the Mayor announces the item for which you wish to speak, click the "raise hand" feature in Zoom.

**Telephone:** To participate by phone please dial (877) 336-1839 for US Toll-free and use Conference code: 1052180.

When the Mayor announces the item for which you wish to speak, press #2 on your telephone keypad to raise your hand.

**In-Person:** Please complete a "speaker's card" located on the back of the chamber benches and submit it to the Town Clerk before the meeting or when the Mayor announces the item for which you wish to speak.

**NOTES:** Comments will be limited to three (3) minutes or less at the Mayor's discretion. If you are unable to participate in real-time, you may email to [Clerk@losgatosca.gov](mailto:Clerk@losgatosca.gov) the subject line "Public Comment Item #\_\_" (insert the item number relevant to your comment).

Deadlines to submit written comments are:

- 11:00 a.m. the Thursday before the Council meeting for inclusion in the agenda packet.
- 11:00 a.m. the Friday and Monday before the Council meeting for inclusion in an addendum.
- 11:00 a.m. the day of the Council meeting for inclusion in a desk item.



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO: 1

ITEM NO. 1.

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**DRAFT  
Minutes of the Town Council - Study Session  
Tuesday, August 5, 2025**

The Town Council of the Town of Los Gatos conducted a Special Meeting in person and via teleconference to hold a Study Session.

**MEETING CALLED TO ORDER AT 5:17 P.M.**

**ROLL CALL**

Present: Mayor Matthew Hudes, Vice Mayor Rob Moore, Council Member Mary Badame, Council Member Rob Rennie, and Council Member Maria Ristow (participated remotely under Government Code Section 54953 "Just Cause").

Absent: None.

**VERBAL COMMUNICATIONS (ON ITEMS ON THE AGENDA)**

Jeffrey Blum

- Commented on a change to the Town Council Code of Conduct Policy regarding civility and expressed concern about certain language in the Board, Committee, and Commission Code of Conduct Policy.

Gus Who

- Commented on various concerns.

**OTHER BUSINESS**

1. Review and Provide Feedback on Revisions to the Town Council Code of Conduct Policy 2-04 and the Proposed Board, Committee, and Commission Code of Conduct Policy.

Chris Constantin, Town Manager, and Wendy Wood, Town Clerk, presented the staff report.

The Town Council discussed the proposed revisions to the Town Council Code of Conduct Policy 2-04, provided direction to approve the revisions, and requested that the phrase 'violation against a Council Member' be replaced with 'complaint against a Council Member' where appropriate.

The Town Council discussed the Board, Committee, and Commission Code of Conduct Policy, and provided direction to incorporate staff's alternative language (Alternatives 1, 2, 4 and 5) with minor edits, which included adding the sentence, "Nothing in this section limits the Commission from requesting changes to the work plan during the course of the year," to Subsection G (Work Plan) under Section IV. titled "Compliance and Operational Requirements."

SUBJECT: Draft Minutes of the Town Council Special Meeting - Study Session of August 5,  
2025

DATE: August 19, 2025

Council also requested the addition of the phrase "regarding commission matters" to Subsection B(2) under Section VI. titled "Commission Communication" for added clarity.

Town Manager Constantin informed the Council that the revision will be incorporated and brought back for consideration at the next Council meeting.

**ADJOURNMENT**

The meeting adjourned at 6:25 p.m.

Respectfully Submitted:

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Wendy Wood, Town Clerk



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO. 2.

ITEM NO: 2

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**DRAFT  
Minutes of the Town Council Meeting  
Tuesday, August 5, 2025**

The Town Council of the Town of Los Gatos conducted a regular meeting in person and via teleconference.

**MEETING CALLED TO ORDER AT 7:00 P.M.**

**ROLL CALL**

Present: Mayor Matthew Hudes, Vice Mayor Rob Moore, Council Member Mary Badame, Council Member Rob Rennie, Council Member Maria Ristow (participated remotely under Government Code Section 54953 "Just Cause").

Absent: None.

**PLEDGE OF ALLEGIANCE**

Mayor Hudes led the Pledge of Allegiance. The audience was invited to participate.

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**

1. Approve the Minutes of the May 19, 2025, Joint Special Meeting of the Town Council and Finance Commission.
2. Approve the Minutes of the June 17, 2025, Town Council Special Meeting.
3. Approve the Minutes of the June 17, 2025, Town Council Meeting.
4. Receive the Monthly Financial and Investment Report for May 2025.
5. Accept a Report on the Approved Action Taken by the Town Manager During the 2025 Town Council Legislative Recess.
6. Adopt a Resolution Approving the Acceptance of the 2025-26 California Highway Patrol Cannabis Tax Fund Grant Program Award for the Town of Los Gatos and Los Gatos-Monte Sereno Police Department in the Amount of \$248,955.98; Authorized Parks and Public Works to Purchase Two Police Interceptor Vehicles with Fit Ups required for Police Patrol at an estimated cost of \$188,868 and added these vehicles to the Town's Fleet Inventory; Authorized any additional cost to complete the vehicle fit-up, estimated not to exceed \$25,000; and Authorized revenue and expenditure budget adjustments in the amount of \$248,955.98 to receive and expend the grant proceeds. **RESOLUTION 2025-040**
7. Authorize the Town Manager to Execute the First Amendment to the Agreement for Services with DIXON Resources Unlimited for Services Related to the Downtown Parking Program to Increase the Total Compensation to \$485,297 and Extend the Term to June 30, 2028, and Make Associated Revenue and Expenditure Budget Transfers.
8. Approve the Fourth Amendment to the Agreement for Services with Traffic Management, Inc., (Attachment 1) increasing the contract amount by \$41,607.64 to cover the 2025

SUBJECT: Draft Minutes of the Town Council Meeting of August 5, 2025

DATE: August 19, 2025

Halloween and Children's Holiday Parade road closures and traffic control services, for a total contract amount not to exceed \$135,400.64.

9. Adopt a Resolution Granting an Appeal of a Planning Commission Decision to Deny a Request to Demolish an Existing Accessory Structure and Construct a New Accessory Structure Exceeding 1,000 Square Feet in Gross Floor Area and Site Improvements Requiring a Grading Permit on Property Zoned HR-2½. Located at 16511 Cypress Way. APN 532-24-004. Architecture and Site Application S-24-045. Exempt Pursuant to the CEQA Section 15303(a): New Construction or Conversion of Small Structures. Property Owners: Jackie and Scott Kolander. Applicant: Michael Harris. Project Planner: Suray Nathan. **RESOLUTION 2025-041**
10. Adopt a Resolution Approving the Final Map for Tract No. 10620 at 16378 Bennett Way and Accept Dedications. **RESOLUTION 2025-042**
11. Authorize the Town Manager to Execute a Three-Year Agreement, with Two One-Year Extension Options, for Consultant Services, Including Pass-Through Surveying Services with Kier & Wright Civil Engineers & Surveyors, Inc., in an Amount Not to Exceed \$250,000.
12. Authorize the Town Manager to execute a Seventh Amendment (Attachment 1) to a special services agreement with Liebert Cassidy Whitmore.
13. Authorize the Town Manager to Execute a Notice of Completion and Certificate of Acceptance for Specified Private Improvements Completed by SummerHill N40 LLC for the North 40 Phase 1 Development at Lark Avenue and Los Gatos Boulevard and Directed Staff to Submit it for Recordation.
14. Authorize the Submission of Wildfire Planning and Mitigation Grant Applications to CAL FIRE, FEMA, and the California Fire Safe Council.
15. Adopted a Resolution to (1) appoint the Town Manager as Plan Administrator for the City's 457(b) and 401(a) defined contribution retirement plans; (2) authorize the Town Manager to execute necessary service provider agreements related to the administration of the plans; and (3) grant Town Manager the authority to delegate/assign duties for the plan to Shuster Advisory Group, LLC, to provide fiduciary investment advisory and plan consultative services, and appropriate departments and staff to fulfill the Town's fiduciary responsibilities and duties as outlined in Article XVI, Section 17 of the California Constitution. **RESOLUTION 2025-043**
16. Authorize the Town Manager to Execute a Third Amendment to the Contract for Legal Services with the Law Firm of Goldfarb & Lipman to Increase the Contract Amount by \$65,000, for a Total Contract Amount Not to Exceed \$305,000.

Mayor Hudes opened public comment.

Gus Who

- Commented on concerns with items number one and three.

Lee Fagot

- Commented on concerns with item number seven.



SUBJECT: Draft Minutes of the Town Council Meeting of August 5, 2025

DATE: August 19, 2025

Mayor Hudes closed public comment.

**MOTION: Motion by Council Member Badame** to approve consent items one through sixteen.  
**Seconded by Vice Mayor Moore.**

**VOTE: Motion passed unanimously by roll call vote.**

### VERBAL COMMUNICATIONS

Gus Who

- Commented on various concerns.

### PUBLIC HEARINGS

17. Conduct a Public Hearing to Consider Objections to the 2025 Weed Abatement Program Assessment Report and Adopt a Resolution Confirming the Report and Authorizing the Collection of the Assessment Charges. **RESOLUTION 2025-044**

Stefanie Hockemeyer, Project Manager, presented the staff report.

The Council asked preliminary questions.

Mayor Hudes opened public comment.

Jai Hakhu

- Requested that his property be removed from the assessment list.

**MOTION: Motion by Council Member Badame** to adopt a resolution that is amended in Attachment 1, which would remove Parcel Number 409-15-021, property address 14329 Mulberry, confirm the report, and authorize the collection of assessment charges. **Seconded by Council Member Rennie.**

**VOTE: Motion passed unanimously by roll call vote.**

18. Consider an Appeal of a Planning Commission Decision to Approve Construction of a New Single-Family Residence with Reduced Rear Yard Setbacks, Site Improvements Requiring a Grading Permit, and Removal of Large Protected Trees on Vacant Property Zoned R-1:20. Located at 45 Reservoir Road. APN 529-33-054. Architecture and Site Application S-22-048. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner: Farnaz Agahian. Applicant: Gary Kohlsaas, Architect. Project Planner: Sean Mullin. **RESOLUTION 2025-045**

Sean Mullin, Planning Manager, presented the staff report.

Mary Vidovich, appellant, provided a presentation citing concerns with the proposed plans and reasons for the appeal.

SUBJECT: Draft Minutes of the Town Council Meeting of August 5, 2025

DATE: August 19, 2025

Gary Kohlsaatt, applicant, provided a presentation on the proposed project and answered clarifying questions.

Mayor Hudes opened public comment.

Kia Baratzadeh

- Commented on the proposed project and spoke in support of rejecting the appeal.

Lee Quintana

- Commented on concerns with the project.

Ann Cali

- Commented on concerns with the project.

Tuquan

- Commented in support of the proposed project.

Mayor Hudes closed public comment.

The applicant provided closing statements.

The appellant provided closing statements.

Council discussed the item.

**MOTION: Motion by Council Member Badame** to adopt a resolution (Attachment 10) denying an appeal of a Planning Commission's decision to approve a request to construct a new single-family residence with reduced rear yard setbacks, site improvements requiring a Grading Permit, and removal of large protected trees on vacant property zoned R-1:20, located at 45 Reservoir Road, and add to the conditions of approval that the fire[truck] turnaround be completed prior to any construction of the home, and that a cement or equally sturdy barrier [planter] be built next to the master bedroom to protect the occupants of the home. **Seconded by Council Member Ristow.**

**VOTE: Motion passed unanimously by roll call vote.**

Mayor Hudes called a recess at 8:32 p.m.

Mayor Hudes reconvened the meeting at 8:39 p.m.

**OTHER BUSINESS**

SUBJECT: Draft Minutes of the Town Council Meeting of August 5, 2025

DATE: August 19, 2025

19. Receive an Update on the Town's Federal Funding and Grants and Consider Federal Actions Impacting the Town.

Katy Nomura, Assistant Town Manager, presented the staff report.

Council asked preliminary questions.

Mayor Hudes opened public comment.

No one spoke.

Mayor Hudes closed public comment.

Council discussed the item, and no action was taken.

## **COUNCIL/TOWN MANAGER REPORTS**

### **Council Matters**

- Council Member Badame stated she met and corresponded with several residents on various issues.
- Vice Mayor Moore stated he tabled the Farmer's Market; met with one of the Governing Affairs representatives from Netflix; attended the Fourth of July Symphony in the Park Event, Music in the Park, and Jazz on the Plaz; announced that West Valley Sanitation District will be recruiting for a new District Manager and Engineer; spoke with Silicon Valley Youth Climate Action Leadership Academy participants and Summer Climate Fellows of the San Jose Conservation Corps; met with the Deputy and Director of the Santa Clara County Parks and Recreation, and the new Los Gatos High School President; attended the Los Gatos-Monte Sereno Police Department (LGMSPD) Swearing In and Promotion Ceremony, the West Valley Community Services (WVCS) unveiling of their new three-year strategic plan; and stated he will host an e-bike listening session.
- Council Member Rennie stated he had nothing to report.
- Council Member Ristow stated she attended the LGMSPD Swearing In and Promotion Ceremony, a Ribbon Cutting for WVCS Park-It Market, the LGMSPD Special Olympics Torch Run; met with the Valley Transportation Authority (VTA) Chair; attended the Fourth of July Symphony in the Park Event, and the Silicon Valley Clean Energy Authority (SVCEA) Finance and Administration Committee Meeting; and met with many residents to discuss a variety of topics.
- Mayor Hudes stated in addition to the meetings and events that were mentioned, he participated in a Service Academy in the 129 Rescue Wing at Moffet Field; met with the Los Gatos Thrives Board, and the Wildfire Advisory Group; participated in the community Health and Senior Services Commission Meeting; observed Diversity, Equity, and Inclusion (DEI) Commission Meeting; attended a Ribbon Cutting at the Porche service center, a Ribbon Cutting at a local Rehabilitation Center.

SUBJECT: Draft Minutes of the Town Council Meeting of August 5, 2025

DATE: August 19, 2025

**Town Manager Matters**

- Announced two upcoming information sessions on the Firewise Community Program; one session will be held on August 16 at the Jewish Community Center, and a second session will be held on August 22 at El Camino Hospital, with an option to attend virtually.

**ADJOURNMENT**

The meeting adjourned at 9:12 p.m.

Respectfully Submitted:

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Jenna De Long, Deputy Town Clerk



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO. 3.

ITEM NO: 3

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DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Receive the Monthly Financial and Investment Report for June 2025**

RECOMMENDATION: Receive the Monthly Financial and Investment Report for June 2025.

FISCAL IMPACT:

This report has no fiscal impact.

STRATEGIC PRIORITY:

This item aligns with the strategic priority to ensure prudent financial management.

BACKGROUND:

California Government Code Section 41004 requires that the Town Treasurer submit to the Town Clerk and the legislative body a written report and accounting of all receipts, disbursements, and fund balances. The Finance Director assumes the Town Treasurer role. Attachment 1 contains the June 2025 monthly Financial and Investment Report, which fulfills this requirement.

The June 2025 Monthly Financial and Investment Report was received by the Finance Commission at its August 11, 2025, regular meeting.

DISCUSSION:

The June 2025 Monthly Financial and Investment Report includes a Fund Balance Schedule, representing estimated funding available for all funds at the beginning of the fiscal year and at the end of the respective months.

PREPARED BY: Eric Lemon  
Finance and Accounting Manager

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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SUBJECT: Monthly Financial and Investment Report for June 2025

DATE: August 19, 2025

As operations fluctuate month to month, there are differences between balances in one month and balances in another. Such differences may be significant due to the type of activity in those months, and the timing of any estimates used in the presentation, based on the information available. This is demonstrated by the attached June 30, 2025, fund balance report.

In the case that the differences are extraordinary and unanticipated, we will ensure we present more information to explain the differences.

The difference between the June 30, 2025, and May 31, 2025, estimated fund balances is due to normal day-to-day fluctuations in revenues and expenditures.

Please note that the amount in the Fund Schedule differs from the Portfolio Allocation and Treasurer's Cash Fund Balances Summary schedule because assets and liabilities are components of the Fund Balance.

As illustrated in the summary below, Ending Fund Balance = Cash + Assets - Liabilities, which represents the actual amount of funds available.

<b>Reconciling Cash to Fund Balance - June 30, 2025</b>		
Total Cash	\$	81,558,113
Plus: Assets	\$	13,258,083
Less: Liabilities	\$	(31,421,946)
<b>Estimated Fund Balance</b>	<b>\$</b>	<b>63,394,250</b>

As of June 30, 2025, the Town's financial position (Cash Plus Other Assets \$94.81M, Liabilities \$31.42, and Fund Equity \$63.39) remains strong, and the Town has sufficient funds to meet the cash demands for the next six months.

As of June 30, 2025, the Town's weighted portfolio yield for investments under management was 4.39%, which was 12 basis points above the Local Agency Investment Fund (LAIF) yield of 4.27% for the same reporting period. Currently, the LAIF portfolio's weighted average maturity (WAM) is 248 days versus the Town's longer WAM of 553 days. The Town's assets under management reflect the Town's selection of the 1-3 year benchmark investment strategy through the Town's investment advisor to lock in higher yields at the top of the interest rate cycle. The longer maturities are balanced with shorter-term yields available on investments held with the State's LAIF. The Town's weighted average rate of return on investments under management of 4.39% at the close of June was 2 basis points lower when compared to the prior month's return of 4.41% reported as of May 31, 2025.



SUBJECT: Monthly Financial and Investment Report for June 2025

DATE: August 19, 2025

Since June 2024, LAIF yields decreased from 448 basis points (4.48%) to 427 basis points (4.27%) through the end of June 2025. The State LAIF pool typically lags the market when current market yields are either increasing or decreasing.

Following the rate adjustment in July 2023, the Federal Open Market Committee (FOMC) maintained the same rate until their September 18, 2024, meeting, where they approved a reduction of 50 basis points, lowering the rate from 5.5% to 5.0%. Subsequently, on November 7, 2024, the Federal Reserve voted to implement an additional decrease of 25 basis points, bringing the rate down to 4.75%. The latest adjustment occurred during the December 2024 meeting, where another 25 basis point reduction was approved, resulting in a new rate of 4.50%. These adjustments align with the FOMC's objective to promote maximum employment and achieve a year-over-year inflation target of 2%.

Labor market data indicated tighter hiring conditions. Monthly payrolls showed 139,000 jobs added to the economy, while the unemployment rate remained at 4.2% and wage growth remained at 3.9%. Weekly initial jobless claims eased from 248,000 to 236,000, but continuing claims reached a new cycle high at just under two million.

The Town's investments are in compliance with the Town's Investment Policy dated March 18, 2025, and are also in compliance with the requirements of Section 53600 et seq. of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

CONCLUSION:

Receive the Monthly Financial and Investment Report for June 2025.

Attachments:

1. Financial and Investment Report (June 2025)

**Town of Los Gatos**  
**Summary Investment Information**  
**June 30, 2025**

**Weighted Average YTM Portfolio Yield on Investments under Management**

**4.39%**

**Weighted Average Maturity (days)**

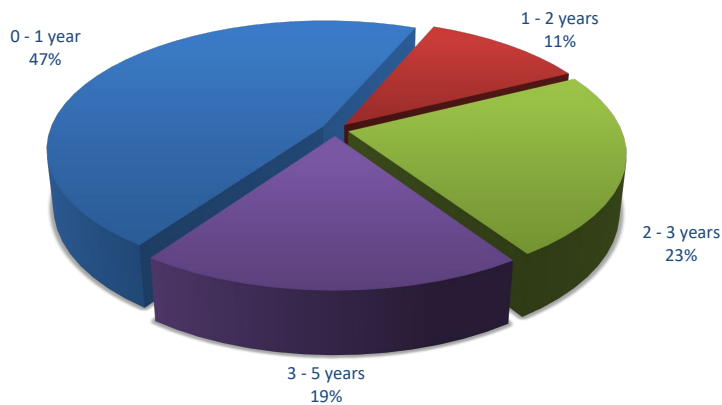
**553**

	<u>This Month</u>	<u>Last Month</u>	<u>One year ago</u>
<b>Portfolio Allocation &amp; Treasurer's Cash Balances</b>	\$81,558,113	\$75,593,586	\$81,368,410
Managed Investments	\$51,606,573		
Local Agency Investment Fund	\$20,144,462		
Reconciled Demand Deposit Balances	\$9,807,078		
Portfolio Allocation & Treasurer's Cash Balances	<u>\$81,558,113</u>		

**Benchmarks/ References:**

Town's Average Yield	4.39%	4.41%	4.45%
LAIF Yield for month	4.27%	4.27%	4.48%
3 mo. Treasury	4.29%	4.33%	5.36%
6 mo. Treasury	4.25%	4.31%	5.33%
2 yr. Treasury	3.72%	3.90%	4.75%
5 yr. Treasury	3.80%	3.96%	4.38%
10 Yr. Treasury	4.23%	4.40%	4.40%

**Portfolio Maturity Profile**



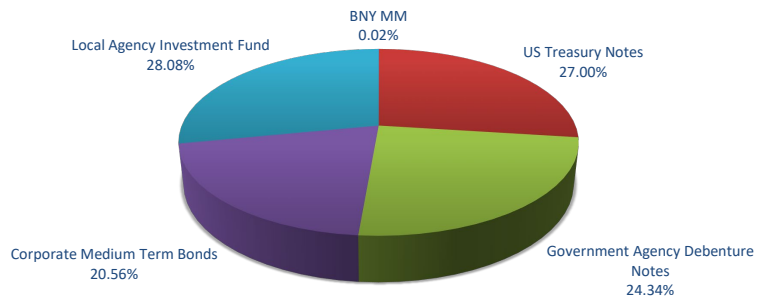
**Compliance:** The Town's investments are in compliance with the Town's investment policy dated March 18, 2025, and also in compliance with the requirements of Section 53600 at seq. of the California State Code. Based on the information available, the Town has sufficient funds to meet the cash demands for the next six months.

**Town of Los Gatos**  
**Portfolio Allocation & Treasurer's Cash Balances**  
**June 30, 2025**

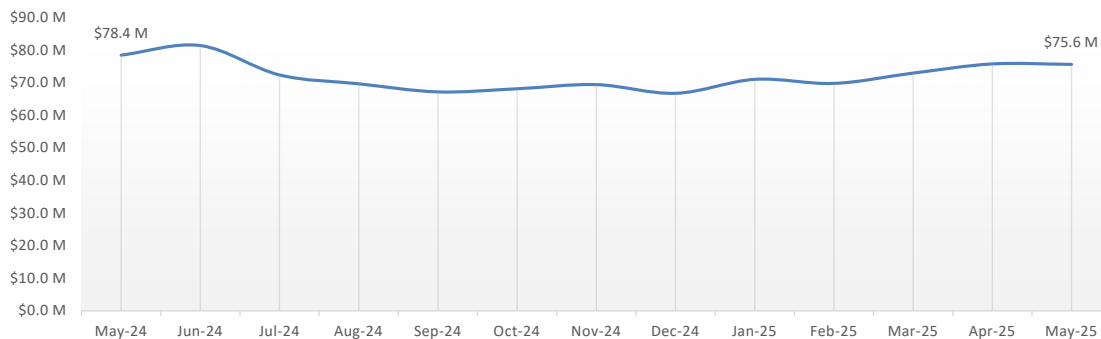
	Month	YTD
Cash & Investment Balances - Beginning of Month/Period	\$ 75,593,586.44	\$ 81,368,409.88
Receipts	10,131,874.60	85,125,785.14
Disbursements	(4,167,347.85)	(84,936,081.83)
Cash & Investment Balances - End of Month/Period	<u>\$81,558,113.19</u>	<u>\$81,558,113.19</u>

Portfolio Allocation	Amount	% of Portfolio	Max. % or \$ Allowed per State Law or Policy
BNY MM	\$15,229.49	0.02%	20% of Town Portfolio
US Treasury Notes	\$19,375,002.03	27.00%	No Max. on US Treasuries
Government Agency Debenture Notes	\$17,464,856.81	24.34%	No Max. on Non-Mortgage Backed
Corporate Medium Term Bonds	\$14,751,484.50	20.56%	30% of Town Portfolio
Local Agency Investment Fund	\$20,144,462.08	28.08%	\$75 M per State Law
Subtotal - Investments	71,751,034.91	100.00%	
Reconciled Demand Deposit Balances	<u>9,807,078.28</u>		
Total Portfolio Allocation & Treasurer's Cash Balances	<u>\$81,558,113.19</u>		

**Portfolio Investment Allocation**



**Treasurer's Fund Balances**



**Town of Los Gatos**  
**Non-Treasury Restricted Fund Balances**  
**June 30, 2025**

	Beginning Balance	June 2025 Deposits Realized Gain/Adj.	June 2025 Interest/ Earnings	June 2025 Withdrawals	Ending Balance	
Non-Treasury Funds:						
Cert. of Participation 2002 Ser A Reserve Fund	\$ 694,999.58	\$ -	\$ 2,232.30	\$ -	\$ 697,231.88	Note 1
Cert. of Participation 2010 Ser Lease Payment Fund	72.76	177,042.53	0.27	-	177,115.56	Note 2
Cert. of Participation 2002 Ser A Lease Payment Fund	16,042.57	-	51.56	-	16,094.13	Note 1
Cert. of Participation 2010 Ser Reserve Fund	1,449,006.70		5,098.33	177,042.53	1,277,062.50	Note 2
Total Restricted Funds:	<u>\$ 2,160,121.61</u>	<u>\$ 177,042.53</u>	<u>\$ 7,382.46</u>	<u>\$ 177,042.53</u>	<u>\$ 2,167,504.07</u>	
CEPPT IRS Section 115 Trust	3,027,416.40	-	63,314.58	-	\$ 3,090,730.98	Note 3
Grand Total COP's and CEPPT Trust	<u>\$ 5,187,538.01</u>	<u>\$ 177,042.53</u>	<u>\$ 70,697.04</u>	<u>\$ 177,042.53</u>	<u>\$ 5,258,235.05</u>	

*These accounts are not part of the Treasurer's fund balances reported elsewhere in this report, as they are for separate and distinct entities.*

**Note 1:** The three original funds for the Certificates of Participation 2002 Series A consist of construction funds which will be expended over the next few years, reserve funds which will guarantee the payment of lease payments, and a third fund for the disbursement of lease payments and initial delivery costs.

**Note 2:** The 2010 COP Funds are all for the Library construction, reserves to guarantee lease payments, and a lease payment fund for the life of the COP issue. The COI fund was closed in September 2010.

**Note 3:** The CEPPT IRS Section 115 Trust was established as an irrevocable trust dedicated to accumulate resources to fund the Town's unfunded liabilities related to pension and other post employment benefits.

**Town of Los Gatos**  
**Statement of Interest Earned**  
**June 30, 2025**

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July 2024	\$	247,221.75
August 2024	\$	212,684.25
September 2024	\$	265,151.31
October 2024	\$	234,237.63
November 2024	\$	227,312.31
December 2024	\$	239,396.54
January 2025	\$	234,030.33
February 2025	\$	213,671.29
March 2025	\$	235,515.22
April 2025	\$	242,125.72
May 2025	\$	279,502.38
June 2025	\$	239,277.16
	\$	<u>2,870,125.89</u>

**Town of Los Gatos  
Investment Schedule  
June 30, 2025**

Institution	CUSIP #	Security	Coupon	Deposit Date	Par Value	Original Cost	Original Issue (Discount) Premium	Market Value	Market Value Above (Under) Cost	Purchased Interest	Maturity Date or Call Date	Yield to Maturity or Call	Interest Received to Date	Interest Earned Prior Yrs.	Interest Earned Current FY	Days to Maturity	
Apple	037833DB3	Corporate Bond	2.90%	12/20/2022	1,300,000.00	1,278,591.00	(71,409.00)	1,271,933.00	43,342.00		6/21/2027	4.19%	\$	83,987.22	\$	53,554.19	721
Home Depot	437076BM3	Corporate Bond	3.00%	8/4/2022	1,000,000.00	991,960.00	(8,040.00)	990,780.00	(1,180.00)		1/1/2026	3.04%	\$	79,750.00	\$	32,355.22	185
FFCB	3133ENSV8	Gov. Agency Debenture	4.13%	1/17/2023	236,000.00	239,174.20	3,174.20	236,620.68	(2,553.52)		1/11/2027	3.76%	\$	19,307.75	\$	8,938.72	560
US Treasury	91282CBT7	US Treasury Note	0.75%	9/30/2022	800,000.00	712,565.18	(87,434.82)	780,264.00	67,698.82		3/31/2026	4.14%	\$	15,000.00	\$	30,971.60	274
FFCB	3133ENP95	Gov. Agency Debenture	4.25%	9/30/2022	900,000.00	900,939.60	939.60	899,586.00	(1,353.60)		9/30/2025	4.14%	\$	95,625.00	\$	37,937.09	92
JP Morgan Chase	46625HRS1	Corporate Bond	3.20%	9/23/2022	500,000.00	474,660.00	(25,340.00)	495,185.00	20,525.00		3/15/2026	4.70%	\$	43,644.44	\$	23,288.49	258
FHLB	3135G05X7	Gov. Agency Debenture	0.38%	6/10/2022	1,200,000.00	1,192,952.40	(97,047.60)	1,192,644.00	89,691.60		8/25/2025	3.04%	\$	12,187.50	\$	34,723.87	56
FHLB	3130AQF65	Gov. Agency Debenture	1.25%	11/30/2022	1,300,000.00	1,160,559.40	(139,440.60)	1,251,432.00	90,872.60		12/21/2026	4.15%	\$	41,572.92	\$	50,592.66	539
FHLB	3130APJH9	Gov. Agency Debenture	1.00%	1/17/2023	1,000,000.00	907,010.00	(92,990.00)	976,780.00	69,770.00		10/28/2026	4.17%	\$	23,354.17	\$	34,595.18	485
FFCB	3133ENS6	Gov. Agency Debenture	4.00%	2/8/2023	1,700,000.00	1,706,732.00	6,732.00	1,706,511.00	(221.00)		1/6/2028	3.91%	\$	129,955.56	\$	66,629.57	920
Freddie Mac	3137EAE3	Gov. Agency Debenture	0.38%	5/1/2023	750,000.00	689,032.50	(60,967.50)	743,167.50	54,135.00		9/23/2025	3.97%	\$	5,328.12	\$	28,215.63	85
American Honda	02665WEID9	Corporate Bond	4.70%	5/11/2023	600,000.00	608,856.00	8,856.00	605,382.00	(3,474.00)		1/12/2028	4.34%	\$	47,078.33	\$	26,306.36	926
US Treasury	91282CEJ4	US Treasury Note	2.50%	6/9/2023	1,500,000.00	1,416,626.12	(83,373.88)	1,467,885.00	51,258.88		3/31/2027	4.09%	\$	67,827.87	\$	59,377.40	639
US Treasury	91282CGA3	US Treasury Note	4.00%	6/20/2023	2,100,000.00	2,080,558.59	(19,441.41)	2,098,425.00	17,866.41		12/15/2025	4.40%	\$	166,852.46	\$	91,806.51	168
Colgate-Palmolive	194162AR4	Corporate Bond	4.60%	7/14/2023	500,000.00	504,655.00	4,655.00	508,540.00	3,885.00		2/1/2028	4.37%	\$	37,502.79	\$	21,978.31	946
FannieMae	3135G06G3	Gov. Agency Debenture	0.50%	7/14/2023	500,000.00	455,157.00	(44,843.00)	493,345.00	38,188.00		11/7/2025	4.63%	\$	4,534.72	\$	21,047.01	130
FFCB	3133EPQC2	Gov. Agency Debenture	4.63%	7/17/2023	500,000.00	501,957.50	1,957.50	503,220.00	1,262.50		7/17/2026	4.48%	\$	34,687.50	\$	22,473.10	382
FFCB	3133EPBM6	Gov. Agency Debenture	4.13%	7/14/2023	600,000.00	596,220.00	(3,780.00)	603,306.00	7,086.00		8/23/2027	4.29%	\$	39,806.25	\$	25,669.19	784
PNC Bank	69353RFJ2	Corporate Bond	3.25%	7/25/2023	1,000,000.00	921,490.00	(78,510.00)	975,430.00	53,940.00		12/23/2027	5.23%	\$	48,479.17	\$	50,276.77	906
US Treasury	91282CFU0	US Treasury Note	4.13%	7/31/2023	1,300,000.00	1,290,660.60	(9,339.40)	1,311,726.00	21,065.40		10/31/2027	4.31%	\$	93,843.75	\$	55,820.03	853
Toyota Motor Credit	89236TKL8	Corporate Bond	5.45%	8/25/2023	1,600,000.00	1,617,168.00	17,168.00	1,647,200.00	30,032.00		11/10/2027	5.16%	\$	148,966.67	\$	83,125.67	863
US Treasury	912810FE3	US Treasury Note	5.50%	10/3/2023	1,200,000.00	1,238,207.14	38,207.14	1,264,824.00	26,616.86		8/15/2028	4.76%	\$	90,211.96	\$	58,156.58	1142
Pepsico Inc	713448DF2	Corporate Bond	2.85%	10/16/2023	1,000,000.00	947,570.00	(52,430.00)	991,110.00	43,540.00		11/24/2025	5.24%	\$	38,633.33	\$	53,353.18	147
FFCB	3133EPUW3	Gov. Agency Debenture	4.75%	10/13/2023	1,000,000.00	994,338.00	(5,662.00)	1,008,210.00	13,872.00		9/1/2026	4.96%	\$	65,708.33	\$	49,460.75	428
US Treasury	91282CEW7	US Treasury Note	3.25%	10/16/2023	1,000,000.00	950,039.06	(49,960.94)	990,980.00	40,940.94		6/30/2027	4.73%	\$	55,461.96	\$	45,978.01	730
US Treasury	91282CEN7	US Treasury Note	2.75%	10/31/2023	1,300,000.00	1,214,336.39	(85,663.61)	1,276,847.00	62,510.61		4/30/2027	4.82%	\$	53,625.00	\$	60,234.90	669
US Treasury	91282CAB7	US Treasury Note	0.25%	11/15/2023	675,000.00	623,900.39	(51,099.61)	672,725.25	48,824.86		7/31/2025	4.92%	\$	2,040.59	\$	31,577.50	31
US Treasury	91282CCH2	US Treasury Note	1.25%	12/21/2023	900,000.00	798,647.55	(101,352.45)	837,774.00	39,126.45		6/30/2028	3.99%	\$	17,180.71	\$	33,629.70	1096
FNMA	3135G0Q22	Gov. Agency Debenture	1.88%	12/21/2023	900,000.00	845,676.00	(54,324.00)	877,077.00	31,401.00		9/24/2026	4.22%	\$	21,234.38	\$	36,545.89	451
US Treasury	91282CFB2	US Treasury Note	2.75%	1/2/2024	1,000,000.00	960,354.91	(39,645.09)	980,390.00	20,035.09		7/31/2027	3.95%	\$	29,667.12	\$	38,579.98	761
US Treasury	91282CHE4	US Treasury Note	3.63%	1/17/2024	1,800,000.00	1,775,185.72	(24,814.28)	1,795,914.00	20,728.28		5/31/2028	3.97%	\$	89,317.63	\$	70,924.94	1066
JP Morgan Chase	46647PDG8	Corporate Bond	4.85%	2/1/2024	1,400,000.00	1,396,528.00	(3,472.00)	1,414,532.00	18,004.00		7/25/2027	4.93%	\$	66,782.10	\$	68,911.86	755
US Bancorp	91159JH8	Corporate Bond	4.55%	2/5/2024	1,000,000.00	989,200.00	(10,800.00)	1,002,160.00	12,960.00		7/22/2027	4.89%	\$	43,837.67	\$	46,601.14	752
Treasury	91282CHB0	US Treasury Note	3.63%	2/23/2024	1,175,000.00	1,151,962.92	(23,037.08)	1,170,652.50	18,689.58		5/15/2026	4.56%	\$	52,189.05	\$	52,949.09	319
FHLB	3130AXB31	Gov. Agency Debenture	4.88%	2/27/2024	1,000,000.00	1,003,060.00	3,060.00	1,004,710.00	1,650.00		3/13/2026	4.72%	\$	51,729.17	\$	47,250.81	256
FFCB	3133EPSU5	Gov. Agency Debenture	4.13%	3/28/2024	1,700,000.00	1,687,981.00	(12,019.00)	1,720,740.00	32,759.00		3/20/2029	4.28%	\$	68,566.67	\$	72,538.06	1359
US Treasury	9128285M8	US Treasury Note	3.13%	4/30/2024	1,200,000.00	1,123,832.14	(76,167.86)	1,177,500.00	53,667.86		11/15/2028	4.69%	\$	39,045.34	\$	54,247.75	1234
Cisco Systems	17275RBR2	Corporate Bond	4.85%	5/15/2024	1,000,000.00	999,130.00	(870.00)	1,024,550.00	25,420.00		1/26/2029	4.87%	\$	37,856.94	\$	48,684.94	1306
Home Depot	437076CW0	Corporate Bond	4.90%	5/17/2024	1,000,000.00	1,001,790.00	1,790.00	1,025,840.00	24,050.00		4/15/2029	4.86%	\$	44,644.44	\$	48,635.81	1385
Treasury	91282CJR3	US Treasury Note	3.75%	5/31/2024	1,200,000.00	1,154,629.02	(45,370.98)	1,200,756.00	46,126.98		12/31/2028	4.68%	\$	48,708.79	\$	54,886.81	1280
American Honda	02665WEY3	Corporate Bond	4.95%	6/27/2024	1,000,000.00	995,640.00	(4,360.00)	1,002,150.00	6,510.00		1/9/2026	5.25%	\$	26,537.50	\$	52,336.72	193
FHLB	3130B1BT3	Gov. Agency Debenture	4.88%	7/2/2024	1,150,000.00	1,150,966.00	966.00	1,160,269.50	9,303.50		6/12/2026	4.82%	\$	47,341.67	\$	55,261.42	347
Citibank	17325FBK3	Corporate Bond	4.84%	8/15/2024	1,250,000.00	1,263,062.50	13,062.50	1,276,350.00	13,287.50		7/6/2029	4.60%	\$	28,725.62	\$	50,520.38	1467
FNMA	3135G05Y3	Gov. Agency Debenture	0.75%	9/10/2024	1,100,000.00	1,010,724.00	(89,276.00)	1,028,995.00	18,271.00		10/8/2027	3.56%	\$	4,766.67	\$	29,915.45	830
US Treasury	91282CFL0	US Treasury Note	3.88%	12/3/2024	1,100,000.00	1,088,144.31	(11,855.69)	1,104,895.00	16,750.69		9/30/2029	4.12%	\$	13,817.99	\$	25,813.46	1553
FHLB	3130ATUT2	Gov. Agency Debenture	4.50%	2/12/2025	505,000.00	508,253.21	3,253.21	517,508.85	9,255.64		12/14/2029	4.35%	\$	7,701.25	\$	8,337.70	1628
FFCB	3133ERSX5	Gov. Agency Debenture	3.88%	3/12/2025	1,000,000.00	998,480.00	(1,520.00)	1,001,190.00	2,710.00	538.19	3/7/2028	3.93%	\$	(538.19)	\$	11,831.34	981
Treasury	91282CJF9	US Treasury Note	4.88%	3/31/2025	1,100,000.00	1,130,167.75	30,167.75	1,139,446.00	9,278.25		10/31/2028	4.04%	\$	4,444.06	\$	11,273.90	1219
State Street Corp	857477C13	Corporate Bond	5.27%	4/30/2025	800,000.00	1,181,184.00	11,184.00	808,224.00	(2,960.00)	10,192.53	8/3/2026	4.04%	\$	(10,192.53)	\$	5,565.50	399
Freddie Mac	3134HAW33	Gov. Agency Debenture	4.75%	4/30/2025	1,000,000.00	1,005,644.00	5,644.00	1,005,330.00	(314.00)		2/18/2029	4.23%	\$	6,993.07	\$	7,735.00	1632
US Treasury	91282CNG2	US Treasury Note	4.00%	6/30/2025	660,000.00	665,184.24	5,184.24	666,289.80	1,105.56	2,163.92	5/31/2030	3.82%	\$	(2,163.92)	\$	-	1796
Subtotal					\$ 53,001,000.00	\$ 51,591,343.34	\$ (1,409,656.66)	\$ 52,907,302.08	\$ 1,315,958.74	\$ 12,894.64			\$ 2,283,166.56	\$ 1,514,320.07	\$ 2,094,198.42		
BNY MM		Money Market				15,229.49		15,229.49	0.00			0.00%				1	
LAIF		State Investment Pool				20,168,601.39		20,168,601.39	24,139.31			4.27%			637,300.25	1	
						<b>71,751,034.91</b>		<b>\$73,091,132.96</b>	<b>\$1,340,098.05</b>	<b>\$12,894.64</b>			<b>\$ 2,283,166.56</b>	<b>\$ 1,514,320.07</b>	<b>\$ 2,731,498.67</b>		
<b>Matured Assets</b>																	
FNMA	3135G0V75	Gov. Agency Debenture	1.75%	10/17/2019	1,100,000.00	1,105,833.30	5,833.30				7/2/2024	1.63%	\$	90,956.25	\$	84,780.33	98.70
Honeywell Int'l.	438516BW5	Corporate Bond	2.30%	11/20/2019	1,000,000.00	1,014,660.00	14,660.00				8/15/2024	1.64%	\$	108,483.33	\$	91,844.87	2,508.83
FFCB	3133EKQA7	Gov. Agency Debenture	2.08%	10/21/2019	1,000,000.00	1,019,780.00	19,780.00				9/10/2024	1.66%	\$	101,631.11	\$	78,691.92	3,305.61
US Treasury	912828YV6	US Treasury Note	1.50%	11/15/2023	700,000.00	673,667.97	(26,332.03)				11/30/2024	5.26%	\$	10,930.33	\$		



Town of Los Gatos  
Investment Transaction Detail  
June 30, 2025

Date	Cusip/Id	Description	Transaction Type	Trade Date	Settlement Date	Par	Coupon	Maturity Date	Price	Principal	Interest	Transaction Total
6/3/2025	Cash-USD	Cash-USD	SHORT TERM INVESTMENT FUND INCOME	6/3/2025	6/3/2025	351.44	0.000%		100.00	-	-	351.44
6/12/2025	3130B1BT3	FEDERAL HOME LOAN BANK 4.875% 12JUN2026	BOND INTEREST	6/12/2025	6/12/2025	1,150,000.00	4.875%	6/12/2026	-	-	28,031.25	28,031.25
6/16/2025	3130ATUT2	FEDERAL HOME LOAN BANK 4.5% 14DEC2029	BOND INTEREST	6/14/2025	6/14/2025	505,000.00	4.500%	12/14/2029	-	-	11,362.50	11,362.50
6/16/2025	91282CGA3	USA TREASURY 4% 15DEC2025	BOND INTEREST	6/15/2025	6/15/2025	2,100,000.00	4.000%	12/15/2025	-	-	42,000.00	42,000.00
6/16/2025	46625HRS1	JPMORGAN CHASE & CO 3.2% 15JUN2026 (CALLABLE 15MAR26)	BOND INTEREST	6/15/2025	6/15/2025	500,000.00	3.200%	6/15/2026	-	-	8,000.00	8,000.00
6/18/2025	3134HAW33	FREDDIE MAC 4.75% 18DEC2029 (CALLABLE 18JUN26)	BOND INTEREST	6/18/2025	6/18/2025	1,000,000.00	4.750%	12/18/2029	-	-	23,090.28	23,090.28
6/23/2025	3130AQF65	FEDERAL HOME LOAN BANK 1.25% 21DEC2026	BOND INTEREST	6/21/2025	6/21/2025	1,300,000.00	1.250%	12/21/2026	-	-	8,125.00	8,125.00
6/30/2025	91282CNG2	USA TREASURY 4% 31MAY2030	PURCHASE	6/27/2025	6/30/2025	660,000.00	4.000%	5/31/2030	100.79	665,184.24	2,163.93	667,348.17
6/30/2025	91282CEW7	USA TREASURY 3.25% 30JUN2027	BOND INTEREST	6/30/2025	6/30/2025	1,000,000.00	3.250%	6/30/2027	-	-	16,250.00	16,250.00
6/30/2025	91282CCH2	USA TREASURY 1.25% 30JUN2028	BOND INTEREST	6/30/2025	6/30/2025	900,000.00	1.250%	6/30/2028	-	-	5,625.00	5,625.00
6/30/2025	91282CJR3	USA TREASURY 3.75% 31DEC2028	BOND INTEREST	6/30/2025	6/30/2025	1,200,000.00	3.750%	12/31/2028	-	-	22,500.00	22,500.00
6/30/2025	912828ZW3	USA TREASURY 0.25% 30JUN2025	BOND INTEREST	6/30/2025	6/30/2025	350,000.00	0.000%	6/30/2025	-	-	437.50	437.50
6/30/2025	912828ZW3	USA TREASURY 0.25% 30JUN2025	REDEMPTION	6/30/2025	6/30/2025	350,000.00	0.000%	6/30/2025	100.00	350,000.00	-	350,000.00

## TOWN OF LOS GATOS, CA

Insight ESG ratings as of June 30, 2025

CUSIP	Security description	Maturity date	Par/Shares	Total market value (\$)	S&P rating	Moody's rating	Insight ESG rating	Environment	Social	Governance
02665WEY3	AMERICAN HONDA FINANCE 4.95% 09JAN2026	1/9/2026	1,000,000	1,025,714	A-	A3	3	2	4	3
02665WED9	AMERICAN HONDA FINANCE 4.7% 12JAN2028	1/12/2028	600,000	618,625	A-	A3	3	2	4	3
037833DB3	APPLE INC 2.9% 12SEP2027 (CALLABLE 12JUN27)	9/12/2027	1,300,000	1,283,383	AA+	Aaa	5	2	5	5
17275RBR2	CISCO SYSTEMS INC 4.85% 26FEB2029 (CALLABLE 26JAN29)	2/26/2029	1,000,000	1,041,480	AA-	A1	3	1	3	3
17325FBK3	CITIBANK NA 4.838% 06AUG2029 (CALLABLE 06JUL29)	8/6/2029	1,250,000	1,300,566	A+	Aa3	3	1	3	4
194162AR4	COLGATE-PALMOLIVE CO 4.6% 01MAR2028 (CALLABLE 01FEB28)	3/1/2028	500,000	516,160	A+	Aa3	3	3	4	3
437076CW0	HOME DEPOT INC 4.9% 15APR2029 (CALLABLE 15MAR29)	4/15/2029	1,000,000	1,036,171	A	A2	3	3	3	3
437076BM3	HOME DEPOT INC 3% 01APR2026 (CALLABLE 01JAN26)	4/1/2026	1,000,000	998,249	A	A2	3	3	3	3
46625HRS1	JPMORGAN CHASE & CO 3.2% 15JUN2026 (CALLABLE 15MAR26)	6/15/2026	500,000	495,874	A	A1	3	2	3	4
46647PDG8	JPMORGAN CHASE & CO 4.851% 25JUL2028 (CALLABLE 25JUL27)	7/25/2028	1,400,000	1,443,836	A	A1	3	2	3	4
713448DF2	PEPSICO INC 2.85% 24FEB2026 (CALLABLE 24NOV25)	2/24/2026	1,000,000	1,001,113	A+	A1	3	3	2	3
69353RFJ2	PNC BANK NA 3.25% 22JAN2028 (CALLABLE 23DEC27)	1/22/2028	1,000,000	989,820	A	A2	3	2	4	3
857477CD3	STATE STREET CORP 5.272% 03AUG2026 (CALLABLE 03JUL26)	8/3/2026	800,000	825,255	A	Aa3	2	1	2	3
89236TKL8	TOYOTA MOTOR CREDIT CORP 5.45% 10NOV2027	11/10/2027	1,600,000	1,659,314	A+	A1	3	2	3	5
91159HJF8	US BANCORP 4.548% 22JUL2028 (CALLABLE 22JUL27)	7/22/2028	1,000,000	1,022,217	A	A3	3	3	4	4
<b>Total Corporate / weighted average</b>			<b>14,950,000</b>	<b>15,257,775</b>			<b>3</b>	<b>2</b>	<b>3</b>	<b>4</b>

ESG ratings are from 1 to 5, with 1 as the highest rating and 5 as the lowest. All ratings are weighted by industry rankings, based on the importance of the category within the individual industry

## Fund Schedule

ITEM NO. 3.

Fund Number	Fund Description	Prior Year Carryforward 7/1/2024*	Increase/ (Decrease) July - May	June 2025				Estimated Fund Balance 6/30/2025*
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
111	<b>GENERAL FUND</b>							
	<b>Non-Spendable:</b>							
	Loans Receivable	159,000	-	-	-	-	-	159,000
	<b>Restricted Fund Balances:</b>							
	Pension	2,188,659	-	-	-	-	-	2,188,659
	Land Held for Resale	344,338	-	-	-	-	-	344,338
	<b>Committed Fund Balances:</b>							
	Budget Stabilization	6,736,781	-	-	-	-	-	6,736,781
	Catastrophic	6,736,781	-	-	-	-	-	6,736,781
	Pension/OPEB	300,000	-	-	-	-	-	300,000
	Measure G District Sales Tax	590,581	-	-	-	-	-	590,581
	<b>Assigned Fund Balances:</b>							
	Open Space	410,000	-	-	-	-	-	410,000
	Sustainability	140,553	-	-	-	-	-	140,553
	Capital/Special Projects	8,651,059	-	-	-	-	-	8,651,059
	Carryover Encumbrances	85,861	-	-	-	-	-	85,861
	Compensated Absences	1,555,478	-	-	-	-	-	1,555,478
	ERAF Risk Reserve	1,430,054	-	-	-	-	-	1,430,054
	Market Fluctuations	1,712,246	-	-	-	-	-	1,712,246
	Council Priorities - Economic Recovery	20,684	-	-	-	-	-	20,684
	<b>Unassigned Fund Balances:</b>							
	Other Unassigned Fund Balance Reserve (Pre YE distribution)	-	1,102,798	7,861,164	(4,588,105)	-	-	4,375,857
	<b>General Fund Total</b>	31,062,075	1,102,798	7,861,164	(4,588,105)	-	-	35,437,932

\* Interfund transfers and Council Priorities/Economic Recovery funding allocation to be performed as part of the fiscal year end closing entries.

## Fund Schedule

ITEM NO. 3.

Fund Number	Fund Description	Prior Year Carryforward 7/1/2024*	Increase/ (Decrease) July - May	June 2025				Estimated Fund Balance 6/30/2025*
				Current Revenue	Current Expenditure	Transfer In	Transfer Out	
	<b>SPECIAL REVENUE</b>							
211/212	CDBG	166,653	-	-	-	-	-	166,653
222	Urban Runoff (NPDES)	754,134	(114,548)	13,641	(18,592)	-	-	634,635
231-236	Landscape & Lighting Districts	182,625	(599)	16,907	(9,240)	-	-	189,693
251	Los Gatos Theatre	171,035	222,070	93,606	(15,900)	-	-	470,811
261-264,269	Library Trusts	556,849	20,365	-	(6,290)	-	-	570,924
	<b>Special Revenue Total</b>	1,831,296	127,288	124,154	(50,022)	-	-	2,032,716
	<b>CAPITAL PROJECTS</b>							
411	GFAR - General Fund Appropriated Reserve	20,253,300	(3,597,169)	108,418	(701,463)	-	-	16,063,086
412	Community Center Development	866,281	(59,616)	-	(4,744)	-	-	801,921
421	Grant Funded Projects	(2,563,503)	11,050	1,677,963	(991,572)	-	-	(1,866,062)
461-463	Storm Basin Projects	3,531,248	(544,068)	16,724	(85,817)	-	-	2,918,087
471	Traffic Mitigation Projects	509,491	-	-	-	-	-	509,491
472	Utility Undergrounding Projects	3,584,251	13,676	-	-	-	-	3,597,927
481	Gas Tax Projects	1,928,167	(176,636)	166,534	-	-	-	1,918,065
	<b>Capital Projects Total</b>	28,109,235	(4,352,763)	1,969,639	(1,783,596)	-	-	23,942,515
	<b>INTERNAL SERVICE FUNDS</b>							
611	Town General Liability	177,876	(709,389)	-	(57,272)	-	-	(588,785)
612	Workers Compensation	586,246	(383,708)	5,573	(8,151)	-	-	199,960
621	Information Technology	2,523,347	(168,351)	163,580	(56,601)	-	-	2,461,975
631	Vehicle & Equipment Replacement	3,286,552	326,459	280,915	(3,497)	-	-	3,890,429
633	Facility Maintenance	960,526	(76,240)	2,083	(279,178)	-	-	607,191
	<b>Internal Service Funds Total</b>	7,534,547	(1,011,229)	452,151	(404,699)	-	-	6,570,770
	<b>Trust/Agency</b>							
942	RDA Successor Agency	(4,632,040)	(1,709,153)	1,751,624	(114)	-	-	(4,589,683)
	<b>Trust/Agency Fund Total</b>	(4,632,040)	(1,709,153)	1,751,624	(114)	-	-	(4,589,683)
	<b>Total Town</b>	<b>63,905,113</b>	<b>(5,843,059)</b>	<b>12,158,732</b>	<b>(6,826,536)</b>	<b>-</b>	<b>-</b>	<b>63,394,250</b>

\* Interfund transfers and Council Priorities/Economic Recovery funding allocation to be performed as part of the fiscal year end closing entries.

### Deposit Accounts of Interest:

111-23541 General Plan Update deposit account balance \$493,187.50  
 111-23521 BMP Housing deposit account balance \$4,039,055.78



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO. 4.

ITEM NO: 4

---

DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Ratify the Town Council Selection Committee's Recommended Youth Commissioner Appointments**

RECOMMENDATION: Ratify the Town Council Selection Committee's recommended Youth Commissioner appointments.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

STRATEGIC PRIORITY:

This item is not associated with a strategic priority; however, it does align with the core goal of civic engagement.

BACKGROUND:

The purpose of the Youth Commission is to foster civic and neighborhood pride, build a sense of identity, and promote knowledge, understanding, and engagement in the Town's municipal affairs. The Commission studies issues relevant to Los Gatos youth and advises the Town Council on such matters.

Since 2004, the Town Council has appointed students in grades 8 through 12 to serve on the Youth Commission. For the 2025–26 term, the Town conducted a recruitment to fill 16 seats with expiring terms. The recruitment period opened on June 5 and closed on July 25, 2025. During this time, notifications were sent to eligible incumbent Commissioners, and outreach was conducted via postings at Town Hall, the Town's website, social media, and the What's New email newsletter.

PREPARED BY: Wendy Wood  
Town Clerk

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Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

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PAGE 2 OF 2

SUBJECT: Ratify the Town Council Selection Committee's recommended Youth Commissioner appointments.

DATE: August 19, 2025

DISCUSSION:

At the close of the application period, the Town received 40 eligible applications. On August 6, 2025, the Town Council Selection Committee, comprised of Mayor Hudes, Vice Mayor Moore, and Police Chief Field, interviewed 36 applicants for 16 available positions. Three applicants were unavailable to be interviewed, and one incumbent applicant who could not attend submitted a letter requesting reappointment for the Committee's consideration.

All the applicants demonstrated initiative and community spirit in applying for leadership positions to serve the Los Gatos community. The Selection Committee's recommended appointments are listed in Attachment 1. In accordance with the Youth Commission Enabling Resolution (Attachment 2), appointments are for a one-year term.

CONCLUSION:

The Town Council Selection Committee recommends that the Council ratify the Youth Commission appointments as outlined in Attachment 1. The recommendations are based on a comprehensive review of each candidate's application and interview.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Recommended Youth Commissioner Appointments
2. Youth Commission Enabling Resolution 2025-025



# RECOMMENDED YOUTH COMMISSIONER APPOINTMENTS

NAME	GRADE IN FALL	NEW OR REAPPOINTED	TERM	TERM EXPIRATION
Heerod Amini	10	New	1 year	5/31/2026
Elijah Asheghian	11	Reappointed	1 year	5/31/2026
Pravin Balasingam	12	Reappointed	1 year	5/31/2026
Cody Chen	12	Reappointed	1 year	5/31/2026
Maanya Dixit	11	New	1 year	5/31/2026
Ivan Habib	10	New	1 year	5/31/2026
Wilber Huang	12	New	1 year	5/31/2026
Nova Jayaraj	11	Reappointed	1 year	5/31/2026
Nia Khanna	10	New	1 year	5/31/2026
Connor Krawez	12	Reappointed	1 year	5/31/2026
Katya Littfin	12	New	1 year	5/31/2026
Tian (James) Na	12	New	1 year	5/31/2026
Ryan Santosh	8	New	1 year	5/31/2026
Arnav Singhal	10	New	1 year	5/31/2026
Aashvee Vij	12	New	1 year	5/31/2026
Elaine Zou	11	New	1 year	5/31/2026

ATTACHMENT 1

**RESOLUTION 2025-025**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
RESCINDING RESOLUTION 2018-008 AND  
ESTABLISHING RULES FOR THE YOUTH COMMISSION**

**WHEREAS**, it is recognized that a youth perspective on issues which pertain to the youth in the community is an important part of decision making in Town; and

**WHEREAS**, there is value in increasing communication between adults and youth; and

**WHEREAS**, there is value in having a mechanism for youth to have a voice in Town affairs and issues relating to youth; and

**WHEREAS**, the Town Council of the Town of Los Gatos found and determined that the purpose of the Youth Commission is to foster and encourage civic and neighborhood pride and a sense of identity through the knowledge, understanding, and increased involvement of the Town's youth in the Town's present and future municipal affairs.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOS GATOS THAT:**

1. There is a need for a Youth Commission to function in the Town of Los Gatos, which would establish a formal body by which the youth of Los Gatos would have a voice in the community.
2. There is hereby established a Youth Commission which shall generally be responsible for studying various problems, activities and other issues of concern to the youth in general, and for advising Council on matters pertaining to issues involving the youth of Los Gatos.
  - a. Membership/Organization
    - i. The Youth Commission shall consist of nineteen (19) members. The members shall be students who are entering grades 8 through 12. Membership for the students requires residency in the incorporated limits of the Town of Los Gatos or residency in the unincorporated areas of the County of Santa Clara, which have a Los Gatos mailing address.
    - ii. Members shall serve a one-year term. Members may serve consecutive terms if re-interviewed and chosen after participating in the selection process.
    - iii. Members act as liaisons to Adult Town Commissions and are not considered voting members. The Commission shall appoint one (1) primary member and one (1) alternate to attend the following Town

Board and Commission meetings as a non-voting liaison with the purpose of bringing information back to the Youth Commission to engage and foster a better understanding of civic process and government and providing a youth perspective to the commissions:

1. Arts and Culture Commission
  2. Community Health and Senior Services Commission
  3. Library Board
  4. Parks Commission
  5. Complete Streets and Transportation Commission
  6. Diversity, Equity and Inclusion (DEI) Commission
- iv. In addition to all Youth Commission meetings, the primary member shall attend all meetings of the Board or Commission they are appointed to. If the primary member is not able to attend the meeting of the Board or Commission they are assigned, it shall be the responsibility of the alternate to attend the meeting. If the primary member misses three (3) meetings of the Board or Commission the Youth Commission shall appoint a new primary member, and if necessary, a new alternate.
  - v. Liaisons shall provide a monthly report to the Youth Commission and be responsible for conveying the Youth Commission's input to the Board or Commission.
  - vi. A majority of members shall constitute a quorum for the purpose of transacting business.
  - vii. Commission members shall serve without compensation, provided that, with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the current Council policy.
3. The Commission shall hold a regular meeting at least once each month between September and May. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following.)
  4. The Commission shall elect a Chair and Vice-Chair, both of whom shall serve at the pleasure of the Commission. Terms of office shall be for one (1) year and shall begin on the first meeting in September and end the following May.
  5. Minutes of the actions taken during its meetings shall be kept and filed with the Town Clerk Administrator.

6. Meeting attendance requirements will conform with all current Town Resolutions and Policies.
7. The duties of the Commission shall include the following:
  - a. Foster greater involvement of youth in municipal government affairs.
  - b. Study problems, activities, and concerns of youth, especially as they relate to municipal programs or projects of the Town of Los Gatos.
  - c. Hold forums on problems, activities and concerns of youth, either alone or in conjunction with other governmental agencies and community organizations, as the Commission deems desirable.
  - d. Review municipal matters referred to the Commission by the Town Council or other Town boards, committees, or commissions and, as appropriate, make recommendations on those matters.

**BE IT FURTHER RESOLVED** that Resolution 2018-008 is hereby rescinded.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 20<sup>th</sup> day of May, 2025, by the following vote:

**COUNCIL MEMBERS:**

**AYES:** Rob Rennie, Mary Badame, Maria Ristow, Rob Moore and Mayor Matthew Hudes

**NAYS:** None

**ABSENT:** None

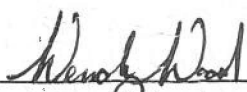
**ABSTAIN:** None

**SIGNED:**



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

**ATTEST:**



TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO. 5.

ITEM NO: 5

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DATE: August 15, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Authorize the Town Manager to Execute a First Amendment to the Agreement for Services with Frank and Grossman Landscape Contractors Inc. for Janitorial Services to Reduce the Scope of Work and Compensation through June 30, 2029**

**RECOMMENDATION:** Authorize the Town Manager to Execute a First Amendment to the Agreement for Services with Frank and Grossman Landscape Contractors Inc. (Attachment 1) for a reduction of janitorial services for town facilities through June 30, 2029, decreasing the contract value for Fiscal Year 2025-26 from \$266,920 to \$205,536 and the total five-year contract from \$1,270,370 to \$1,024,834.

**STRATEGIC PRIORITIES:**

This action supports the strategic priority of prudent financial management.

**FISCAL IMPACT:**

To support budget-balancing efforts, janitorial services for Town facilities are being reduced to achieve cost savings. The recommended reduction decreases the contract amount for Fiscal Year 2025-26 from \$266,920 to \$205,536 and the total five-year contract amount from \$1,270,370 to \$1,024,834, representing a \$245,536 (19%) savings compared to the original contract. The adopted FY 2025-26 Parks and Public Works operating budget includes sufficient expenditure appropriations to cover the amended contract costs (Account 6335423-63351). Funding for subsequent fiscal years will be subject to future budget approvals.

**BACKGROUND:**

**PREPARED BY:** Dan Keller  
Fleet & Facilities Operations Manager

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

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PAGE 2 OF 2

SUBJECT: (Title *Summary* in Title Format)

DATE: i.e. March 17, 2016

A Request for Proposal (RFP) was conducted on April 19, 2024, for contracted janitorial services at the Town's municipal facilities and park restrooms. Five companies were qualified based on the RFP requirements. Frank and Grossman Landscape Contractors Inc. presented the lowest responsible proposal, and on August 6, 2024, the Town Council authorized execution of an agreement for services.

#### DISCUSSION:

During the development of the proposed FY 2025-26 Operating Budget, Parks and Public Works was directed to identify cost-saving measures. A reduction in janitorial services was proposed as a cost-saving measure. This change reduces janitorial services at the Civic Center, Police Operations Building, and Parks and Public Works Buildings from six days per week, as originally contracted, to three days per week. The Library and all park restroom buildings will continue to receive service seven days each week. Window washing services at all town buildings are also being reduced from four times per year to once per year.

With this reduction of janitorial services, Town staff will take on the role of emptying trash and recycling materials as needed in staff offices. They have also been asked to clean up more diligently after themselves in the breakroom and kitchen areas.

The revised compensation for services is an amount not to exceed \$1,024,834. Compensation for Years 2 through 5 are subject to an upward consumer price index (CPI) adjustment only. The original agreement was for a total amount not to exceed \$1,270,370. Therefore, this first amendment represents a savings to the Town of \$245,536 over the five-year contract life (exclusive of future CPI increases).

#### CONCLUSION:

Authorize the Town Manager to execute a First Amendment to the Agreement for Services with Frank and Grossman Landscape Contractors Inc. to reduce the scope of work and compensation for the remaining life of the agreement.

#### ENVIRONMENTAL ASSESSMENT:

In accordance with CEQA Guidelines Section 15378(b)(5), approval of this amendment is not a project subject to CEQA because it is an administrative activity that will not impact the environment.

#### Attachment:

1. First Amendment to Agreement for Services with Exhibit A (cost reduction proposal)

## AMENDMENT TO AGREEMENT

### PREAMBLE

This First Amendment to Agreement for Services is dated for identification on this 19th day of August 2025, and amends that certain Agreement for Services dated October 1, 2024, made by and between the Town of Los Gatos, ("Town,") and the Frank and Grossman Landscape Contractors Inc. ("Service Provider") identified as an S Corporation and whose address is 3248 Arden Road Hayward, CA 94545.

### RECITALS

- A. Town and Consultant entered into an Agreement for Services on October 1, 2024 ("Agreement"), incorporated by reference.
- B. Town desires to amend the Agreement to reduce the compensation of the agreement by decreasing the service schedule and materials used for the contract.

### AMENDMENT

- A. Exhibit A, Scope of Services, is replaced with Exhibit A to this Amendment.
- B. Section 2.6 Compensation is amended to read as follows::

Year 1 = 10/1/24 – 6/30/25 = \$192,690 + \$10,000 unforeseen = \$202,690

Year 2 = 7/1/25 – 6/30/26 = \$195,345 + \$10,191 unforeseen = \$205,536

Year 3 = 7/1/26 – 6/30/27 = \$195,345 + \$10,191 unforeseen = \$205,536

Year 4 = 7/1/27 – 6/30/28 = \$195,345 + \$10,191 unforeseen = \$205,536

Year 5 = 7/1/28 – 6/30/29 = \$195,345 + \$10,191 unforeseen = \$205,536

Compensation for services in the amount not to exceed \$1,024,834, inclusive of all costs.

Compensation for Years 2 through 5 will be the base cost of \$195,345 and shall be adjusted upward annually for the remaining term of this agreement by the change, if any, in the San Francisco-Oakland-San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items (CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year. If the CPI indicates a downward adjustment, compensation would remain at the base amount. Payment shall be based upon Town approval of each task.

- C. All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Town and Service Provider have executed this Amendment.

Town of Los Gatos by:

Frank and Grossman Landscape Contractors Inc. by:

\_\_\_\_\_  
Chris Constantin, Town Manager

\_\_\_\_\_  
Rick Oropeza, Vice President of Commercial  
Operations

Recommended by:

\_\_\_\_\_  
Nicolle Burnham,  
Director of Parks and Public Works

Approved as to Form:

\_\_\_\_\_  
Gabrielle Whelan, Town Attorney

Attest:

\_\_\_\_\_  
Wendy Wood, CMC, Town Clerk



**COST PROPOSAL FORMAT**

For all services described below, unless excluded by the Town in description of services, the Town shall consider unit prices to include all labor, equipment, fees of any kind, overhead, insurance, fuel, materials, surcharges, disposal fees, and any other costs associated with and necessary for the Bidder to perform such service. No qualifications, exemptions, or alterations of services described below will be allowed. Failure to comply will result in disqualification of bid.

**A. BASIC SERVICES**

BID ITEM	LOCATION	DESCRIPTION	UNIT PRICE	TIMES PER YEAR	ANNUAL COST
1	Civic Center	Janitorial (except windows)	\$2,500	12	\$30,000
2	Parks & Public Works (PPW) Service Center	Janitorial (except windows)	\$2,500	12	\$30,000
3	Police Operations Bldg.	Janitorial (except windows)	\$1,760	12	\$21,120
4	Library	Janitorial (except windows)	\$5,865	12	\$70,380
	Civic Center	Windows	\$615	4 1	\$615
	PPW Service Center	Windows	\$615	4 1	\$615
	Police Operations Bldg.	Windows	\$615	4 1	\$615
5	Library	Windows	\$3,000	4 1	\$3,000
6	Park Restrooms	Janitorial	\$3,250	12	\$39,000
		TOTAL			\$195,345

**B. ADDITIONAL JANITORIAL SERVICES AS NEEDED  
TIME AND MATERIALS BASIS**

BID ITEM	DESCRIPTION	PER HOUR COST
7	Service during the daytime hours of 7:00 a.m. to 7:00 p.m. weekdays with 24 hours or greater notice	\$56.65
8	Service during the evening hours of 7:00 p.m. to 7:00 a.m. or on weekends or holidays with 24 hours or greater notice	\$59.25
9	Service during the daytime hours of 7:00 a.m. to 7:00 p.m. weekdays with <u>less than</u> 24 hours notice	\$70.25
10	Service during the evening hours of 7:00 p.m. to 7:00 a.m. or on weekends or holidays with <u>less than</u> 24 hours notice	\$81.25
11	Day Porter 2:00 pm - 4:00 pm (Library only)	\$45.00

**Note: 2 hour minimum will be paid for any service requiring less than 2 hours' work**

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
<b>Town of Los Gatos</b>							
<b>Civic Center Dispatch, Museum Restrooms</b>	X		X		X		
<b>CORP YARD</b>		X		X		X	
<b>Police Operations</b>	X		X		X		
<b>Library</b>	X	X	X	X	X	X	X
<b>Library Porter- Not Included</b>							
<b>Library</b>							
<b>PARKS</b>							
Park	X	X	X	X	X	X	X
Park	X	X	X	X	X	X	X
Park	X	X	X	X	X	X	X
Park	X	X	X	X	X	X	X
Park	X	X	X	X	X	X	X

## AGREEMENT FOR SERVICES

### PREAMBLE

THIS AGREEMENT is dated for identification on this 6<sup>th</sup> day of August 2024 by and between TOWN OF LOS GATOS, a California municipal corporation, ("Town") and Frank and Grossman Landscape Contractors Inc., ("Service Provider"), identified as an S corporation and whose address is 3248 Arden Road, Hayward, CA 94545. This Agreement is made with reference to the following facts.

### I. RECITALS

- 1.1 Town sought quotations for the services described in this Agreement, and Service Provider was found to be the lowest responsible supplier for this purchase.
- 1.2 Service Provider represents and affirms that it is willing to perform the desired work pursuant to this Agreement.
- 1.3 Town desires to engage Service Provider to provide janitorial services.
- 1.4 Service Provider warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Service Provider acknowledges Town has relied upon these warranties to retain Service Provider.

### II. AGREEMENT

- 2.1 Scope of Services. Service Provider shall provide services as described in that certain Proposal sent to the Town on May 14, 2024, which is hereby incorporated by reference and attached as Exhibit A.
- 2.2 Term and Time of Performance. The effective date of this Agreement shall begin October 1, 2024, through June 30, 2029 subject to appropriation of funds, notwithstanding any other provision in this agreement.
- 2.3 Compliance with Laws. The Service Provider shall comply with all applicable laws, codes, ordinances, and regulations of governing federal, state and local laws. Service Provider represents and warrants to Town that it has all licenses, permits, qualifications and approvals of whatsoever nature which are legally required for Service Provider to practice its profession. Service Provider shall maintain a Town of Los Gatos business license pursuant to Chapter 14 of the Code of the Town of Los Gatos.
- 2.4 Sole Responsibility. Service Provider shall be responsible for employing or engaging all persons necessary to perform the services under this Agreement.

- 2.5 Information/Report Handling. All documents furnished to Service Provider by the Town and all reports and supportive data prepared by the Service Provider under this Agreement are the Town's property and shall be delivered to the Town upon the completion of services or at the Town's written request. All reports, information, data, and exhibits prepared or assembled by Service Provider in connection with the performance of its services pursuant to this Agreement are confidential until released by the Town to the public, and the Service Provider shall not make any of these documents or information available to any individual or organization not employed by the Service Provider or the Town without the written consent of the Town before such release. The Town acknowledges that the reports to be prepared by the Service Provider pursuant to this Agreement are for the purpose of evaluating a defined project, and Town's use of the information contained in the reports prepared by the Service Provider in connection with other projects shall be solely at Town's risk, unless Service Provider expressly consents to such use in writing. Town further agrees that it will not appropriate any methodology or technique of Service Provider which is and has been confirmed in writing by Service Provider to be a trade secret of Service Provider.
- 2.6 Compensation: Compensation for year one (FY2024/25) shall not exceed \$202,690. Compensation for future years will be the base cost of \$266,920 and shall be adjusted upward annually for the remaining term of this agreement by the change, if any, in the San Francisco-Oakland-San Jose Metropolitan Area Consumer Price Index for All Urban Consumers, all items (CPI). The adjustment shall be based upon the CPI published on December 31 of the preceding year. If the CPI indicates a downward adjustment, compensation would remain at the base amount. Payment shall be based upon Town approval of each task.

Year 1 = 10/1/24 – 6/30/25 = \$192,690 + \$10,000 unforeseen = \$202,690

Year 2 = 7/1/25 – 6/30/26 = \$256,920 + \$10,000 unforeseen = \$266,920

Year 3 = 7/1/26 – 6/30/27 = \$256,920 + \$10,000 unforeseen = \$266,920

Year 4 = 7/1/27 – 6/30/28 = \$256,920 + \$10,000 unforeseen = \$266,920

Year 5 = 7/1/28 – 6/30/29 = \$256,920 + \$10,000 unforeseen = \$266,920

Compensation for services in the amount **not to exceed \$1,270,370**, inclusive of all costs.

\*Total compensation does not include CPI adjustments for Years 2-5.

- 2.7 Billing. Billing shall be monthly by invoice within thirty (30) days of the rendering of the service and shall be accompanied by a detailed explanation of the work performed by whom at what rate and on what date. Also, plans, specifications, documents or other pertinent materials shall be submitted for Town review, even if only in partial or draft form.

Payment shall be net thirty (30) days. All invoices and statements to the Town shall be addressed as follows:

## Invoices:

Town of Los Gatos

Attn: Accounts Payable

P.O. Box 655

Los Gatos, CA 95031-0655

Email (preferred): AP@losgatosca.gov

- 2.8 Availability of Records. Service Provider shall maintain the records supporting this billing for not less than three years following completion of the work under this Agreement. Service Provider shall make these records available to authorized personnel of the Town at the Service Provider offices during business hours upon written request of the Town.
- 2.9 Assignability and Subcontracting. The services to be performed under this Agreement are unique and personal to the Service Provider. No portion of these services shall be assigned or subcontracted without the written consent of the Town.
- 2.10 Independent Contractor. It is understood that the Service Provider, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and not an agent or employee of the Town. As an independent contractor he/she shall not obtain any rights to retirement benefits or other benefits which accrue to Town employee(s). With prior written consent, the Service Provider may perform some obligations under this Agreement by subcontracting, but may not delegate ultimate responsibility for performance or assign or transfer interests under this Agreement. Service Provider agrees to testify in any litigation brought regarding the subject of the work to be performed under this Agreement. Service Provider shall be compensated for its costs and expenses in preparing for, traveling to, and testifying in such matters at its then current hourly rates of compensation, unless such litigation is brought by Service Provider or is based on allegations of Service Provider's negligent performance or wrongdoing.
- 2.11 Conflict of Interest. Service Provider understands that its professional responsibilities are solely to the Town. The Service Provider has and shall not obtain any holding or interest within the Town of Los Gatos. Service Provider has no business holdings or agreements with any individual member of the Staff or management of the Town or its representatives nor shall it enter into any such holdings or agreements. In addition, Service Provider warrants that it does not presently and shall not acquire any direct or indirect interest adverse to those of the Town in the subject of this Agreement, and it shall immediately disassociate itself from such an interest, should it discover it has done so and shall, at the Town's sole discretion, divest itself of such interest. Service Provider shall not knowingly and shall take reasonable steps to ensure that it does not employ a person having such an interest in this performance of this Agreement. If after employment of a person Service Provider discovers it has employed a person with a direct or indirect interest that would conflict with its performance of this Agreement Service Provider shall promptly notify Town of this employment relationship, and shall, at the Town's sole discretion, sever any such employment relationship.

- 2.12 Equal Employment Opportunity. Service Provider warrants that it is an equal opportunity employer and shall comply with applicable regulations governing equal employment opportunity. Neither Service Provider nor its subcontractors do and neither shall discriminate against persons employed or seeking employment with them on the basis of age, sex, color, race, marital status, sexual orientation, ancestry, physical or mental disability, national origin, religion, or medical condition, unless based upon a bona fide occupational qualification pursuant to the California Fair Employment & Housing Act.

### III. INSURANCE AND INDEMNIFICATION

#### 3.1 Minimum Scope of Insurance:

- i. Service Provider agrees to have and maintain, for the duration of the contract, General Liability insurance policies insuring him/her and his/her firm to an amount not less than: two million dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury and property damage.
- ii. Service Provider agrees to have and maintain for the duration of the contract, an Automobile Liability insurance policy ensuring him/her and his/her staff to an amount not less than one million dollars (\$1,000,000) combined single limit per accident for bodily injury and property damage.
- iii. Service Provider shall provide to the Town all certificates of insurance, with original endorsements effecting coverage. Service Provider agrees that all certificates and endorsements are to be received and approved by the Town before work commences.

#### General Liability:

- i. The Town, its elected and appointed officials, employees, and agents are to be covered as insured as respects: liability arising out of activities performed by or on behalf of the Service Provider; products and completed operations of Service Provider, premises owned or used by the Service Provider.
- ii. The Service Provider's insurance coverage shall be primary insurance as respects the Town, its elected and appointed officials, employees, and agents. Any insurance or self-insurances maintained by the Town, its officers, officials, employees or volunteers shall be excess of the Service Provider's insurance and shall not contribute with it.

- iii. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the Town, its officers, officials, employees or volunteers.
  - iv. The Service Provider's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- 3.2 All Coverages. Each insurance policy required in this item shall be endorsed to state that coverage shall not be suspended, voided, cancelled, reduced in coverage or in limits except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town. Current certification of such insurance shall be kept on file at all times during the term of this agreement with the Town Clerk.
- 3.3 Workers' Compensation. In addition to these policies, Service Provider shall have and maintain Workers' Compensation insurance as required by California law and shall provide evidence of such policy to the Town before beginning services under this Agreement. Further, Service Provider shall ensure that all subcontractors employed by Service Provider provide the required Workers' Compensation insurance for their respective employees. As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than one million dollars (\$1,000,000) per accident for bodily injury or disease.
- 3.4 Indemnification. The Service Provider shall save, keep, hold harmless and indemnify and defend the Town its elected and appointed officials, agents, employees, and volunteers from all damages, liabilities, penalties, costs, or expenses in law or equity that may at any time arise or be set up because of damages to property or personal injury received by reason of, or in the course of performing work which may be occasioned by a willful or negligent act or omissions of the Service Provider, or any of the Service Provider's officers, employees, or agents or any subcontractor.

#### IV. GENERAL TERMS

- 4.1 Waiver. No failure on the part of either party to exercise any right or remedy hereunder shall operate as a waiver of any other right or remedy that party may have hereunder, nor does waiver of a breach or default under this Agreement constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.
- 4.2 Governing Law. This Agreement, regardless of where executed, shall be governed by and construed to the laws of the State of California. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Santa Clara.
- 4.3 Termination of Agreement. The Town and the Service Provider shall have the right to terminate this agreement with or without cause by giving not less than fifteen days (15)

written notice of termination. In the event of termination, the Service Provider shall deliver to the Town all plans, files, documents, reports, performed to date by the Service Provider. In the event of such termination, Town shall pay Service Provider an amount that bears the same ratio to the maximum contract price as the work delivered to the Town bears to completed services contemplated under this Agreement, unless such termination is made for cause, in which event, compensation, if any, shall be adjusted in light of the particular facts and circumstances involved in such termination.

- 4.4 Prevailing Wages. This project is subject to the requirements of Section 1720 et seq. of the California Labor Code requiring the payment of prevailing wages, the training of apprentices and compliance with other applicable requirements. Contractors and all subcontractors who perform work on the project are required to comply with these requirements. Prevailing wages apply to all projects over \$1,000 which are defined as a “public work” by the State of California. This includes: construction, demolition, repair, alteration, maintenance and the installation of photovoltaic systems under a Power Purchase Agreement when certain conditions are met under Labor Code Section 1720.6. This include service and warranty work on public buildings and structures.
- 4.4.1 The applicable California prevailing wage rate can be found at [www.dir.ca.gov](http://www.dir.ca.gov) and are on file with the Town of Los Gatos Parks and Public Works Department, which shall be available to any interested party upon request. The contractor is also required to have a copy of the applicable wage determination posted and/or available at each jobsite.
- 4.4.2 Specifically, contractors are reminded of the need for compliance with Labor Code Section 1774-1775 (the payment of prevailing wages and documentation of such), Section 1776 (the keeping and submission of accurate certified payrolls) and 1777.5 in the employment of apprentices on public works projects. Further, overtime, weekend and holiday pay, and shift pay must be paid pursuant to applicable Labor Code section.
- 4.4.3 The public entity for which work is being performed or the California Department of Industrial Relations may impose penalties upon contractors and subcontractors for failure to comply with prevailing wage requirements. These penalties are up to \$200 per day per worker for each wage violations identified; \$100 per day per worker for failure to provide the required paperwork and documentation requested within a 10-day window; and \$25 per day per worker for any overtime violation.
- 4.4.4 As a condition to receiving progress payments, final payment and payment of retention on any and all projects on which the payment of prevailing wages is required, the contractor agrees to present to the TOWN, along with its request for payment, all applicable and necessary certified payrolls (for itself and all applicable subcontractors) for the time period covering such payment request. The term “certified payroll” shall include all required documentation to comply with the mandates set forth in Labor Code Section 1720 et seq, as well as any additional documentation requested by the Agency or its designee including,



but not limited to: certified payroll, fringe benefit statements and backup documentation such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable), and apprenticeship forms such as DAS-140 and DAS-142.

- 4.4.5 In addition to submitting the certified payrolls and related documentation to the TOWN, the contractor and all subcontractors shall be required to submit certified payroll and related documents electronically to the California Department of Industrial Relations. Failure to submit payrolls to the DIR when mandated by the project parameters shall also result in the withholding of progress, retention and final payment.
  - 4.4.6 No contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].
  - 4.4.7 No contractor or subcontractor may be awarded a contract for public work on a public works project, unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5. Contractors MUST be a registered "public works contractor" with the DIR AT THE TIME OF BID. Where the prime contract is less than \$15,000 for maintenance work or less than \$25,000 for construction alternation, demolition or repair work, registration is not required.
  - 4.4.8 Should any contractor or subcontractors not be a registered public works contractor and perform work on the project, Contractor agrees to fully indemnify the TOWN for any fines assessed by the California Department of Industrial Relations against the TOWN for such violation, including all staff costs and attorney's fee relating to such fine.
  - 4.4.9 The TOWN shall withhold any portion of a payment; including the entire payment amount, until certified payroll forms and related documentation are properly submitted, reviewed and found to be in full compliance. In the event that certified payroll forms do not comply with the requirements of Labor Code Section 1720 et seq., the TOWN may continue to hold sufficient funds to cover estimated wages and penalties under the contract.
- 4.5 Amendment. No modification, waiver, mutual termination, or amendment of this Agreement is effective unless made in writing and signed by the Town and the Service Provider.
  - 4.6 Disputes. In any dispute over any aspect of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, including costs of appeal.
  - 4.7 Notices. Any notice required to be given shall be deemed to be duly and properly given if mailed postage prepaid, and addressed to:

Town of Los Gatos  
Attn: Town Clerk  
110 E. Main Street  
Los Gatos, CA 95030

Frank and Grossman  
Landscape Contractors Inc.,  
3248 Arden Road,  
Hayward, CA 94545

or personally delivered to Service Provider to such address or such other address as Service Provider designates in writing to Town.


- 4.8 Order of Precedence. In the event of any conflict, contradiction, or ambiguity between the terms and conditions of this Agreement in respect of the Products or Services and any attachments to this Agreement, then the terms and conditions of this Agreement shall prevail over attachments or other writings.
- 4.9 Entire Agreement. This Agreement, including all Exhibits, constitutes the complete and exclusive statement of the Agreement between the Town and Service Provider. No terms, conditions, understandings or agreements purporting to modify or vary this Agreement, unless hereafter made in writing and signed by the party to be bound, shall be binding on either party.

IN WITNESS WHEREOF, the Town and Service Provider have executed this Agreement.


Town of Los Gatos by:

Signed by:  
  
8/26/2024  
053FEEA2EB39470...  
Laurel Prevetti, Town Manager


Frank and Grossman Landscape Contractors  
Inc. by:

DocuSigned by:  
  
8/22/2024  
BB659B85852242B...  
Rick Oropeza, Vice President of Commercial  
Operations


Recommended by:

Signed by:  
  
8/26/2024  
0E97831349644C3...  
Nicolle Burnham  
Director of Parks and Public Works

Approved as to Form:

Signed by:  
  
8/26/2024  
EFD6738A5534428...  
Gabrielle Whelan, Town Attorney

Attest:

DocuSigned by:  
  
8/26/2024  
BF0E6CBE2C214F6...  
Wendy Wood, CMC, Town Clerk



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO. 6.

ITEM NO: 6

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DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Adopt a Resolution Approving a List of Approved Street Names for New Street Projects**

RECOMMENDATION: Adopt a resolution approving a list of approved street names for new street projects.

FISCAL IMPACT:

None. No fiscal impact is associated with this decision.

STRATEGIC PRIORITY:

This item is not directly associated with a current Strategic Priority.

BACKGROUND:

Government Code Section 34091.1 authorizes towns and cities to name streets. The Town maintains a list of approved street names to be used in public or private projects in which new streets or roadways will be built or renamed. The current list was adopted through resolution by the Town Council in 1982 (Resolution 1982-175). Additional names were necessary to accommodate new developments being approved in the Town.

DISCUSSION:

The adopted list from 1982 contained mostly names of early Los Gatos historical figures and is largely exhausted. The updated list contains names of flora and fauna historically common to the flatlands, foothills, and watershed that encompasses Los Gatos and do not duplicate existing street names within zip codes 95030, 950331, 95032, or 95033.

PREPARED BY: Ryan Baker  
Library Director

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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SUBJECT: Approved Street Names

DATE: August 19, 2025

Note that the inclusion of a name on this list does not guarantee the name will ever be selected for actual use as a street name. If a name is selected for actual use, either by a developer for a new project, or by the Town for a public project or street renaming, an application must be filed with the US Postal Service for final approval.

The adoption of the resolution and street name list contained in this report is timely to address the immediate needs of pending development applications. In the future, it would be beneficial to establish a consistent process in development and approving street names for use in the Town. The infrequent nature of new streets gives the Town time to develop such guidance.

COORDINATION:

The proposed list was prepared in coordination between Library Staff, the Public Works Department, the Community Development Department, and the Los Gatos Monte Sereno Police Department.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Resolution
2. Exhibit A - Proposed 2025 Street Name List
3. 1982 Street Name List

**RESOLUTION 2025 -xx****RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ADOPTING THE LIST OF NAMES TO BE USED FOR NAMING NEW STREETS**

**WHEREAS**, Government Code Section 34091.1 authorizes towns and cities to name streets; and

**WHEREAS**, the Town maintains a list of approved street names for use as the need arises; and

**WHEREAS**, the current approved street name list was adopted by Resolution 1982-175, and over the past four decades, the list has been largely exhausted, leaving limited naming options available; and

**WHEREAS**, the Town has compiled a new list of approved street names;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Los Gatos does hereby declare, determine, and order as follows: that the Town Council of the Town of Los Gatos hereby approves and adopts the 2025 List of Approved Street Names (Exhibit A).

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the nineteenth day of August, 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

\_\_\_\_\_  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

\_\_\_\_\_  
TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

## 2025 Approved Street Names (Resolution \_#\_)

Names representing flora and fauna historically found in the flatlands, foothills, and watershed of the area encompassing Los Gatos:

1. Arroyo Willow *Salix lasiolepis* is a fast-growing riparian shrub that stabilizes streambanks and supports wildlife.
2. Bay Checkerspot *Euphydryas editha bayensis*, is a black, orange, and white butterfly with a threatened status, that was once historically common on the serpentine grasslands of the area.
3. Bay Laurel *Umbellularia californica* is a large hardwood tree with edible nuts and aromatic leaves.
4. Blue Elderberry *Sambucus nigra cerulea* is a large coarse textured shrub species with blue berries that are important for native pollinators.
5. Bobcat *Lynx rufus* is one of two Los Gatos namesake wild cats, a widespread but rarely seen feline that is highly adaptable to different environments, including suburban interfaces, and an active twilight and dawn hunter.
6. Buckeye *Aesculus californica* is a deciduous tree with fragrant flowers and toxic seeds that were processed for medical purposes by indigenous peoples in California.
7. Chaparral Currant *Ribes malvaceum* is a deciduous shrub with early blooming pink flowers that attract local hummingbirds.
8. Coyote Brush *Baccharis pilularis* is an evergreen shrub that attracts native pollinators and provides nesting cover for small birds.
9. Ensatina *Ensatina eschscholtzii xanthoptica* is a lungless salamander, of which the Yellow-eyed Ensatina subspecies can be found along the Los Gatos Creek.
10. Globe Lily *Calochortus albus* is a perennial herbaceous bulb with small hanging flowers commonly seen in the foothills after winter rains.
11. Golden Violet *Viola pedunculata* is a perennial yellow wildflower resembling a pansy and providing abundant color during wildflower blooms.
12. Hoita *Hoita strobilina* is a perennial herb with purple flowers that is considered a rare and threatened species due to limited occurrences and habitat specificity.
13. Jewelflower *Streptanthus glandulosus pulchellus* is a rare regionally specialized species of flowering plant in the mustard family with twisting flowers.
14. Mariposa Lily *Calochortus luteus* is perennial lily with bright yellow tulip-like flowers that bloom after winter rains and are a favorite of native plant enthusiasts.
15. Miner's Lettuce *Claytonia perfoliate* is a common shade plant with distinctive round edible leaves high in vitamin C.
16. Mountain Lion *Puma concolor*, is one of two Los Gatos namesake wild cats, also commonly referred to as a puma, it is a native apex predator that roams territories of up to 100 square miles and vital for regulating mesopredator populations.

- 17. Mule Ear** *Wyethia glabra* is a plant in the sunflower family with long oblong leaves and daisy-like flowers that support native solitary bees.
- 18. Owl Clover** *Castilleja exserta* (formerly *Orthocarpus purpurascens*) is pollen source for native insects in spring and derives nutrients from the roots of plants and grasses for survival.
- 19. Purple Needlegrass** *Nassella pulchra* is considered a keystone species in native plant ecosystems that outcompetes invasive grasses and provides local wildlife habitat.
- 20. Ringtail** *Bassariscus astutus* is a solitary and elusive nocturnal carnivore with a distinctive black and white ringed tail that hunts small rodents.
- 21. Toyon** *Heteromeles arbutifolia* is an iconic evergreen shrub with serrated leaves and red berries that are provide a specialized food source for several species of birds and mammals.
- 22. Valley Dudleya** *Dudleya abramsii setchellii* is a rare and highly localized succulent with a threatened species status that forms dense clusters of rosettes in rocky outcrops with poor soil nutrients.
- 23. Valley Oak** *Quercus lobata* are large oaks with lobed leaves, deep taproots to access distant groundwater, and acorns that were processed as flour and used as a food supply by Indigenous peoples.
- 24. Western Redbud** *Cercis occidentalis* is a small tree with dark pink pea-like edible flowers that attract native bees and butterflies.
- 25. Yerba Santa** *Eriodictyon californicum* is a fire-adapted shrub with aromatic leaves that were used by Indigenous peoples and Spanish settlers to treat colds and respiratory conditions.

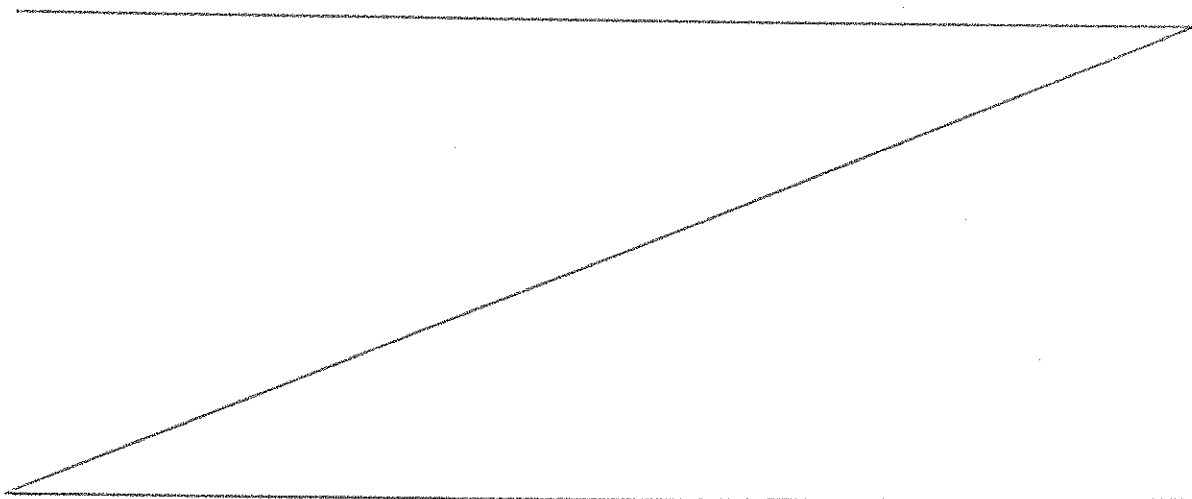


RESOLUTION NO. 1982-175A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
ADOPTING THE LIST OF  
HISTORIC NAMES TO BE USED FOR NAMING NEW STREETS

RESOLVED, that the Town Council hereby adopts the following procedure and the attached list as the official list of names to be used when naming new streets in the Town.

## PROCEDURE:

1. Whenever a new street is proposed as part of a subdivision, the subdivider shall choose a name for each street in the subdivision from the attached list prior to the Planning Commission hearing on the tentative map.
2. The chosen names will be resubmitted to County Communications for a final check and then will appear on the tentative and final maps.
3. If a proposed street name is rejected for any reason the subdivider shall choose another.
4. The Town Clerk will note on a copy of this resolution which names have been used on recorded maps.



FURTHER RESOLVED, that this resolution and list of names supercedes any previous list adopted by the Town Council.

PASSED AND ADOPTED by the Town Council of the Town of Los Gatos at a Regular meeting held this 4th day of October 1982, by the following vote:

AYES: COUNCIL MEMBERS Ruth Cannon, MarLyn J. Rasmussen, Peter Siemens and Mayor Brent N. Ventura

NOES: COUNCIL MEMBERS None

ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS Thomas J. Ferrito

SIGNED: 

MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

  
DEPUTY CLERK OF THE TOWN OF LOS GATOS

FORMER STREET NAMES: (Source: Tax Assessment Records; 1891 Map; G. Bruntz History)

1. Bungalow Terrace
2. Front Street
3. Hotel Street
4. La Montagne Street
5. Levy Hill
6. Market Street
7. Mill Road
8. Orange Avenue
9. School Street
10. Taylor Street

PRE-1860 HISTORIC NAMES: (Source: History of L. G. Bruntz; William Wulf)

- |                        |                                |
|------------------------|--------------------------------|
| 1. Ohlone              | Local Indian Tribe             |
| 2. Costanes            | Local Indian Tribe             |
| 3. Serra               | Catholic Mission Founder       |
| 4. Costanoan           | Local Indian Tribe             |
| 5. Quiroste            | Local Indian Tribe             |
| 6. Lasuen              | Spanish Missionary             |
| 7. Sierra Azule        |                                |
| 8. Alerche             | Spanish name for redwoods      |
| 9. Cuesta de Los Gatos | "Ridge of the Cats"            |
| 10. Mojonera           | Early name for Los Gatos Creek |
| 11. Arroyo del Rancho  | Early name for Los Gatos Creek |
| 12. Sebastian          | Mexican settler                |
| 13. Sepulveda          | Mexican settler                |
| 14. Gertrudis          | Mexican settler                |

FORMER SUBDIVISION NAMES: (Source: Tax Assessment Records; 1891 Map at L. G. Museum)

- |                  |                          |
|------------------|--------------------------|
| 1. Bartlett      | Subdivision              |
| 2. Betsy Showers | Subdivision              |
| 3. Briggs        | Subdivision              |
| 4. Brunskill     | Tract                    |
| 5. Goldsworthy   | Addition                 |
| 6. Hayselden     | Subdivision ) choose one |
| 7. Hazelton      | Subdivision ) only       |
| 8. Hildebrand    | Subdivision              |
| 9. Nott          | Tract                    |
| 10. Quick        | Subdivision              |
| 11. Sackett      | Subdivision              |
| 12. Stanley      | Subdivision              |
| 13. Shore        | Tract                    |
| 14. Templeton    | Tract                    |

FORMER LARGE PROPERTY OWNER NAMES: (Source: 1891 Map at L. G. Museum)

1. Connor
2. Gillespie
3. Kirkland
4. Naramore
5. Troth
6. Van Ness
7. Wilcox

"CONTRIBUTOR" CITIZENS OF EARLY LOS GATOS: (Source: History of Los Gatos, G. Bruntz)

- |                 |                          |
|-----------------|--------------------------|
| 1. Berryman     | Merchant                 |
| 2. Cilker       | Orchardist               |
| 3. Crider       | Merchant                 |
| 4. Curtis       | Dried Fruit Packer       |
| 5. Farnham      | Wagoneer                 |
| 6. Ford         | Train Conductor          |
| 7. Gober        | Physician                |
| 8. Hamsher      | Banker                   |
| 9. Mariotti     | Hotel Owner              |
| 10. McCobb      | First Postmaster (1864)  |
| 11. McMillan    | Lumber Yard              |
| 12. Rockyfellow | Inn Keeper               |
| 13. Seaner      | First Council            |
| 14. Simond      | Rancher                  |
| 15. Suydam      | Publisher                |
| 16. Touchard    | Money Lender to Forbes   |
| 17. Trantham    | School Board             |
| 18. Turner      | Bank President           |
| 19. Walker      | News Editor              |
| 20. Watkins     | Druggist                 |
| 21. Yauntz      | Mail                     |
| 22. Yocco       | School Board/Meat Market |



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO. 7.

ITEM NO: 7

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DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Approve Purchase Orders with Baker and Taylor not to exceed \$115,000 for Fiscal Year (FY) 2025-26**

RECOMMENDATION: Approve Purchase Orders with Baker and Taylor not to exceed \$115,000 for Fiscal Year (FY) 2025-26.

FISCAL IMPACT:

There is no additional fiscal impact beyond what has already been budgeted. Sufficient funds are included in the FY 2025–26 Library budget to fully cover the anticipated purchase amount.

STRATEGIC PRIORITY:

This item is not associated with a strategic priority; however, it does align with the core goal of good governance.

BACKGROUND:

The Library works with several book distributors to purchase books and other Library materials. Baker and Taylor is a discount distributor of published materials working directly with major publishers. The Library has frequently used Baker and Taylor as one of their purchasing channels for over thirty years to obtain high-demand books and other published materials at discounted prices.

PREPARED BY: Ryan Baker  
Library Director

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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SUBJECT: Approve Purchase Orders with Baker and Taylor

DATE: August 19, 2025

DISCUSSION:

The Town's Purchasing Policy requires that all purchase orders and agreements that exceed \$100,000 be approved by the Town Council. The Library anticipates purchases up to \$115,000 in FY 2025-26 with this vendor. The purchase order constitutes the agreement between the parties.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO. 8.

ITEM NO: 8

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DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Authorize an Expenditure Budget Appropriation Adjustment to the Community Grants Line Item in the Amount of an Increase of \$5,000 from \$150,000 to \$155,000**

**RECOMMENDATION:** Authorize an expenditure budget adjustment to the Community Grants line item in the amount of \$5,000 to be consistent with Council direction provided on May 20, 2025.

**FISCAL IMPACT:**

Authorizes an additional \$5,000 from General Fund Unassigned Fund Balance to line item 2102-67701 in Fiscal Year 2025-26 to increase the appropriation from \$150,000 to \$155,000.

**STRATEGIC PRIORITY:**

Not Applicable.

**BACKGROUND:**

At the May 20, 2025, Town Council meeting, the Council approved a motion (4-1) to increase the total Community Grants Fund to \$155,000.

However, the budget resolution adopted on June 3, 2025, inadvertently reflected a total appropriation of \$150,000 for Community Grants. This report corrects that discrepancy to ensure consistency with the Council's action on May 20, 2025, by aligning the Community Grants allocation with the approved amount of \$155,000.

**PREPARED BY:** Ryan Baker  
Library Director

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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SUBJECT: Authorize a Budget Adjustment the Community Grants Line Item

DATE: August 19, 2025

DISCUSSION:

A budget adjustment of \$5,000 to account 2102-67701 will correct the discrepancy and bring the Community Grant budget to the amount approved in Council's motion on May 20, 2025.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.





**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO. 9.

ITEM NO: 9

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DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Approve the Revised Town Council Code of Conduct Policy 2-04**

RECOMMENDATION: Approve the revised Town Council Code of Conduct Policy 2-04.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

STRATEGIC PRIORITY:

This item is not associated with a strategic priority; however, it does align with the core goal of civic engagement.

BACKGROUND:

The Town Council's adopted Code of Conduct Policy provides guidelines and procedures governing Council Members' interactions with each other, Town Boards and Commissions, the public, the media, and Town staff. In addition, the Policy outlines expectations for Council Member conduct before, during, and outside of Council meetings, including the specific duties of the Mayor and Vice Mayor.

The Policy was last updated in October of 2022. Since that time, questions have arisen regarding communication between Council Members and Commissioners with the media and the public, as well as concerns about the process for handling Code of Conduct complaints and enforcement mechanisms.

In response to these concerns, the Council Policy Committee was tasked with reviewing the Town's Code of Conduct policy. The Committee convened several times this year to discuss

PREPARED BY: Wendy Wood  
Town Clerk

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Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

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SUBJECT: Approve the revised Town Council Code of Conduct Policy 2-04

DATE: August 19, 2025

potential updates, with the goal of improving clarity and promoting good governance through respectful and transparent conduct among Town officials. The policy committee's recommendations were presented at the May 6, 2025, Town Council.

DISCUSSION:

Staff prepared additional revisions to the Code of Conduct in response to feedback received from Council Members and the public at the May 6, 2025, meeting. These revisions were presented for further Council consideration at the June 17, 2025, Study Session. At that meeting, the Council directed staff to incorporate the recommended changes, with the exception of provisions related to Council Member service on non-profit boards and communications at community events, which were removed from the policy.

At the August 3, 2025, Study Session, staff presented the updated draft policy, which included clarified procedures for addressing Code of Conduct complaints, updated language regarding communication among Council Members and with the public, and simplified enforcement language. After discussion, the Council reached consensus to approve the proposed revisions and requested that the phrase "violation against a Council Member" be replaced with "complaint against a Council Member" where appropriate.

CONCLUSION:

The proposed revisions to the Town Council Code of Conduct Policy 2-04 reflect the Council's direction from multiple meetings, incorporating public input and clarifying the process for handling complaints. The goal of the revised policy is to promote transparency, accountability, and respectful communication among Town officials and with the public. Accordingly, staff recommends that the Town Council approve the revised Code of Conduct Policy. Upon adoption, the revised policy will be posted to the Town website.

COORDINATION:



This report was prepared in coordination with the Town Manager and the Town Attorney.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Redline Council Code of Conduct Policy 2-04
2. Draft Council Code of Conduct Policy 2-04

		<b>COUNCIL POLICY MANUAL</b> <i>Small Town Service    Community Stewardship    Future Focus</i>
<b>Title:</b> Town Council <u>Roles and Responsibilities, Including</u> Code of Conduct		<b>Policy Number:</b> 2-04
<b>Effective Date:</b> 5/3/2004		<b>Pages:</b> 8
<b>Enabling Actions:</b> 2004-059; 2006-111; 2021-047		<b>Revised Date:</b> 12/17/2012; 3/3/2015; 12/17/2019; 11/2/2021; 10/04/2022
<b>Approved:</b>		

### I. Preamble

This Policy sets forth the roles, responsibilities, and Code of Conduct for Council Members. The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials. ~~These expectations of conduct also apply to all members of the Town's Boards, Committees, and Commissions.~~ The purpose of this Policy is not only to ensure legal compliance but also to promote the public's trust in Town government and foster a culture of respect and ethical behavior. The Council recognizes that effective governance depends on transparency, accountability, and mutual respect among Council Members, staff, and the public.

### II. Council-Manager Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

### III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 2 of 17	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	------------------------------	-------------------------------	-------------

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

#### IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

#### V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

##### Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.<sup>1</sup> This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as the Mayor deems appropriate.
- C. With regard to decisions made by a majority of the Town Council, the title of Mayor is responsible for carries with it the responsibility of communicating with the Town Council, the Town Manager, members of the public, and the media regarding decisions made by a majority of the Town Council. The Mayor also represents the Council at official and ceremonial occasions.
- D. The Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.<sup>2</sup> The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council in the absence of the Mayor. If the Vice Mayor is unavailable, the duties of the Mayor will be delegated to another Council Member in

<sup>1</sup> Council Agenda Format and Rules Policy

<sup>2</sup> Council Commendation and Proclamation policy

TITLE: Town Council Code of Conduct	Page: Page 3 of 17	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	-----------------------	------------------------	-------------

order of seniority. If those Council Members are of equal seniority, one of them will be selected by alphabetical order.

~~F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.<sup>3</sup>~~

#### Vice Mayor

A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.<sup>4</sup>

~~B. If the Vice Mayor is unavailable, the duties of the Mayor will be delegated to another Council Member in order of seniority. If those Council Members are of equal seniority, one of them will be selected by alphabetical order. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.~~

### **VI. Council Conduct in Public Meetings**

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings, such as Mayor, Vice Mayor, or Council Member ~~or Mr., Mrs., or Ms.~~, followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debates.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. Speakers at public meetings will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required. For purposes of clarification, Council Members may ask the speaker questions. Council comments and discussion should commence upon the conclusion of all public testimony.
- F. Communication during meetings. Council Members shall not use private electronic communication (including text messages, emails, or direct messages on social media) to discuss any item of Town business during public meetings. All such communications related to Town business are subject to public records laws.

<sup>3</sup>Resolution 1999-167

<sup>4</sup> Council Agenda Format and Rules Policy

TITLE: Town Council Code of Conduct	Page: Page 4 of 17	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	-----------------------	------------------------	-------------

## **~~VII. Maintaining Civility at Council Meetings~~**

~~The public is welcome to participate at Town Council meetings and the Mayor should remind the public of the Town's expectations for civility in order for the business of the Town to be completed efficiently and effectively. These expectations include and are not limited to:~~

- ~~A. For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town's meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda.~~
- ~~B. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council Meetings.~~
- ~~C. Town Council and staff are well aware of the public's right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander, hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape or form at Town Council meetings.~~
- ~~D. All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non-public officials.~~
- ~~E. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:~~
  - ~~1. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.~~
  - ~~2. If participating in person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting.~~
  - ~~3. Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403.~~

## **VIII. Legal Requirements**

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

- A. Training
  - Biannual training in the following areas shall be provided by staff to Council Members:

TITLE: Town Council Code of Conduct	Page: Page 5 of 17	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	-----------------------	------------------------	-------------

1. The Ralph M. Brown Act
2. Town / CA State Law on Conflict of Interest (AB 1234)
3. Government Section 1090
4. Incompatible Offices
5. The Fair Political Practices Commission Forms
6. Bias
7. Town / CA State Law on Harassment (SB 1343)

B. Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

C. Special Considerations for Land Use Applications

1. Ex parte communications. The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur ~~after the Public Hearing section of the agenda, and~~ before Council deliberations.

~~1-2.~~ Quasi-Judicial Decisions. Council Members may not offer an opinion indicating that a preliminary decision has been reached prior to the public hearing or make any statements indicating bias. Quasi-judicial statements are those in which a decision-maker is required to render a decision by applying the law to particular facts presented at a hearing on the matter. Examples of quasi-judicial decisions are certain land use entitlements, permit appeals, and license revocations.

D. Code of Conduct Policy

Newly elected Council Members are ~~strongly encouraged~~required to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

~~E. Non-Profit Organizations~~

~~Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.~~

**IX. Council Participation in Boards, Commissions, and Committees, and Reporting Requirements**

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town

<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 6 of 17	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	------------------------------	-------------------------------	-------------

boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the “Council Matters” opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

#### **X. Council Relationship with Town Staff**

The Town Council has adopted a Council-Manager form of government. The Town Manager’s powers and duties are outlined in the Town Code, Section 2.30.295.

##### Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney, or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather, it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager’s responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.



<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 7 of 17	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	------------------------------	-------------------------------	-------------

- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions. Information requested by one Council Member will be shared with all members of the Council.*
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager. Council Members should not reprimand employees.*
- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment. Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.*

#### **XI. Council Communication with the Public and other Council Members**

The public has a reasonable expectation of being able to engage Town Council Members on matters of community concern. To meet this expectation while maintaining the integrity of Council proceedings and the clarity of Town positions, the following guidelines shall apply:

##### **A. Expressing Opinions:**

Council Members may express preliminary opinions on general policy matters or issues that are still in development. However, Council Members shall not express opinions or make statements regarding quasi-judicial matters—such as land use entitlements, permit appeals, or license revocations—prior to the public hearing and Council deliberation.

##### **B. Personal Views and Policy Disagreement:**

Council Members may, from time to time, share opinions regarding broad policy matters, even if those opinions conflict with adopted Council policy, or explain the reasoning behind an individual vote. When doing so, Council Members must clearly distinguish their personal views from official Town positions.

##### **C. Clarity of Representation:**

Unless expressly authorized by the Town Council, Council Members must not represent their personal opinions or those of others as official Town policy or as the position of the full Council or staff. In all communications, whether in writing, at community events, or in the media, Council Members should use clear language such as: “Speaking for myself and not on behalf of the Town Council...”

##### **Community Events:**

~~Council Members may speak at community events or public forums, provided it is made clear that they are not representing the official position of the Town Council as a whole unless specifically authorized to do so.~~

##### **D. General Conduct:**

Council Members are expected to communicate honestly, respectfully, and transparently, and to avoid statements or implications that could mislead the public,

other agencies, or Town staff regarding the official position of the Town or Town Council.

These requirements are intended to ensure open communication with the public while safeguarding the integrity of Council proceedings and the clarity of official Town positions.

## **XII. Enforcement**

### **A. Purpose**

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Councilmembers. This section describes a process to facilitate the reporting of Code of Conduct policy violations or other misconduct and provides guidelines on responding to such reports.

### **B. Procedures**

1. Reporting of Complaints – Complaints related to a Council Code of Conduct policy violation or other misconduct shall be submitted through the Town Clerk in writing or in any other such form that can be reviewed, documented, retained, and transmitted to the Town Council.
  - a. The submission of a complaint is to allow the Town Council to receive and potentially consider further action related to such complaint.
  - b. The validity of any allegations provided through complaint can only be determined by the entire Town Council.
  - c. Complaint submission alone or a lack of Town Council action on the complaint is not a determination of validity ~~to~~on the basis of the complaint.

#### —Submission of Complaint -

2. To ensure completeness in the submission, the complaint should include the following information:
  - a. The identity of the complainant (unless protected by law);
  - b. Written narrative describing specifically the nature of the violation or misconduct and the individuals involved in such activity;
  - c. Citing the specific policy, code, regulation, or other authoritative guidance which is alleged to have been violated; and
  - d. Providing additional materials and evidence in support of the allegations
  - e. If contact information is provided, the Town Clerk will acknowledge receipt of the submission.
3. Routing, Notification, and Retention
  - a. The Town Clerk will create a log of each complaint, maintain an updated status as to open/closed cases, and will retain any complaint and submitted material in accordance with the Town's document retention schedule.

- b. Upon receipt, the Town Clerk will forward the complaint submission to the Town Attorney, and Town Manager.
- c. Unless restricted by law, within five (5) business days of receipt, the Town Council shall receive notice of the complaint from the Town Clerk, including:
  - i. A copy of the complaint and any supporting documentation; and
  - ii. The identity of the complainant (unless protected by law).

2. Consideration of Complaint- The authority to review, consider, and act on a complaint is the responsibility of the Town Council. The process includes two steps – Informal and Formal.
- a. Informal Review – The purpose of this first step is to allow Councilmember(s) to address any perceived concerns related to a complaint in a non-threatening and collaborative manner.
    - i. Any Councilmember can meet with the member, subject to the complaint, to engage in informal resolution of the complaint.
  - b. Formal Review – This second step is intended when two Councilmembers believe that the complaint is significant and Informal Resolution is not sufficient or was inadequate for the matter alleged.
    - i. During Council Matters, a Councilmember can request the agendizing of a submitted Code of Conduct complaint, and such will be agendized if there is one additional Councilmember concurring with the request.
    - ii. Upon this action, Town staff will coordinate with the Mayor on the date of such agenda item, with the item to be heard no later than 60 days after the date of the request, or sooner as otherwise specified by the Town Council.

Nothing in this policy will restrict the referring of any complaint to another appropriate reviewing body when required by law or the nature of the complaint (i.e., criminal conduct, FPPC violation, etc.).
  - d. Unless otherwise provided by law, any complaint filed that within 60 days of the original Council notification date and has not been requested for Formal Review, shall be deemed expired and closed. No further proceedings will be available.
  - e. After expiration or consideration by the Town Council, the complaint cannot be resubmitted for the same policy violation or misconduct previously alleged.

—Formal Review Process

- 1. Agenda Preparation – The Town Attorney will prepare an agenda item providing the complaint and supporting material.
  - a. The agenda item will be listed under Council Matters and described as “Discussion and Consideration of Action Related to a Code of Conduct ~~Violation~~Complaint Against Councilmember \_\_\_\_\_.”

TITLE: Town Council Code of Conduct	Page: Page 10 of 17	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	---------------------------	------------------------	-------------

- b. The agenda staff report will include a brief introduction to the Code of Conduct policy and complaint process, and will provide the possible actions the Council may consider.
- c. Redaction of personally identifiable information will be at the discretion of the Town Attorney.

## 2. Council Discussion and Possible Action

- a. The agenda staff report will introduce the item citing, the nature of the complaint and the specific policy, code, regulation, or other authoritative guidance which that is alleged to have been violated.
- b. The Councilmember(s) subject to the complaint shall have the opportunity to speak to the item.
- c. Public comment will be opened on the matter.
- d. The Councilmember(s) subject to the complaint shall have the opportunity for a rebuttal.
- e. The Council will deliberate on the item. If three Councilmembers believe that the violation or misconduct occurred, the Council will need to make a motion and second the motion sustaining the specific allegation and making a recommendation for disciplinary action.

### b. Sanctions – One or more of the following sanctions may be imposed on a Council member at the Council's discretion:

- a. No Action
- b. Public Admonishment – A warning directed publicly at a Council Member regarding specific behavior.
- c. Revocation of Special Privileges – Temporary or permanent removal of committee assignments, board or commission appointments, official travel privileges, conference attendance, or ceremonial titles such as Mayor or Vice Mayor.
- d. Censure – A formal statement or resolution by the Council officially reprimanding a Council Member.
- e. Suspension from Mayoral and Vice Mayoral Selection Process – Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Council can act to deem a Councilmember ineligible to serve for a specified period.

## ~~XII. Enforcement~~

### ~~A. Purpose~~

~~The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose~~

TITLE: Town Council Code of Conduct	Page: Page 11 of 17	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	---------------------------	------------------------	-------------

of the policy language is to establish a process and procedure that: This section describes a process to:

1. ~~Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.~~
- ~~Provides guidelines to evaluate Code of Conduct policy potential violations or other misconduct and implement appropriate disciplinary action when necessary and implement appropriate disciplinary action when necessary.~~

## ~~B. Procedures~~

### ~~1. Reporting of Complaints~~

#### ~~Complaints by the Public~~

- ~~Complaints regarding a Council Member must be submitted in writing to the Mayor.~~
- ~~If the complaint concerns the Mayor, it must be submitted in writing to the Vice Mayor.~~
- ~~The complaint shall also be copied and forwarded to the Mayor.~~

#### ~~Complaints by Council Members~~

- ~~A Council Member who wishes to file a complaint about another Council Member must submit it in writing to the Mayor.~~
- ~~If the complaint is about the Mayor, it must be submitted to the Vice Mayor.~~
- ~~The complaint should also be copied and forwarded to the Town Manager and Town Attorney.~~

#### ~~Complaints by Town Employees~~

- ~~Town employees must submit complaints in writing to the Mayor.~~
- ~~If the complaint is about the Mayor, it must be submitted to the Vice Mayor.~~
- ~~If the Town Manager or Town Attorney receives a complaint, they shall forward it directly to the Mayor (or Vice Mayor if the complaint is against the Mayor). Neither the Town Manager nor the Town Attorney should make any substantive determination regarding the complaint.~~
- ~~The complaint should also be copied and forwarded to the Town Manager and Town Attorney.~~

#### ~~Notification to the Subject Council Member~~

- ~~Within three (3) business days of receipt, the subject Council Member shall receive notice of the complaint from the Mayor, including:~~
  - ~~A copy of the complaint and any supporting documentation;~~
  - ~~The identity of the complainant (unless protected by law); and~~
  - ~~The nature of the alleged violation.~~

- ~~— Preliminary Evaluation~~
  - ~~— Establishment of Ad Hoc Committee~~
    - ~~— The Mayor shall promptly form an ad hoc committee to evaluate complaints about Council Members.~~
    - ~~— The ad hoc committee will consist of the Mayor and one rotating Council Member to be selected in alphabetical order.~~
    - ~~— If the Mayor is the subject of the complaint, the Vice Mayor shall form an ad hoc committee to evaluate the complaint.~~
    - ~~— At this stage, an ad hoc committee of no more than two Council Members will review the complaint. The Town Manager and Town Attorney will be included in any committee meetings in an administrative capacity only to facilitate the committee's needs and at no times will be required to make decisions regarding the complaints.~~
  - ~~— Initial Determination~~
    - ~~— After reviewing the written complaint, the ad hoc committee shall determine whether the complaint:~~
      - ~~— Lacks substance (unsubstantiated)~~
      - ~~— Involves a minor violation~~
      - ~~— Potentially involves a major violation~~
- ~~— Determining Severity~~
  - ~~— Unsubstantiated or Minor Violations~~
    - ~~— A minor violation is a breach of the Code of Conduct that does not significantly impair the functioning, reputation, or integrity of the Town or its governance processes. These violations typically involve isolated incidents that are unintentional or stem from a misunderstanding of procedures, policies, or expectations. Examples of minor violations include, but are not limited to:~~
      - ~~— Unprofessional or discourteous communication in a non-public setting.~~
      - ~~— Failure to comply with procedural requirements in meetings or decision-making.~~
      - ~~— Negligent, but not malicious, failure to disclose conflicts of interest when no substantial harm occurs.~~
      - ~~— Minor breaches of decorum during public meetings that do not disrupt proceedings.~~
    - ~~— If the ad hoc committee finds the complaint unsubstantiated, no further action is taken.~~
    - ~~— If the ad hoc committee determines that the complaint involves a minor violation, the Mayor (or Vice Mayor) may privately admonish or counsel the subject Council Member to address and correct the behavior.~~

~~— Admonishment is a warning to a Council Member about behavior that violates Town policy.~~

~~— Potential Major Violations~~

~~— A major violation is a significant breach of the Code of Conduct that compromises public trust, damages the Town's reputation, disrupts governance, or results in legal, financial, or operational risks to the Town. These violations typically involve intentional, repeated, or grossly negligent actions. Examples of major violations include, but are not limited to:~~

~~— Persistent or egregious unprofessional behavior toward staff, colleagues, or the public.~~

~~— Engaging in actions that create substantial conflicts of interest or violate state or federal laws, including ethics laws.~~

~~— Deliberately making false or misleading statements that undermine public trust or decision-making processes.~~

~~— Conduct that disrupts public meetings in a manner that prevents the effective functioning of Town governance.~~

~~— Misuse of Town resources, authority, or influence for personal gain or to harm others.~~

~~— Criminal conduct.~~

~~— If the Ad Hoc Committee believes the complaint may involve a major violation, they shall direct the Town Attorney to engage outside legal counsel to conduct an investigation.~~

~~— The Town Attorney's role is limited to administratively securing the contract with outside counsel; the Town Attorney does not participate in determining the outcome or findings.~~

~~— The outside legal counsel shall conduct interviews, collect evidence, and prepare a written report with findings and recommendations.~~

~~— Upon completion, the final report is delivered to the Mayor (or Vice Mayor if the Mayor is the subject of the complaint) with a copy to the Town Manager and Town Attorney. The Town Attorney will also serve as the record keeper of all relevant records involving any complaint and/or investigation involving Council members and commissioners.~~

~~— Final Action on Investigations~~

~~— Receipt of the Investigation Report~~

~~— The Mayor (or Vice Mayor) shall promptly review the final written report from the outside legal counsel.~~

~~— Decision on Next Steps~~

~~— If the report does not substantiate a major violation, the Mayor (or Vice Mayor) may close the matter without further action.~~

- ~~— If the report substantiates a major violation or otherwise recommends further proceedings, the Mayor (or Vice Mayor) shall:~~
  - ~~— Notify the subject Council Member in writing. If there will be disciplinary proceedings, the report would be disclosed.~~
  - ~~— Determine whether to present the matter to the Council for potential disciplinary proceedings.~~
- ~~— When appropriate, the complainant will receive notification of the disposition of their complaint when the process is complete. A minor violation notification will state the matter has been resolved and major violation notification will include the next steps.~~

~~— Annual Summary~~

- ~~— Town Attorney or Town Manager to provide an annual summary of all open and closed complaints.~~

~~— Disciplinary Action~~

~~1. Considerations for Disciplinary Action~~

~~The Council may impose disciplinary action when a major violation of the Council Code of Conduct Policy has occurred. In determining the appropriate sanction, the Council may consider:~~

- ~~— Nature of the violation;~~
- ~~— Any prior violations by the same Council Member; or~~
- ~~— Other relevant factors that bear on the seriousness of the misconduct.~~

~~2. Types of Sanctions~~

~~One or more of the following sanctions may be imposed on a Council member at the Council's discretion:~~

~~— Public Admonishment~~

~~A warning directed publicly at a Council Member regarding specific behavior.~~

~~b. Revocation of Special Privileges~~

~~Temporary or permanent removal of committee assignments, board or commission appointments, official travel privileges, conference attendance, or ceremonial titles such as Mayor or Vice Mayor.~~

~~c. Censure~~

~~A formal statement or resolution by the Council officially reprimanding a Council Member.~~

~~d. Mayoral and Vice Mayoral Selection Process~~



TITLE: Town Council Code of Conduct	Page: Page 15 of 17	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	---------------------------	------------------------	-------------

~~Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council.~~

#### ~~D. Town Council Consideration of Discipline~~

- ~~— If the matter is serious enough for discipline, the Council shall consider the investigative findings.~~
- ~~— Any public hearing regarding that discipline shall not be adversarial and would be discussed at a public hearing related to the Council Member.~~
- ~~— As allowed under section 2.20.035 of the Town Code, the Mayor and Vice Mayor selection occurs on an annual basis, and any substantiated violation may have a bearing on the Council's decision at that time.~~

#### ~~E. Conflicts~~

- ~~— If the complaint is against the Mayor, all responsibilities assigned to the Mayor in this section are carried out by the Vice Mayor.~~
- ~~— If both the Mayor and Vice Mayor have conflicts (e.g., both involved in the complaint), then the longest-serving uninvolved Council Member shall step in to fulfill these duties.~~

#### ~~F. Complaints Related to Matters Under Jurisdiction of Other Bodies~~

~~Nothing in this policy will take the place of investigation of matters subject to the laws and regulations of other bodies. In the case that another body is conducting an investigation, the Town may use the findings of the other body's investigation in place of the Town's investigation for the purposes of this policy.~~

~~The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:~~

- ~~1. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.~~
- ~~2. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.~~
- ~~3. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.~~

#### ~~2. Unsubstantiated or Minor Violations~~

~~If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate,~~

TITLE: Town Council Code of Conduct	Page: Page 16 of 17	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	---------------------------	------------------------	-------------

~~admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.~~

### ~~3. Allegations of Major Violations~~

~~If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.~~

~~If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.~~

### ~~4. Report of Findings~~

~~At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.~~

~~The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.~~

~~The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.~~

### ~~5. Proceedings~~

~~Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be~~

TITLE: Town Council Code of Conduct	Page: Page 17 of 17	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	---------------------------	------------------------	-------------

~~considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.~~

~~Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.~~

#### ~~6. Disciplinary Action~~

##### ~~1. Considerations in Determining Disciplinary Action~~

~~Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:~~

- ~~a. Nature of the violation~~
- ~~b. Prior violations by the same individual~~
- ~~c. Other factors which bear upon the seriousness of the violation~~




##### ~~2. Types of Sanctions~~

~~At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:~~

- ~~a. *Public Admonishment* — A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.~~
- ~~b. *Revocation of Special Privileges* — A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.~~
- ~~c. *Censure* — A formal statement or resolution by the Council officially reprimanding a Council Member.~~

APPROVED AS TO FORM:

\_\_\_\_\_  
Gabrielle Whelan, Town Attorney

			
<b>Title:</b> Town Council Roles and Responsibilities, Including Code of Conduct		<b>Policy Number:</b> 2-04	
<b>Effective Date:</b> 5/3/2004		<b>Pages:</b> 8	
<b>Enabling Actions:</b> 2004-059; 2006-111; 2021-047		<b>Revised Date:</b> 12/17/2012; 3/3/2015; 12/17/2019; 11/2/2021; 10/04/2022	
<b>Approved:</b>			

### I. Preamble

This Policy sets forth the roles, responsibilities, and Code of Conduct for Council Members. The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials. The purpose of this Policy is not only to ensure legal compliance but also to promote the public's trust in Town government and foster a culture of respect and ethical behavior. The Council recognizes that effective governance depends on transparency, accountability, and mutual respect among Council Members, staff, and the public.

### II. Council-Manager Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

### III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their

<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 2 of 9	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	-----------------------------	-------------------------------	-------------

work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

#### **IV. Mayoral and Vice Mayoral Selection Process**

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

#### **V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships**

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

##### Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.<sup>1</sup> This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as the Mayor deems appropriate.
- C. With regard to decisions made by a majority of the Town Council, the Mayor is responsible for communicating with the Town Council, the Town Manager, members of the public, and the media regarding decisions made by a majority of the Town Council. The Mayor also represents the Council at official and ceremonial occasions.
- D. The Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.<sup>2</sup> The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor in the absence of the Mayor. If the Vice Mayor is unavailable, the duties of the Mayor will be delegated to another Council Member in order of seniority. If those Council Members are of equal seniority, one of them will be selected by alphabetical order.

<sup>1</sup> Council Agenda Format and Rules Policy

<sup>2</sup> Council Commendation and Proclamation policy

<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 3 of 9	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	-----------------------------	-------------------------------	-------------

#### Vice Mayor

A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.<sup>3</sup> If the Vice Mayor is unavailable, the duties of the Mayor will be delegated to another Council Member in order of seniority. If those Council Members are of equal seniority, one of them will be selected by alphabetical order.

### **VI. Council Conduct in Public Meetings**

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings, such as Mayor, Vice Mayor, or Council Member, followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debates.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. Speakers at public meetings will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required. For purposes of clarification, Council Members may ask the speaker questions. Council comments and discussion should commence upon the conclusion of all public testimony.
- F. *Communication during meetings.* Council Members shall not use private electronic communication (including text messages, emails, or direct messages on social media) to discuss any item of Town business during public meetings. All such communications related to Town business are subject to public records laws.

### **VIII. Legal Requirements**

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

#### A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

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<sup>3</sup> Council Agenda Format and Rules Policy

<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 4 of 9	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	-----------------------------	-------------------------------	-------------

1. The Ralph M. Brown Act
2. Town / CA State Law on Conflict of Interest (AB 1234)
3. Government Section 1090
4. Incompatible Offices
5. The Fair Political Practices Commission Forms
6. Bias
7. Town / CA State Law on Harassment (SB 1343)

**B. Procurement**

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

**C. Special Considerations for Land Use Applications**

1. Ex parte communications. The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur before Council deliberations.
2. Quasi-Judicial Decisions. Council Members may not offer an opinion indicating that a preliminary decision has been reached prior to the public hearing or make any statements indicating bias. Quasi-judicial statements are those in which a decision-maker is required to render a decision by applying the law to particular facts presented at a hearing on the matter. Examples of quasi-judicial decisions are certain land use entitlements, permit appeals, and license revocations.

**D. Code of Conduct Policy**

Newly elected Council Members are required to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

**IX. Council Participation in Boards, Commissions, and Committees, and Reporting Requirements**

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 5 of 9	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	-----------------------------	-------------------------------	-------------

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

#### **X. Council Relationship with Town Staff**

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

##### Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney, or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather, it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.



<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 6 of 9	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	-----------------------------	-------------------------------	-------------

- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

## **XI. Council Communication with the Public and other Council Members**

The public has a reasonable expectation of being able to engage Town Council Members on matters of community concern. To meet this expectation while maintaining the integrity of Council proceedings and the clarity of Town positions, the following guidelines shall apply:

### **A. Expressing Opinions:**

Council Members may express preliminary opinions on general policy matters or issues that are still in development. However, Council Members shall not express opinions or make statements regarding quasi-judicial matters—such as land use entitlements, permit appeals, or license revocations—prior to the public hearing and Council deliberation.

### **B. Personal Views and Policy Disagreement:**

Council Members may, from time to time, share opinions regarding broad policy matters, even if those opinions conflict with adopted Council policy, or explain the reasoning behind an individual vote. When doing so, Council Members must clearly distinguish their personal views from official Town positions.

### **C. Clarity of Representation:**

Unless expressly authorized by the Town Council, Council Members must not represent their personal opinions or those of others as official Town policy or as the position of the full Council or staff. In all communications, whether in writing, at community events, or in the media, Council Members should use clear language such as:  
“Speaking for myself and not on behalf of the Town Council...”

### **D. General Conduct:**

Council Members are expected to communicate honestly, respectfully, and transparently, and to avoid statements or implications that could mislead the public, other agencies, or Town staff regarding the official position of the Town or Town Council.

These requirements are intended to ensure open communication with the public while safeguarding the integrity of Council proceedings and the clarity of official Town positions.

## **XII. Enforcement**

### **A. Purpose**

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Councilmembers. This section describes a process to facilitate the reporting of Code of Conduct policy violations or other misconduct and provides guidelines on responding to such reports.

<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 7 of 9	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	-----------------------------	-------------------------------	-------------

**B. Procedures**

1. Reporting of Complaints – Complaints related to a Council Code of Conduct policy violation or other misconduct shall be submitted through the Town Clerk in writing or in any other such form that can be reviewed, documented, retained, and transmitted to the Town Council.
  - a. The submission of a complaint is to allow the Town Council to receive and potentially consider further action related to such complaint.
  - b. The validity of any allegations provided through complaint can only be determined by the entire Town Council.
  - c. Complaint submission alone or a lack of Town Council action on the complaint is not a determination of validity on the basis of the complaint.
2. Submission of Complaint - To ensure completeness in the submission, the complaint should include the following information:
  - a. The identity of the complainant (unless protected by law);
  - b. Written narrative describing specifically the nature of the violation or misconduct and the individuals involved in such activity;
  - c. Citing the specific policy, code, regulation, or other authoritative guidance which is alleged to have been violated; and
  - d. Providing additional materials and evidence in support of the allegations.
    - i. If contact information is provided, the Town Clerk will acknowledge receipt of the submission.
3. Routing, Notification, and Retention
  - a. The Town Clerk will create a log of each complaint, maintain an updated status as to open/closed cases, and will retain any complaint and submitted material in accordance with the Town’s document retention schedule.
  - b. Upon receipt, the Town Clerk will forward the complaint submission to the Town Attorney, and Town Manager.
  - c. Unless restricted by law, within five (5) business days of receipt, the Town Council shall receive notice of the complaint from the Town Clerk, including:
    - i. A copy of the complaint and any supporting documentation; and
    - ii. The identity of the complainant (unless protected by law).
4. Consideration of Complaint - The authority to review, consider, and act on a complaint is the responsibility of the Town Council. The process includes two steps – Informal and Formal.
  - a. Informal Review – The purpose of this first step is to allow Councilmember(s) to address any perceived concerns related to a complaint in a non-threatening and collaborative manner.
    - i. Any Councilmember can meet with the member, subject to the complaint, to engage in informal resolution of the complaint.
  - b. Formal Review – This second step is intended when two Councilmembers believe that the complaint is significant and Informal Resolution is not sufficient or was inadequate for the matter alleged.

TITLE: Town Council Code of Conduct	Page: Page 8 of 9	Policy Number: 2-04	ITEM NO. 9.
-------------------------------------	----------------------	------------------------	-------------

- i. During Council Matters, a Councilmember can request the agendizing of a submitted Code of Conduct complaint, and such will be agendized if there is one additional Councilmember concurring with the request.
- ii. Upon this action, Town staff will coordinate with the Mayor on the date of such agenda item, with the item to be heard no later than 60 days after the date of the request, or sooner as otherwise specified by the Town Council.
- c. Nothing in this policy will restrict the referring of any complaint to another appropriate reviewing body when required by law or the nature of the complaint (i.e., criminal conduct, FPPC violation, etc.).
- d. Unless otherwise provided by law, any complaint filed that within 60 days of the original Council notification date and has not been requested for Formal Review, shall be deemed expired and closed. No further proceedings will be available.
- e. After expiration or consideration by the Town Council, the complaint cannot be resubmitted for the same policy violation or misconduct previously alleged.

C. Formal Review Process

1. **Agenda Preparation** – The Town Attorney will prepare an agenda item providing the complaint and supporting material.
  - a. The agenda item will be listed under Council Matters and described as “Discussion and Consideration of Action Related to a Code of Conduct Complaint Against Councilmember \_\_\_\_\_.”
  - b. The agenda staff report will include a brief introduction to the Code of Conduct policy and complaint process and will provide the possible actions the Council may consider.
  - c. Redaction of personally identifiable information will be at the discretion of the Town Attorney.
2. **Council Discussion and Possible Action**
  - a. The agendizing Councilmember will introduce the item citing, the nature of the complaint and the specific policy, code, regulation, or other authoritative guidance that is alleged to have been violated.
  - b. The Councilmember(s) subject to the complaint shall have the opportunity to speak to the item.
  - c. Public comment will be opened on the matter.
  - d. The Councilmember(s) subject to the complaint shall have the opportunity for a rebuttal.
  - e. The Council will deliberate on the item. If three Councilmembers believe that the violation or misconduct occurred, the Council will need to make a motion and second the motion sustaining the specific allegation and making a recommendation for disciplinary action.

<b>TITLE:</b> Town Council Code of Conduct	<b>Page:</b> Page 9 of 9	<b>Policy Number:</b> 2-04	ITEM NO. 9.
--	-----------------------------	-------------------------------	-------------

3. **Sanctions** – One or more of the following sanctions may be imposed on a Council member at the Council’s discretion:
- a. No Action
  - b. Public Admonishment – A warning directed publicly at a Council Member regarding specific behavior.
  - c. Revocation of Special Privileges – Temporary or permanent removal of committee assignments, board or commission appointments, official travel privileges, conference attendance, or ceremonial titles such as Mayor or Vice Mayor.
  - d. Censure – A formal statement or resolution by the Council officially reprimanding a Council Member.
  - e. Suspension from Mayoral and Vice Mayoral Selection Process – Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Council can act to deem a Councilmember ineligible to serve for a specified period.

APPROVED AS TO FORM:

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Gabrielle Whelan, Town Attorney



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO: 10

ITEM NO. 10.

DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Approve the Town Boards, Committees, and Commissions Code of Conduct Policy**

RECOMMENDATION: Approve the Town Boards, Committees, and Commissions Code of Conduct Policy.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

STRATEGIC PRIORITY:

This item is not associated with a strategic priority; however, it does align with the core goal of civic engagement.

BACKGROUND:

The Town of Los Gatos relies on its Boards, Committees, and Commissions (commonly referred to as "Commissions") to serve as advisory bodies that help gather public input, analyze community concerns, and make policy recommendations to the Town Council. Commissioners must follow legal standards established by State and Federal law, including the Ralph M. Brown Act and conflict-of-interest statutes.

Commissioners are subject to legal standards established by State and Federal law, including the Ralph M. Brown Act and conflict-of-interest regulations. However, there is also a need to establish consistent expectations for conduct and communication that may go beyond legal compliance. A formal Code of Conduct Policy provides this clarity and ensures all members operate with respect, integrity, and professionalism.

PREPARED BY: Wendy Wood  
Town Clerk

Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

PAGE 2 OF 3

SUBJECT: Approve the Town Boards, Committees, and Commissions Code of Conduct Policy

DATE: August 19, 2025

The Town Council currently has an adopted Code of Conduct Policy, which provides guidelines and procedures for Council Members and Commissioners' conduct before, during, and outside of Council meetings. However, at the February 25, 2025, Policy Committee meeting, the Committee directed staff to explore the development of a standalone policy to provide clarity for the roles and conduct of Commissioners. This recommendation was based on the need to distinguish expectations for Commissioners from those that apply to elected officials.

In response to the Policy Committee's direction, staff developed a standalone Code of Conduct Policy based on the structure of the revised Council Code of Conduct and specifically tailored to align with the advisory responsibilities and functional roles of the Town's Boards, Committees, and Commissions. The goal was to ensure that Commissioners clearly understand their responsibilities and the expectations for ethical conduct, respectful communication, and productive engagement in public service.

At the April 22, 2025, Policy Committee meeting, the committee reviewed the proposed updates to the Board, Committee, and Commission Code of Conduct Policy and provided feedback on key revisions. The discussion focused on clarifying the role and expectations of Commissioners, including language related to service at the will of the Council, procedures for activities conducted outside of regular meetings, and communication protocols. The Committee supported the recommended changes and reached consensus on forwarding the updated policy to the Town Council for consideration.

The recommended revisions were presented to the Town Council at its meeting on May 6, 2025. In response to feedback from Council Members and the public at that meeting, staff prepared additional revisions and alternative language options for further Council consideration at a Study Session on June 17. However, due to time constraints, the Council recommended scheduling an additional study session to continue its review and discussion of the policy.

#### DISCUSSION:

At the August 3, 2025, Study Session, the Council reviewed alternative language proposed by staff and directed staff to incorporate Alternatives 1, 2, 4 and 5 with minor edits. These included adding the sentence, "Nothing in this section limits the Commission from requesting changes to the work plan during the course of the year," to Subsection G (Work Plan) under Section IV. Compliance and Operational Requirements. Council also requested the addition of the phrase "regarding commission matters" to Subsection B(2) under Section VI. Commission Communication for added clarity. Staff has incorporated all Council direction and feedback into the final draft of the policy, which is now submitted for Council consideration and approval.

SUBJECT: Approve the Town Boards, Committees, and Commissions Code of Conduct Policy

DATE: August 19, 2025

CONCLUSION:

The proposed Board, Committee, and Commission Code of Conduct Policy reflects the Council's direction from multiple meetings, incorporating public input and clarifying the process for communication and complaints. The goal of this policy is to promote transparency, accountability, and respectful communication among Town officials and with the public. Accordingly, staff recommends that the Town Council approve the new Board, Committee, and Commission Code of Conduct Policy. Upon adoption, the policy will be distributed to all Boards, Committees, and Commissions and made available on the Town website.

COORDINATION:



This report was prepared in coordination with the Town Manager and the Town Attorney.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Board, Committee, and Commission Code of Conduct Policy 2-04

				<b>COUNCIL POLICY MANUAL</b> <i>Small Town Service    Community Stewardship    Future Focus</i>	
<b>Title:</b> Board, Committee, and Commission Roles and Responsibilities, Including Code of Conduct				<b>Policy Number:</b>	
<b>Effective Date:</b>				<b>Pages:</b>	
<b>Enabling Actions:</b>			<b>Revised Date:</b>		
<b>Approved:</b>					

### I. Preamble

This Policy sets forth the roles, responsibilities, and Code of Conduct for the Town's Boards, Committees, and Commissions (hereinafter referred to as "Commissions"). The legal responsibilities of the Los Gatos Town Commissioners are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that holds Commissioners to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Commissioners, through training, are aware of their legal and ethical responsibilities as appointed officials. Commissioners are not allowed to engage in activity which would constitute a violation of this Policy, nor does anything in this Policy transfer authorities vested in the Town Council or Town Manager to a Commission or individual Commissioners. Nothing in this policy shall infringe on the constitutional rights of Commissioners, including the right to free expression.

### II. Town Board, Committees, and Commissions Roles and Responsibilities

The role of the Commissions is to act as a bridge between the community and the Town Council. Commissioners are volunteers who contribute their time and expertise to help identify, analyze, and evaluate community issues within the scope of their respective Commissions. Through public meetings and other engagement efforts, Commissioners gather community input during recognized Commission meetings, ad hoc meetings, and established task forces, and use this information to make thoughtful, informed recommendations to the Town Council, which is the final policy-making authority. The Commission's work should align with the Town Council's Strategic Priorities and supports the Town's mission to enhance the quality of life through effective leadership and responsive services. Commissioners serve at the will of the Council.

Individual Commissioners are expected to attend all meetings and come prepared by reviewing agenda materials in advance. They are to conduct themselves with respect, fairness, and courtesy toward fellow members, Town staff, and the public, while recognizing and supporting the authority of the Chair to lead meetings effectively. Commissioners should stay focused on meeting topics, use time efficiently, and contribute constructively to discussions. They are expected to act with honesty and integrity, serve as role models of civic leadership, and



<b>TITLE:</b> Board, Committee, and Commission Code of Conduct	<b>Page:</b> Page 2 of 5	<b>Policy Number:</b>	ITEM NO. 10.
--	-----------------------------	-----------------------	--------------

maintain public trust in Town government. Commissioners must also be aware of and avoid potential conflicts of interest, understand their obligations under the Brown Act, and seek guidance from Commission staff liaisons when questions arise regarding their duties or ethical requirements. If needed, the Commission staff liaison will coordinate with other Town staff as necessary.

### **III. Commissioner Conduct in Public Meetings**

To ensure the highest standards of respect and integrity during public meetings, Commissioners should:

- A. *Use formal titles.* Commissioners should refer to one another formally during Commission meetings using terms such as Chair, Vice Chair or Commissioner, followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Commissioners should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Chair's efforts to focus discussion on current agenda items.
- D. *Commission decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Commissioners should refrain from engaging the speaker in dialogue. Speakers at public meetings may be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required. For purposes of clarification, Commissioners may ask the speaker questions. Commission comment and discussion should commence upon the conclusion of all public testimony.

### **IV. Compliance and Operational Requirements**

Town Commissions operate under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Commissioners on relevant legal matters; however, any such advice will be coordinated through the commission staff liaison.

- A. Training
 

Commissioners shall participate in training in the following areas:

  - 1. The Ralph M. Brown Act
  - 2. AB 1234 Conflict of Interest (Planning Commission Only)
  - 3. Town / CA State Law on Harassment (SB 1343)
- B. Procurement

<b>TITLE:</b> Board, Committee, and Commission Code of Conduct	<b>Page:</b> Page 3 of 5	<b>Policy Number:</b>	ITEM NO. 10.
--	-----------------------------	-----------------------	--------------

Unless authorized by the Town Council, Commissioners shall not become involved in administrative processes for acquiring goods and services.

C. Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Commissioners shall not participate in any ex parte communications and must place any information obtained outside of the public hearing that may influence his/her decision on a matter pending before the Commission into the record at the public hearing.

D. Code of Conduct Policy

Newly appointed Commissioners shall sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

E. Non-Profit Organizations

Commissioners that sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town may not participate in the Community Grant Program selection process.

F. Applicable Laws and Town Policies

Commissions shall abide by all applicable municipal, state, and federal laws and Town policies.

G. Workplan

Matters to be done outside of a Commission meeting will require Town Council approval through the workplan before any such activity may be performed on behalf of the Town or Commission. Items listed on the workplan as discussion-only, or those with no staff time allocated, are not considered action items and do not provide the necessary Town Council approval to conduct any activities in an official Commissioner capacity. They are intended solely to facilitate discussion during agendaized Commission meetings on topics within the Commission's scope. Nothing in this section limits a Commission from requesting changes to the work plan during the course of the year.

**V. Commission Relationship with the Town Council**

The primary responsibility of Commissions is to advise and make recommendations to the Town Council. Recommendations are forwarded through the Town Manager's Office to the Town Council for consideration. While the Council values and relies on the Commission's input, the Council's role is to consider recommendations from multiple sources and make final decisions based on strategic priorities and the broader interests of the community. Because of this broader perspective, the Council may not always implement the recommendations of a particular Commission.

It is important to maintain a clear distinction between the advisory role of Commissions and the decision-making authority of the Town Council. While Commissioners may at times disagree

<b>TITLE:</b> Board, Committee, and Commission Code of Conduct	<b>Page:</b> Page 4 of 5	<b>Policy Number:</b>	ITEM NO. 10.
--	-----------------------------	-----------------------	--------------

with Council decisions, once the Council has taken a position or chosen not to implement a recommendation, it is expected that the Commission and its individual members will respect that decision.

## **VI. Commission Communication**

Commissioners must comply with the Brown Act, and nothing in this Policy shall be interpreted as limiting the rights or obligations established by that law.

### **A. Public Meeting**

1. When a member of an advisory body addresses the Council or Commission at a public meeting, it should be made clear whether the member is speaking on behalf of the advisory body or as an individual.

### **B. External Representation**

1. Commissioners are not authorized to represent the Town outside of official Commission meetings unless specifically authorized to do so by the Town Council.
2. When Commissioners communicate outside of official Commission meetings regarding Commission matters, or in a manner that is not authorized by Town Council, they shall clearly and explicitly convey that such communication is provided as an individual and does not in any way represent the Commission, Town, or Town staff. This can be accomplished by using language such as: "Speaking for myself and not on behalf of the Commission or the Town . . ."

## **VII. Enforcement**

### **A. Purpose**

The Boards, Committee, and Commission Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Commissioner. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Commissioners, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

### **B. Procedures**

1. Complaints related to a Code of Conduct policy violation or other misconduct shall be submitted through the Town Clerk in writing or in any other such form that can be reviewed, documented, retained, and transmitted.
2. Upon receipt, the Town Clerk will forward the complaint submission to the appropriate staff member for review and consultation.
3. Following this, a memorandum shall be prepared by staff and distributed to the Town Council through the Town Manager, notifying them of the complaint. In

<b>TITLE:</b> Board, Committee, and Commission Code of Conduct	<b>Page:</b> Page 5 of 5	<b>Policy Number:</b>	ITEM NO. 10.
--	-----------------------------	-----------------------	--------------

accordance with Council Policy 2-01, Section I, any Council Member may request that a discussion of the complaint be scheduled on a future agenda.

C. Disciplinary Action

Disciplinary action may be imposed by the Council upon Commissioners who have violated the Code of Conduct Policy or other misconduct. In determining the type of sanction imposed, the following factors may be considered including but not limited to:

- Nature of the violation,
- Prior violations by the same individual, and
- Other factors which bear upon the seriousness of the violation.

Commissioners who have been notified by the Town Clerk that they are out of compliance with State or Town mandated requirements for Ethics Training or Fair Political Practices Commission Form 700 filings shall not be permitted to attend Commission meetings until they are compliant. Any resulting absences will be counted as unexcused and may result in automatic forfeiture of the position if the total exceeds the allowable absences outlined in the Attendance Requirements section of Council Policy 2-11.

1. Types of Sanctions

At the discretion of the Town Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. The Commissioner will be given notice and an opportunity to provide a written or verbal response prior to any sanctions. These actions may be applied individually or in combination. They include, but are not limited to:

- a. Public Admonishment – A warning directed publicly at a Commissioner regarding specific behavior.
- b. Removal – A Commissioner may be removed by a 3/5 vote of the Town Council at any time, with or without cause, in accordance with the Town's policies. While removal may be used as a response to a violation of this policy, it is not limited to disciplinary situations and may occur at any time at the Council's discretion.

APPROVED AS TO FORM:

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Gabrielle Whelan, Town Attorney



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO: 11

ITEM NO. 11.

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DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Receive the Bi-Annual Police Services Report for January – June 2025.**

**RECOMMENDATION:** Accept the bi-annual Police Services Report, highlighting the accomplishments and ongoing efforts of the Los Gatos-Monte Sereno Police Department (LGMSPD) during the reporting period of January – June 2025.

**FISCAL IMPACT:**

There is no negative fiscal impact to the Town associated with receiving this report or the content.

**STRATEGIC PRIORITY:**

This item aligns with the strategic priority of emergency resiliency and response capabilities, along with prudent financial management and ensuring a safe feeling in Los Gatos. It also aligns with several of the Town's Core Goals, including Good Governance, Civic Engagement, Fiscal Stability, and Public Safety.

**BACKGROUND:**

The Los Gatos-Monte Sereno Police Department (LGMSPD) serves two distinct jurisdictions with a unified goal of delivering responsive, localized, and community-driven public safety services. Maintaining a local police department ensures faster response times, strong partnerships, and a high-touch policing model that aligns with community expectations. This report highlights progress achieved in the first half of 2025 while addressing fiscal realities and operational constraints. It also outlines next steps toward meeting upcoming regional demands, including the 2026 Super Bowl and FIFA World Cup events, which will necessitate enhanced readiness.

**PREPARED BY:** Jamie Field  
Chief of Police

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Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

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SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

This bi-annual report provides a comprehensive review of LGMSPD's operational achievements, strategic initiatives, and ongoing projects from January through June 2025. Despite lean staffing and fiscal limitations, the Department continues to demonstrate innovation, efficiency, vigilant budgetary considerations, and community commitment. Key outcomes and overview include:

- Department Staffing Update
- Fiscal Savings Initiatives in 2025
- Technology and Research Evaluation
- Calls For Service and Officer Activity
- Community Engagement and Emergency Preparedness Efforts
- Police Fleet Overview and Operational Significance
- Community Survey Outcomes in the Context of LGMSPD
- Meliora Public Safety Assessment: Update and Status
- Vision and Future Priorities: July – December 2025 and Beyond

#### DISCUSSION:

#### **DEPARTMENT STAFFING UPDATE**

Personnel stability remains a top priority for LGMSPD. As of this report, the Department has 37 sworn officers on roster out of 39 authorized positions; however, only 27 are currently active and available for full duty (see chart below). While this represents a marked improvement over the prior bi-annual report, staffing remains constrained by training and leave factors: two officers are in the Field Training Program, three are in the six-month police academy, and five are on long-term protected leave or light duty.

The FY 2025–26 budget does not include “hire-ahead” hours to proactively place trainees in academies before anticipated vacancies. In prior years, this strategy allocated 1,800 to 4,500 hours annually, ensuring academy graduates were ready as attrition occurred. As vacancy savings allowed flexibility in hiring, these additional allocated resources were not utilized and to ensure availability for other Town priorities were not appropriated for 2025-26.

LGMSPD successfully onboarded three new sworn officers (two laterals, one academy graduate) and promoted one Sergeant during this reporting period. The Department also brought on three part-time Community Service Officer interns and achieved full staffing in Dispatch for the first time in five years.

Budgeted Sworn	Academy Trainees	Current Sworn	Off due to injury	Light / Modified Duty	Field Training	Total Active and available
39	1	34	3	2	2	27

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

Current vacancies include one Community Service Officer, one Records Specialist (backgrounds in progress), and two sworn positions, expected to grow by an additional two to three in the next six months. One vacancy resulted from the retirement of the Administrative Sergeant. Recruitment efforts during this reporting period included a March 2025 Corporal and Sergeant assessment process, resulting in one Sergeant promotion and an eligibility list valid for one year. In June, a nationwide recruitment began with Peckham & McKenney Executive Recruitment to fill an upcoming retirement vacancy for the Support Services Captain over the next couple of months.

LGMSPD has historically relied heavily on Reserve Officers. In the past six months, however, three retired and one resigned, leaving only two remaining reserves. Despite this, the Department is on pace to match its record-setting hiring year of 2024. Notably, most new sworn hires now fall under PEPR retirement rather than the legacy “Classic” PERS (3 percent at 50) plan. Extended vacancies in FY 2024–25 have also generated the largest projected underspend of the Police Department’s allocated budget in its history.

Retention and training remain critical for both sworn and professional staff. State POST mandates extensive training for all new hires, promoted personnel, and those in collateral assignments. These requirements are detailed on LGMSPD’s Transparency webpage.

To offset the impact of vacancies, LGMSPD strategically adjusted schedules and leveraged Reserve Officers, CSO interns, and volunteers. Reserve Officers provided over 300 hours of service this period, assisting with special events, targeted enforcement, and community outreach. Achieving full staffing in Dispatch has significantly reduced costly overtime and improved operational reliability, a priority echoed in the Meliora Public Safety Assessment recommendations.

Overtime trends comparing January to June 2024 with the same period in 2025 show Dispatch overtime continuing a three-year decline due to consistent hiring and training. Sworn overtime reductions stemmed from not mandating coverage for certain vacancies or untrained roles. Looking forward, FY 2025–26 overtime will primarily cover special events such as Halloween, Taste of Los Gatos, Los Gatos in Lights, and the Children’s Holiday Parade, as well as mandated training, staffing gaps, and large-scale 2026 regional events, including the Super Bowl and FIFA World Cup.

Title	Jan. – June 2024	Jan. – June 2025	Difference in FY
Communications	1,211 hours	1,004 hours	-207 hours
Sworn Staff	4,724 hours	3,285 hours	-1,439 hours

#### FISCAL SAVINGS INITIATIVES IN 2025

LGMSPD remains committed to maximizing resources under fiscal constraints, as evidenced by the anticipated underspent FY 2024-25 budget amount. These align with Meliora’s

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

recommendations for sustainable revenue and cost containment. Key actions in the first six months of 2025 include:

- Securing a \$248,955 CHP DUI Enforcement Grant for specialized vehicles, enforcement equipment, and valuable officer training to be able to identify, enforce, and educate against impairment due to controlled substances. The Police Department identified the California Highway Patrol Cannabis Tax Fund Grant Program (CTFGP) in January, applied in February, and was notified in May of the award. This is the largest grant ever received by LGMSPD.
- Acceptance of a POST grant to help fund a 2026 Leadership Team Building Workshop (TBW) and strategic plan update.
- Monte Sereno law enforcement services contract update – the Town of Los Gatos updated the law enforcement services contract with the City of Monte Sereno, as the prior 30-year contract was coming to an end. The new contract extends law enforcement services to be provided by the LGMSPD for five years with updated language and cost recovery amounts for a more current cost reflection.
- Los Gatos-Monte Sereno Police Foundation fiscal support has offered tremendous assistance to provide valuable training resources to the leadership team on accountability, enabled the purchase and replacement of outdated ballistic helmets, second year of National Night Out being hosted in the Town Plaza Park, the development and implementation of LGMSPDs first honor guard, and provided financial support for the June swearing in ceremony. The Foundation worked successfully on several fundraising events, including the annual Gala and the Mariucci Bocce Ball Tournament.
- Advancing revisions to the Town’s Alarm Ordinance to include residential alarm permits and cost recovery for Police response. Currently, the ordinance only applies to commercial alarms. Meliora assessment recommended the incorporation of residential alarms, like many other jurisdictions. (See below False Alarm Activity in these six reportable months)
- Research and evaluation towards expanding an existing vendor contract to further automate the alarm billing, contracted recovery of other administrative fines, and the ability to utilize attachments of such fines to the Franchise Tax Board (FTB) for recoup of these fees/fines.

False alarms continue to impact both police response time and resource allocation. In the first half of 2025:

- Residential False Alarms: 218
- Commercial False Alarms: 174
- Total False Alarms: 394

The Department is preparing for the implementation of a new alarm ordinance and registration system through expanding vendor services with TurboData Systems, the Police Department’s existing parking citations, and permit management vendor. With full rollout and compliance, it



SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

is expected that these figures and associated administrative efforts will significantly increase. This underscores the importance of a formalized ordinance, both for operational efficiency and as a sustainable revenue stream to offset enforcement, response costs and administrative staff costs.

Parking Enforcement:

- Total Parking Citations Issued: 4,391
- Total Parking Warnings Issued: 1,114
- Combined Total: 5,505

These enforcement efforts contribute to improved traffic safety, business access, and residential quality of life. This parking enforcement is accomplished primarily through the Police Department's two Parking Service Officers, who also assist with many other ancillary needs, like vehicle maintenance, traffic control, and support functions for the Police Department. Officers and Community Service Officers also assist with parking enforcement functions.

Parking enforcement plays a vital role in supporting the fiscal sustainability of municipal operations by generating revenue that can offset public safety and infrastructure costs. Consistent enforcement ensures parking turnover, enhances accessibility for businesses and visitors, and reinforces pedestrian and traffic safety.

**TECHNOLOGY AND RESEARCH EVALUATION**

Technology modernization remains a cornerstone of LGMSPD's strategy and directly supports several Meliora recommendations on accountability, transparency, and efficiency. The LGMSPD has not grown in staffing numbers for over two decades; therefore, the Police Department is evaluating technology options as solutions to augment increasing needs and demands. Other statewide law enforcement agencies are seeking similar solutions and have already begun to implement similar contracts and resources to leverage the interoperability components and improved efficiencies. These considerations are recommended in the Meliora report and align with best practice in the law enforcement profession. The evaluations that are underway include:

- Evaluating a 10-year Axon technology agreement bundle encompassing body-worn cameras, in-car video, and evidence management through unlimited cloud data storage, and many other tech items. This suite would address Meliora Assessment recommendations #79 and #92 for compliance and early intervention on personnel related matters.
- Exploring Drone as First Responder (DFR) implementation to enhance emergency response times, officer safety, de-escalation, cross-departmental use, and emergency preparedness.
- Expanding public-private camera partnerships to strengthen investigative capabilities, improve crime deterrence, and situational awareness during special events or

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

emergencies. This also supports PPW with infrastructure monitoring and aligns with Meliora recommendation #127.

- Real-Time Crime Center (RTCC) – Assessing the viability of a RTCC which would centralize public and private video feeds for rapid intelligence sharing, reflecting best practices in regional policing. This responds to Meliora’s call for enhanced investigative and surveillance capabilities.

These technologies address critical operational gaps, mitigate lean staffing challenges, and enhance public trust through transparency and rapid service delivery.

### **CALLS FOR SERVICE AND OFFICER ACTIVITY**

The LGMSPD continues to meet goal response times and provides an uncompromising high level of service to the community. The following table depicts a comparison of the Communications Division call volume, both inbound and outbound, immediacy to which they are answered, and the number of 911 calls over the last two years between the months of January and June.

The industry standard for a Public Safety Answering Point (PSAP) agency is a target for 911 calls to be answered within less than ten seconds 95% of the time. Outbound calls can be a result of transferring callers to other points of contact with Town Departments, contacting and following up with community members, or conducting other inter-agency duties.

<b>January – June</b>	<b>Inbound 911 calls</b>	<b>% of 911 calls answered &lt; 10 seconds</b>	<b>Incoming Non-emergency calls</b>	<b>Non-emergency Outbound calls</b>
2025	4,698	95.95%	13,229	5,750
2024	5,173	95.90%	14,597	6,872

Officers’ response to priority calls for service continues to be comparable to prior years, and close to priority goals. These metrics can be found in the Fiscal Year Adopted Operating Budget in the performance measures section of the Police Department chapter and will have prior years for comparison.

Priority 1 refers to an immediate emergency with a threat to life or a public safety hazard, Priority 2 is an urgent emergency that requires an immediate response, and a Priority 3 is a non-emergency. The LGMSPD has set response time goals of 5:00 minutes for Priority 1 calls and has had an average of 3:32 over the past six months. Priority 2 call response goal is 10:00 minutes and was 7:02 during this reportable period. Priority 3 calls response goal is 15:00 minutes and had an average of 7:01 minutes between January and June 2025.

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

### **COMMUNITY ENGAGEMENT & EMERGENCY PREPAREDNESS EFFORTS**

The LGMSPD remains committed to fostering strong community partnerships, enhancing emergency preparedness, and promoting public safety through proactive engagement. From January through June 2025, the Department continued to invest in a wide array of community-based programs and volunteer initiatives.

LGMSPD successfully completed its third annual Community Police Academy, reinforcing transparency, public trust, and civic education. Participants received instruction in patrol operations, de-escalation, investigations, traffic enforcement, and the role of technology in modern policing. The program continues to draw high public interest and strong feedback. Due to staffing constraints, transition, and regional events, a Community Police Academy is not currently anticipated for Spring 2026.

The Office of the Chief continues to oversee the Youth Commission, which is scheduled to begin in September 2025. At the close of the 2024-25 school year, the Youth Commission included an updated Resolution, continued focus on prevention and education surrounding the use of controlled substances, and an emphasis on traffic and e-bike safety.

#### Community Engagement Highlights:

- **Community Events Attended or Hosted: 17**  
Including bike rodeos, other school safety presentations, neighborhood meetings, service club meetings, and participation in regional preparedness forums.
- **Neighborhood Watch Groups: 4**  
Supporting community safety through crime prevention education and direct communication with patrol or command staff who are in attendance.
- **CERT (Community Emergency Response Team):**
  - **Total Los Gatos and Monte Sereno trained CERT Members on roster: 240**
  - **New CERT Members Recruited This Period: 17**  
CERT continues to serve as a cornerstone of local emergency preparedness, with trained volunteers prepared to assist during natural disasters.

#### Volunteer Contributions:

##### **Disaster Aid Response Team (DART): 794 hours**

Supporting emergency preparedness outreach, public education events, dynamic law enforcement incidents, and special event logistics.

- **Volunteers in Policing (VIP): 2,600 hours**  
Providing essential non-sworn support, including vacation checks, Welcome Packets, administrative functions, and community engagement.
- **Police Explorers: 55 hours**  
Offering young people valuable exposure to careers in law enforcement. Two LGMSPD Police Explorers completed the three-week Santa Clara County Explorer Academy, and LGMSPD provided staff to instruct and guide them through portions of the academy.

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

## **POLICE FLEET OVERVIEW AND OPERATIONAL SIGNIFICANCE:**

### Fleet Overview and Strategic Value:

The LGMSPD operates a purpose-built vehicle fleet designed to deliver comprehensive public safety services to the community. Fleet assets are acquired through a blend of Town funding, state and federal grants, community donations through the Disaster Aid Response Team (DART), and support from the Police Foundation. Vehicles are deployed across every operational area of the Department, including patrol, investigations, traffic enforcement, parking enforcement, school resource officer duties, volunteer coordination, and special event or collateral teams such as bike patrol, motors, and SWAT (CRU).

Several vehicles related to volunteer and ancillary services have been in service for 20 years or more, a testament to the Department's commitment to asset longevity, fiscal stewardship, and maximizing return on investment. However, the Town maintains a relatively low mileage fleet for front line marked patrol units and was successful in achieving a grant for two new DUI focused marked units. Almost every asset plays or will play an active role during large-scale community events such as the Children's Parade, dignitary visits, and dynamic law enforcement incidents.

### Special Use, Grant-Funded, and Donated Resources:

Specialized vehicles expand operational reach and efficiency across diverse policing and community service needs:

- *UTVs* – Patrol (2 - grant funded), SRO (1 - Police Foundation), and DART (2 - donated) for off-road emergencies, open-space patrol, and mutual aid.
- *Bicycles* – Electric (2 - Police Foundation) and standard (4 - Police Foundation) for patrol, events, and open-space access.
- *Motorcycles* – Zero-emission motorcycle for trail patrol and three traditional patrol motorcycles for traffic enforcement.
- *Trailers* – Two speed radar trailers; three team-specific trailers for DART, CERT, and CSI.
- *Parking Enforcement* – Two vehicles equipped with License Plate Readers (LPR) and vehicle monitoring technology for effective time-zone and permit enforcement.
- *Community Service Vehicles* – Two units used by CSOs and Volunteers in Policing (VIP) for vacation checks, welcome packet deliveries, and patrol presence.
- *DART Fleet* – Includes a nearly 30-year old SUV, donated trailer, and UTVs, enabling thousands of annual volunteer hours supporting dynamic law enforcement incidents and investigations, special events, and community preparedness.

### Unmarked and Specialized Vehicles:

Unmarked vehicles allow detectives, command staff, and administrative personnel to conduct investigations, interviews, and attend regional coordination meetings without drawing unnecessary public attention. The Meliora Public Safety Assessment recommended adding at

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

least one unmarked vehicle to alleviate access limitations, particularly given the current separation of resources across two buildings.

- Administrative (Unmarked) – Chief, Captains, Traffic Sergeant, Administrative Sergeant.
- Investigations (Unmarked) – Detective Sergeant and assigned detectives.

#### Marked Patrol Fleet (14 Vehicles):

Marked units form the backbone of daily patrol operations. While there are 14 total, about five patrol officers are typically on patrol at any one time. The 24/7 nature of operations requires vehicles to be ready for immediate deployment, with incoming shifts needing fully equipped units for emergency calls and proactive enforcement.

- *K9 Unit* – Dedicated marked vehicle for safe canine transport and deployment.
- *SRO Vehicle* – Assigned for high-visibility presence at schools and during youth engagement.
- *Supervisor Units (2)* – Outfitted as mobile command centers with ballistic shields, less-lethal tools, and force-entry equipment for critical incidents.

Because patrol vehicles serve as mobile offices, overlap between shifts often requires sharing remaining vehicles while others are in service or repair. It is common for the day shift to remain on an active incident as the night shift begins, adding to the demand for available vehicles. Fortunately, the Town has a relatively low mileage fleet for these front line marked patrol vehicles.

#### Procurement and Maintenance Realities:

Vehicle procurement and buildout present significant logistical challenges. Over the past five years, lead times have ranged from six months to over a year. Even after receipt, vehicles require extensive outfitting of radios, lights, cages, and computers before deployment.

The Town employs one full-time supervising equipment mechanic to maintain the Town's municipal fleet and one PPW operations manager to oversee fleet and all town facilities. The LGMSPD Traffic Sergeant serving as the liaison for police specific needs. These realities underscore the necessity of retaining vehicles that may appear underutilized but serve as essential backups during maintenance cycles, emergencies, or sudden attrition.

#### **COMMUNITY SURVEY OUTCOMES IN THE CONTEXT OF LGMSPD**

The results of the 2025 Los Gatos Community Survey are particularly significant when considered in the context of staffing levels at the LGMSPD over the past several years. At times since 2022, the Department has operated at deployable levels 30% below the budgeted strength. While some impacts of the reduced available resources may be reflected in the outcome, overall, the feedback exceeded the scores of the survey conducted several years prior. Despite these challenges, the community continued to report high satisfaction with overall police services, an outcome that underscores the dedication, perseverance, and professionalism of the LGMSPD team.

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

Officers have taken on overtime, adapted their roles creatively, and remained steadfast in their mission to protect and serve. The success of the survey results is not coincidental; it is the product of deliberate effort and a shared belief in delivering the level of service our residents expect and deserve.

Lower satisfaction with traffic enforcement (54%) reflects the necessity of having to reassign motor officers to general patrol duties to address core staffing shortages and the inability to send officers to motor training due to backfill needs.

As of mid-2025, hiring efforts are beginning to restore staffing capacity. We anticipate that by early 2026, several new officers will complete their academy and field training, resulting in increased field presence and renewed focus on dedicated traffic enforcement. This will help directly address the areas of concern identified in the community survey.

Looking ahead, maintaining adequate staffing levels is critical. Adequate is defined by the community as seen in the survey. The Police Department endears the ability to plan for anticipated vacancies, particularly as a significant number of retirements remain forecasted in the upcoming fiscal year. Absent timely hiring and training of replacements, the Department risks further constraints on visibility and enforcement capacity.

#### **MELIORA PUBLIC SAFETY ASSESSMENT: UPDATE AND STATUS**

The LGMSPD continues to make meaningful progress in advancing the priorities outlined in the Meliora Public Safety Organizational Assessment, which was presented to the Town Council in November 2024. This comprehensive and independent evaluation assessed staffing, workload, service delivery, internal policies, and facility efficiency. It resulted in 130 data-informed recommendations, grouped under five key themes:

1. Organizational Structure and Facility Optimization
2. Facility Consolidation and Infrastructure Planning
3. Role Alignment and Operational Efficiency
4. Risk Management and Accountability
5. Process Improvement and Technology Integration

Since that time, LGMSPD has aligned its internal efforts with the Department's 2024–2026 Strategic Plan, available staffing, and fiscal resources to address a growing number of these recommendations, prioritizing impact, revenue, efficiency, and sustainability.

#### **Progress Update (January–June 2025):**

- *14 recommendations* previously “In Progress” have now been fully addressed
- *11 recommendations* originally designated “Short Term (3–6 months)” have been completed
- *4 “Long-Term” recommendations* have already been resolved
- Numerous items previously considered long-term have now been accelerated for earlier implementation

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

This progress represents a significant organizational achievement in just six months and reflects the Department's commitment to continuous improvement, operational excellence, and long-range planning.

#### Facility Consolidation Analysis

The most consequential recommendations by the Meliora assessment calls for consolidation of the two-building model and a comprehensive space needs assessment to explore the operational, logistical, and financial implications of consolidating LGMSPD's operations under a single roof. The Department currently operates out of two buildings, separated by two miles, which has proven inefficient for communications, supervision, technology access, continuity of operations, and community-facing services.

In July 2025, the Director of PPW, Police Chief, and a lead consultant from DLR Group conducted a joint walkthrough of both the Police Operations Building (POB) and Headquarters. DLR Group was selected through a competitive process based on its institutional knowledge, having designed the original POB remodel, and its extensive portfolio of public safety facilities, including the recent completion of the Stanford Department of Public Safety & Emergency Operations Center.

Key elements of the walkthrough included:

- Evaluation of current layout and spatial constraints
- Review of parking and access logistics for staff, volunteers, and the public
- Detailed documentation of operational inefficiencies and potential areas for consolidation

This work marks the first step toward realizing a long-term consolidation strategy, consistent with *Theme 2* of the Meliora Assessment. Anticipated benefits include:

- Enhanced staff communication and supervisory oversight
- Centralized community access and improved facility security
- Updated infrastructure with ADA compliance and EOC readiness
- Dedicated space for training, volunteer coordination, and public engagement
- Energy-efficient design and reduced long-term maintenance costs

A formal agreement is in development between PPW and the DLR Group with final deliverables to include a functional report, conceptual drawings, recommendations, and cost estimates. Completion is anticipated within several months from the start of the project and will serve as the foundation for long-range capital planning and operational consolidation.

The initiatives set in motion by the Meliora recommendations, though not always visible to the community, provide foundational improvements that will increase organizational transparency, reduce risk, and enhance service delivery.

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

LGMSPD's continued work on Meliora's roadmap demonstrates the Department's dedication to measurable reform and excellence in policing. Many recommendations are now in active progress and will be reported on in the next biannual update. These investments in policy, people, technology, and infrastructure are critical to ensuring LGMSPD can continue to meet community needs.

#### **VISION AND FUTURE PRIORITIES: JULY–DECEMBER 2025 AND BEYOND**

The Los Gatos-Monte Sereno Police Department continues to advance with intention, guided by its Strategic Plan, the Meliora Organizational Assessment, and evolving public safety needs across our region. As LGMSPD nears the final stretch of 2025, the Department remains focused on delivering innovation, preparedness, and service excellence, while positioning itself for regional leadership in 2026, a year that will bring historic public safety coordination opportunities with the Super Bowl and FIFA World Cup hosted in the Bay Area.

#### Key Priorities for the Remainder of 2025:

##### *Deployment of LGMSPD's First Explosives Detection Canine (EOD K9):*

In the coming months, the Department will welcome a highly trained explosives detection dog, "Junior," into service. Together with his handler, this new K9 team is completing POST-certified training and will enhance LGMSPD's capabilities in dignitary protection, special events, and regional mutual aid.

- *Police Recognition Luncheon:*

The Los Gatos-Monte Sereno Police Foundation will host its annual Recognition Luncheon on October 16, 2025, at the Jewish Community Center, honoring the professionalism, commitment, and service of department members and volunteers.

- *DLR Group Space Assessment:*

Execution of the formal agreement with DLR Group will initiate a comprehensive facility needs study. The results of this assessment will be foundational for long-term planning to consolidate operations and support modern policing needs.

- *Implementation of the New Alarm Ordinance:*

As part of a broader revenue recovery and efficiency initiative, LGMSPD will implement an updated alarm registration and enforcement program, supported by the rollout of TurboData for improved compliance and administrative tracking.

- *Update to the Community Complaint Process (CCP):*

As a proposed recent budget saving measure, LGMSPD is working with the Town Manager's Office to finalize updated CCP protocols to reflect current shifting oversight structures from the Town Attorney, to improve timeliness, and to strengthen internal review processes.

- *DUI Cost Recovery and Grant Implementation:*

The Department is developing an internal process to recover costs associated with DUI enforcement and adjudication. Additionally, LGMSPD will steward a \$248,000 DUI grant, coordinating required checkpoints, reporting, and advanced training throughout the year.



SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

- *Recruitment and Onboarding of Support Services Captain:*  
The upcoming recruitment and selection process for the upcoming vacancy in the Support Services Captain role will help realign key leadership responsibilities and fortify internal operations.
- *Evaluation of Axon and LVT Technologies:*  
As LGMSPD continues to modernize, the Department is reviewing solutions offered by Axon and LiveView Technologies (LVT) to enhance transparency, data management, and situational awareness. Budget development, proposals, and vendor coordination are underway.
- *Parking Program Transition and Partnership with PPW:*  
LGMSPD remains a key partner in the transition of the Town's parking management plan, working in coordination with the Dixon Parking implementation and PPW leadership to ensure operational success and public communication.
- *Support for 2025–26 School Year:*  
With the new academic year ahead, LGMSPD will continue active support of local schools and students through its School Resource Officer program and traffic safety partnerships.
- *Traffic Enforcement Expansion:*  
As staffing levels stabilize, a second motor officer will be trained to increase LGMSPD's traffic enforcement presence and responsiveness to high-collision corridors and school zones while also addressing e-bike enforcement when possible.
- *Expansion of Neighborhood Incident Command Posts (NICP):*  
A new NICP will be established at or near El Camino Hospital, further enhancing community preparedness and emergency coordination efforts in collaboration with CERT volunteers.
- *Communications Infrastructure Modernization – NG911 Transition*  
LGMSPD will need to begin urgently upgrading its Public Safety Answering Point (PSAP) infrastructure from obsolete copper-based systems to fiber-optic technology in preparation for Next Generation 911 (NG911). The current infrastructure, originally designed with a 5–7 year lifespan, is now over 12 years old and at critical risk of failure. While Cal OES had initially prioritized a cloud-based rollout through contractor NGA, that effort failed due to insufficient end-to-end testing and deployment delays statewide. Given the fragile state of LGMSPD's current system and the inability to replace failing components, the Department will now pursue an alternate, vetted pathway for NG911 compliance, supported by available Cal OES funding.
- *Regional Preparedness for Super Bowl & FIFA World Cup (2026):*  
LGMSPD is heavily involved in regional safety planning to ensure readiness for two high-profile global events, the Super Bowl in February and the FIFA World Cup in June. Emphasis will be placed on interoperability, intelligence sharing, and mutual aid coordination.
- ***Operational Collateral Team Readiness Assessment:***  
Strengthen operational resilience and optimize specialized responses, LGMSPD will conduct a comprehensive evaluation of its collateral and specialty teams, including CRU, CNT, Drone, and Bike Team. This assessment will focus on equipment inventory, training proficiencies, team policies, and internal cohesion. The effort aligns with the Town's Top Priority and

SUBJECT: Receive the Bi-Annual Police Services Report for January – June 2025

DATE: August 19, 2025

many Core Goals in that this is to ensure readiness, interoperability, and foundational familiarity ahead of large-scale regional deployments and evolving community needs.

From January through June 2026, LGMSPD will transition from project execution to operational maintenance and continuity, with a focus on stability, community confidence, and readiness to meet any public safety demands, locally or regionally. Strong internal systems, volunteer partnerships, and enhanced inter-agency relationships will be the foundation of this transition.

### CONCLUSION

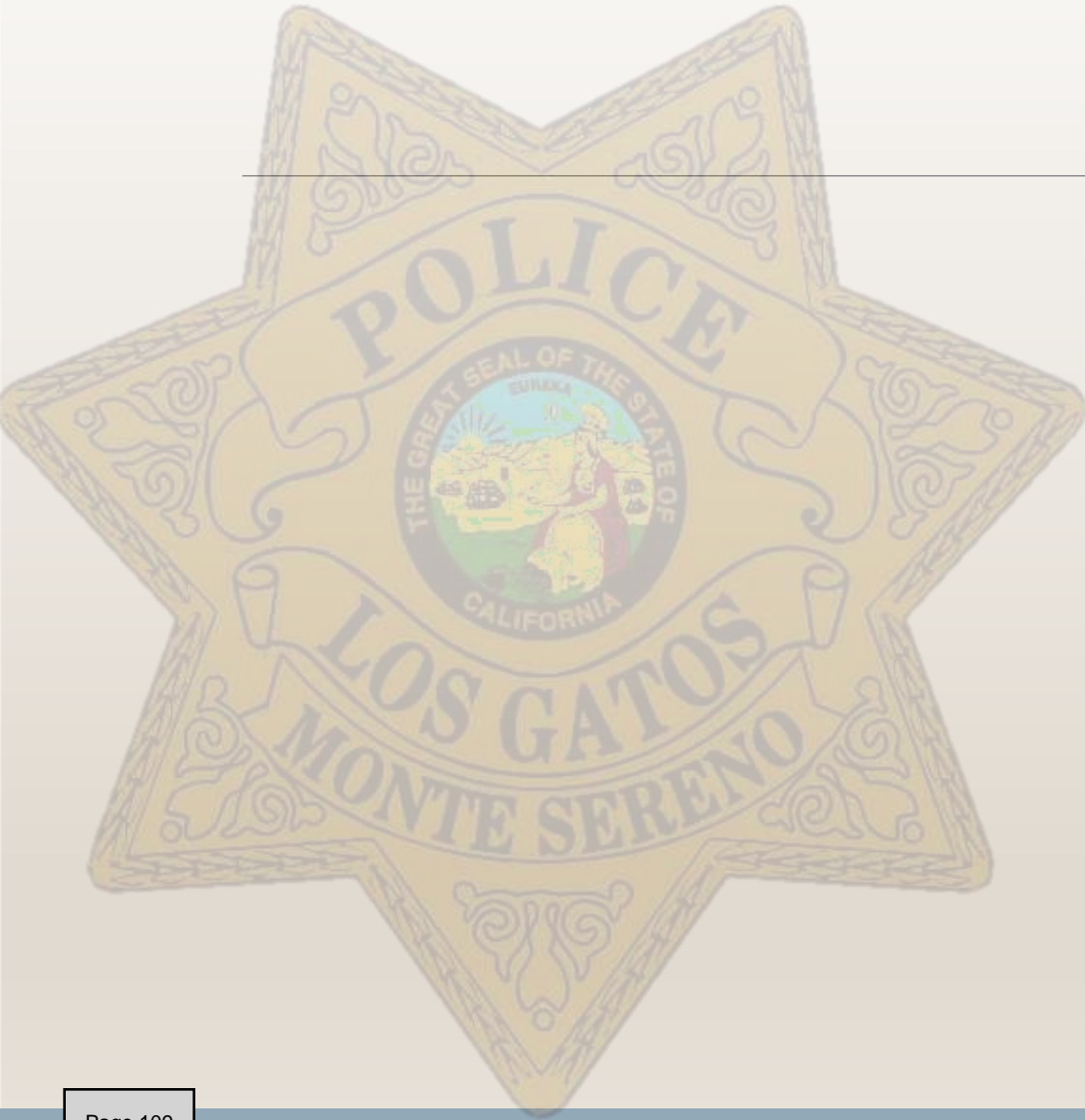
The first half of 2025 reflects a period of strategic adaptation and forward momentum for the LGMSPD, marked by measurable progress in staffing stabilization, fiscal responsibility, community engagement, and implementation of key Meliora Public Safety Assessment recommendations. LGMSPD has upheld its commitment to localized service, innovation, and transparency, while also laying critical groundwork for the regional demands of 2026. Sustaining this progress will require ongoing investment in personnel, technology, and infrastructure, as well as continued support for proactive planning to anticipate vacancies and operational pressures. The Department remains a trusted, resilient, and adaptive pillar of the community, with its vision firmly focused on delivering excellence in public safety services through the remainder of 2025 and beyond.

### ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

### Attachment:

1. PowerPoint Presentation



# LOS GATOS POLICE SERVICES REPORT

JAN-JUNE 2025



# THE DEPARTMENT *Staff Update*



POLICE OFFICERS

3

POLICE OFFICER RECRUITS

1



COMMUNITY SERVICE OFFICER INTERNS

3



SERGEANT

1

DISPATCHER

1

**DUI GRANT**

**LGMS POLICE  
FOUNDATION**

# **FISCAL BUDGET**

**POST GRANT**  
*(TEAM BUILDING  
WORKSHOP)*

**PARKING  
RESIDENTIAL  
ALARM  
ORDINANCE**

**MONTE SERENO  
LE SERVICES  
CONTRACT**

**ALARM BILLING &  
PERMIT  
MANAGEMENT  
VENDOR (TURBODATA)**

# Technology & Research Evaluation





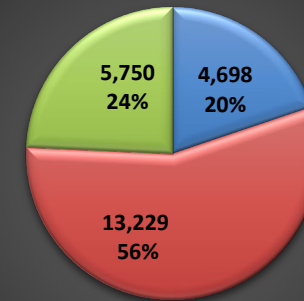


# Calls For Service

**RESPONSE TIMES BY PRIORITY**  
January – June  
2024 - 2025

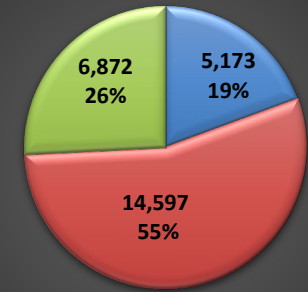


**COMMUNICATIONS  
CALL CENTER METRICS**  
January - June  
2025



- 911 Calls (95.95% Calls Answered < 10 Sec)
- Incoming Non Emergency Calls
- Outbound Calls

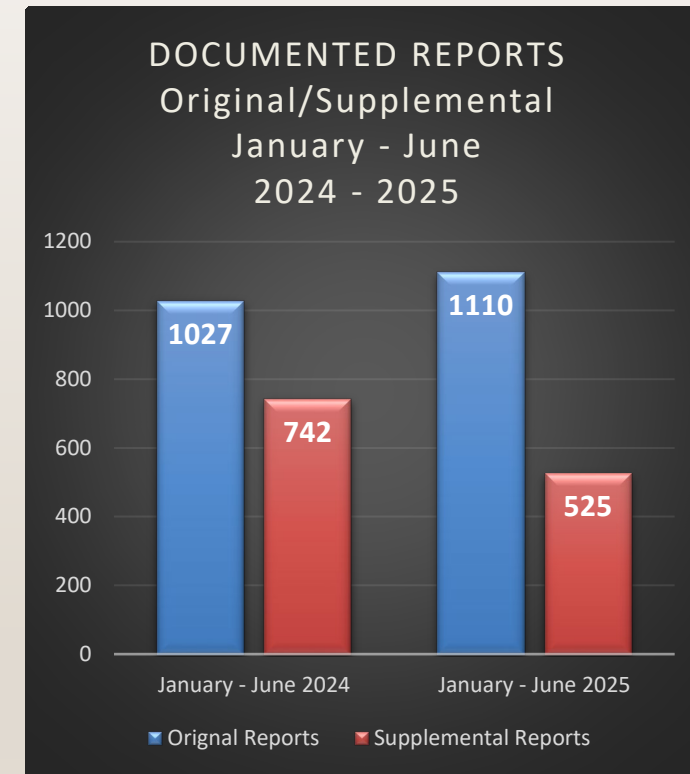
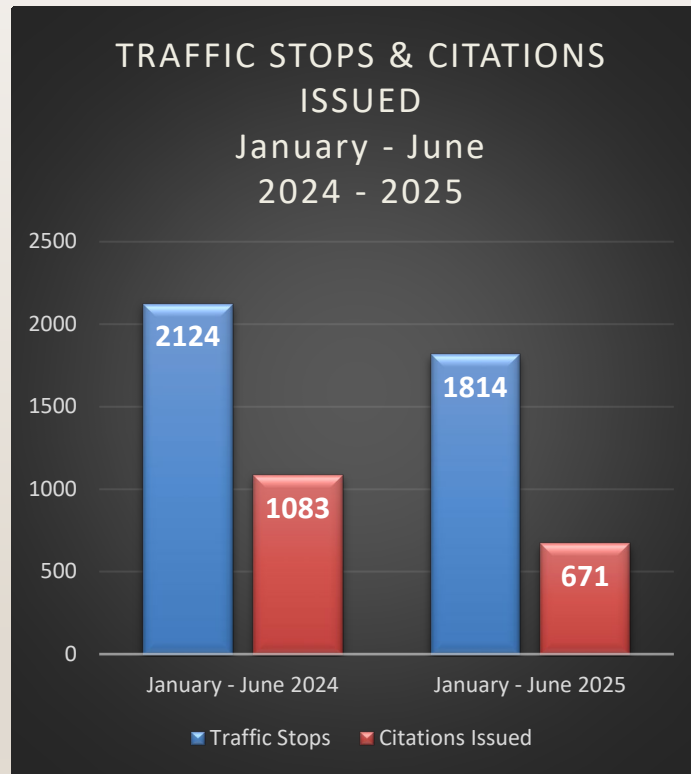
**COMMUNICATIONS  
CALL CENTER METRICS**  
January - June  
2024



- 911 Calls (95.90% Calls Answered < 10 Sec)
- Incoming Non Emergency Calls
- Outbound Calls

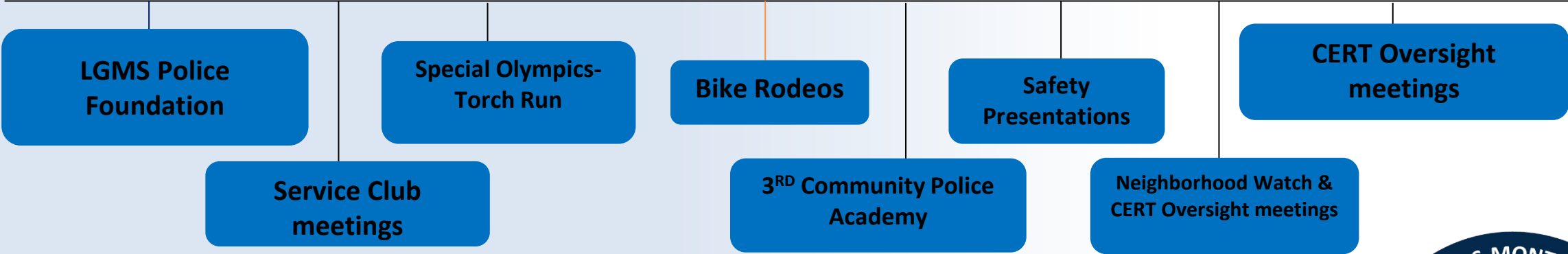


# Traffic Enforcement & Case Reports





# COMMUNITY POLICING



1

## FLEET COMPOSITION

Mix of marked patrol units, unmarked investigative/admin vehicles, special-use units (UTVs, bikes, trailers), and volunteer/donated resources

4

## SPECIALIZED EQUIPMENT

Supervisor units as mobile command posts; parking vehicles with ALPR; UTVs for off-road & event support

2

## FUNDING SOURCES

Town budget, state/federal grants, Police Foundation, community donations

5

## CAPACITY CONSTRAINTS

5 patrol officers per shift; marked units shared between day/night shifts with limited downtime

3

## OPERATIONAL COVERAGE

Supports 24/7 patrol, investigations, school safety, traffic enforcement, volunteer programs, and special events

6

## PROCUREMENT LAG

6-12+ month lead time for acquisition & upfitting; requires maintaining backup units

**81%**

**Satisfaction with Town Services,  
Police Services was top three.**

- **Police Services was also selected as the top two most important services for the Town to provide.**

**80%**

**Public Safety Perceptions were rated in 9 areas with three categories rating above 80%:**

- **Professionalism of Officers**
- **Effectiveness of police**
- **How quickly police respond**

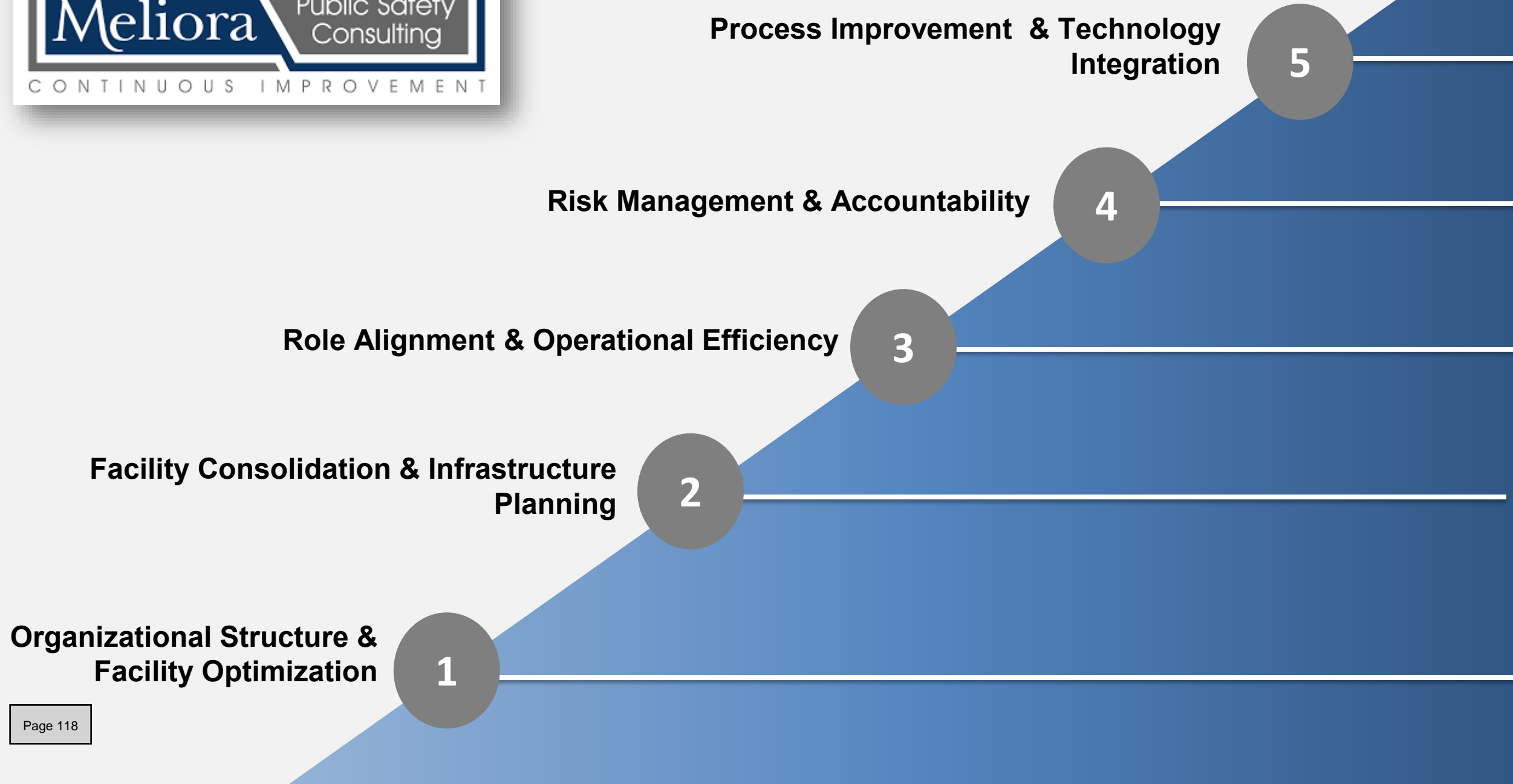
**81%**

**Police Services saw the biggest gain in Town Services satisfaction since 2022. Going from 74% to 81% in 2025**

## **SURVEY SUMMARY**

### **Public Safety: Priorities for Investment**

- **Continued efforts to prevent crime**
- **More visibility of police personnel in neighborhoods**
- **Efforts to collaborate with the public to address concerns**
- **Enforcement of local traffic law**





# ALPR

ITEM NO. 11.

## Legal Compliance & Policy Framework

- Governed by SB 34 (ALPR data safeguards) & SB 54 (California Values Act)
- Guided by LGMSPD Lexipol Policy 429 – Automated License Plate Readers (ALPR), ensuring lawful, ethical, and accountable use. Posted on LGMSPD website

## Controlled Access & Use Restrictions

- Only authorized California law enforcement agencies can access ALPR data.
- No direct access for federal or out-of-state agencies.
- Never used solely for immigration enforcement.

## Investigative Tool

- Functions as a pointer system to locate:
  - Missing persons
  - Crime victims
  - Criminal suspects
- Always used alongside other lawful investigative methods that are governed by Policy 429, SB34, and SB 54

## Transparency & Public Accountability

- Public ALPR policy & usage data posted on:
  - Town Transparency & Data Portal
  - Flock Safety Transparency Portal
- Regular updates maintain community oversight & trust



ITEM NO. 11.

**COMMUNICATIONS  
INFRASTRUCTURE  
MODERNIZATION**

**REGIONAL PREPAREDNESS  
FOR SUPER BOWL & FIFA  
WORLD CUP**

**OPERATIONAL COLLATERAL  
TEAM READINESS  
ASSESSMENT**

# Priorities & Themes



**STAFFING STABILITY**

**TRAFFIC ENFORCEMENT  
EXPANSION**

**MELIORA ASSESSMENT  
IMPLEMENTATIONS**





# QUESTIONS





**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO: 12

ITEM NO. 12.

DATE: August 14, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Consider an Appeal of a Planning Commission 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. APN 532-36-022. Fence Height Exception Application FHE-23-001. Categorically Exempt Pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Property Owner/Applicant/Appellant: Firoz Pradhan. Project Planner: Sean Mullin.**

RECOMMENDATION: Adopt a resolution (Attachment 16) denying an appeal of a Planning Commission 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 front yard and street-side yard setbacks on property zoned R-1D, located at 10 Charles Street.

FISCAL IMPACT:

Not applicable. Considering approval or denial of an appeal does not in itself result in an additional cost. Depending on the action taken, additional cost may be incurred.

STRATEGIC PRIORITIES:

Not applicable.

PREPARED BY: Sean Mullin, AICP  
Planning Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director



SUBJECT: 10 Charles Street /FHE-23-001

DATE: August 14, 2025

**BACKGROUND:**

The subject property is located at the corner of Charles Street and Los Gatos Boulevard (Attachment 1, Exhibit 1). The surrounding properties are residential uses. The subject property is developed with a single-family residence.

On November 11, 2022, the Town issued an Administrative Warning for a code violation at the subject property for construction of a fence exceeding height limitations within the required side yard area (Attachment 1, Exhibit 4). This letter requested that the property owner reduce the height of the fence to no more than three feet or apply for a Fence Height Exception. Following the issuance of the Administrative Warning, the property owner contacted Town Planning staff, who communicated to the property owner that the new fence exceeded the maximum height allowed in the required front and street-side yard setbacks, as well as the traffic view area and corner sight triangle. Staff indicated that the Town Code offers an exception process that allows for deviation from the Town's requirements if the appropriate findings are made by the Community Development Director.

On January 10, 2023, the applicant applied for an exception to the Town's fence regulations (FHE-23-001) for the construction of the fence, which does not comply with the Town Code fence height regulations for fences located in the required front and street-side yard areas, as well as the traffic view area and corner sight triangle (Attachment 1, Exhibit 5). The exception request was based on concerns related to safety and security. Planning and Engineering staff initially supported the request (Attachment 1, Exhibit 6), finding that the open design of the fence and the width of sidewalk/planting strip mitigate the traffic and pedestrian safety concerns. Following a site visit by staff to prepare an exhibit to support granting the exception, staff noted that portions of the fence are located in the Town's right-of-way, a fact not available during initial consideration of the exception request. In consultation with the Engineering Division, it was determined that the Town could not make the findings required for granting an exception due to the fence being located in the Town's right-of-way, and the exception request was denied on March 23, 2023 (Attachment 1, Exhibit 8).

On April 3, 2023, the decision of the Community Development Director was appealed to the Planning Commission by the property owner, Firouz Pradhan (Attachment 1, Exhibit 9). On the appeal form, the appellant indicated that they were seeking additional information and discussing the matter with the Parks and Public Works Department to seek a resolution. A Letter of Justification discussing the appeal was provided to staff on March 2, 2025 (Attachment 1, Exhibit 10).

On March 12, 2025, the Planning Commission considered the appeal of a Community Development Director decision to deny the fence height exception request at 10 Charles Street (Attachments 1 and 2). The Planning Commission received the staff report, testimony from the

SUBJECT: 10 Charles Street /FHE-23-001

DATE: August 14, 2025

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 staff's approval;
- Redesign the fence near the driveway serving 264 Los Gatos Boulevard to address sight and safety concerns; and
- Any approval carries 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 the Commission's direction of March 12, 2025 (Attachments 3 through 6). 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 (Attachments 7 and 8). The Commission continued this matter to the May 28, 2025, meeting.

On May 28, 2025, the Planning Commission considered the appellant's response to their direction of March 12, 2025 (Attachments 9 through 13). As detailed in the Staff Report included as Attachment 9, the applicant provided two response letters outlining proposed changes to the fence with the intent of responding to the direction of the Planning Commission. Neither option reduced the height of the fence. Both options proposed modifications that would partially address the safety concerns created by fencing located in the corner sight triangle and driveway view areas; however, neither option presented to the Planning Commission provided remedy to the over height fence within the 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, with the applicant indicating their willingness to enter into the appropriate agreements with the Town to maintain private improvements in the right-of-way. The Planning Commission received the staff report, testimony from the applicant, and input from the public. The Planning Commission was unable to make the findings to grant the appeal and voted five-to-one to deny the appeal (Attachments 12 through 13).

On June 9, 2025, the decision of the Planning Commission was appealed to the Town Council by an interested person, Firoz Pradhan, property owner of 10 Charles Street (Attachment 14). On the appeal form, the appellant indicated that there was an error or abuse of discretion by the Planning Commission and that the decision of the Planning Commission is not supported by substantial evidence in the record.

SUBJECT: 10 Charles Street /FHE-23-001

DATE: August 14, 2025

Pursuant to Town Code Section 29.20.275, any interested person, as defined by Section 29.10.020, may appeal to the Council any decision of the Planning Commission. The notice of appeal must state specifically how there was an error or abuse of discretion by the Planning Commissioner or how the Planning Commission's decision was not supported by substantial evidence in the record. (Demonstrating that a decision was not supported by substantial evidence in the record is one way of establishing an abuse of discretion.) For residential projects, an interested person is defined as "a person or entity who owns property or resides within 1,000 feet of a property for which a decision has been rendered and can demonstrate that their property will be injured by the decision." The appellant meets the requirements.

Pursuant to Town Code Section 29.20.280, the appeal must be heard within 56 days of the Planning Commission hearing, in this case by August 4, 2025. Due to there being no Council meetings in July and the appellant's previously arranged travel plans, the appellant requested that the item be added to the August 19, 2025, agenda. The Council must at least open the public hearing for the item and may continue the matter to a date certain if the Council does not complete its deliberations.

Pursuant to Town Code Section 29.20.295, in the appeal and based on the record, the appellant bears the burden to prove that either there was an error or abuse of discretion (which includes making a decision that was not supported by substantial evidence in the record) by the Planning Commission. If neither is proved, the appeal should be denied. If the appellant meets the burden, the Council shall grant the appeal and may modify, in whole or in part, the determination from which the appeal was taken or, at its discretion, return the matter to the Planning Commission. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

#### DISCUSSION:

##### A. Project Summary

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 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. Attachment 9, 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.

SUBJECT: 10 Charles Street /FHE-23-001

DATE: August 14, 2025

The property owner requested an exception to the fence regulations for a fence exceeding a height of three feet located in the front and street-side yard areas, traffic view area, and corner sight triangle (Attachment 1, Exhibit 5). The total height of the wood fence is five feet, four inches tall. The fence is comprised of two sections: a solid two foot, two-inch-tall lower section with vertical wood boards; and an upper three feet, two-inch-tall section with wood lattice with five-inch openings.

Pursuant to Town Code Section 29.40.0315 (a)(3), fences, walls, gates, and hedges may not exceed a height of three feet when located within a required front or side yard abutting a street, traffic view area, or corner sight triangle, unless an exception is granted by the Town Engineer and Community Development Director. This regulation is intended to minimize conflicts between pedestrians, cyclists, and cars by ensuring fences, walls, gates, and hedges do not obstruct the view from a car at an intersection of two streets. Limiting the height of fences and gates to no more than three feet in these areas allows drivers and pedestrians a view of each other while continuing to afford property owners the opportunity to define the boundaries of their property. The required front setback in the R-1D zone is 15 feet, the required street-side setback is 10 feet, and the traffic view area and corner sight triangle are dimensioned in Exhibit 11 of Attachment 1. The proposed five-foot, four-inch tall fence is set at the front property line, then turns east and enters the Town's right-of-way, paralleling the curb along Charles Street (Attachment 1, Exhibit 7).

Town Code Section 29.40.0320, provided below, allows an exception to any of the fence regulations if a property owner can demonstrate that one of the following conditions exists.

***Sec. 29.40.0320. - Exceptions.***

*An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one (1) of the following conditions exists:*

- (a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.*
- (b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:
  - (1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or*
  - (2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.**
- (c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.*

SUBJECT: 10 Charles Street /FHE-23-001

DATE: August 14, 2025

*(d) A special security concern exists that cannot be practically addressed through alternatives.*

*(e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.*

The property owner requested an exception based on safety and security concerns (Attachment 1, Exhibit 5). Staff was unable to make the findings for granting an exception and denied the exception request on March 23, 2023 (Attachment 1, Exhibit 8). The decision of the Community Development Director was appealed to the Planning Commission.

**B. Planning Commission**

On May 28, 2025, the Planning Commission considered the applicant's response to its direction of March 12, 2025. As detailed in the Staff Report included as Attachment 9, the applicant provided two response letters outlining proposed changes to the fence with the intent of responding to the Planning Commission. Neither option reduced the height of the fence. Both options proposed modifications that would partially address the safety concerns created by fencing located in the corner sight triangle and driveway view areas; however, neither option presented to the Planning Commission provided remedy to the over height fence within the 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, with the applicant indicating their willingness to enter into the appropriate agreements with the Town to maintain private improvements in the right-of-way. The Planning Commission received the staff report, testimony from the applicant, input from the public, and voted five-to-one to deny the request (Attachments 12 and 13).

**C. Appeal to Town Council**

On June 9, 2025, the decision of the Planning Commission was appealed to the Town Council by an interested person, Firoz Pradhan, property owner of 10 Charles Street (Attachment 14). On the appeal form, the appellant indicated that there was an error or abuse of discretion by the Planning Commission and that the decision of the Planning Commission is not supported by substantial evidence in the record. The appellant's reasoning is provided below, followed by staff's response.

1. Appellant: There was an error or abuse of discretion by the Planning Commission as the Planning Commission failed to exercise its discretion to grant the appeal with stringent conditions that the property owner would be mandated - and was, in fact, willing to - implement to ensure any safety concerns due to visibility issues.

SUBJECT: 10 Charles Street /FHE-23-001

DATE: August 14, 2025

Staff Response: In discussion, the Commission noted that they provided clear direction to the appellant and that the appellant returned to the Commission with two options that did not respond to their direction. Additionally, the Commission noted that the fence creates a safety issue, and they were unable to make the findings required by Town Code Section 29.40.0320 for granting an exception. The Commission voted five-to-one to deny the appeal.

2. Appellant: The Planning Commission's decision is not supported by substantial evidence in the record, as the Town is willing to have the right-of-way issue addressed through a license agreement; the Planning Commission's decision to reject the appeal in full, and not grant it partially, is not supported by this evidence.

Staff Response: In discussion, staff and the Commission indicated that there was support for allowing the portion of the fence located in the right-of-way to remain, subject to a license agreement. However, since the Commission opined that the portions of the fence create a safety issue and they were unable to make the findings required by Town Code Section 29.40.0320 for granting an exception, the Commission voted five-to-one to deny the appeal.

On June 12, 2025, the appellant submitted a proposal for modifications to the fence (Attachment 15). The appellant proposes the following changes:

- Fence height would be reduced along the entire Los Gatos Boulevard frontage to three feet or less;
- Shrubs located behind the fence along the Los Gatos Boulevard frontage be reduced to three feet or less;
- First 30 feet of fence and shrubs located along Charles Street would be reduced to three feet or less;
- Past the 30 feet on Charles Street, the fence would remain at the current height (see typical elevation with dimensions and materials);
- At the driveway south of 10 Charles Street, the fence would be reduced to three feet or less for the first 10 feet from the corner towards the house. (Triangle "A"); and
- All fences and shrubs in the areas designated "A", "B", "C" & "D" as shown in Attachment 15 in red, would be reduced and maintained at three feet or less, while the rest of the fence section shown in green would remain.

Staff Response: The information provided in Attachment 15 is new and was not presented to or considered by the Planning Commission. Pursuant to Town Code Section 29.20.295, if the appellant meets the burden of proof that either there was an error or abuse of discretion (which includes making a decision that was not supported by substantial evidence in the record) by the Planning Commission, and the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning

SUBJECT: 10 Charles Street /FHE-23-001

DATE: August 14, 2025

Commission, the appeal should be granted and the matter remanded back to the Planning Commission for consideration of the new information. However, if the appellant fails to meet the burden of proof that either there was an error or abuse of discretion (which includes making a decision that was not supported by substantial evidence in the record) by the Planning Commission, the appeal shall be denied.

#### PUBLIC COMMENTS:

Written notice of the Town Council hearing was sent to property owners and tenants within 300 feet of the subject property. Public comments received between 11:01 a.m., Wednesday, May 28, 2025, and 11:00 a.m., Thursday, August 14, 2025, are included as Attachment 17.

#### ENVIRONMENTAL REVIEW:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction.

#### CONCLUSION:

##### A. Recommendation

For the reasons stated in this report, it is recommended that the Town Council uphold the decision of the Planning Commission to deny the application and adopt a resolution (Attachment 16) denying the appeal.

##### B. Alternatives

Alternatively, the Town Council could continue the application to a date certain and:

1. Provide direction to staff to prepare a resolution to grant the appeal and remand the application back to the Planning Commission with specific direction;
2. Provide direction to staff to prepare a resolution granting the appeal and approving the application; or
3. Continue the application with other specific direction.

SUBJECT: 10 Charles Street /FHE-23-001

DATE: August 14, 2025

ATTACHMENTS:

1. March 12, 2025, Planning Commission Staff Report, with Exhibits 1 through 11
2. March 12, 2025, Planning Commission Verbatim Minutes
3. April 23, 2025, Planning Commission Staff Report
4. April 23, 2025, Planning Commission Addendum, with Exhibit 12
5. April 23, 2025, Planning Commission Desk Item, with Exhibits 13 through 14
6. April 23, 2025, Planning Commission Verbatim Minutes
7. May 14, 2025, Planning Commission Staff Report
8. May 14, 2025, Planning Commission Meeting Minutes
9. May 28, 2025, Planning Commission Staff Report, with Exhibits 15 through 19
10. May 28, 2025, Planning Commission Addendum, with Exhibit 20
11. May 28, 2025, Planning Commission Desk Item, with Exhibit 21
12. May 28, 2025, Planning Commission Verbatim Minutes
13. May 28, 2025, Planning Commission Action Letter
14. Appeal of the Planning Commission Decision, received June 9, 2025
15. Additional Information from Appellant, received June 12, 2025
16. Draft Resolution to Deny Appeal and Deny the Application
17. Public comments received between 11:01 a.m., Wednesday, May 28, 2025, and 11:00 a.m., Thursday, August 14, 2025





**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 03/12/2025

ITEM NO. 12.

ITEM NO: 3

DATE: March 7, 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.

**RECOMMENDATION:**

Deny 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.

**PROJECT DATA:**

General Plan Designation: Medium Density Residential

Zoning Designation: R-1D, Single-Family Residential Downtown

Applicable Plans & Standards: Town Code, General Plan, Residential Design Guidelines

Parcel Size: 7,500 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Medium Density Residential	R-1D
South	Residential	Medium Density Residential	R-1D
East	Residential	Medium Density Residential	R-1D
West	Residential	Low Density Residential	R-1:8

**PREPARED BY:** SEAN MULLIN, AICP  
Planning Manager

Reviewed by: Community Development Director

SUBJECT: 10 Charles Street/FHE-23-001

DATE: March 7, 2025

CEQA:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303: New Construction or Conversion of Small Structures.

FINDINGS:

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303 (e): New Construction or Conversion of Small Structures.
- As required by Section 29.40.320 of the Town Code for granting a Fence Height Exception.

ACTION:

The decision of the Planning Commission is final unless appealed within ten days.

BACKGROUND:

The subject property is located at the corner of Charles Street and Los Gatos Boulevard (Exhibit 1). The surrounding properties are residential uses. The subject property is developed with a single-family residence.

On November 11, 2022, the Town issued an Administrative Warning for a code violation at the subject property for construction of a fence exceeding height limitations within the required side yard area (Exhibit 4). This letter requested that the property owner reduce the height of the fence to no more than three feet or apply for a Fence Height Exception. Following issuance of the Administrative Warning, the property owner contacted Town Planning staff who communicated to the property owner that the new fence exceeded the maximum height allowed in the required front and street-side yard setbacks, as well as the traffic view area and corner sight triangle. Staff indicated that the Town Code offers an exception process that allows for deviation from the Town's requirements if the appropriate findings are made by the Community Development Director.

On January 10, 2023, the applicant applied for an exception to the Town's fence regulations (FHE-23-001) for the construction of the fence, which does not comply with the Town Code fence height regulations for fences located in the required front and street-side yard areas, as well as the traffic view area and corner sight triangle (Exhibit 5). The exception request was based on concerns related to safety and security. Planning and Engineering staff initially supported the request (Exhibit 6), finding that the open design of the fence and the width of sidewalk/planting strip mitigate the traffic and pedestrian safety concerns. Following a site visit by staff to prepare an exhibit to support granting the exception (Exhibit 7), staff noted that portions of the fence are located in the Town's right-of-way, a fact not available during initial

SUBJECT: 10 Charles Street/FHE-23-001

DATE: March 7, 2025

consideration of the exception request. In consultation with the Engineering Division, it was determined that the Town could not make the findings required for granting an exception due to the fence being located in the Town's right-of way and the exception request was denied on March 23, 2023 (Exhibit 8).

On April 3, 2023, the decision of the Community Development director was appealed to the Planning Commission by the property owner, Firouz Pradhan (Exhibit 9). On the appeal form, the appellant indicated that they were seeking additional information and discussing the matter with the Parks and Public Works Department to seek resolution. A Letter of Justification discussing the appeal was provided to staff on March 2, 2025 (Exhibit 10).

Pursuant to the Town Code Section 29.20.255, any interested person as defined by Section 29.10.020 may appeal to the Planning Commission any decision of the Community Development Director. For residential projects, an interested person is defined as "a person or entity who owns property or resides within 1,000 feet of a property for which a decision has been rendered and can demonstrate that their property will be injured by the decision." The property owner/appellant meets the requirements.

Pursuant to Town Code Section 29.20.265, the hearing of the appeal shall be set for the first regular meeting of the Planning Commission in which the business of the Planning Commission will permit, more than five days after the date of filing the appeal. The Planning Commission may hear the matter anew and render a new decision on the matter. In coordination with the property owner/appellant, the hearing by the Planning Commission was delayed for personal reasons until March 12, 2025.

#### PROJECT DESCRIPTION:

##### A. Location and Surrounding Neighborhood

The subject property is located at the corner of Charles Street and Los Gatos Boulevard (Exhibit 1). The surrounding properties are residential uses. The subject property is developed with a single-family residence.

##### B. Project Summary and Zoning Compliance

The property owner is appealing the Community Development Director decision to deny an exception to the fencing regulations 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, and corner sight triangle (Exhibits 9 and 10). Pursuant to Town Code Section 29.20.265, the Planning Commission may hear the matter anew and render a new decision on the matter.

SUBJECT: 10 Charles Street/FHE-23-001

DATE: March 7, 2025

DISCUSSION:A. Fence Height Exception

The property owner requested an exception to the fence regulations for a fence exceeding a height of three feet located in the front and street-side yard areas, traffic view area, and corner sight triangle (Exhibit 5).

Exhibit 7, prepared by staff, shows the approximate location of the fence in question, highlighting the portions that are located in the Town's right-of-way. The total height of the wood fence is five feet, four inches tall. The fence is comprised of two sections: a solid two foot, two-inch-tall lower section with vertical wood boards; and an upper three feet, two-inch-tall section with wood lattice with five inch openings (Exhibit 5).

Per Town Code Section 29.40.0315 (a)(3), fences, walls, gates, and hedges may not exceed a height of three feet when located within a required front or side yard abutting a street, traffic view area, or corner sight triangle, unless an exception is granted by the Town Engineer and Community Development Director. This regulation is intended to minimize conflicts between pedestrians, cyclists, and cars by ensuring fences, walls, gates, and hedges do not obstruct the view from a car at an intersection of two streets. Limiting the height of fences and gates to no more than three feet in these areas allows drivers and pedestrians a view of each other while continuing to afford property owners the opportunity to define the boundaries of their property. The required front setback in the R-1D zone is 15 feet, the required street-side setback is 10 feet, and the traffic view area and corner sight triangle are dimensioned in Exhibit 11. The proposed five-foot, four-inch tall fence is set at the front property line, then turns east and enters the Town's right-of-way, paralleling the curb along Charles Street (Exhibit 7).

Town Code Section 29.40.0320, provided below, allows an exception to any of the fence regulations if a property owner can demonstrate that one of the following conditions exist.

***Sec. 29.40.0320. - Exceptions.***

*An exception to any of these fence regulations may be granted by the Community Development Director. A fence exception application and fee shall be filed with the Community Development Department and shall provide written justification that demonstrates one (1) of the following conditions exist:*

- (a) Adjacent to commercial property, perimeter fences or walls may be eight (8) feet if requested or agreed upon by a majority of the adjacent residential property owners.*
- (b) On interior lots, side yard and rear yard fences, walls, gates, gateways, entry arbors, or hedges, behind the front yard setback, may be a maximum of eight (8) feet high provided the property owner can provide written justification that either:
  - (1) A special privacy concern exists that cannot be practically addressed by additional landscaping or tree screening; or**

SUBJECT: 10 Charles Street/FHE-23-001

DATE: March 7, 2025

- (2) A special wildlife/animal problem affects the property that cannot be practically addressed through alternatives. Documented instances of wildlife grazing on gardens or ornamental landscaping may be an example of such a problem.*
- (c) At public utility facilities, critical infrastructure, and emergency access locations, exceptions may be granted where strict enforcement of these regulations will result in a security or safety concern.*
- (d) A special security concern exists that cannot be practically addressed through alternatives.*
- (e) A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.*

The property owner requested an exception based on safety and security concerns (Exhibit 5). As noted above, staff initially supported the exception request given the mitigating factors that addressed pedestrian and traffic issues; however, once the fence was determined to be in the Town's right-of-way, staff was unable to support the exception request. The Town denied the exception request on March 23, 2023 (Exhibit 8).

#### B. Appeal

The decision of the Community Development Director to deny the Fence Height Exception application was appealed by the property owner on April 3, 2023 (Exhibit 9). In their Letter of Justification, the property owner reiterates their safety and security concerns, and discusses the unique characteristics of the property and goals of mitigating safety issues with the open view portion of the fence (Exhibit 10). When initially considering this justification, staff supported the requested exception. The primary reason for denial of the exception request was due to the location of the fence in the Town's right-of-way. In their Letter of justification, the property owner indicates that a portion of the fence was inadvertently built in the Town's right-of-way, which helped provide reasonable and fair access to approach the front yard. The property owner also noted that locating the fence within the property boundary would make exterior circulation between the front yard and the side yard impractical. Further, relocating the fence onto the property may require removal of a cluster of oak trees. Finally, the property owner offers their willingness to sign any needed agreements with the Town in order to maintain the fence in the Town's right-of-way.

Private improvements located in Town rights-of-way can create safety and Town liability issues and are not typically permitted. When allowed, an Encroachment Permit and License Agreement are typically required through the Parks and Public Works Department.

SUBJECT: 10 Charles Street/FHE-23-001

DATE: March 7, 2025

C. Environmental Review

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303 (e): New Construction or Conversion of Small Structures.

PUBLIC COMMENTS:

The property owner provided letters of support from two neighbors (Exhibit 10). Written notice was sent to property owners and occupants within 300 feet of the subject property. No additional public comments were received at the time of this report's preparation.

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.

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 draft conditions provided in Exhibit 3; or
3. Grant the appeal with additional and/or modified conditions.

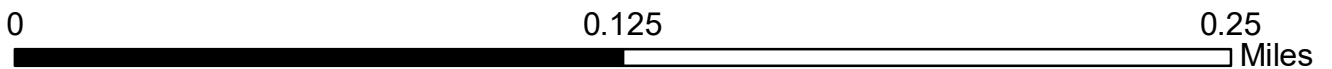
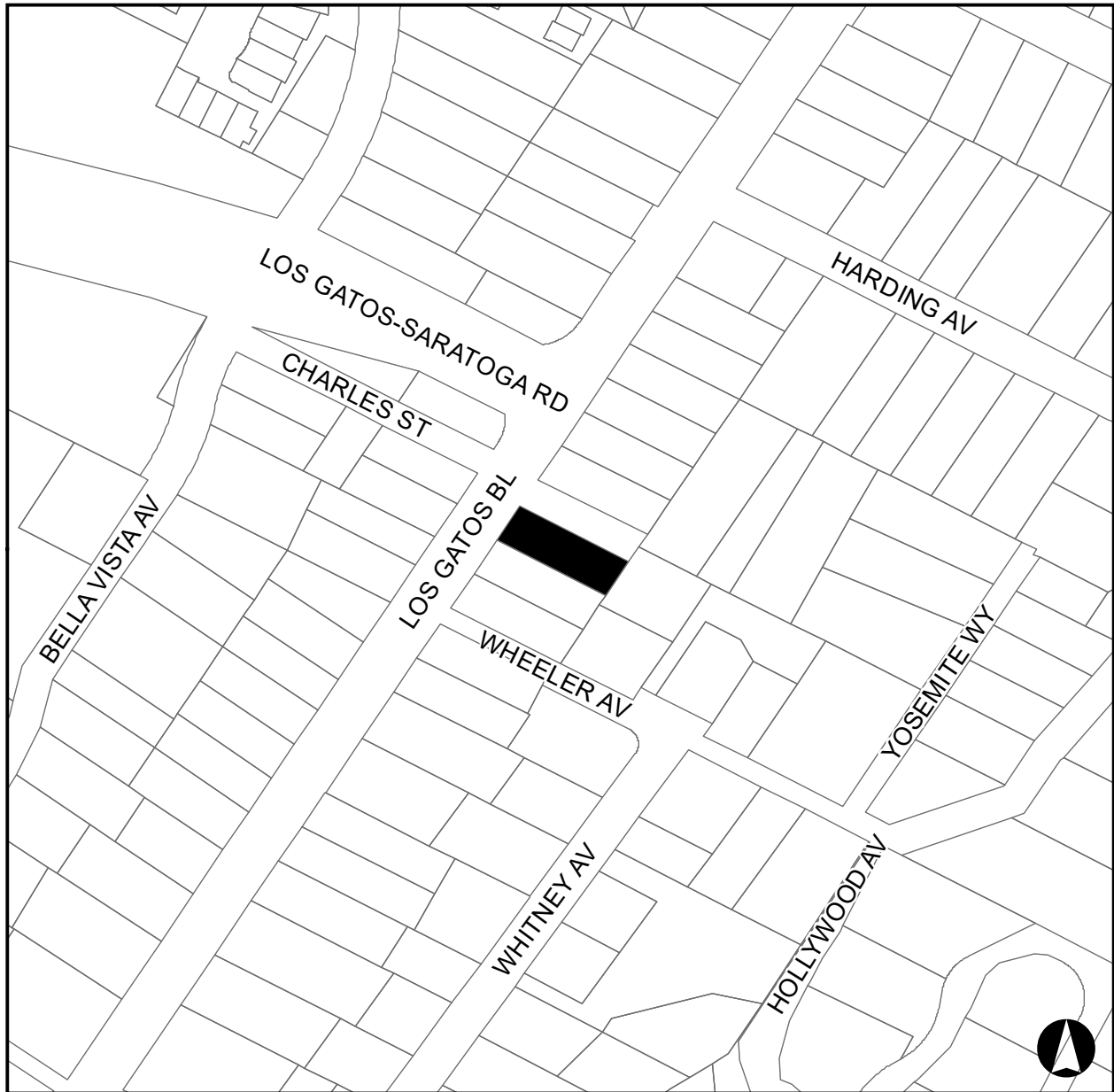
EXHIBITS:

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

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# 10 Charles Street



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**PLANNING COMMISSION – March 12, 2025**  
**REQUIRED FINDINGS FOR:**

**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**

**Required finding for CEQA:**

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15303 (e): New Construction or Conversion of Small Structures.

**Required findings for granting a Fence Height Exception pursuant to Section 29.40.320 of the Town Code:**

- A special security concern exists that cannot be practically addressed through alternatives.
- A special circumstance exists, including lot size or configuration, where strict enforcement of these regulations would result in undue hardship.

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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. 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.

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

*Engineering Division*

26. 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.



# TOWN OF LOS GATOS

ITEM NO. 12.

CIVIC CENTER  
110 E. MAIN STREET  
LOS GATOS, CA 95030

November 11, 2022

Firoz And Zubeda Pradhan Trustee  
16185 Los Gatos Blvd, Ste 205  
Los Gatos, CA 95032

## Administrative Warning

Re: Code Violation at 10 Charles St, Los Gatos

The Town of Los Gatos Community Development Department has recently observed a code violation on the referenced property. The violation is regarding the height of the side yard fence located on the Los Gatos Boulevard side of the property. The newly constructed fence appears to be taller than three feet in height and is currently in violation of the following Town Code Section:

29.40.0315. - Height, materials and design, and location.

(a) Height.

(3) Fences, walls, gates, and hedges may not exceed three (3) feet in height when located within a required front or side yard abutting a street (as required by the zone), driveway view area, traffic view area, or corner sight triangle unless an exception is granted by the Town Engineer and Community Development Director. Trees, hedges, and vegetation within a corner sight triangle shall meet the requirements of section 26.10.065.

Accordingly, we are asking you to please reduce the height of the side yard fence to no taller than three feet or apply for a fence height exemption (Town Code 29.40.0320) through the Town Engineer and Community Development Director by **November 30, 2022**. Please feel to contact me if you should have any questions regarding this notice at [ameyer@losgatosca.gov](mailto:ameyer@losgatosca.gov) or at 408-399-5746.

Respectfully yours,

Allen Meyer  
Code Compliance Officer  
Town of Los Gatos



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January 9, 2023

**Sean Mullin**

*Senior Planner*

Town of Los Gatos

110 E. Main Street

Los Gatos, CA 95030

Respected Mr. Mullin..

**10 CHARLES STREET, LOS GATOS, CA 95030 – REQUEST FOR FENCE HEIGHT EXEMPTION**

I am writing for your consideration to grant fence height exemption in response to the Administrative Warning dated 11/11/22 issued by the Town of Los Gatos with respect to the captioned home.

I would like to bring to your attention, through this submission, the **unique characteristics & circumstances** surrounding the property, the **specific concerns** we had around safety & security, the principal goals we established for the design & construction of this fence, and, finally, the **diligent steps** we undertook to meet these goals, both for ourselves and the community at large.

**UNIQUE CHARACTERISTICS & CIRCUMSTANCES SURROUNDING THIS PROPERTY**

- 1 Charles Street is a quiet, dead-end street, with just a handful of residents living on this street.
- 2 The subject home (10 Charles St), though located at the corner of Los Gatos Blvd & Charles, has its entry door and address sign on Charles St, including the detached one-car garage and Cabana.
- 3 The main living room, and the secondary bedroom – typically occupied by our elderly mother, or our grandchild when they visit us – is on the main Boulevard. Further, the living room has expansive half-round windows, and the subject bedroom has a large door leading to the street, both as part of the design of the original home built in 1920.
- 4 While egressing from Charles St to the Boulevard, there is a legal STOP sign that ensures that the exiting cars come to a complete stop before navigating a turn in either direction.
- 5 There are significant trees at the corner of our lot, and they could cause some interference, if any, than the far more open lattice work contained on the fence.
- 6 The home exactly across from the subject property has a fence that is identical in height and form, except for the specific shape of the lattice.
- 7 The yard on the Los Gatos Boulevard side is the primary yard area that is being used for kids' play area and outdoor leisure, and has vegetable beds and other floral decorations planted.
- 8 The subject property was under major renovation and repair for a period of almost 2 years during the pandemic, and there was a 6-foot tall, opaque construction fence surrounding the property that did not result in any concerns that we were aware of.

**SPECIFIC CONCERNS FOR SAFETY, SECURITY & PRIVACY**

1. Based upon issue #3 raised above, it is clear that the safety & security was of key concern. This was amplified multi-fold when we had two distinct incidents of an intruder loitering around at the door leading to the front bedroom, in one instant to be warned of alerting the police unless the person left immediately. No threat was imposed, nor an imminent danger to life or property.
2. We were equally concerned about the visibility whilst existing Charles St, until we spoke with some of the neighbors, and carefully analyzed the facts contained in (1) through (8) above.

**PRIMARY GOAL FOR DESIGN & CONSTRUCTION OF FENCE**

Clearly, based upon discussions with the neighbors, as well as the unique facts highlighted above, our principal goal for the design and build a fence that would meet the goals of both the residents, as well as the community.

**DILIGENT STEPS UNDERTAKEN TO DESIGN AND CONSTRUCTION OF THE FENCE**

- 1 The fence is a combination of a 26" tall opaque section, overlaid with a 38" lattice work. The lattice work is custom designed to provide maximum visibility by its orientation and size of the openings (5"). See picture attached. This allows a clear sight or visibility to any south-bound traffic from Los Gatos Boulevard. (see pictures on pages \_ and \_).
- 2 The fence was designed and built in consultation with some of the the neighbors, and we are working closely to establish their comfort level.

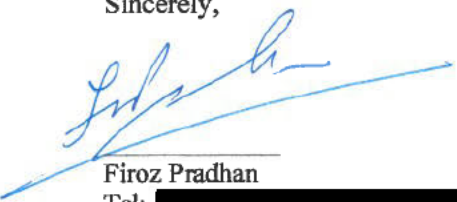
**CONCLUSION**

I hope we have been able to demonstrate that the specific goals and concerns of the community 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**

In light of the above facts & circumstances, I humbly request you to grant us the fence height exemption. I also want to assure you that we will continue to work with the Town of Los Gatos as well as the neighbors/community to address any further concerns that may arise on this issue.

Thank you for your consideration.  
Sincerely,

  
Firoz Pradhan

Tel: [REDACTED]

Ema [REDACTED]

Enclosures: (1) Fence design details with dimensions (2) Letter(s) from Neighbors (3) Fence photos (4 pgs)





10 Charles St, Los Gatos, CA 95032 - Fence Design Details

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**From:** [James Watson](#)  
**To:** [Sean Mullin](#)  
**Subject:** RE: 10 Charles - Fence Height Exception  
**Date:** Tuesday, January 31, 2023 1:32:22 PM  
**Attachments:** [image004.png](#)  
[image010.png](#)

---

Good afternoon, Sean,

Thank you for the opportunity to opine on the request for exception to the Town's Fence Height ordinance for the property at 10 Charles Street.

Engineering supports this exception. Engineering's support is attributed primarily to the location of the property being adjacent to the high traffic intersection of Los Gatos Boulevard and Saratoga-Los Gatos Road. Additionally, the Engineering Department recognizes the fence was designed with open lattice material to mitigate the fence's impact on the line-of-sight between traffic on Charles Street and both pedestrian traffic on the near sidewalk of Los Gatos Boulevard and vehicular traffic on Los Gatos Boulevard. The width of the sidewalk and planter strip adjacent to Los Gatos Boulevard provides space for a driver turning onto Los Gatos Boulevard to check for traffic in both directions prior to entering the Los Gatos Boulevard roadway. Therefore, it is my opinion that the height and open design of the proposed fence does not create a safety hazard at this location.

Please let me know if you need any additional information. Thank you.

**Best Wishes,**

**James Watson, P.E. | Interim Town Engineer**

Parks and Public Works | 41 Miles Avenue, Los Gatos, CA 95030

Phone: 408.354.5236 | [jwatson@losgatosca.gov](mailto:jwatson@losgatosca.gov)

[www.losgatosca.gov](http://www.losgatosca.gov) | <https://www.facebook.com/losgatosca>




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**From:** Sean Mullin <SMullin@losgatosca.gov>

**Sent:** Tuesday, January 31, 2023 12:13 PM

**To:** James Watson <JWatson@losgatosca.gov>

**Subject:** RE: 10 Charles - Fence Height Exception

Hi James,

Following up on our conversation about this fence...after much consideration, Planning is going to support the exception. During our conversation you mentioned that you could go either way. I was wondering if you can send me a quick email confirming that Engineering can support the exception

and that given the visual openness of the fence, increased setback created by the sidewalk, stop sign, and traffic light the proposed fence would not create a safety hazard. This statement will be added to the project file.

Let me know if you would like to discuss further.

Thank you,  
Sean

**Sean Mullin, AICP • Senior Planner**

Community Development Department • 110 E. Main Street, Los Gatos CA 95030  
Ph: 408.354.6823 • [smullin@losgatosca.gov](mailto:smullin@losgatosca.gov)  
[www.losgatosca.gov](http://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 offices are now open.** In accordance with the Santa Clara County Public Health Office Order, we strongly recommend masks indoors regardless of vaccination status. 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.



General Plan update, learn more at [www.losgatos2040.com](http://www.losgatos2040.com)



Housing Element update, learn more at <https://engagelosgatoshousing.com>

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**From:** Sean Mullin

**Sent:** Wednesday, January 18, 2023 4:20 PM

**To:** James Watson <[JWatson@losgatosca.gov](mailto:JWatson@losgatosca.gov)>

**Subject:** 10 Charles - Fence Height Exception

Hi James,

I am reviewing a requested Fence Height Exception for 10 Charles Street. The applicant requests approval to construct a fence exceeding three feet in height within the required front and street-side setback, within the corner sight triangle, and within the traffic view area. Attached is the Letter of Justification, photos, and neighbor support letters for the request. Are you available to review the request and provide feedback from the Engineering perspective?

Please let me know if you would like to set up a meeting to discuss further.

Best regards,  
Sean

**Sean Mullin, AICP • Senior Planner**

Community Development Department • 110 E. Main Street, Los Gatos CA 95030

Ph: 408.354.6823 • [smullin@losgatosca.gov](mailto:smullin@losgatosca.gov)

[www.losgatosca.gov](http://www.losgatosca.gov) • <https://www.facebook.com/losgatosca>

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**PORTION OF FENCE  
LOCATED IN TOWN'S  
RIGHT-OF-WAY**

TREE PROTECTION FENCING NOTES	
TREE PROTECTION FENCING SHALL BE A MIN. OF 5' HIGH CHAIN LINK MOUNTED ON 2" GALVANIZED STEEL POSTS DRIVEN 2' MIN. INTO THE GROUND AT A 10' MAX. SPACING	
TREE PROTECTION FENCING TO REMAIN IN PLACE THROUGH CONSTRUCTION AND SHALL NOT BE REMOVED UNTIL APPROVED BY ARBORIST OR RECORD.	

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**TOWN OF LOS GATOS**

COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
(408) 354-6872 Fax (408) 354-7593

CIVIC CENTER  
110 E. MAIN STREET  
LOS GATOS, CA 95030

March 23, 2023

Firouz Pradhan  
10 Charles Street  
Los Gatos, CA 95032  
Via email

**RE: 10 Charles Street  
Fence Height Exception FHE-23-001**

The Los Gatos Community Development Department and Parks and Public Works Department have reviewed the referenced application for a fence height exception pursuant to Section 29.40.0320. On March 23, 2023, the Los Gatos Community Development Department has **denied** the request as the required findings could not be made and the fence is located in the Town's right-of-way.

PLEASE NOTE: Pursuant to Section 29.20.255 of the Town Code, this decision may be appealed to the Planning Commission within 10 days of the denial date. Any interested person may appeal this decision to the Planning Commission. Appeals, with the completed Appeal Form and appeal fee payment, must be submitted within 10 days from the date of denial, or by 4:00 p.m., April 3, 2023.

If you have any questions concerning this decision, please contact Project Planner Ryan Safty at (408) 354-6823 or via email at [SMullin@losgatosca.gov](mailto:SMullin@losgatosca.gov).

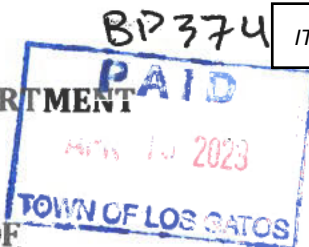
Best regards,

Sean Mullin, AICP  
Senior Planner

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**TOWN OF LOS GATOS  
COMMUNITY DEVELOPMENT DEPARTMENT**  
110 E. Main Street  
Los Gatos, CA 95030



**APPEAL OF THE DECISION OF  
DIRECTOR OF COMMUNITY DEVELOPMENT**

**PLEASE TYPE or PRINT NEATLY**

I, the undersigned, do hereby appeal a decision of the DIRECTOR OF COMMUNITY DEVELOPMENT as follows:

DATE OF DECISION: March 23, 2023

PROJECT/APPLICATION: FHE-23-001

LOCATION: \_\_\_\_\_

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Planning Commission any decision of the Director.

*Interested person means:*

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

**LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:**

We are currently seeking additional information to support our appeal, as well as are in active discussions with the Parks & Public Works to seek resolution to the issue at hand.

**IMPORTANT:**

1. Appeal must be filed not more than ten (10) days after the decision is rendered by the Director of Community Development. If the tenth (10<sup>th</sup>) day is a Saturday, Sunday, or Town holiday, then the appeal may be filed on the workday immediately following the tenth (10<sup>th</sup>) day. Appeals are due by 4:00 P.M.
2. The appeal shall be set for the first regular meeting of the Planning Commission which the business of the Planning Commission will permit, more than five (5) days after the date of the filing of the appeal. The Planning Commission may hear the matter anew and render a new decision in the matter.
3. You will be notified, in writing, of the appeal date.
4. Contact the project planner to determine what material is required to be submitted for the public hearing.

**RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT**

PRINT NAME: FIROZ PRADHAN

SIGNATURE: [Signature]

DATE: 04/03/23

ADDRESS: 10 CHARLES ST, LOS GATOS

PHONE: [Redacted]

EMAIL: [Redacted]

\*\*\*\*\*

**OFFICE USE ONLY**

DATE OF PLANNING COMMISSION HEARING: \_\_\_\_\_

COMMISSION ACTION:	1. _____	DATE: _____
	2. _____	DATE: _____
	3. _____	DATE: _____

PLAPPEAL \$ 234.00 Residential  
PLAPPEAL \$ 934.00 Commercial  
PLAPPEAL \$ 95.00 Tree Appeals

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March 2, 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 to grant exemption in response to your letter dated 03/23/23 issued by your office regarding the fence being in the Town's right of way.

I would like to bring to your attention, through this submission, the **unique characteristics & circumstances** surrounding the property, the **specific concerns** we have had around safety & security, the principal **goals** we established for the design & construction of this fence, and, finally, the **diligent steps** we undertook to meet these goals, both for ourselves and the community at large.

**UNIQUE CHARACTERISTICS & CIRCUMSTANCES SURROUNDING THIS PROPERTY**

1. Charles is a quiet, dead-end street, with just five neighbors living on the entire street! Accordingly, there is little or no traffic on the street.
2. The subject home (10 Charles St), though located at the corner of Los Gatos Blvd & Charles, has its entry door and address sign on Charles St,
3. The main living room, and the secondary bedroom – typically and often occupied by our elderly mother, or our grandchildren when they visit us – opens on the main Boulevard through a large pair of French doors.
4. While egressing from Charles St to the Boulevard, there is a legal **STOP** sign that ensures the exiting cars come to a complete stop before turning in either direction.
5. The home exactly across from the subject property has a fence that is identical in height and form, except for the specific shape of the lattice.
6. The yard fronting the Los Gatos Boulevard side is the primary yard area that is being used for kids' play area and outdoor leisure activities, and has vegetable beds and other floral decorations planted.
7. Access to the front yard is slightly tight as the front, right hand side corner of the home has been blessed with a cluster of heritage oak and other trees. **(See picture attached).**
8. The subject property was under major renovation and repair for a period of almost 2 years during the pandemic, and there was a 6-feet tall, opaque construction fence surrounding the property that did not result in any concerns that we were aware of.

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**SPECIFIC FACTORS IN THE DESIGN & CONSTRUCTION OF THE FENCE**

1. **Safety & Security**: It is clear that the safety & security was of key concern. This was amplified multi-fold when we had two distinct incidents of an intruder loitering around at the door leading to the front bedroom, in one instant to be warned of alerting the police unless the person left immediately. No threat was imposed, nor an imminent danger to life or property.
2. **Visibility**: We were equally concerned about the visibility whilst existing Charles St, until we spoke with some of the neighbors, and carefully analyzed the facts contained in (1) through (8) above. Letters from a couple of neighbors expressing their unequivocal support for the fence and its zero impact on the visibility has been attached for your reference. **(See Letters from Neighbors, duly attached)**
3. **Access to the Front Yard**: We needed to make sure that access to the front yard, the principal outdoor area for kids' play, is easily available. **(See picture attached).**

**DILIGENT STEPS UNDERTAKEN TO DESIGN AND CONSTRUCTION OF THE FENCE**

The custom-built fence is a combination of a 26" tall, lower opaque section, overlaid with a 38" lattice work. The lattice work is custom designed to provide maximum visibility by its orientation and size of the openings (5"). **See picture attached.** This allows a clear sight or visibility to any south-bound traffic from Los Gatos Boulevard. In fact, the fence was designed and built in consultation with some of the neighbors, and we are working closely to establish their comfort level.

Inadvertently, part of the fence was built in the public right of way, and this has helped provide a reasonable and fair access to approach the first yard. Had we built the fence along the property line, such access would have either been impractical, or would have required removal of a cluster of heritage oak trees.

**CONCLUSION**

I hope we have been able to demonstrate that the specific goals and concerns of the community 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.

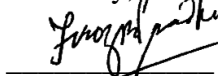
**REQUEST**

We once again humbly request you to grant us the exception. To this end, we are willing to provide the Town any necessary documentation to protect itself as well as to create an explicit and formal understanding that such concessions may be reversed at will as deemed necessary by the Town.

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: [REDACTED]

Email: [REDACTED]

Enclosures: (1) Fence design details with dimensions (2) Letter(s) from Neighbors (3) Fence photos (4 pgs)





view egressing from Charles St. Notice cluster of trees that block some of the visibility, while the wide, open lattice work provides clear visibility of oncoming cars and pedestrians.





Close-up view at the STOP sign at Charles St while egressing onto Los Gatos Blvd providing clear visibility.





Now of the fence adjacent to the neighbor towards downtown. Notice that the fence has been clipped, and was done in consultation with this neighbor (Michelle).







From: Saeed and Mahtab Nejad  
[REDACTED] Los Gatos, CA 95032  
[REDACTED]

To: Planning Department  
Town of Los Gatos  
110 E Main St.  
Los Gatos, CA 95030

Dear sir or madam, I am writing this letter in reference to our new neighbors at 10 Charles St. Los Gatos.

Mr. and Mrs. Firoz Pradhan, the new owners/residents of 10 Charles St., have done an incredible and tasteful remodeling work on this property. They have added value and a beautiful look to our neighborhood.

Herby, we would like to share our opinion regarding the fence wall of Mr. and Mrs. Pradhan's residence. We do not think there are any visibility issues or safety concerns when driving from Charles St. to Los Gatos BLVD.

I hope this letter can be helpful in clarification of current fence wall concerns.

Regards,



Saeed & Mahtab Nejad

300 Charles St

Los Gatos, CA 95032

28 December, 2022

Town of Los Gatos Planning Department

110 East Main St

Los Gatos, CA 95030

Re: the new fence of our neighbors the Pradhans

Our neighbors the Pradhans who live at 10 Charles Street have informed us that the Town has concerns about the new fence which they have put up around their property at the corner of Charles Street and Los Gatos Boulevard, that it perhaps blocks the view of a motorists entering this intersection from Charles St. When I heard about these concerns I asked all of our neighbors on Charles Street whom we knew, those who live at addresses 125 and 1 Charles St and across the street from the Pradhans on the corner of Charles and Los Gatos Boulevard and have exits from their homes onto Charles Street if they had any concerns about this fence and none of them did, and nor do we.

Let me try to point out some facts about this intersection, the fence, and our neighbors the Pradhans which I hope will lead you to grant them an extension. First of all, one must come to a full stop when approaching the Boulevard from Charles Street (See picture #1). There is a crosswalk at the intersection which is frequently used by pedestrians especially school children coming to and from Los Gatos High School and Van Meter Elementary School and bicyclists and the word "STOP" is painted on the asphalt right in front of the marking for the crosswalk (See picture #1). When your car stops before this crosswalk you can see clearly in both directions up and down the Boulevard for traffic and bicyclists (See pictures #2 and 3). Traffic that is stopped before the light at the intersection of the Boulevard with the Los Gatos Saratoga Road must not block the space marked for cars to exit onto the Boulevard from Charles but a driver must still look in both directions before entering the Boulevard even if traffic appears to be stopped because traffic may be coming up the hill on the Los Gatos Saratoga Road and turning right onto the Boulevard. The fence does not block this view in either direction. The upper part

of the fence near the intersection is lattice with large spaces not solid so that in fact you can see approaching traffic even before you reach the intersection. (See picture #4). The Pradhans' fence is the same height as the existing fence around the property across the street from them at the intersection of Charles and the Boulevard, which also has a lattice for its upper part permitting greater visibility to motorists entering the intersection (See Picture #5)

The quality of the new fence is very high as is the quality of the completely rebuilt house which had been for years left unimproved and in a decrepit state. The old fence had no lattice and provided little or no visibility to motorists entering or exiting the intersection. The new fence and this rebuilt house have raised the quality and value of our whole neighborhood which we have lived in since 1978.

Please contact me at [REDACTED] or email address [REDACTED] if you have any questions about my comments.

Sincerely yours,

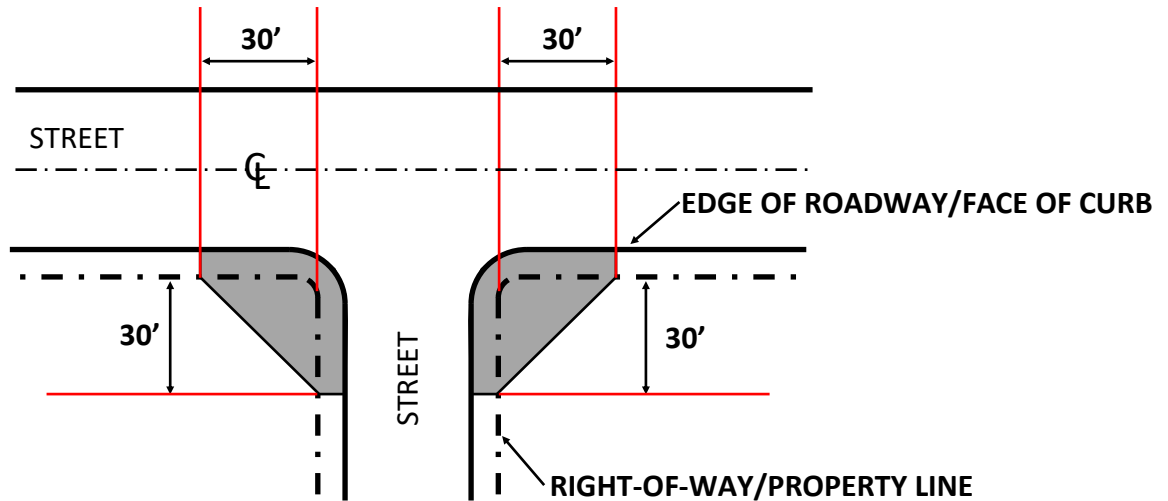


Douglas O. Goff, PhD Stanford, M.S. Computer Science & Engineering and M.A. GIS/Remote Sensing San Jose State University


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## CORNER SIGHT TRIANGLE



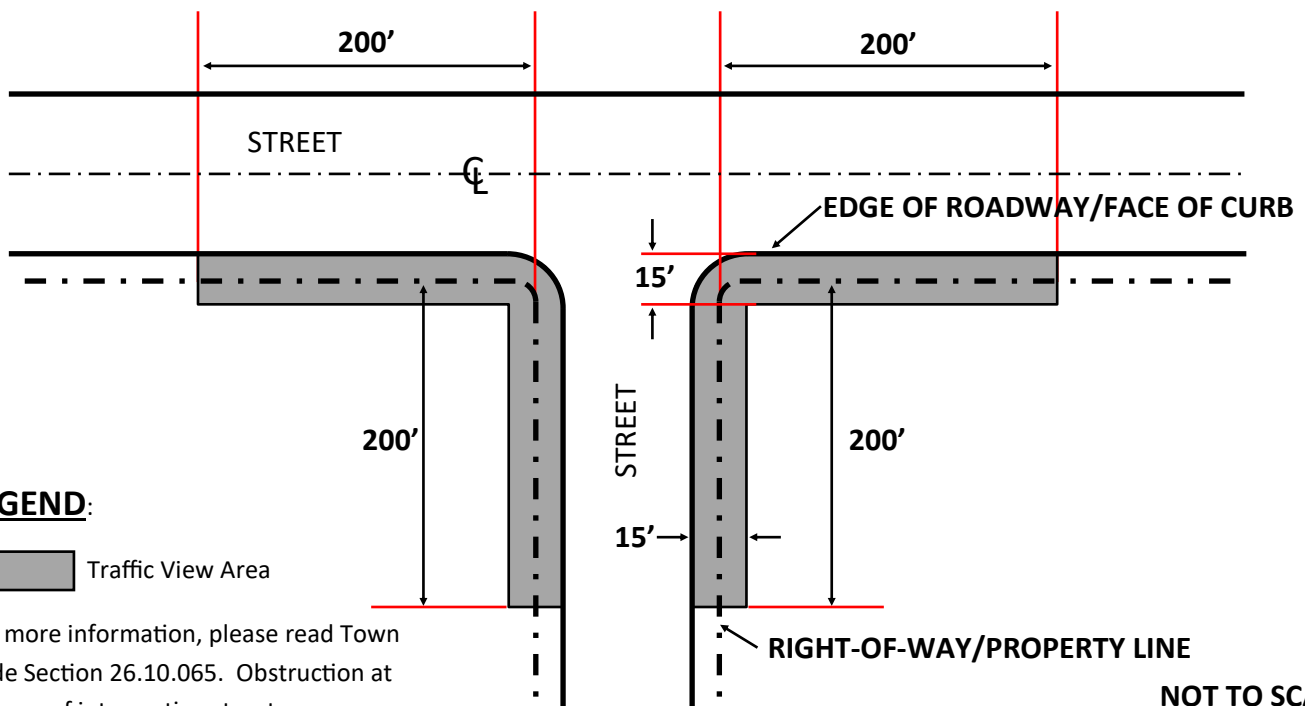
### LEGEND:

 Corner Sight Triangle

For more information, please read Town Code Section 26.10.065. Obstruction at corners of intersecting streets.

NOT TO SCALE

## TRAFFIC VIEW AREA



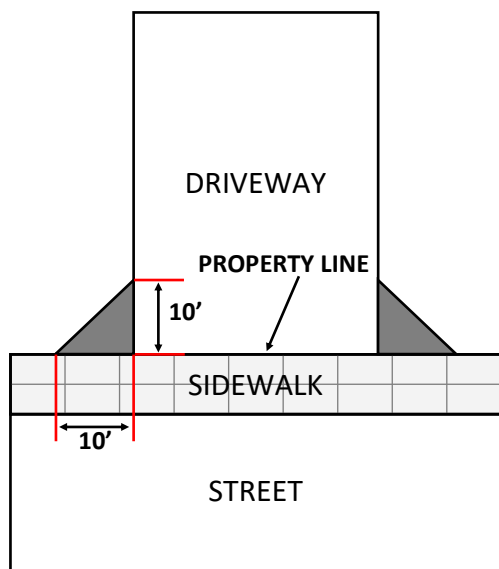
### LEGEND:

 Traffic View Area

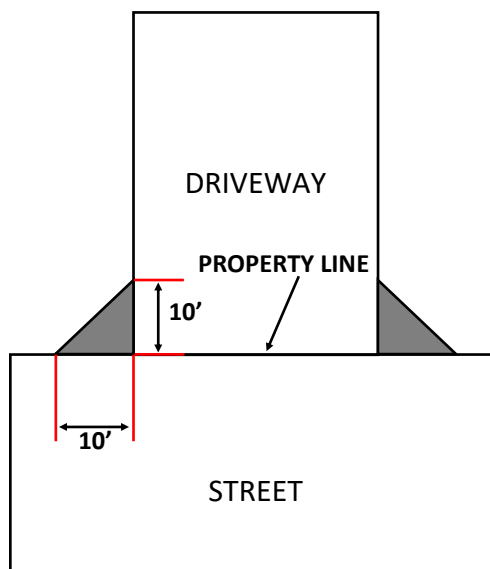
For more information, please read Town Code Section 26.10.065. Obstruction at corners of intersecting streets.

NOT TO SCALE

## DRIVEWAY VIEW AREA



**Sidewalk Example**



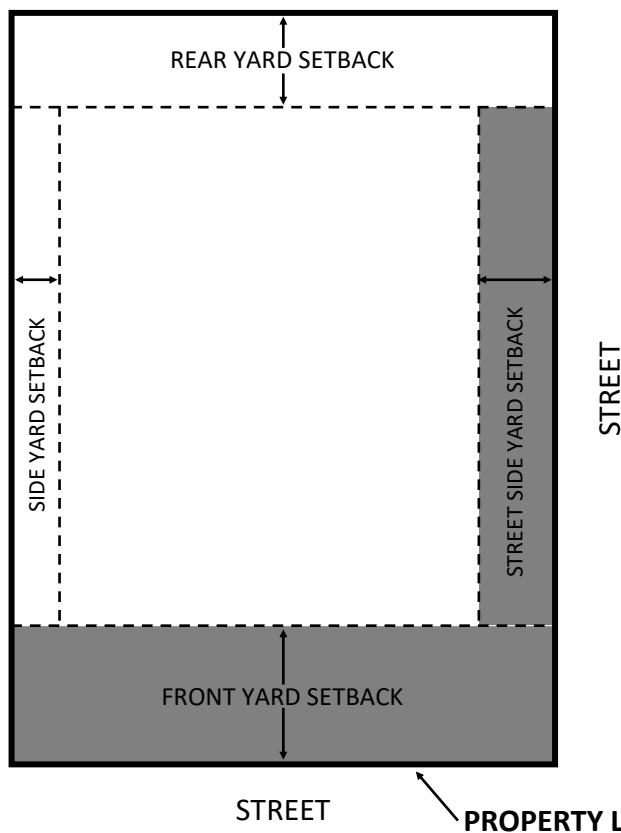
**No Sidewalk Example**

### LEGEND:


 Driveway View Area

NOT TO SCALE

## FRONT AND STREET SIDE YARD AREA



### LEGEND:

 Front and Street Side Yard Area

NOT TO SCALE

A P P E A R A N C E S:

Los Gatos Planning  
Commissioners:

Emily Thomas, Chair  
Jeffrey Barnett  
Susan Burnett  
Steve Raspe  
Rob Stump

Town Manager:

Chris Constantin

Community Development  
Director:

Joel Paulson

Town Attorney:

Gabrielle Whelan

Transcribed by:

Vicki L. Blandin  
(619) 541-3405

P R O C E E D I N G S:

CHAIR THOMAS: We will now be moving onto Item 3 on our agenda for tonight. Item 3 is to 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-1:D, 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, and Appellant is Firoz Pradhan, and the project planner is Mr. Mullin.

Can I have a show of hands of Commissioners that visited the site? And are there any disclosures? No. Thank you. And I believe, Mr. Mullin, you're giving the Staff Report. Thank you.

SEAN MULLIN: Yes, thank you and good evening. For your consideration tonight there is an appeal of the Director's decision denying an exception to the fence height regulations at 10 Charles Street.

1           The subject property is located on the corner of  
2 Charles Street and Los Gatos Boulevard, and it is developed  
3 as a single-family residence.

4           On November 11, 2022 an administrative warning  
5 was issued by the Town for the construction of a fence  
6 exceeding height limitations in the required side yard  
7 area. Staff discussed the fence with the property owner and  
8 informed them that the new fence exceeded the maximum  
9 allowable height of 3' when located in the required front  
10 and streetside yard setbacks, as well as the traffic view  
11 area and the corner site triangle.  
12

13           On January 10, 2023 the Applicant applied for an  
14 exception to the Town's fence regulations based on concerns  
15 related to safety and security. Planning and Engineering  
16 Staff initially supported the request, finding that the  
17 open design of the fence and the width of the sidewalk and  
18 planting strip mitigated the traffic and pedestrian safety  
19 concerns, however, following a site visit Staff noted that  
20 portions of the fence are located in the Town's right-of-  
21 way, a fact not available during initial consideration of  
22 the exception request.  
23

24           In consultation with the Engineering division, it  
25 was determined that the Town could not make the findings

1 required for granting the exception, and the request was  
2 denied on March 23, 2023.

3           On April 3, 2023 the denial was appealed to the  
4 Planning Commission by the property owner. Pursuant to Town  
5 Code, the Planning Commission may hear the matter anew and  
6 render a new decision.

7           In their Letter of Justification, the property  
8 owner reiterates their safety concerns, security concerns,  
9 discusses the unique characteristics of the property, and  
10 goals of mitigating safety issues with the open view  
11 portion of the fence. The property owner also notes the  
12 location of the fence accommodates reasonable and fair  
13 access to approach the front yard. The property owner also  
14 noted that locating the fence within the property boundary  
15 would make exterior circulation between the side yard and  
16 front yard impractical and may require the removal of some  
17 oak trees. Finally, the property owner offers their  
18 willingness to sign any needed agreements with the Town in  
19 order to maintain the fence in the Town's right-of-way.  
20

21           Based on the analysis provided in the Staff  
22 Report, Staff recommends denial of the appeal, upholding  
23 the decision of the Director to deny the exception request.  
24  
25

1           In addition to Planning Staff, Engineering Staff  
2 is also in attendance tonight to address any questions that  
3 the Commission has.

4           This concludes my presentation and Staff is  
5 available to support your discussion this evening.

6           CHAIR THOMAS: Thank you. Commissioner Stump.

7           COMMISSIONER STUMP: A couple of questions.  
8 First, as I understand it, the portion of the fence that's  
9 in the Town right-of-way is on Charles Street, not the Los  
10 Gatos Boulevard side, is that correct?

11           SEAN MULLIN: That's correct.

12           COMMISSIONER STUMP: So, it's Charles Street that  
13 is in the Town right-of-way.  
14

15           The other question I would have for Public Works  
16 would be are there any plans for a sidewalk now or ever to  
17 be installed on Charles Street? What is the priority?  
18 Obviously Town right-of-way would be very important to us  
19 if sidewalks were to be installed. What's the story there?

20           DIRECTOR PAULSON: Thank you, Commissioner Stump.  
21 We have Mr. Watson, Senior Civil Engineer, on Zoom, as well  
22 as the Town Engineer, Gary Heap, so whoever wants to field  
23 that, go ahead and chime in.  
24  
25

1 JAMES WATSON: I can jump in. James Watson,  
2 Senior Engineer, Town of Los Gatos. Thanks for the  
3 question.

4 Sidewalks are something that typically are put in  
5 by the direction of Council, and so we would look to  
6 Council to make some sort of capital improvement project in  
7 the area if there were such a demand or request. To my  
8 knowledge, there is currently no plan, and I've heard no  
9 discussions of any plans to install a sidewalk on Charles  
10 Street.

11  
12 COMMISSIONER STUMP: Thank you.

13 CHAIR THOMAS: Commissioner Raspe.

14 COMMISSIONER RASPE: Thank you. I just want to  
15 follow-up on that question. To the extent that we permitted  
16 a fence to be placed subject to, as I understand it, a  
17 license agreement of encroachment (inaudible), is one of  
18 the conditions of that, to follow-up on Commissioner  
19 Stump's question, if the Town ever wished to develop it,  
20 the landowner would have to remove the fence? Is that one  
21 of the conditions of the agreement?

22 ATTORNEY WHELAN: Yes.

23 COMMISSIONER RASPE: Thank you.

24 CHAIR THOMAS: Any other questions for Staff?  
25 Commissioner Barnett.



1 COMMISSIONER BARNETT: Extending on that comment.  
2 The Staff Report says that private improvements on the  
3 Town's right-of-way can create safety and Town liability  
4 issues that are not typically permitted, but they can be  
5 allowed with an Encroachment Permit and License Agreement,  
6 typically required through Parks and Public Works  
7 Department, so my question is has there been any discussion  
8 with the Applicant related to getting such an Encroachment  
9 Permit?

10  
11 SEAN MULLIN: Thank you for that question. I can  
12 start. The Applicant has expressed their willingness to  
13 sign any agreement needed to maintain the fence in the  
14 Town's right-of-way.

15 COMMISSIONER BARNETT: Is there any reason why  
16 that hasn't been done yet?

17 SEAN MULLIN: In general—and I can defer to Mr.  
18 Watson—the Town discourages improvements in the public  
19 right-of-way, so that was the reason for denial. I don't  
20 know if Mr. Watson has anything to add to that.

21 JAMES WATSON: I'll just echo that, but yes, when  
22 we originally looked at it we weren't considering any  
23 improvements in the public right-of-way. We have had some  
24 situations come up recently that have made us consider some  
25 private improvements in the public right-of-way.

1           One other thing to consider, information that did  
2 come up subsequent to our original denial, is our Town  
3 Engineer did a ride-along with one of our Police Department  
4 officers and actually went to the site just today and took  
5 a look at it, and the police officer did not support the  
6 viewing that was available at that turn, expressing concern  
7 about southbound traffic on Los Gatos Boulevard turning  
8 right onto Charles and potential for a pedestrian being  
9 unable to be seen. I just wanted to add that extra piece of  
10 information, since it did kind of develop today.

11  
12           CHAIR THOMAS: Are there any other questions for  
13 Staff? Yes, Commissioner Stump.

14           COMMISSIONER STUMP: Maybe I'm directionally  
15 challenged, but that was a right turn onto Charles Street  
16 as you would be going north on Los Gatos Boulevard? Is that  
17 what was being stated as concern by the police officer?

18           JAMES WATSON: If I said that, I misspoke. I  
19 intended to say southbound on Los Gatos Boulevard, right  
20 turn onto Charles.

21           SEAN MULLIN: For clarification, I believe the  
22 right turn would be northbound.

23           COMMISSIONER STUMP: The right turn going  
24 northbound, okay. We wouldn't be making a right turn onto  
25 Charles Street if you're going southbound.

1 JAMES WATSON: That's contrary. So, you come up  
2 to the traffic intersection at Los Gatos/Saratoga and Los  
3 Gatos Boulevard, you take a right turn onto Los Gatos  
4 Boulevard, and then it's a left turn onto Charles, and so  
5 if you're heading in the northbound direction, you would  
6 turn left onto Charles, but that's not the one that was  
7 brought up. It's the other direction, coming towards Los  
8 Gatos/Saratoga and turning onto Charles, which to my  
9 recollection is a right turn.  
10

11 SEAN MULLIN: Just verifying through the Chair,  
12 that would be the northbound direction of Los Gatos  
13 Boulevard, turning right onto Charles Street.

14 JAMES WATSON: I apologize for that. I'm the  
15 directionally challenged one.

16 CHAIR THOMAS: I just would like to clarify with  
17 Staff though that there was a... According to Parks and  
18 Public Works, is that who determines that the initial view  
19 corridor was clear and okay?

20 SEAN MULLIN: Thank you for that question.  
21 Obviously, as you can recognize with the dates, this has  
22 been kicking around for a little bit. Discussions back in  
23 2023 with Mr. Watson and the traffic engineering based on a  
24 site visit, they didn't have any site line issue, and  
25

1 that's reflected in that email exchange between me and Mr.  
2 Watson.

3           There was some information provided verbally  
4 through the Town Engineer based on a ride-along with one of  
5 our police officers today, that the police officer in that  
6 conversation expressed some concern with the line of sight  
7 when turning right onto Charles from Los Gatos Boulevard.  
8 As you look down that fence, you're not looking  
9 perpendicular to the open view of it, you're looking at it  
10 at an angle, and that officer, to my understanding,  
11 expressed some concerns about the blocking of the view  
12 through the corner when approaching it from that direction.

14           CHAIR THOMAS: Okay, thank you. Any other  
15 questions at this time? Thank you, Mr. Mullin, and  
16 everyone. We will now open the public portion of the public  
17 hearing on Item 3 and give the Applicant or Appellant an  
18 opportunity to address the Commission for up to five  
19 minutes. I believe I have a speaker card for Mr. Pradhan.

20           FIROZ PRADHAN: Respected Chairwoman and members  
21 of the Planning Commission. I just want to start out by  
22 taking a moment to, from the bottom of my heart, thank the  
23 Staff, particularly Sean Mullin, for the patience that he  
24 has exhibited over the last year-and-a-half while I was  
25

1 going through an irreparable loss in my life, and I really  
2 want to thank you.

3           There are some unique characteristics surrounding  
4 this particular home. It was built in 1920. We purchased  
5 the home 99 years later. It's obviously located—and I'm  
6 really happy that you've all visited the site—on a very  
7 quiet dead-end street at the intersection of Charles and  
8 Los Gatos Boulevard. Just six neighbors on the street, very  
9 little traffic.

10           The main living room, which is often visited by  
11 my son and the two grandkids of my mother-in-law is the  
12 bedroom on the front of the house, and that room, through a  
13 pair of French doors, opens to the Boulevard.

14           The other thing of course is that there is a stop  
15 sign on Charles, which you are aware of. During COVID, and  
16 while construction was going on, there was a 6-foot solid  
17 fence, the green canvas fence. We had never, never got a  
18 phone call even from anybody saying that there is a concern  
19 about visibility.  
20

21           When we were designing the home, and the fence  
22 specifically, but even the home, just to let you know that  
23 we had overall a fantastic experience with the Town,  
24 whether it was with Joel Paulson from Planning or from the  
25 HPC, or Roy Alba, or Robert Gray, or Sean Mullin of course,

1 any of the people. It was just a fantastic experience, and  
2 people would say, "Oh my God, we feel sorry that you're  
3 building something in the Town," and I'm just being honest  
4 with you, for us the experience was absolutely fantastic.

5           We were also blessed, we had spoken with two top,  
6 top architects, Gary Kohlsaas and Chris Spaulding, and then  
7 we worked with Chris Spaulding. The objectives of building  
8 the fence for us was safety and security, particularly  
9 because kids were going to be playing in the front yard,  
10 and that was the main play area. Visibility was a main  
11 issue, and we had spoken with the neighbors, and most of  
12 the neighbors.  
13

14           There was one neighbor, obviously, who has some  
15 concern, and we are still trying to work out some tweaking  
16 of the fence that would address that need and hopefully the  
17 concern of the police officer.

18           In fact, when James Watson mentioned about the  
19 police officer, I actually have spoken to three or four  
20 different police officers when there would be some incident  
21 and they would park on Charles Street, because it's easy  
22 parking, and I would literally call them out and I would  
23 say, "Can you just spend a couple of minutes and tell me if  
24 you have any concerns with the visibility," and each one of  
25 them said absolutely not, the way the fence has been

1 designed and built, they don't have any concern. But  
2 visibility for us was important, in addition to safety and  
3 security.

4           We spoke with the neighbors. We made it a point  
5 to have a very expensive and custom-built fence, 26" tall,  
6 38" of latticework, and we literally mimicked the fence of  
7 the house across the street. Then of course I reached out  
8 to Nicole Burnham when Sean Mullin expressed a concern. She  
9 (inaudible) James Watson, he came, he spent some time, and  
10 thus the email that he sent.

11           If you can quickly pull up the PDF on the  
12 visibility. The white car is mine, and I'm literally at the  
13 stop sign, and this is today. It's obviously a rainy and  
14 cloudy day, but you can see that even through the lattice  
15 you could see the cars. If you can play it again. As soon  
16 as the car enters and much before. Now, if you can show us  
17 the PDF. I know there is a concern about the right-of-way.  
18 What we did is very naively we built the fence along the  
19 curb and gutter, and you can see there are some trees, and  
20 if we were to build the fence along the properly line,  
21 which we were not even aware of, all I did was I called  
22 Chris Spaulding, I sent him the design, and I said, "Do you  
23 have a view on this?" and he said, "It's beautiful, but it  
24  
25

1 must be very expensive," and is said, "Yes, but it is in  
2 keeping with all the details that we have put in the home."

3           You're not able to find the other PDF? It's fine.  
4 They were basically snapshots of the video that I had sent  
5 where you can literally see the cars coming through the  
6 lattice, and if you need to tweak the last two or three  
7 sections, it's something that we are definitely willing to  
8 do, and as far as the right-of-way is concerned, Sean and I  
9 have spoken about this. If there's anything we need to do  
10 to protect the Town, we'll do it. Thank you.  
11

12           CHAIR THOMAS: Thank you, thank you. Before you  
13 sit down, are there any questions for the Appellant at this  
14 time? No. Okay, thank you. You will have an additional  
15 three minutes to speak after we get public comment.

16           FIROZ PRADHAN: Thank you so much.

17           CHAIR THOMAS: I do have a couple of speaker  
18 cards here. The first is for Michelle. Please just state  
19 your name for the record and you will have three minutes.

20           MICHELLE HUNTLEY: Thank you. Hi, my name is  
21 Michelle Huntley. I am the property owner at 264 Los Gatos  
22 Boulevard, which shares a property line with 10 Charles.  
23 Forgive me, I don't know Town laws and regulations, but I  
24 just wanted to speak to you today.  
25



1           When Firoz finished his remodel, he did approach  
2 me about a fence going on Los Gatos Boulevard, at which  
3 point I did express my concerns, because it is a busy road,  
4 we've got kids, we've got kids on bikes, scooters, short  
5 kids, tall kids, high schoolers, middle schoolers, cars. He  
6 did make many changes to the fence. He did provide some  
7 spacing so I could see and have some visibility, because if  
8 it's a solid fence my driveway is a complete safety hazard  
9 and unusable.

10  
11           It has affected my visibility; it has reduced it  
12 for sure. What caught me off guard was that not only does  
13 it affect my visibility, but the pedestrians walking by  
14 cannot see me. I'm very careful, and I drive out carefully,  
15 and as it is now I'm okay as long as the bushes are kept  
16 off the fence, but I've witnessed the surprise on many  
17 people's faces when they see my car; they had no idea it's  
18 there, which is an extra layer.

19           So, my concern going forward would be allowing an  
20 unrestricted fence going in, requiring a permanent...saying  
21 that it's allowed to have the fence higher, and with  
22 unrestricted materials, because someone in the future, he  
23 could change his mind later and put a solid fence in and  
24 visibility, the driveway would be unusable; visibility at  
25 Charles Street would be even more impacted.

1 I have seen people really have to slow down, and  
2 that's an unreasonable expectation for kids to take that  
3 extra time to go super slow if something more solid were to  
4 go in down the line. It's an unreasonable expectation for  
5 adults to slow down running late for work. People tend to  
6 speed through these intersections and we need some  
7 visibility, so as it is now, I hope that we can find a way  
8 to work together to maintain this visibility that works  
9 within the Town laws and to preserve the safety going  
10 forward for any future owner.

11  
12 CHAIR THOMAS: Thank you. I think Commissioner  
13 Stump has a question.

14 COMMISSIONER STUMP: In fact, I looked at your  
15 property today just because of that concern of a fence  
16 coming right up to your property, and I noticed that it is  
17 angled a bit.

18 MICHELLE HUNTLEY: Yes, I asked him for an angle,  
19 and he did.

20 COMMISSIONER STUMP: My question is, is that  
21 angle sufficient from your perspective, or could it be even  
22 greater? Could you be happier? Could you have additional  
23 visibility? I know that the fence comes around between your  
24 properties and I think stops at a hedge line.  
25

1 MICHELLE HUNTLEY: Yes, it does, the hedge line  
2 going back. They wanted a fence and a hedge line, and I  
3 just couldn't fit it in my driveway. We had asked for the  
4 angle, and they did agree, and I had thought at the time  
5 that it was going to be a little bit more we had agreed  
6 upon, so, I mean, any angle additional helps greatly.  
7 Everything helps on that street.

8 CHAIR THOMAS: I do just want to clarify one  
9 thing with you. Right now, you feel like the visibility is  
10 good. Your main concern is that moving forward if the fence  
11 were altered to not have the lattice, that would be...

13 MICHELLE HUNTLEY: If there is any altering, that  
14 would be completely unusable. As of right now, I'm  
15 managing. He's been agreeing to keep the hedge off the  
16 fence, because there's now a hedge on the other side of it  
17 which further obstructs the view, but if he agrees to keep  
18 it maintained, as it is now, I feel comfortable working  
19 with him. A future owner might be another story.

20 CHAIR THOMAS: Okay, thank you. The next speaker  
21 card I have is for Doug.

22 DOUG OLCOTT: My name is Doug Olcott; I live at  
23 300 Charles Street, the very end of the street, and I am  
24 speaking in defense of the appeal of the denial of the  
25 exception. I have lived on that street for a long time with

1 my wife, and our children have been raised mainly there,  
2 going to local schools.

3 I had sent you a PowerPoint with many more slides  
4 than Mr. Mullin showed up there showing the access to Los  
5 Gatos Boulevard, first from Charles Street, and then views  
6 looking either way, left and right, from the street, and  
7 showing that there was no blocking of the view by his  
8 fence.

9  
10 Also, at the very end of Charles Street before  
11 you get to the Boulevard, there is the word "Stop" written  
12 in the pavement before the sidewalk, so if you're leaving,  
13 you have to stop there and you look in either direction,  
14 and there is no obstruction.

15 Also, the Town, at my request and some other  
16 people's request, has put a sign on the Boulevard before  
17 you approach Charles Street saying, "Do Not Block  
18 Intersection," at the intersection with Charles Street, not  
19 at the traffic light which connects the road to Saratoga.  
20 And also, they marked on the pavement in front of the  
21 Charles intersection with the Boulevard, "Keep Clear." So,  
22 if people are driving in that direction and paying  
23 attention, they would not block the exit or ingress in, and  
24 they would leave space for people to get in and out, and  
25

1 also, it would protect children, lots of children going to  
2 school there down that street, and bicyclists.

3 I feel that the current location of the fence and  
4 the provisions that the Town has made for safety there are  
5 adequate, and I have not seen any accidents there in all  
6 the time we've lived there, and from the time he built that  
7 fence that was caused by a lack of a view, so that's all I  
8 wanted to say.

9  
10 Now, if you want, I'd like to meet with Mr.  
11 Mullin at the site, again, or someone, to go over these  
12 details. If you could see them in my photos, I think you  
13 would agree with what I'm saying. Unfortunately, I wasn't  
14 aware that the deadline was 11:00am today. That's all I  
15 wanted to say.

16 CHAIR THOMAS: Thank you very much. Yes, and  
17 thank you for the reminder that the deadline is at 11:00am  
18 for the public. But we did all do a site visit, at least.  
19 Are there any questions for the speaker? The next speaker  
20 card I have is for Natasha.

21 FIROZ PRADHAN: She's my daughter. I think she  
22 had confidence in her dad and she left.

23 CHAIR THOMAS: Okay. I understand. And Sayid  
24 Nejard also? Okay, thank you.  
25

1 SAYID NEJARD: Hi, my name is Sayid Nejard. I  
2 live on Charles Street a couple of houses down from the Mr.  
3 Pradhan's house.

4 Like Mr. Doug was saying, I don't see any issue  
5 with visibility from Charles Street to Los Gatos Boulevard.  
6 There is a stop sign right there, you stop, and then just  
7 look and you can see anybody who is passing; dogwalkers,  
8 people, pedestrians, and so on.

9  
10 The only issue I see on this is in the afternoon  
11 the high school students are going back home and driving  
12 off of Los Gatos Boulevard. That section, they speed up and  
13 there is a little bit of danger of an accident there, but  
14 it's not the reason for the fence; they're not taking about  
15 the fence here. But that intersection is quite dangerous,  
16 and I've seen an accident before, and this really had  
17 nothing with do with 10 Charles Street.

18 When he built the house, it just really made the  
19 neighborhood so much nicer; it's a beautiful home and the  
20 fence is a very high-quality, beautiful, with the lattice  
21 section that you can be seen through, and I'd hate to see  
22 that be changed to something else; definitely not a solid  
23 fence. I'm not very familiar with the ordinance of the  
24 Town, but the way it is, I have no issues with it, not me  
25 and not anyone in my family. Thanks.

1 CHAIR THOMAS: Are there any questions for the  
2 speaker? No. Thank you. The last speaker card I have is for  
3 Kevin.

4 KEVIN CHESNEY: Hi, I'm Kevin Chesney; I have  
5 owned the house on 2 Charles Street since 1994.

6 First of all, I lost both parents in 2024, my  
7 mother and father, and Firoz and I have talked about our  
8 losses together. He lost his lovely wife. He's a wonderful  
9 neighbor. It's not an issue. He's a kind neighbor, and I  
10 hate to come up here and talk about how dangerous that  
11 fence is.  
12

13 To be quite honest, the neighbor on 5 Charles  
14 Street, Matthew Daily, had an accident for the fence that  
15 was that green fence that he's talking about that was for  
16 construction. Kent Anderson, the other neighbor, and I both  
17 immediately after he brought that fence up said that's  
18 dangerous. Both of us said please make changes to it,  
19 please change it, and we've talked about it for over a  
20 year. We didn't go to the Town, but we asked him to make  
21 changes, because as you're coming out from Charles Street  
22 and you're turning right, you can't see to the left, and  
23 when his hedges come up..  
24

25 Basically, if the Town leaves it there, I'm going  
to sue you; it is dangerous. Basically, you're doing

1 something that is putting me at risk. As a homeowner, as  
2 someone who has lived there since 1994, it is a dangerous  
3 fence.

4           Now, that being said, I've sat down with him.  
5 He's very kind, and we've talked about changes that could  
6 be made that would address that, and if he can make those  
7 changes, I am totally fine. He needs to move it back maybe  
8 2'-4', or he needs to drop some of those things down, but  
9 if he doesn't make those changes, then you guys are going  
10 to be liable. You make that decision, I will hold you  
11 liable. It is a dangerous fence, and there are three  
12 neighbors, Matthew Daily, Kent Anderson, and me, that see  
13 it as extremely dangerous.  
14

15           I'm sorry. I love my neighbor. He's very kind.  
16 He's a very good man. It's a beautiful home. But to be  
17 quite honest, it's dangerous, and we've already had one  
18 accident because of that prior fence, so to be quite  
19 honest, it's very dangerous.

20           CHAIR THOMAS: Are there any questions?  
21 Commissioner Stump.

22           COMMISSIONER STUMP: I just wanted to get a  
23 clarification. You said because of that prior fence. Are  
24 you talking about the construction fence that was up?  
25



1 KEVIN CHESNEY: Yes, the construction fence.  
2 Matthew Daily had an accident with the construction fence.

3 COMMISSIONER STUMP: I understand.

4 KEVIN CHESNEY: Prior to that, there was no  
5 fence. I've lived there. I knew Don prior to that.

6 COMMISSIONER STUMP: What changes are you  
7 recommending to that corner?

8 KEVIN CHESNEY: Actually, I spoke with him  
9 earlier. We've talked about a couple of changes. Either  
10 move the fence back, which other neighbors, if you look,  
11 it's all about visibility. He's done a beautiful job of  
12 building a beautiful home, the fence itself is a beautiful  
13 fence. I don't want to discount that.

14 He's been kind, and we've talked about things.  
15 It's not a matter of me wanting to come up here and diss  
16 him, it's a matter of safety; that's all it is. And he and  
17 I talked about it earlier today. He needs to bring a  
18 portion of that fence down. If I'm coming up and I have to  
19 go into the sidewalk to see whether or not someone is  
20 coming over, or if I need to turn right, it's dangerous for  
21 me. We've already had an accident. All I want to do is make  
22 it safe, that's all. And to be quite honest, he's a good  
23 neighbor and I feel bad having to come up and say this.

24 COMMISSIONER STUMP: Okay, thank you.

1 CHAIR THOMAS: Are there any additional  
2 questions? Thank you. I have no speaker cards for Item 3.  
3 Are there any hands raised on Zoom?

4 DIRECTOR PAULSON: Thank you, Chair. Let me  
5 switch screens. No, there are no hands raised on Zoom.

6 CHAIR THOMAS: So, I invite the Appellant back  
7 up. You will have an additional three minutes.

8 FIROZ PRADHAN: I really don't know if I have  
9 much to add, but I will say that when I spoke to those two  
10 or three different police officers, in one of the cases he  
11 had already addressed the incident and he actually turned  
12 around, stopped at a stop sign, looked left, looked right,  
13 and he said, "Why are you asking me this? I don't see a  
14 problem."  
15

16 And I do understand that Kevin has a problem, and  
17 we have spoken about lowering those two or three sections  
18 at the corner. Obviously, our concern is the safety issue,  
19 because when the grandkids are playing there, it's a 26-  
20 inch fence and somebody can walk across. I also mentioned  
21 to Sean that we had two incidents where somebody literally  
22 knocked at the door of the French doors in the front  
23 bedroom, so safety and security is a concern.

24 I also totally understand that visibility is a  
25 concern. I was driving back today from Whole Foods to

1 Charles to see if there are other such cases, and I came  
2 across nine homes on the corner of Los Gatos Boulevard and  
3 side streets that had fences that were about 3 feet and  
4 solid. On Charles itself, all three other corners have the  
5 same issue, but they are working with it, and I am willing  
6 to work with people and get this issue resolved.

7 I really don't have anything to say. We have such  
8 wonderful memories, and this is not relevant to this, but I  
9 just share these things. The home originally was 268 Los  
10 Gatos Boulevard and I got a call from Robert Gray because  
11 we had applied for a change of address, and he said, "I  
12 just want to give you the good news. Your home is now going  
13 to be on Charles, but there is a problem. We need an even  
14 number from 2-20," and in the spur of the moment I said,  
15 "We are not rich enough to live on 10 Downing, but we could  
16 live on 10 Charles," and that's how the address came.

18 When the demolition was going on, we found a  
19 piece of paper, handwritten, nailed to one of the studs  
20 saying the mailbox on this building has been found to be  
21 satisfactory, and it was signed February 18, 1920, and we  
22 found it in February 2020, a hundred years later.

23 It's really, really important for me, and I know  
24 this is very personal and this may not be... My wife lived  
25 joyfully until the very last moment. There is a beautiful

1 African proverb, "When death comes, and it will, make sure  
2 it finds you alive," and she lived that until the very last  
3 moment. I want to honor her legacy and still make sure that  
4 people are safe.

5 Finally, I want to say let justice and law be  
6 tempered with pragmatism. That's all. Thank you so much,  
7 and I'm sorry if I got emotional.

8 CHAIR THOMAS: No, thank you. Thank you for  
9 sharing all of that, and all the details. Are there any  
10 questions. Commissioner Stump does have a question for you.

11 COMMISSIONER STUMP: Thanks for the information  
12 that you provided. Would you consider making some changes  
13 at the corner of Charles and Los Gatos Boulevard, whether  
14 it's more of an angle similar to what you did on the other  
15 side for your neighbor so that there would be more  
16 visibility, especially looking down Los Gatos Boulevard?

17 FIROZ PRADHAN: Right. One of the things that's  
18 easy to do, because obviously these are very solid posts  
19 and so on, is there are three sections, and if you pull up  
20 the picture I can show you. There are three sections, one  
21 on Charles and two on Los Gatos Boulevard. If the lattice  
22 work can be lowered to 3', or probably to 39", as long as  
23 the visibility is there, then you're not looking through  
24 the lattice.  
25

1           COMMISSIONER STUMP: Other question too. Your  
2 neighbor at 264 Los Gatos Boulevard, would you also be  
3 willing to work with her to review the kind of the angle  
4 that was put in there? Because even my observation was it  
5 was a bit shallow and not a lot, and it could be something  
6 that goes back a little bit even farther.

7           FIROZ PRADHAN: Yes, I can work with Michelle.  
8 Sure.

9           COMMISSIONER STUMP: Thank you.  
10

11          FIROZ PRADHAN: Though I do feel that her concern  
12 was (inaudible) this morning of course is that if you sell  
13 the home, somebody will come and put a solid fence, so if  
14 there is an exception, it shouldn't be a blanket exception.

15          COMMISSIONER STUMP: Thank you.

16          CHAIR THOMAS: Thank you. Are there any other  
17 questions? Okay. Thank you so much.

18          FIROZ PRADHAN: Thank you so much.

19          CHAIR THOMAS: We will now close the public  
20 portion of the public hearing on Item 3, and I invite  
21 Commissioners to ask questions of Staff, provide comments,  
22 and eventually propose a motion.

23                I have a question about the findings just because  
24 we started with some other questions. On page 129, Exhibit  
25 2 says, "The required findings for granting a fence height

1 exception pursuant..., " blah, blah, blah, "are a special  
2 security concern exists," and then there's a second bullet  
3 point. I just want to clarify that we only need to make one  
4 of those two findings.

5 SEAN MULLIN: That's correct.

6 CHAIR THOMAS: Okay, thank you. Then, originally  
7 the Applicant came forward with the special security  
8 concern, but this is also listed as option, and when I was  
9 looking through I was thinking that perhaps a special  
10 circumstance exists because of the lot configuration with  
11 regard to the house and everything, so is that why that's  
12 listed there also for us.

13 SEAN MULLIN: Thank you for that question. The  
14 reason those are listed is those are the two that really  
15 apply to the property, because it's not interior lot, so  
16 there are a number of findings, A-E, D and E, which are  
17 provided here, are the ones that are applicable to the lot.

18 CHAIR THOMAS: Right, because the other one is  
19 also like commercial property, all of that.

20 SEAN MULLIN: Correct.

21 CHAIR THOMAS: Okay, thank you. Just wanted to  
22 clarify that. Does anyone else have questions for Staff? I  
23 just want to clarify with Staff and with the Town Attorney  
24 that if this appeal... I mean, what happens if we grant this  
25

1 appeal, and with regard to the legal responsibility of the  
2 Town if this fence is in the public right-of-way.

3 ATTORNEY WHELAN: The Town would be susceptible  
4 to claims if there were an injury. There's an immunity  
5 that's called the "design immunity," when the Town has  
6 participated in the design of an improvement that immunity  
7 would not be available because the Town... And a legislative  
8 body has to approve the design for the design immunity to  
9 apply, so the design immunity would not be available under  
10 these circumstances.

11  
12 CHAIR THOMAS: And as part of the documents that  
13 the Appellant is agreeing to sign off on, what sort of  
14 responsibility do they take?

15 ATTORNEY WHELAN: It does require the property  
16 owner to indemnify the Town for any claims that arise out  
17 of the improvement that's located in the public right-of-  
18 way. And then there is also an insurance requirement.

19 CHAIR THOMAS: Okay, and it also gives the Town  
20 the ability to remove the fence in case of an emergency, or  
21 require that the property owner remove the fence if there's  
22 a need for the use of that right-of-way?

23 ATTORNEY WHELAN: The Town's agreements in the  
24 past have required the property owner to remove the  
25 improvement at the request of the Town. We don't have any

1 language in the agreement right now that talks about the  
2 Town having the ability to remove it in the event of an  
3 emergency, but I think there's case law that would support  
4 the Town's ability to do that.

5 CHAIR THOMAS: Okay, thank you. Yes, Commissioner  
6 Burnett.

7 COMMISSIONER BURNETT: Yes, I have a question. If  
8 the present owner sold his home, would the same rules  
9 apply? I mean, he would have signed an indemnity protecting  
10 the Town. Would the new homeowner?

11 ATTORNEY WHELAN: That's a good point. The  
12 Conditions of Approval do run with the land, however, the  
13 license agreement would not run with the land, and so we  
14 would need to provide that the license agreement terminates  
15 when the property changes hands.

16 COMMISSIONER BURNETT: Thank you.

17 CHAIR THOMAS: Commissioner Stump.

18 COMMISSIONER STUMP: The safety issue that was  
19 brought up by one of the residents on Charles Street, is  
20 there some guidance the Town would give there related to  
21 the construction? I know some suggestions have been  
22 offered, but if we were to grant the appeal, could that be  
23 a condition of granting the appeal, or granting permission  
24 to be in the Town right-of-way, etc.?  
25



1 SEAN MULLIN: Thank you for that. I think the  
2 Town or the Planning Commission has the ability to grant  
3 the appeal with conditions to modify the fence as you see  
4 fit. My initial response is does the Town have basically a  
5 framework to avoid the situation. Obviously, the Town Code  
6 helps avoid it, and that's why we're here this evening. You  
7 have the latitude to look at things a little bit more in a  
8 different light and consider the appeal and the extenuating  
9 circumstances.

10  
11 DIRECTOR PAULSON: Through the Chair, if I may  
12 offer? Through the Town Engineer, the license agreement  
13 would actually... He's indicating the license agreement would  
14 be recorded on the property, it would run with the  
15 property, just to add that information. I'm not sure if  
16 he's available to unmute at the moment.

17 ATTORNEY WHELAN: We'd need to structure it as a  
18 deed restriction so that it applied to any new buyer,  
19 because historically the Town's license agreements have  
20 been between the Town and a specific party.

21 COMMISSIONER BARNETT: Can we start with  
22 comments, Chair?

23 CHAIR THOMAS: Go for it.

24 COMMISSIONER BARNETT: I don't see from my  
25 perspective any way that we can grant the appeal. The

1 recommendation by Staff is no. I think there's credibility  
2 from the Public Works representative about the policeman  
3 speaking today, even though it's hearsay; so is the  
4 Applicant's statement about the other policeman. I think  
5 the concern about loss of indemnity is a very serious  
6 issue. The liability of the Town is a very great issue  
7 also.

8  
9           There may be opportunities for the Appellant to  
10 come back with another application to be consistent with  
11 the ordinances of the Town, but I personally would find it  
12 extremely difficult to grant the appeal.

13           CHAIR THOMAS: Commissioner Burnett.

14           COMMISSIONER BURNETT: Yes, I agree with  
15 Commissioner Barnett. Hearing from a couple of the  
16 residents, the issues they brought up, which were very  
17 concerning, I would not be able to make the required  
18 findings to grant the appeal, and I stand by our compliance  
19 officer in violation of the code and the zoning,  
20 29.40.0315.

21           I mean, these corners are very important and we  
22 have a lot of them come before us, so we're very sensitive  
23 about any kind of change on corner fences, and this seems  
24 to pose a particular problem. This is a busy road, and from  
25 the police officer who mentioned, although we say it was

1 hearsay, he did comment that it was dangerous and the fence  
2 was not... There's so much lattice that I think it actually  
3 tends to help block the view, but I would not be able to  
4 grant an appeal in this item.

5 CHAIR THOMAS: I have an additional question for  
6 Town Staff, and that is if the current owner or future  
7 owner wanted to alter the fence, they couldn't make it a  
8 solid fence, because that wouldn't be an in-kind  
9 replacement?

10 SEAN MULLIN: That's correct. If the appeal were  
11 granted for the fence as it currently is, the fence would  
12 have to remain as is.

13 CHAIR THOMAS: Okay, thank you. Just to clarify  
14 that, because that was a concern of one of the neighbors.

15 ATTORNEY WHELAN: To add onto that, if the  
16 Commission were inclined to grant the appeal, I would  
17 recommend making that a condition of approval about keeping  
18 it in-kind.

19 CHAIR THOMAS: Even though it's in the Town Code,  
20 additionally having that just as a backup.

21 ATTORNEY WHELAN: I think so, because otherwise  
22 the conditions will be recorded as they are, and it won't  
23 be documented.  
24  
25

1 CHAIR THOMAS: Okay, perfect. I hear everyone's  
2 concerns. My mom lives relatively close to this property,  
3 so I do walk and... Obviously I'm not walking up that end of  
4 Charles, because it's a dead end, but I do cross Charles  
5 there a lot and walk along Los Gatos Boulevard, and I know  
6 that safety is a primary concern, however, when the initial  
7 Staff Report that we have come in they didn't have a  
8 concern with the corner site triangle, which typically is  
9 the standard that we look at with regard to safety,  
10 however, I hear some of the neighbors' concerns.

11  
12 I'm wondering if we can come to some sort of  
13 middle ground of adjusting the fence, because I do think  
14 that on certain parts of this property it does make sense,  
15 and I could make some of these findings. I could make the  
16 findings that this is not an unreasonable request, and so I  
17 really do think that if the safety is the concern I'm  
18 wondering if the Commission has any ideas about how to  
19 possibly just make an adjustment.

20 COMMISSIONER RASPE: Chair, I'm torn on this one.  
21 I really came in this evening after reviewing materials and  
22 I understood the Appellant's concerns. He wants to utilize  
23 their front yard, has small children, and as a result there  
24 is traffic right there and you want to protect your  
25 children from both intruders and getting outside the

1 property and into traffic. At the same time, we have to  
2 protect our pedestrians and drivers from visibility issues,  
3 and so this is one where I think I agree with you, Chair.

4           There is a win here, I think, for both the Town  
5 and for the Applicant, but I don't think it's the current  
6 configuration. I think the current configuration obstructs  
7 too much of children and high schoolers walking up and down  
8 the street, and people trying to make a left turn, for  
9 instance, out of Charles onto Los Gatos Boulevard.

10           I don't know that lowering the fence height helps  
11 the Applicant, because children can go over in either  
12 direction, out in traffic or into his yard. I'm wondering  
13 if perhaps taking the right angle out where it connects  
14 Charles and Los Gatos Boulevard, if you turn that instead  
15 into a 45-degree angle, I think that creates a sight line.  
16 Is that a better idea? Maybe. The Applicant would have to  
17 give up some land to make that happen, so part of the  
18 usable space.

19           I think, again, there's a solution here, but in  
20 its current configuration, I can't support the fence. I  
21 think it creates issues for pedestrians, for drivers, and  
22 ultimately for the Town.

23           CHAIR THOMAS: Could I request that the photo  
24 that is in the Staff Report as part of Exhibit 10, that  
25

1 corner that really shows us...that we look at it together as  
2 a group, but perhaps for Staff's recommendation, if we're  
3 going to make a recommendation to clarify.

4 SEAN MULLIN: What was that page number again?

5 CHAIR THOMAS: One-thirty-seven.

6 SEAN MULLIN: It will take me one moment.

7 CHAIR THOMAS: I think that as you're pulling  
8 that up, Mr. Mullin, I just want to say that part of the  
9 visibility issue that I saw when I visited is that there  
10 are a lot of trees happening anyway, so those trees are  
11 there and they exist, but that does definitely add to the  
12 situation. I think that if where that first tree in on  
13 Charles is, is that's where the fence starts its lefthand  
14 turn, that will mitigate a lot of these issues. So, I am  
15 wondering if everyone is amenable to us just opening up  
16 public comment again just to get a clarification if the  
17 Appellant would be willing to adjust that change.

18  
19 ATTORNEY WHELAN: You could open it up just for  
20 the purpose of asking that question.

21 CHAIR THOMAS: That one question, okay. Let's  
22 hold. I want to see what other Commissioners think. There  
23 are multiple trees there, so really, I agree with  
24 Commissioner Raspe that if that...  
25

1           COMMISSIONER RASPE: Just to clarify. You see, it  
2 looks like there's a span probably of 10' from the corner  
3 to the first vertical post right where the cursor is. If  
4 you take out that section and instead go on a 45-degree  
5 angle, I think that perhaps opens up a view corridor. I  
6 don't know if it's adequate or not, and I just throw it out  
7 there as a possible solution.

8           CHAIR THOMAS: Yes, Commissioner Barnett.

9           COMMISSIONER BARNETT: I have a question for  
10 Staff, and that is given the procedural status that we have  
11 an appeal based on the existing fence, do we as the  
12 Commission have authority to approve a variation?  
13

14          ATTORNEY WHELAN: You could grant the appeal with  
15 conditions, and the conditions could be the revisions that  
16 the Commission lands on.

17          COMMISSIONER BARNETT: Okay, thank you.

18          CHAIR THOMAS: And the alternative would be  
19 reject, and then there would have to be a whole new  
20 application to come in to be processed.

21          ATTORNEY WHELAN: I'll see what Mr. Paulson has  
22 to say after me, but I would say that you could deny the  
23 appeal, and then say that the Applicant is free to come  
24 back with a new proposal.  
25

1 DIRECTOR PAULSON: In addition, whether the  
2 appeal is granted or denied, that's an appealable action.

3 CHAIR THOMAS: Okay, because it's a decision.  
4 Great, so all of the options. I feel like that would  
5 satisfy the needs of all the parties involved. I'm curious  
6 what other Commissioners are thinking, or do you want me to  
7 ask the Appellant if they're willing to make that change?

8 COMMISSIONER STUMP: I was going to say can you  
9 expand on that? So, which solution were you proposing?  
10

11 CHAIR THOMAS: To attempt to grant the appeal  
12 with the condition that this part of the fence, the lattice  
13 be removed and the fence be made at the 45-degree angle.

14 COMMISSIONER STUMP: I agree we should give it a  
15 try. We should pursue it tonight.

16 CHAIR THOMAS: Yes, Commissioner Barnett.

17 COMMISSIONER BARNETT: I just want to say  
18 following up on Staff's option. My personal opinion was  
19 that we shouldn't be engineering and designing this  
20 tonight, that we should deny it without prejudice and  
21 encourage the Appellant to come in with a different plan. I  
22 personally don't feel confident about doing that ourselves  
23 without Staff reviewing the new design, including Public  
24 Works.  
25

CHAIR THOMAS: Commissioner Burnett.



1 COMMISSIONER BURNETT: Yes, I agree with  
2 Commissioner Barnett exactly on this. I feel we should deny  
3 it and have them come back with a new design, and I'm also  
4 concerned about leaving shrubbery and tree care up to them,  
5 to make sure that the visibility is cleared out all the  
6 time; that's another problem for me.

7  
8 So, with this issue, there are a lot of problems  
9 with this fence the way it is. You have shrubbery, you have  
10 row, you have indemnity issues, you have the fence, which  
11 is very busy and causes, I think, an obstructed view, so I  
12 would feel much more comfortable denying it and having them  
13 come back with clear direction from Staff on how these  
14 issues could be resolved.

15 But I'm still concerned about our other Town  
16 issue, the right-of-way, so I'm not comfortable with that  
17 yet. Thank you.

18 CHAIR THOMAS: Okay, thank you. I do want to say  
19 that according to the Staff Report that we got tonight, I  
20 did not see that there was a safety issue according to  
21 that, so I'm not sure for me personally how that really  
22 has... I don't know how Staff would reevaluate it in a way  
23 that it couldn't make anything worse, it's only going to  
24 improve.  
25

1 But I do have a question for Staff about the  
2 shrubbery and if there is anything in Town Code about  
3 requiring visibility with shrubs with regard to  
4 landscaping?

5 SEAN MULLIN: Thank you for that question. The  
6 same rules that apply to this fence also apply to trees and  
7 shrubs. They're limited to 3' in height and subject to code  
8 enforcement should they grow taller than what is allowed  
9 when they're in the required front yard area, corner, site  
10 triangle, traffic view area, or the required streetside  
11 setback.  
12

13 CHAIR THOMAS: So, if the owner, or whoever lives  
14 there in the future, let the shrubs get out of control,  
15 that should be a code compliance complaint and a code  
16 violation?

17 SEAN MULLIN: Yes.

18 COMMISSIONER RASPE: I have a question for Staff.  
19 Is there any way--again, I'm trying to find a path forward--  
20 that if the Applicant were to incorporate our changes, for  
21 instance, if we were to deny the appeal, that the Applicant  
22 would incorporate our changes with a new design, would it  
23 necessarily come back to us? Or if the Community  
24 Development Director found... I understand it's the private  
25 right-of-way issue that actually initially landed it before

1 us, but if, for instance, we indicated that that wasn't our  
2 main concern, rather it's the safety issue, and if Town  
3 Staff was placated with that issue, would it have to come  
4 back to us if the redesign was incorporated giving our  
5 input tonight and Town Staff was satisfied?

6 SEAN MULLIN: If I could ask a clarifying  
7 question. If you're talking about design alterations, is  
8 that something that would be accomplished through a  
9 condition on granting the appeal, or would that be... There  
10 are options of continuing it and coming back with an  
11 alternate design, or denying it with direction and without  
12 prejudice, being explicit about why you can't grant the  
13 appeal, and then the homeowner could file for a new Fence  
14 Height Exception and Staff could reevaluate under that. I'm  
15 not sure if it would end up back here or not; it's hard to  
16 tell unless you continued it.

18 COMMISSIONER RASPE: I'm just trying to find the  
19 quickest point A to B. I think we're largely in a court  
20 here. I think we all want to solve the problem. We see what  
21 the issues are, and I suggested a solution. I do agree with  
22 Commissioner Barnett. I don't want to be in a position that  
23 we are engineering results; that's not our role. But I want  
24 to get to the end result as quickly as possible, so if that  
25 is denial with recommendations, let them start the process

1 again, maybe that's it. I'm open to suggestions on it, but  
2 I do agree, we shouldn't be designing the fence.

3 CHAIR THOMAS: Commissioner Barnett.

4 COMMISSIONER BARNETT: Just a quick comment would  
5 be that as part of a revised plan they could move the fence  
6 out of the right-of-way and take away that issue, and then  
7 I think if it passes muster with Staff that everyone would  
8 be okay with that.

9 CHAIR THOMAS: Personally, I understand the  
10 safety concerns, but once again, I do really strongly feel  
11 that Parks and Public Works said that this was not a major  
12 safety concern. It's really more in front of us, I think.  
13 We do need to make the finding for a Fence Height  
14 Exception, and I understand that. I think the public right-  
15 of-way issue is what is in front of us, so maybe we do need  
16 to get a better idea of how we feel about that. I know that  
17 Commissioner Burnett said she's not entirely comfortable  
18 with that situation, but I felt like the willingness of the  
19 Applicant to sign the license agreement and all the  
20 required documents were satisfactory to me. I know there  
21 are other examples of private improvements in the public  
22 right-of-way in Town, it just is part of being an old town  
23 with small streets and funky lots and all of the things,  
24 but I don't really feel comfortable relying on hearsay from  
25

1 one police officer today, like saying that should trump the  
2 traffic engineer's opinions on safety, so that's just kind  
3 of where I'm at. Commissioner Stump.

4 COMMISSIONER STUMP: So, then I think it comes to  
5 either denial, that we deny the appeal, or we continue this  
6 with the idea that we would bring this back, and because we  
7 have two things to consider. We've got the right-of-way,  
8 and now we're identifying public safety. It could have all  
9 been avoided if the fence were 3' high all the way around  
10 and not in the Town right-of-way. That's not the  
11 circumstance we find ourselves in.

12  
13 The other thing we need to keep in mind too,  
14 Staff was ready to grant this exception, as we see it,  
15 until it was discovered that a portion of this fence was in  
16 the right-of-way, and keep in mind that the Los Gatos  
17 Boulevard side of the fence is not in the Town right-of-  
18 way, it's only on the Charles Street side, so I think  
19 that's what we're faced with. It's either we've got to deny  
20 this appeal and encourage the homeowner to come back  
21 through the process, or continue this, and I guess I'd look  
22 to Staff to say is there a preference, and is one of those  
23 ways more convenient for the Appellant.

24 SEAN MULLIN: There's certainly not a preference  
25 from Staff's perspective. I think there are merits to both

1 directions. Continuing with very specific direction could  
2 allow, and actually applying for a new Fence Height  
3 Exception if it were denied would allow the Applicant an  
4 opportunity to continue to work with Staff, and based on  
5 what we've heard tonight and the interaction with the  
6 Police Department, that could be something that we could  
7 chase down as well. If it were a continuance, we'd be  
8 looking for very specific direction about the items that  
9 would need to be addressed, and then we could continue  
10 working with the Applicant and then bring that back.

11  
12 DIRECTOR PAULSON: Through the Chair, I see that  
13 the Town Engineer has his hand raised on Zoom, so Mr. Heap,  
14 if you have some input, please unmute yourself.

15 GARY HEAP: Yes, thank you. I appreciate you  
16 allowing me to speak on this item here. I appreciate the  
17 late notice of this new information this evening with  
18 regard to the input from the Police Department today. I was  
19 fortunate enough to do a drive-along with Sergeant Kalipo  
20 this afternoon, and I did bring this item up, specifically  
21 with regard to the visibility issue.

22 The visibility issue is not from exiting Charles,  
23 but it is from traveling northbound on Los Gatos Boulevard  
24 and making that right turn onto Charles, which is not stop  
25 controlled, so folks can make that right turn, and if there

1 are pedestrians that happen to be walking along Charles in  
2 the street, because there is no sidewalk, it's difficult  
3 for them to move out of the way with that fence being  
4 there.

5 I would be okay, so long, as it was all right  
6 with the Planning Department and the Town Attorney, to go  
7 ahead and allow for this to move forward as a  
8 recommendation with removal of the fence, or at least  
9 lowering the fence within the 30' triangle at the corner,  
10 which is our standard sight distance requirement for a  
11 corner.  
12

13 Then with regard to the fencing along Charles in  
14 the right-of-way, we could then live with that in the  
15 right-of-way with the license agreement that is recorded  
16 against the property, which again, is deed restricted, and  
17 so if in the future we did need that right-of-way, we could  
18 request that property and remove that.

19 CHAIR THOMAS: I think that I would request that  
20 we open the public comment just to answer the question of  
21 what the Appellant...would you want us to issue a continuance  
22 with specific guidance, or would you rather have us deny  
23 and essentially you would need to start over?

24 FIROZ PRADHAN: The neighbors and I have been  
25 discussing this issue.

1 CHAIR THOMAS: I'm sorry, it's just a question of  
2 would you be... If we issued a continuance on this item with  
3 specific direction, would you be willing to work with Staff  
4 to improve the view corridor, as the Town Engineer  
5 mentioned?

6 FIROZ PRADHAN: One hundred percent, yes.

7 CHAIR THOMAS: And would you prefer to go that  
8 route versus a straight up denial of the request, which  
9 means that your options would be that you could appeal to  
10 Town Council or start over with a new application?  
11

12 FIROZ PRADHAN: I would one hundred percent like  
13 to resolve this issue with the Staff, and obviously we'll  
14 involve the neighbors as well, rather than going to Town  
15 Council or coming back to this place. Thank you so much.

16 CHAIR THOMAS: Thank you. I really appreciate  
17 that. Thank you. Commissioner Barnett.

18 COMMISSIONER BARNETT: Would there be a new  
19 filing fee if there was a new application?

20 DIRECTOR PAULSON: Yes.

21 COMMISSIONER BARNETT: On that basis, I'd like to  
22 make a motion that we continue this hearing to a date  
23 acceptable to Staff with direction that the Appellant  
24 confer with Staff with respect to addressing both the  
25 right-of-way issue and the safety issue, and that we have



1 the opportunity then to bring it back in the event that  
2 Staff is not prepared to make a decision on its own.

3 CHAIR THOMAS: Is that a specific enough motion?

4 SEAN MULLIN: I can start, and then the Director  
5 can jump in. I think with that motion, that's what Staff  
6 has been working on for some time. I think as a  
7 recommendation, perhaps we might want to be more specific  
8 about the safety concerns and the potential resolutions  
9 without of course engineering from the dais. We've heard  
10 concerns about the corner sight triangle, and we've heard  
11 some opinions and feedback from the Town Engineer on that,  
12 and we've also heard concerns about the neighbor's  
13 driveway; I think it was 264 Los Gatos Boulevard.

15 Offering specificity about bringing the height  
16 down, I think that's the kind of direction that would be  
17 extremely useful for Staff since we've already been trying  
18 to get there with this offline.

19 CHAIR THOMAS: I think Commissioner Raspe has...

20 COMMISSIONER RASPE: Chair, if I might offer a  
21 discussion among Commissioners. My specific recommendations  
22 would be for the redesign. Redesigning the corner at the  
23 intersection of Los Gatos/Saratoga and Charles Street such  
24 that a possible resolution will be a 45-degree angle  
25 instead of a 90-degree angle at that site, that as part of

1 the conditions of approval there would be no changes in  
2 material to the fence, that plantings would not be allowed  
3 to grow along the fence line, and there would be a redesign  
4 of the fence at the driveway section of 264 Charles. Those  
5 would be my specific recommendations we would include as  
6 part of our continuance.

7 CHAIR THOMAS: I realized we didn't get a second  
8 for motion.

9 COMMISSIONER BARNETT: We didn't get a second. We  
10 don't have a motion.

11 CHAIR THOMAS: We don't have a motion. Is that a  
12 motion though?

13 COMMISSIONER RASPE: I would append that to  
14 Commissioner Barnett's motion. He already, I think, made a  
15 motion to continue. Those would be my conditions for the  
16 continuance, if Staff believes those are specific enough.

17 COMMISSIONER BARNETT: Yes, the maker would  
18 accept those.

19 CHAIR THOMAS: Okay, and who seconded that motion  
20 initially? Okay, Commissioner Stump. Thank you. So, now  
21 discussion. Do we feel like that's sufficient direction?  
22 Commissioner Burnett.

1 COMMISSIONER BURNETT: Could I just have the  
2 motion clarified? At the corner you're talking about having  
3 a 45-degree angle?

4 COMMISSIONER RASPE: Yes, your recommendation.

5 COMMISSIONER BURNETT: And you're keeping the  
6 same fencing material, lattice?

7 COMMISSIONER RASPE: So, it couldn't be solid,  
8 and it couldn't allow plantings to grow (inaudible) view  
9 corridor, either this corner or any subsequent corner.

10 COMMISSIONER BURNETT: And then how many feet  
11 would that be on Los Gatos Boulevard and then...  
12

13 COMMISSIONER RASPE: I think I would leave the  
14 specifics for Staff.

15 COMMISSIONER BURNETT: How do you figure out the  
16 dimensions on that?

17 CHAIR THOMAS: To open the view triangle?

18 COMMISSIONER BURNETT: Yes.

19 COMMISSIONER RASPE: I think there's the... I would  
20 go from post-to-post. There are already existing posts it  
21 looks like about 10' from the corner.

22 COMMISSIONER BURNETT: I see.

23 COMMISSIONER RASPE: (Inaudible).

24 COMMISSIONER BURNETT: And does Staff feel that  
25 that would be adequate?

1 CHAIR THOMAS: Is that adequate? Is that more  
2 specific?

3 SEAN MULLIN: Thank you for that. I think that's  
4 certainly more specific. What I'm hearing is to look at the  
5 corner sight triangle with the suggestion of changing that  
6 angle between Los Gatos Boulevard and Charles to a 45-  
7 degree angle or somewhere thereabouts, especially on the  
8 first panel on each side. Condition of Approval so that  
9 there are no changes to fence moving forward so it carries  
10 with the project, not just in the Town Code, and that no  
11 plantings be allowed along the fence, and to work to  
12 redesign the fence to improve the safety at 264 Los Gatos  
13 Boulevard.  
14

15 CHAIR THOMAS: Yes. And then, I would just like  
16 to offer a recommendation to amend that we understand there  
17 are existing trees, so taking that into consideration too  
18 that we understand it might be like a foot, or inches, or  
19 something else might need to happen to engineer around  
20 those trees on the corner. Is that okay with the makers?  
21

22 COMMISSIONER BARNETT: Yes.

23 CHAIR THOMAS: Okay, thank you. And then I  
24 believe the Town Engineer, he raised his hand for a second.

25 GARY HEAP: I did. If I could provide additional  
input. Our Town standard at corners is a 30' setback from

1 the intersection, 30' back from the property line, along  
2 both of the legs of that triangle at the corner, and then  
3 it would be 10' back at the adjacent driveway, so that  
4 would be our Town standard for visibility.

5 COMMISSIONER BARNETT: Yes, I would amend my  
6 motion to adopt that standard as one to be considered  
7 before this is brought back to us, or certainly to the  
8 Staff's approval.

9 CHAIR THOMAS: Okay. Are we ready to call the  
10 question? I'm sorry, we can't open the public portion  
11 again. Are we continuing to a date... Sorry, this is not to a  
12 date certain determined by Staff.

13 DIRECTOR PAULSON: We can do it to a date  
14 certain, and let's do April 23<sup>rd</sup>, and we'll work through  
15 internal stuff, and if we're not ready, then we'll just  
16 continue it again.

17 CHAIR THOMAS: Okay, to April 23<sup>rd</sup>. Great. Let's  
18 go ahead and call the question. All those in favor? The  
19 motion passes unanimously.

20 (END)  
21  
22  
23  
24  
25



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

ITEM NO. 12.

MEETING DATE: 04/23/2025

ITEM NO: 3

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DATE: April 18, 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.

**RECOMMENDATION:**

Staff recommends that the Planning Commission continue consideration of the appeal to a date certain of May 28, 2025, to allow the applicant additional time to prepare a response to the Commission's direction of March 12, 2025.

**PREPARED BY:** SEAN MULLIN, AICP  
Planning Manager

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Reviewed by: Community Development Director

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 04/23/2025

ITEM NO. 12.

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]

This email and any attachments may contain private, confidential and privileged material for the sole use of the intended recipient. If you are not the intended recipient, please immediately delete this email and any attachments

**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]  
 [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 can 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.

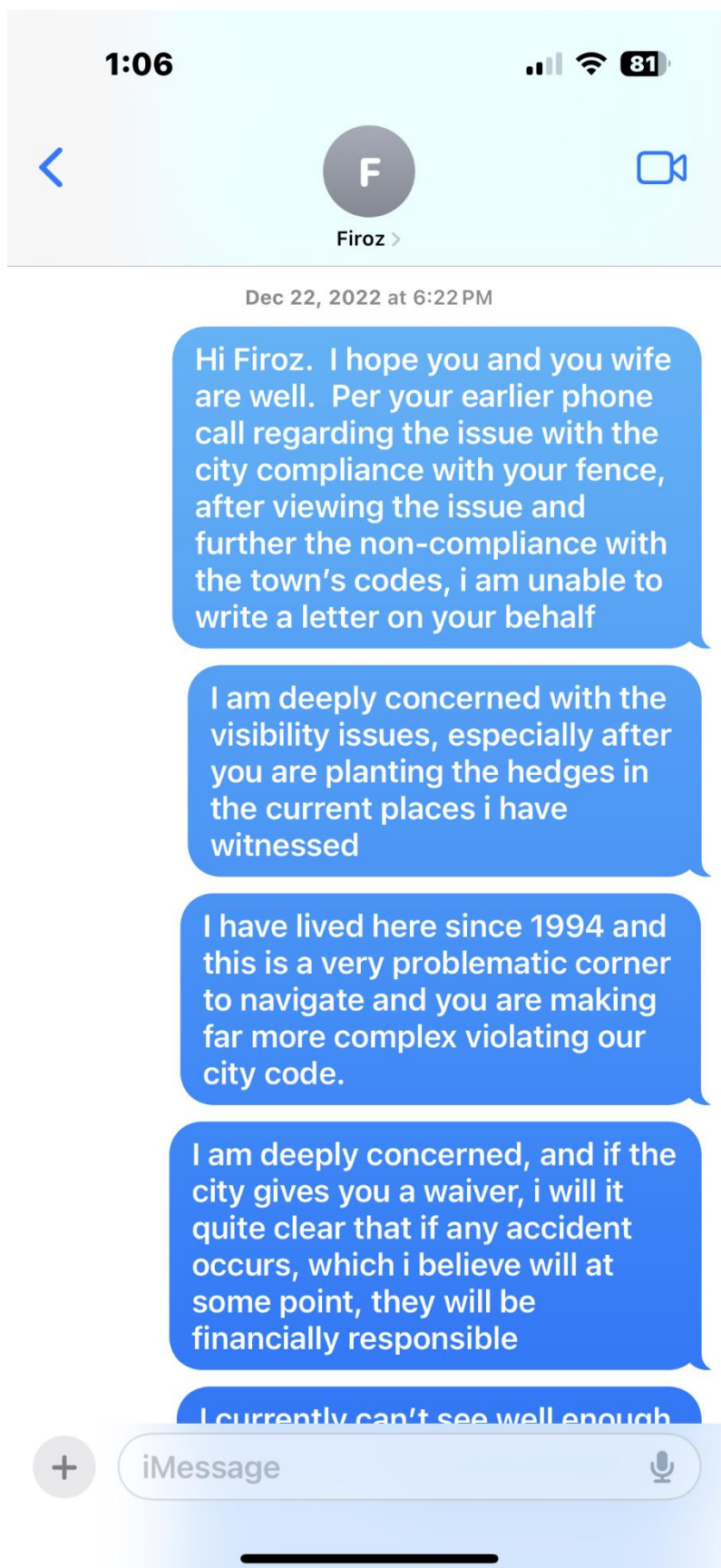
It is so important for the planning commission to realize this risk to our community. A potential insurance policy by the owner of 10 Charles Street is not enough, given if someone dies from an accident due to this fence, my neighbors or I will be prosecuted for involuntary manslaughter. The code for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

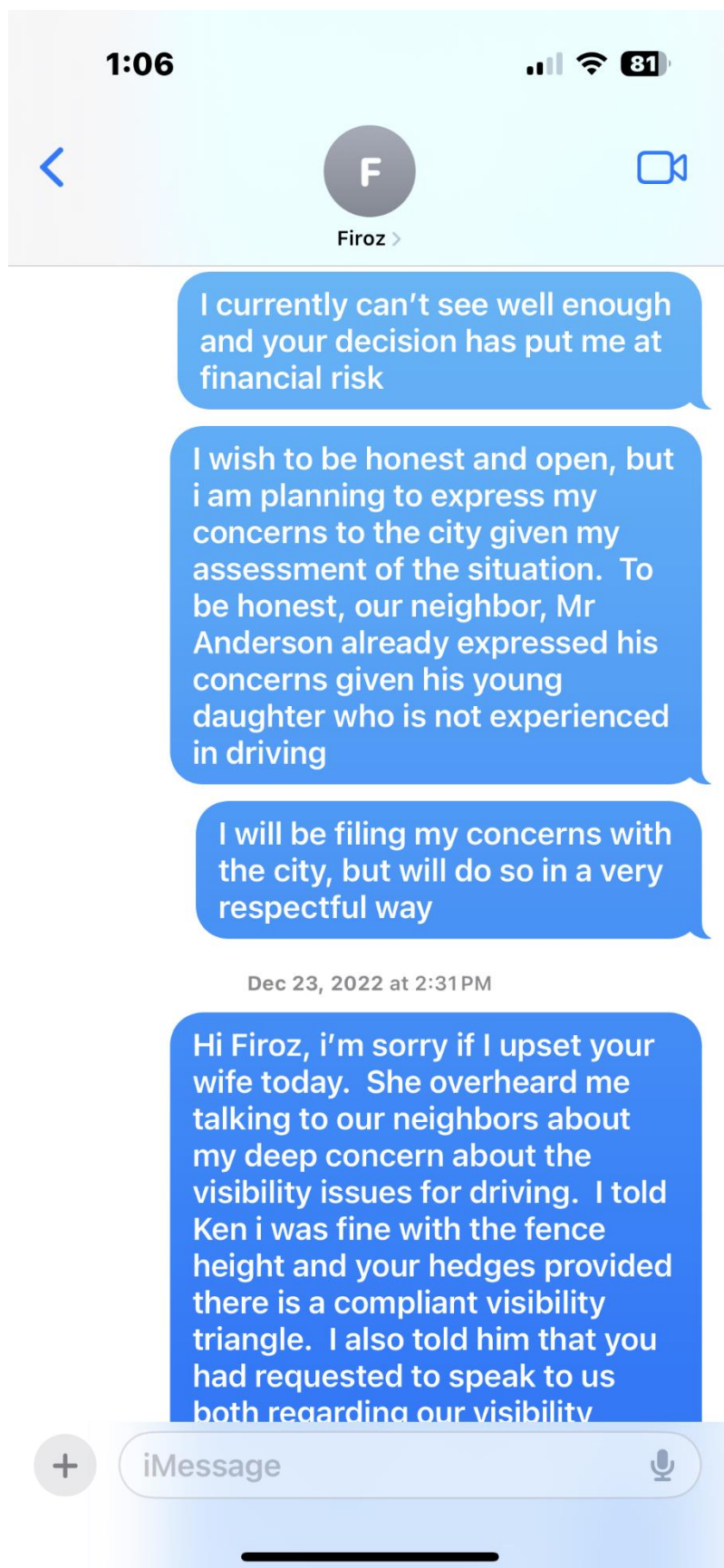
I am hopeful the planning commission will make the right decision to protect us.

With kind regards,  
Kevin

**Kevin Chesney,** [REDACTED]

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INCLUDED WITH THE PUBLIC COMMENT WAS A  
VIDEO FOR REFERENCE.

USE THE FOLLOWING LINK TO VIEW THE  
RECORDING:

[https://www.losgatosca.gov/DocumentC  
enter/View/41900/Video---10-Charles-  
Traffic](https://www.losgatosca.gov/DocumentCenter/View/41900/Video---10-Charles-Traffic)



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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 04/23/2025

ITEM NO. 12.

ITEM NO: 3

DESK ITEM

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DATE: April 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.

REMARKS:

Exhibit 13 includes comments received from the applicant.

Exhibit 14 includes public comments received between 11:01 a.m., Tuesday, April 22, 2025, and 11:00 a.m., Wednesday, April 23, 2025.

EXHIBITS:

Exhibits previously received with the April 22, 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

Exhibit received with this Desk Item Report:

2. 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

PREPARED BY: Erin M. Walters  
Senior Planner

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Reviewed by: Community Development Director

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**From:** Firoz Pradhan [REDACTED]  
**Sent:** Tuesday, April 22, 2025 11:34 PM  
**To:** Joel Paulson <jpaulson@losgatosca.gov>  
**Cc:** Alexa Nolder <ANolder@losgatosca.gov>; Sean Mullin <SMullin@losgatosca.gov>; Erin Walters <EWalters@losgatosca.gov>; Firoz Pradhan <[REDACTED]>  
**Subject:** Planning Commission - Continuation of Hearing - 10 Charles St

[EXTERNAL SENDER]

Dear Joel.

As per our conversation earlier today, I would humbly request you to inform the Planning Commission of my prior communication to the Town regarding my unavailability to attend the Planning Commission hearing scheduled for tomorrow, both through an email to Sean Mullin on April 3rd, as well as in person on March 12th, immediately upon the Commission ordering a continuation. This was due to a longstanding family commitment, more specifically being that my son and his family are visiting our home tonight - for a week-long stay - for the first time since the passing away of my wife.

As the Planning Commission is aware, during last month's hearing, the Commission recommended that I work collaboratively with the concerned neighbors and Town staff to develop a mutually agreeable mitigation plan. I have taken this recommendation very seriously, and reached out to the two neighbors who expressed the most concern during the previous meeting, and we are scheduled to meet next Thursday (May 1st) to discuss and finalize a mitigation plan that addresses their concerns while preserving the key elements of the safety & security, and to do so in consultation with the Planning Staff. The order entailed that we return to the Planning Commission with an established plan for their consent. I also understand that Staff shall recommend to the Planning Commission that Wednesday, May 28th be the date set up for this to occur.

I would also like you to assure the Commission that I remain fully committed to resolving this matter in a timely and constructive manner. I have no intention of delaying the process, and I am actively working with all stakeholders to arrive at a responsible solution.

I respectfully ask that no action be taken on my appeal in tomorrow's meeting in my absence, and that the Commission be made aware of both my scheduling conflict and my good faith efforts to comply with their guidance set forth in the last hearing.

Thank you for your attention to this matter, and for your continued support in helping bring this issue to a fair and collaborative resolution.

Warm regards,  
Firoz Pradhan

10 Charles St

Los Gatos, CA 95032

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-----Original Message-----

From: Kent Anderson [REDACTED]  
Sent: Tuesday, April 22, 2025 1:58 PM  
To: Erin Walters <EWalters@losgatosca.gov>  
Subject: 10 Charles St. Fence

[EXTERNAL SENDER]

Hi Erin,

I own [REDACTED] Los Gatos Blvd. (next door across Charles). I worked in a home office there. Once a month I would witness an accident on the corner. That fence has made it far worse. The road expands into 2 lanes there doubling the amount of traffic. Additionally the sidewalk is full of kids on their way to Van Meter Elementary and Fisher Middle School every morning and high school kids on the way home every afternoon.

I have talked and talked to Firoouz and nothing. He knows it should be 15' from the curb and 30' from the corner. It isn't even close to that. It's right up to the sidewalk and 1' from the curb.

Please be sure the fence is removed asap.

Thank You,

Kent Anderson

Enclosed is a copy of the letter I sent to Sean Mullins and Steve Raspe on the historical preservation committee

Kent Anderson  
[REDACTED] Los Gatos Blvd.  
Los Gatos, CA 95032

Steve Raspe  
Historical Preservation Committee  
110 E. Mian St.  
Los Gatos, CA 95030

April 7, 2025

Dear Mr. Raspe,

I am writing to you concerning the fence built at 10 Charles St. I have had numerous conversations and meeting with Firoouz and my other neighbors discussing this. All the houses in this courtyard are upset about this.

I was shocked to hear it said there was no opposition to this. The house is really 268 Los Gatos Blvd. It was only recently changed to make it appear that it is not on the boulevard.

It represents a historic home on the entrance to our city. There is an ordinance that protects the sight lines of these homes in order to maintain the beauty of our town. Simply renaming the lots address does not do away with the set backs and sight lines that need to be preserved and enforced.

This particular fence is exceeding dangerous. As it is I have witnessed almost 1 accident a month right on that corner. There is a tremendous amount of traffic right there. The road expands into two lanes right inn from of the house and it is difficult to see both lanes before pulling into traffic.

This fence conceals the sidewalk entirely making it impossible to see a anyone coming on the sidewalk in that direction. Van Meter elementary in right down the street and Fisher is around the corner from that. We have hundreds of kids some on bikes and scooter that cross right there daily.

In the afternoon the high school kids zoom past there as well. This fence need to be removed to the 15' setback that is required and angled to 45% no closer that 30' at the corner it self. And bushes interfering with this sight line also need to be removed. There is no reason to allow this. I would be surprised if it does lead to a serious accident in the near future.

Sincerely,

Kent Anderson  
cc. Sean Mullins

A P P E A R A N C E S:

Los Gatos Planning Commissioners: Kendra Burch, Vice Chair  
Jeffrey Barnett  
Susan Burnett  
Steve Raspe  
Rob Stump

Town Manager: Chris Constantin

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

Transcribed by: Vicki L. Blandin  
(619) 541-3405

ATTACHMENT 6



P R O C E E D I N G S:

VICE CHAIR BURCH: We will now move onto the Public Hearings, and now our first item is going to be Item 3, previously from the Consent Calendar.

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 streetside yard setbacks on property zoned R-1D, located at 10 Charles Street, APN 532-36-022. Project is categorically exempt pursuant to CEQA Guidelines Section 15303: New Construction or Conversion of Small Structures. Fence Height Exception Application FHE-23-001. The Property Owner/Applicant is Firoz Pradhan, and the project planner is Sean Mullin, who I understand is not available this evening. Who will be giving the Staff Report?

DIRECTOR PAULSON: Thank you. There is no Staff Report. This item is being requested to be continued so that the Applicant can address the direction from the previous Planning Commission meeting. Additionally, as in the Desk Item, they're not available this evening.

VICE CHAIR BURCH: So, we are only pulling this to allow for public testimony?

1           DIRECTOR PAULSON: You have two speakers, and I  
2 don't know if the Town Attorney has any additional comments  
3 on the speaking now or at the future meeting.

4           ATTORNEY WHELAN: One option would be for the  
5 Chairperson to ask the speakers if they're able to come to  
6 the next meeting. Has it been scheduled for a future  
7 meeting yet?

8           DIRECTOR PAULSON: I think they are potentially  
9 available for the next meeting, but they wish to speak this  
10 evening.

11           ATTORNEY WHELAN: Okay. If they're available, my  
12 recommendation is they be asked to come to the meeting at  
13 which this will be discussed so that everybody can have the  
14 benefit of their comments.

15           VICE CHAIR BURCH: This is a little new to me.  
16 So, in that case we do have two speaker cards; I believe  
17 it's Kevin Chesney and Kent Anderson. Is that acceptable  
18 that we hold your testimony until...

19           (Inaudible comment from the audience.)

20           VICE CHAIR BURCH: All right.

21           ATTORNEY WHELAN: There is no requirement to open  
22 the public hearing.

23           (Inaudible comment from the audience.)

1           ATTORNEY WHELAN: If it is your position that  
2 you're not available for the meeting at which this will be  
3 discussed, you're welcome to give testimony tonight.

4           VICE CHAIR BURCH: Okay. I'm fine, let's go ahead  
5 and allow that. So, all right, we're going to open the  
6 public testimony for Item 3, and I have a speaker card. The  
7 first one I have is, I believe, Kevin Chesney.

8           KEVIN CHESNEY: Hello. As you remember, I am  
9 Kevin Chesney, the owner of 2 Charles Street that has owned  
10 the property since 1994 when I bought the property  
11 (inaudible), and also I bought it with respect to the  
12 fencing that was there, including 302 Charles Street  
13 (inaudible). I expressed my concerns last time, and I'm  
14 sorry I wasn't as articulate (inaudible) and for that I  
15 apologize.  
16

17           I also, as my neighbor, Kent Anderson, who will  
18 speak after me, was unaware of the violation that the Town  
19 raised with respect to the fence until the appeal. We kept  
20 trying to work collegially with our neighbor to address my  
21 concerns. If you look at what we just both presented, I  
22 have text messages back too 2022 raising my concerns,  
23 telling him that I thought it was unsafe, but he built his  
24 fence.  
25

1 Both Kent and I objected, as well as our  
2 neighbor, Matthew Daily, who actually is traveling to  
3 Thailand or he would be here today, but he had had an  
4 accident, and yet Firoz said nobody was concerned about the  
5 fence that he created for construction, but we were all  
6 being neighborly, we were all being kind, we were all  
7 trying to support him.

8 But it is a clear example, in my mind, of  
9 building something that an educated contractor knew wasn't  
10 compliant, and then asking everybody for forgiveness, which  
11 is quite annoying given he's an educated contractor. He  
12 knows the laws, he knows what is required of him, he knew  
13 it when he bought the property.

14 With respect to Firoz's letter to Mr. Mullin to  
15 justify the exception, I would comment on several of his  
16 points.

17 First, he states that Charles Street is a quiet  
18 dead-end street with only a handful of residents. I wish  
19 his assessment of the situation were true, but it's not  
20 that quiet in fact, and there is actually a No U-Turn on  
21 that street based upon the fact that most parents try to  
22 use that as a way to circumvent their ability to get to Van  
23 Meter or Fisher. That is one of the most heavily  
24 transcribed areas of kids walking back and forth. You have  
25

1 no idea. You need to be there at 8:00 o'clock in the  
2 morning, or 7:30; it's dangerous.

3 Second, he states the stop sign ensures our  
4 safety, but we cannot see it properly when we proceed to  
5 within the crosswalk. We have to get out into the crosswalk  
6 to actually see. I can see fine to the right, because my  
7 neighbor at 302 Charles Street, which is Kent, has a 45-  
8 degree angle.

9 VICE CHAIR BURCH: I'm afraid that's your time.

10 KEVIN CHESNEY: Okay, so fine.

11 VICE CHAIR BURCH: Are there any questions  
12 though?

13 COMMISSIONER RASPE: Chair, one question for Mr.  
14 Chesney. First of all, thank you for appearing in the first  
15 instance and again this evening. Our hope last time was  
16 that the neighbors would come together, talk about the  
17 issues, and see if there was a resolution. My only question  
18 to you is has there been a discussion between you and the  
19 Applicant since our last meeting?

20 KEVIN CHESNEY: One discussion to meet next week,  
21 and this has been going on. As Sean Mullin says, we keep  
22 kicking the can down the road, and it's frustrating.

23 COMMISSIONER RASPE: I appreciate it.

24 KEVIN CHESNEY: Terribly frustrating.

1 VICE CHAIR BURCH: Any other questions? I do have  
2 one. You were just mentioning the visibility, that you  
3 can't see till you're in the crosswalk. Are you trying to  
4 say like I need to be halfway through the street, or like  
5 at the corner?

6 KEVIN CHESNEY: I will be more specific.

7 VICE CHAIR BURCH: I would like that, please.

8 KEVIN CHESNEY: I have to be out into the  
9 crosswalk, which means I have to go into an area that is  
10 dangerous for the students who are walking with their  
11 parents. Secondly, I just talked to Michelle Huntley, who  
12 spoke, which is the neighbor on the other side, and she  
13 said to me just a few minutes ago that she gets out of her  
14 car and looks over so she can tell whether or not there are  
15 any issues. It's appalling.

17 VICE CHAIR BURCH: Okay, thank you so much.

18 KEVIN CHESNEY: It's absolutely appalling.

19 COMMISSIONER BARNETT: If I can ask you one  
20 question. Have you observed any accidents involving any  
21 other cars of pedestrians?

22 KEVIN CHESNEY: Per my last situation, Matthew  
23 Daily actually had an accident himself, 5 Charles Street,  
24 based upon the prior fence. Kent will speak, and he will  
25 say that he witnesses accidents at that intersection

1 probably monthly. It is a very, very difficult  
2 intersection.

3 COMMISSIONER BARNETT: Thank you for that.  
4 Appreciate your comment.

5 VICE CHAIR BURCH: Any other questions? Thank you  
6 very much.

7 KEVIN CHESNEY: Thank you.

8 VICE CHAIR BURCH: All right, Kent Anderson.  
9 You'll have three minutes, Mr. Anderson.

10 KENT ANDERSON: Okay, thank you. My name is Kent  
11 Anderson. I live right across the street from Firoz  
12 actually, and I work right in that office for the most  
13 part. I kind of moved recently, but I did...I worked in that  
14 office. I would witness an accident there almost once a  
15 month, to be honest with you.

16 That's one of the busiest places in Los Gatos.  
17 It's right on Los Gatos Boulevard and Highway 9. Everybody  
18 who comes downtown, or half of the people who come  
19 downtown, exit onto 17 right there, and that's the one area  
20 where it goes from one lane into two lanes, because there's  
21 a turn lane there, people are going through there fast  
22 because they want to make the light, they want to get onto  
23 the freeway.  
24  
25

1           Also, we've got Van Meter, we've got Fisher,  
2 going down there every single day. We also have Mariposa; I  
3 guess they're speaking here as well, they're just around  
4 the corner. So, we've got kids that go by there from 8:00  
5 o'clock to 8:30, probably hundreds of them, and it's really  
6 not fair.

7           You can't stop right at the stop sign there, you  
8 have to go past the line where the stop sign says stop in  
9 order to see around the corner, which is into the  
10 crosswalk, and it's almost too late. This is a serious  
11 hazard.  
12

13           In addition to that, his lattice work doesn't  
14 meet code. It can only be 20% obscured; his is probably  
15 doubled that.

16           In addition to that, he's planted a bunch of  
17 bushes alongside. It's made an impossible situation and I  
18 really think this needs to be denied.

19           It needs to be cut down to 3', all the bushes  
20 there need to be cut down to 3'. There's absolutely no  
21 reason for this.

22           This house isn't really on Charles Street; they  
23 just changed the address with this last owner. It's really  
24 268 Los Gatos Boulevard, and that's the way it's been  
25



1 forever, so really hope you guys will just deny it flat  
2 out.

3 We do have a meeting set up with him, but it's  
4 the same nonsense I've heard over time. He wants to take  
5 out a couple of pieces of lattice or something that's not  
6 really going to make that much difference. That's really  
7 all I have to say. Thank you, guys, for listening. I  
8 appreciate it.

9  
10 VICE CHAIR BURCH: Any questions?

11 COMMISSIONER STUMP: Can I ask one question of  
12 Staff. In looking back at the meeting minutes from March  
13 12<sup>th</sup> basically to see if that time the motion was that the  
14 Appellant confer with Staff with respect to addressing the  
15 right-of-way issue and the safety issue, and that it be  
16 brought back to the Planning Commission if Staff is not  
17 prepared to decide on its own. So, do we know what that  
18 status is as far as the action?

19 DIRECTOR PAULSON: We do not.

20 COMMISSIONER STUMP: So, to be continued. Thank  
21 you.

22 VICE CHAIR BURCH: All right, thank you, Mr.  
23 Anderson.

24 KENT ANDERSON: Thank you.  
25

1 VICE CHAIR BURCH: All right, I will close the  
2 public portion of this item and look to my Commissioners  
3 for any comments, questions of Staff, or a motion.

4 COMMISSIONER RASPE: I'll go ahead, Chair; I'll  
5 begin. I was prepared to have this on the Consent Calendar,  
6 and I'm actually glad it came off. I'm glad to see that the  
7 neighbors are working towards it and are alerting us to the  
8 potential issues here. I'm loath to render a judgement on  
9 it tonight, because the Applicant isn't available, but I'm  
10 also hesitant to continue this much longer given that there  
11 are some apparent safety issues.  
12

13 So, I would move to continue this to the first  
14 available date, and a date certain, so that we can resolve  
15 this as quickly as possible.

16 VICE CHAIR BURCH: Thank you. Anyone else?  
17 Commissioner Barnett.

18 COMMISSIONER BARNETT: Was that a motion? If so,  
19 I'll second.

20 COMMISSIONER RASPE: I'll just ask Staff; do we  
21 have a date available that we can set it tonight?

22 DIRECTOR PAULSON: We probably have a date  
23 available, but we don't know if the Applicant is available.  
24

25

1 COMMISSIONER RASPE: Can I ask that we set it for  
2 that date. We'll just set it for that date, and let the  
3 Applicant object if they're unable to do it.

4 DIRECTOR PAULSON: That would be May 14<sup>th</sup> rather  
5 than May 28<sup>th</sup>.

6 VICE CHAIR BURCH: Second?

7 COMMISSIONER BARNETT: Yes, absolutely.

8 VICE CHAIR BURCH: All right, we have a motion.  
9 Any other comments? All right, then all in favor. Passes  
10 unanimously to a date certain of May 14<sup>th</sup>. I assume there  
11 are no appeal rights or anything on this for us to bring  
12 up.  
13

14 ATTORNEY WHELAN: No.

15 VICE CHAIR BURCH: Thank you.

16 DIRECTOR PAULSON: One second. Why can't we do  
17 the 14<sup>th</sup>?

18 FEMALE: The 14<sup>th</sup> is no longer available due to  
19 legal ad requirements. You would have to do May 28<sup>th</sup> to  
20 abide by the legal ad requirement.

21 DIRECTOR PAULSON: This doesn't require a legal  
22 ad, because we're continuing it to a date certain.

23 FEMALE: Okay.

24 (END)  
25



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

ITEM NO. 12.

MEETING DATE: 05/14/2025

ITEM NO: 3

---

DATE: May 9, 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.

**RECOMMENDATION:**

On April 23, 2025, the Planning Commission continued consideration of this appeal to the May 14, 2025 meeting. The applicant has informed staff that they are not available to attend the May 14, 2025 meeting due to previously arranged travel plans and requested a continuance to the next meeting. Staff recommends that the Planning Commission continue consideration of the appeal to a date certain of May 28, 2025.

**PREPARED BY:** SEAN MULLIN, AICP  
Planning Manager

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Reviewed by: Community Development Director

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**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

ITEM NO. 12.

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**MINUTES OF THE PLANNING COMMISSION MEETING  
MAY 14, 2025**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, May 14, 2025, at 7:00 p.m.

**MEETING CALLED TO ORDER AT 7:00 PM**

**ROLL CALL**

Present: Chair Emily Thomas, Commissioner Jeffrey Barnett, Commissioner Susan Burnett, Commissioner Steve Raspe, Commissioner Joseph Sordi, Commissioner Rob Stump  
Absent: Vice Chair Kendra Burch

**PLEDGE OF ALLEGIANCE**

**VERBAL COMMUNICATIONS**

None.

**CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)**

1. **Approval of Minutes** – April 23, 2025
2. **Approval of Minutes** – April 30, 2025
3. **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.

**Commissioner Stump requested Item 1, Draft Minutes of the April 23, 2025 Planning Commission meeting, be pulled from the Consent Calendar.**

**MOTION:**                    **Motion by Commissioner Stump** to approve adoption of the Consent Calendar, with the exception of Item 1. **Seconded by Commissioner Barnett.**

**VOTE:**                    **Motion passed unanimously.**

**1. Approval of Minutes – April 23, 2025**

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Stump** to approve adoption of Consent Calendar Item 1, Approval of April 23, 2025 Meeting Minutes, as amended. **Seconded by Commissioner Raspe.**

**VOTE:**                    **Motion passed unanimously.**

**PUBLIC HEARINGS**

**4. Senate Bill 9 Ordinance Amendments**

Town Code Amendment Application A-25-002

Project Location: Town Wide

Applicant: Town of Los Gatos

Project Planner: Ryan Safty

Consider making a recommendation to the Town Council on an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code for Senate Bill 9 (SB 9) in response to the provisions of Senate Bill 450 (SB 450). The proposed amendments to the Town Code are not considered a project under Section 15378 of the California Environmental Quality Act, and in accordance with Government Code Sections 66411.7(n) and 66452.21(g), Senate Bill 9 ordinances are not a project subject to the California Environmental Quality Act.

Ryan Safty, Associate Planner, presented the staff report.

Opened Public Comment.

Harini

In 2023 I specifically requested the Town Council to remove the 1,200 square foot second unit limit, as it (inaudible) the intent and purpose of the State law, but that suggestion was ignored, probably to try to see what sticks in, but that thinking makes it difficult for the Town to control objective Town planning until a more strict State law comes in and takes over the Town's control completely. I request this be in line with the intent of State law. Regarding the bonus, I saw and agree with the comment about being consistent with (inaudible) bonus (inaudible) non-split scenario (inaudible) four units (inaudible) and the ADUs provided a minimum of 800 square feet, or 10% of the lot size. Here, I only see 10% of the lot size, the minimum of the 800 square feet is not there in the SB 9, so I would request you to add that. The shared utilities is a serious issue. We can have shared utilities and yet separate (inaudible) and

## MINUTES OF PLANNING COMMISSION MEETING OF MAY 14, 2025

as rightly said in the comments, sewers are not metered and there is no need for shared utilities for that, as (inaudible) and installation costs are quite high for multiple sewers, so it's always good to have shared utilities for those sorts of things.

Closed Public Comment.

Commissioners discussed the matter.

**MOTION:**                    **Motion by Commissioner Raspe** to recommend to Town Council approval of an ordinance amending Chapter 29 (Zoning Regulations) of the Town Code for Senate Bill 9 (SB 9) in response to the provisions of Senate Bill 450 (SB 450). **Seconded by Commissioner Stump.**

Commissioners discussed the matter.

**VOTE:**                    **Motion passed unanimously.**

**OTHER BUSINESS**

5. Forward a recommendation of approval to the Town Council for the Draft Proposed Capital Improvement Program (CIP) Budget for Fiscal Years (FY) 2025/26 – 2029/30.

Saurabh Nijhawan, Capital Improvement Senior Civil Engineer, presented the staff report.

**MOTION:**                    **Motion by Commissioner Raspe** to recommend to Town Council approval of the Draft Proposed Capital Improvement Program (CIP) Budget for Fiscal Years (FY) 2025/26 – 2029/30. **Seconded by Commissioner Sordi.**

**VOTE:**                    **Motion passed unanimously.**

**REPORT FROM THE COMMUNITY DEVELOPMENT DEPARTMENT**

Joel Paulson, Director of Community Development

- The Town Council met on May 6<sup>th</sup>:
  - Discussed Program AB, which the Planning Commission had recommended approval of. After deliberation the Council sent the matter back to staff with direction to look at different options and to discuss it with the Department of Housing and Community Development to narrow the focus of that effort. This item will return to the Planning Commission or Town Council, depending on the scope of those modifications.



MINUTES OF PLANNING COMMISSION MEETING OF MAY 14, 2025

- A special Council meeting is scheduled for May 6<sup>th</sup> for Dio Deka at 143-151 East Main Street was cancelled due to a clerical error between notices, and will now be heard at the Town Council's May 27<sup>th</sup> meeting.
- The Genuine Automotive project that was heard by the Planning Commission will now be heard by the Town Council on June 3<sup>rd</sup>.

**SUBCOMMITTEE REPORTS/COMMISSION MATTERS**

**General Plan Committee**

Commissioner Thomas

- The GPC met on May 14<sup>th</sup>:
  - Forwarded a recommendation to approve a General Plan amendment to adopt the Fire Hazard Severity Map. The Planning Commission will receive this item in the future.
  - Recommended to Town Council to dissolve the General Plan Committee due to lack of work.

**ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the May 14, 2025 meeting as approved by the Planning Commission.

---

/s/ Vicki Blandin



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 05/28/2025

ITEM NO: 2

ITEM NO. 12.

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

SUBJECT: 10 Charles Street/FHE-23-001

DATE: May 23, 2025

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

SUBJECT: 10 Charles Street/FHE-23-001

DATE: May 23, 2025

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

SUBJECT: 10 Charles Street/FHE-23-001

DATE: May 23, 2025

- 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:

SUBJECT: 10 Charles Street/FHE-23-001

DATE: May 23, 2025

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.

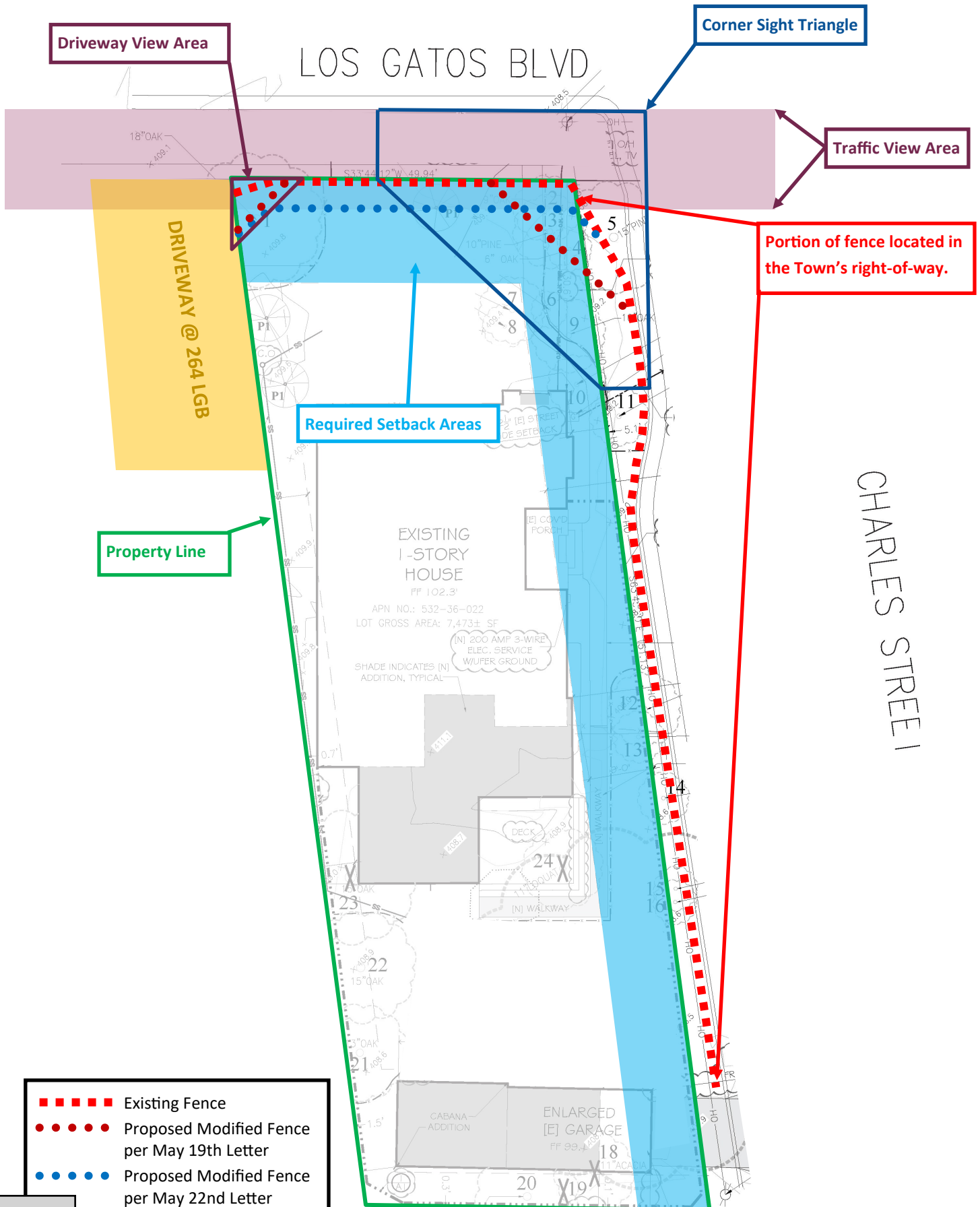


Applicant shall bear any and all losses, damages, injuries, liabilities, costs and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising 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 12<sup>th</sup>, 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 12<sup>th</sup> 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.

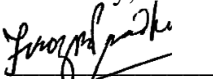
**REQUEST**

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](mailto:firoz.pradhan@gmail.com)

Enclosures: As above



Firoz Pradhan <firoz.pradhan@gmail.com>

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

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**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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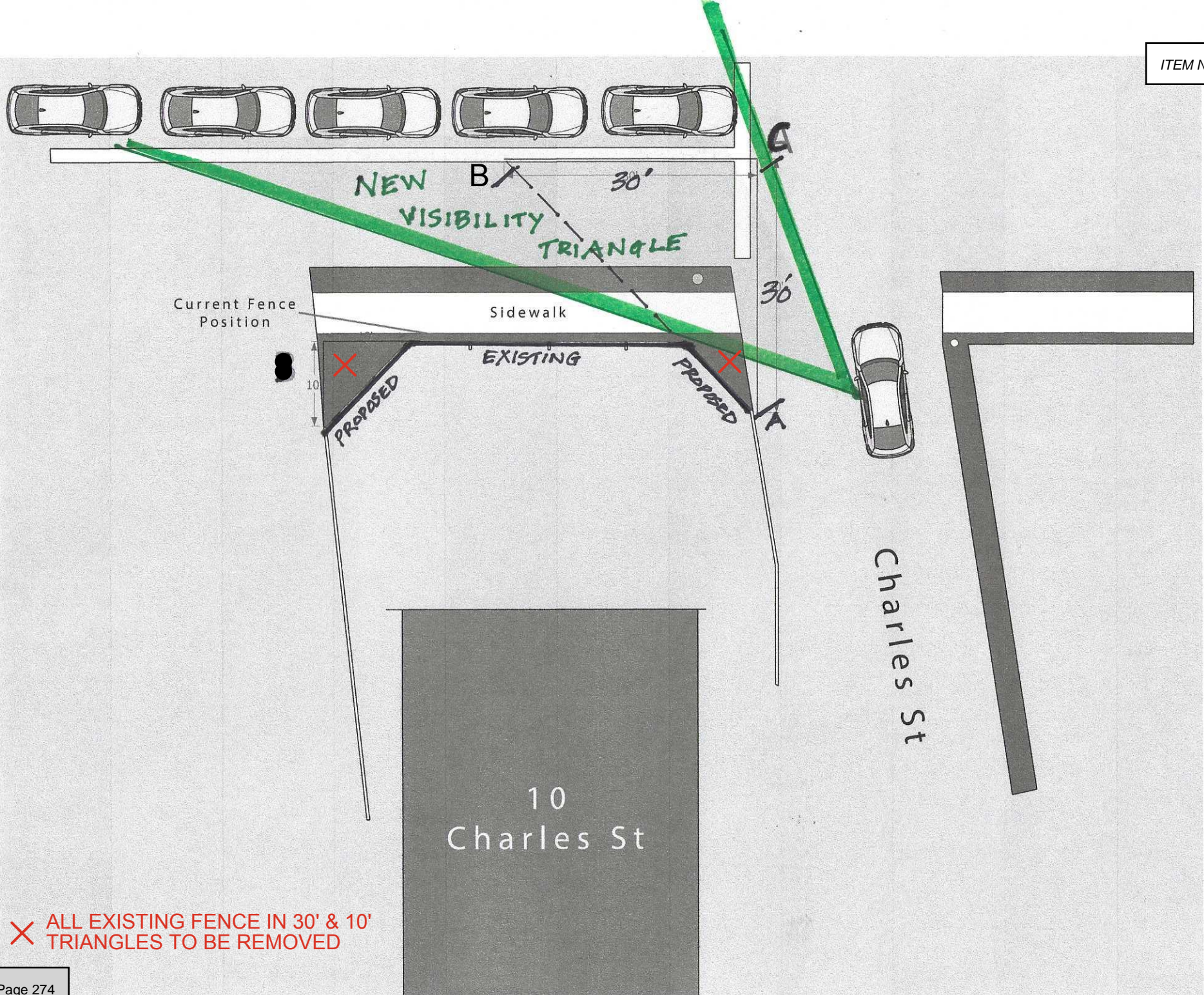


Based upon discussions with the Town's Engineering & Public Works Department held on Thursday, May 8th, it is proposed that the existing fence section at the corner of Los Gatos Boulevard and Charles St be removed, and be replaced with a new fence section that is angled along the straight line drawn 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.
- It is respectfully requested 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.











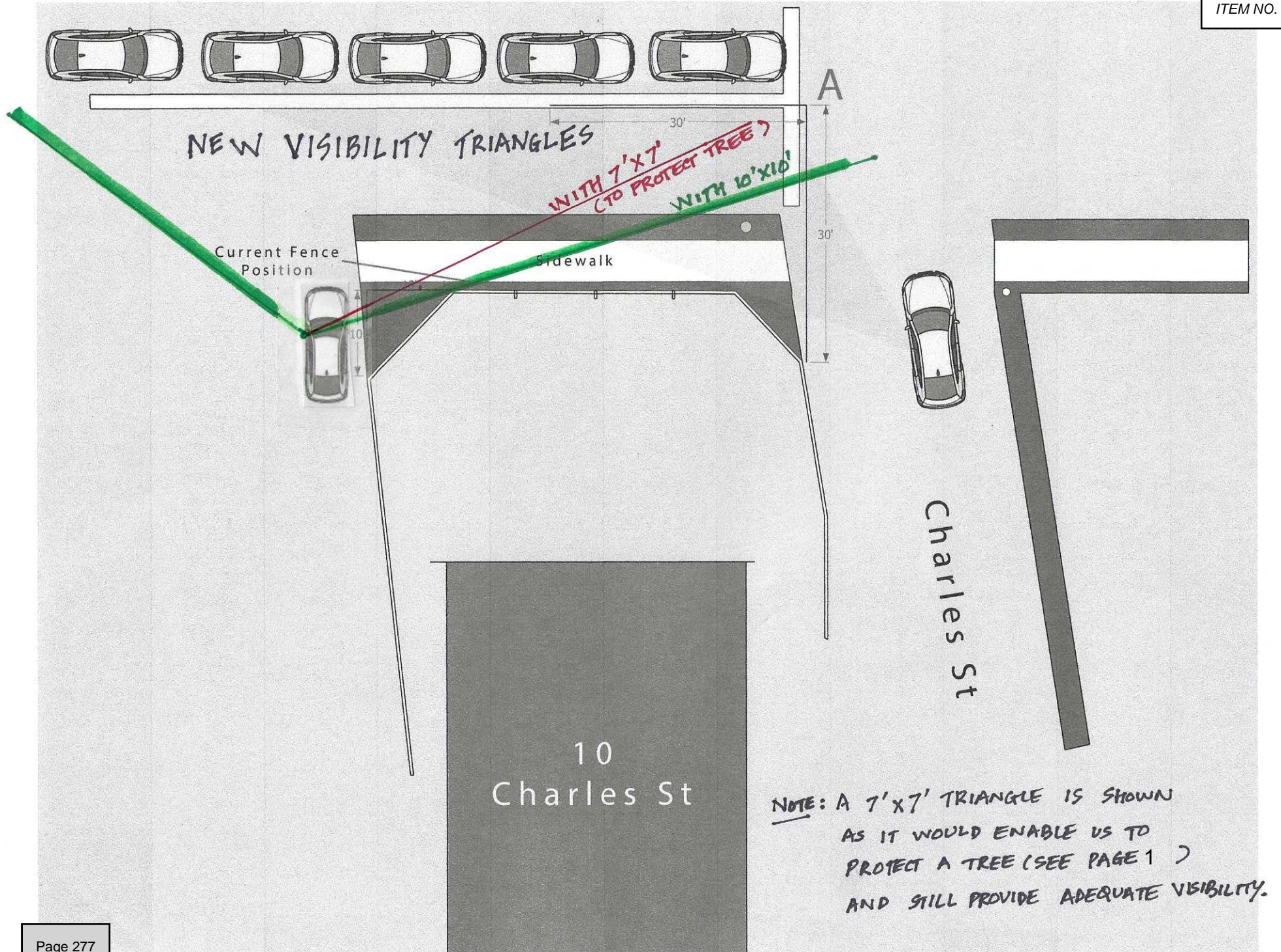


#### **FENCE MODIFICATION AT INTERIOR PROPERTY (COMMON FENCE SHARED WITH MICHELLE)**

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



ITEM NO. 12.





ITEM NO. 12.

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 8<sup>th</sup>, 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.

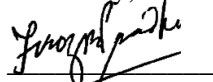
**REQUEST**

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](mailto:firoz.pradhan@gmail.com)

Enclosures: As above





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**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](mailto:SMullin@losgatosca.gov)>

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

**To:** Gary Heap <[GHeap@losgatosca.gov](mailto:GHeap@losgatosca.gov)>; James Watson <[JWatson@losgatosca.gov](mailto: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](mailto:smullin@losgatosca.gov)

[www.losgatosca.gov](http://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 26, 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.*



Think Green, please consider the environment before printing this e-mail.

[Quoted text hidden]

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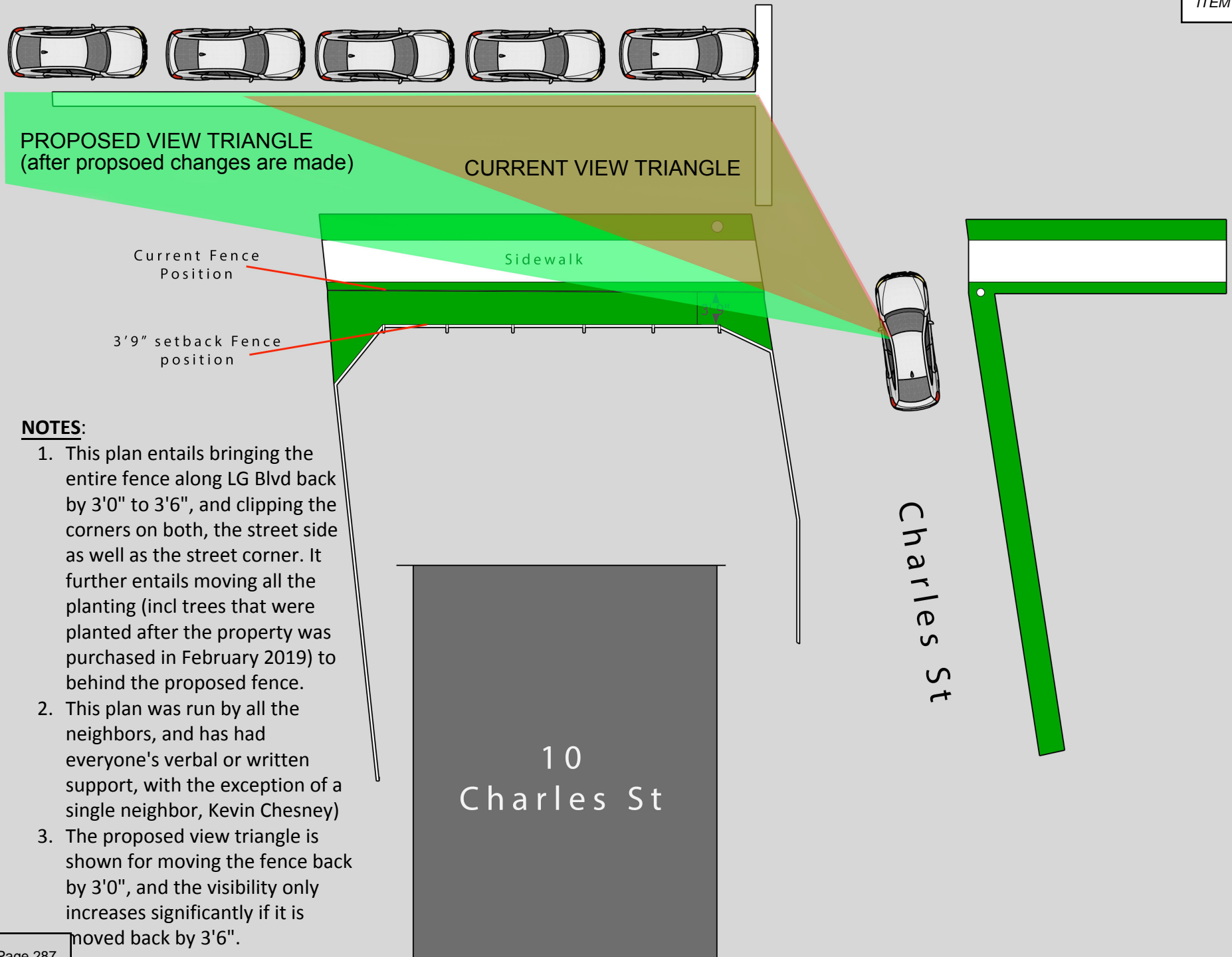
**2 attachments**

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




**LosGatos\_ST-231\_232\_SiteTriangle.pdf**  
51K



**NOTES:**

1. This plan entails bringing the entire fence along LG Blvd back by 3'0" to 3'6", and clipping the corners on both, the street side as well as the street corner. It further entails moving all the planting (incl trees that were planted after the property was purchased in February 2019) to behind the proposed fence.
2. This plan was run by all the neighbors, and has had everyone's verbal or written support, with the exception of a single neighbor, Kevin Chesney)
3. The proposed view triangle is shown for moving the fence back by 3'0", and the visibility only increases significantly if it is moved back by 3'6".

**Kevin B. Chesney**  


Los Gatos, CA 95032

**May 21, 2025**

**Planning Commission**

Town of Los Gatos

110 E. Main Street

Los Gatos, CA 95030

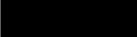

**Subject: Formal Objection and Request for Enforcement of Denial – Fence Exception Application for 10 Charles Street**

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   
 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:  
  
1159F7AA769D480...  
Kevin B. Chesney

Exhibit 1 – Before the Remodel

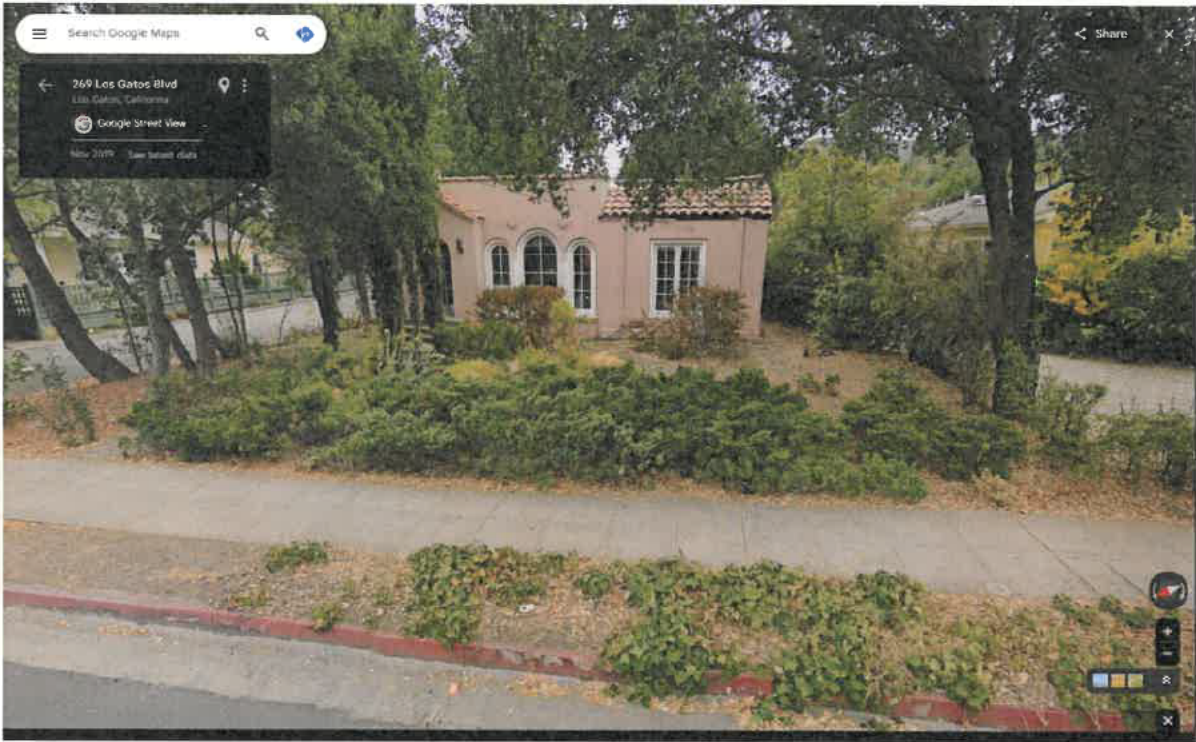




Exhibit 2 – During the Remodel





Exhibit 3 – After the Remodel





**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 05/28/2025

ITEM NO: 2

ADDENDUM

DATE: May 27, 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 20 includes public comments received between 11:01 a.m., Friday, May 23, 2025, and 11:00 a.m., Tuesday, May 27, 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 27, 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

Received with this Addendum Report:

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

From: Saeed Malakooti [REDACTED]  
Sent: Tuesday, May 27, 2025 10:16 AM  
To: Sean Mullin <SMullin@losgatosca.gov>; [REDACTED]  
Subject: 10 Charles St - Fence Issue

[EXTERNAL SENDER]

From: Saeed Nejad  
[REDACTED]

To: Mr. Sean Mullin (Planning Manager)  
Town of Los Gatos  
110 E Main St.  
Los Gatos, CA 95030

Dear Mr. Mullin,

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

Although I have no issues with Mr. Pradhan's current fence position, after reviewing both Option A and Option B (as detailed in the attached drawings), it appears that visibility and safety could be significantly improved by implementing either option when entering or exiting Charles Street.

Furthermore, Mr. Pradhan has made a sincere effort to engage with all affected neighbors, addressing their concerns and seeking a workable solution.

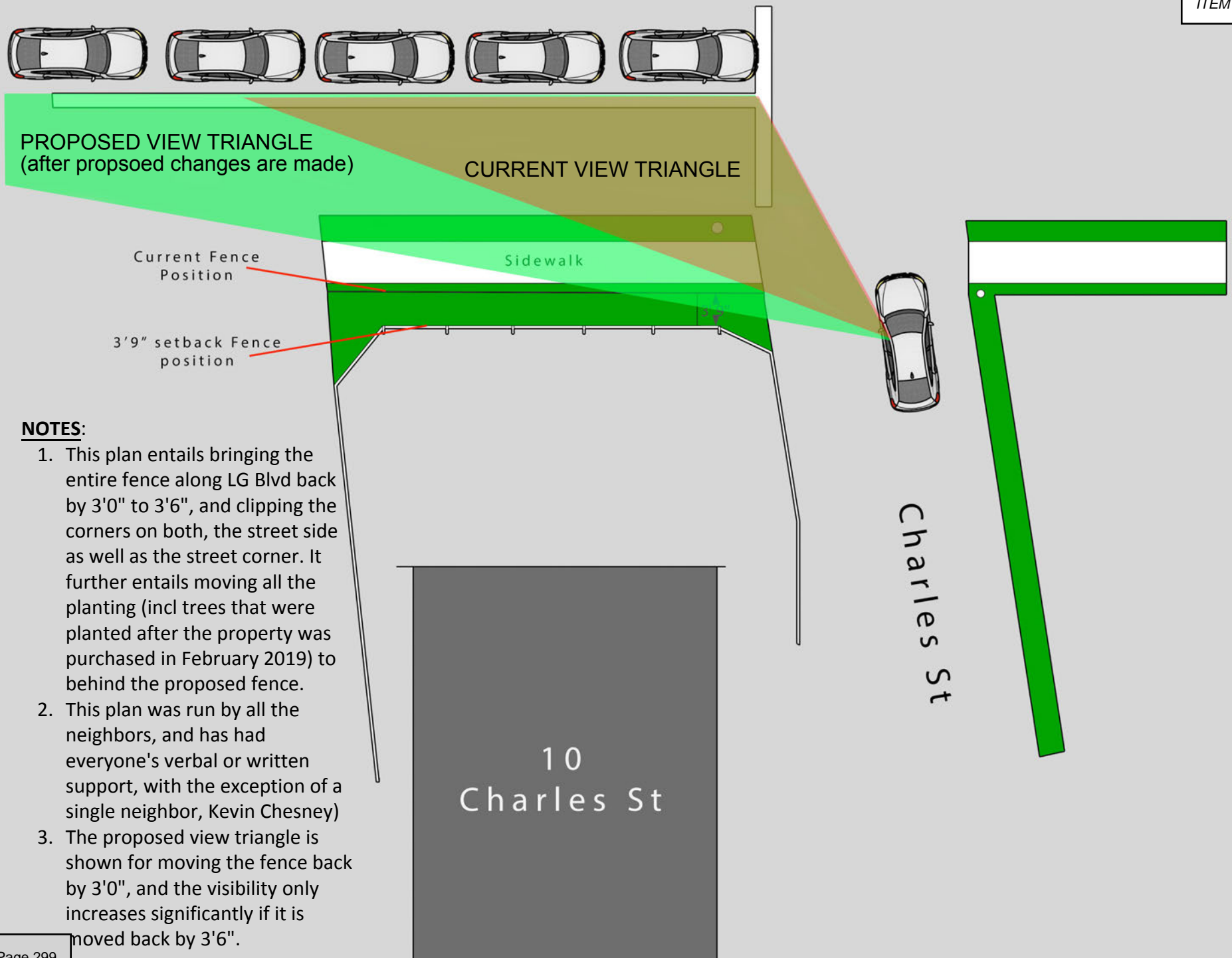
I hope this letter can be helpful in clarification of current fence wall concerns.. Please feel free to contact me if further information is needed.

Sincerely,  
Saeed Nejad



**OPTION A - MOVE FENCE ALONG LOS GATOS BLVD BY 3'6", AND CLIP CORNERS BY ELIMINATING THE EXISTING CORNER SECTIONS (BOTH ENDS)**

ITEM NO. 12.

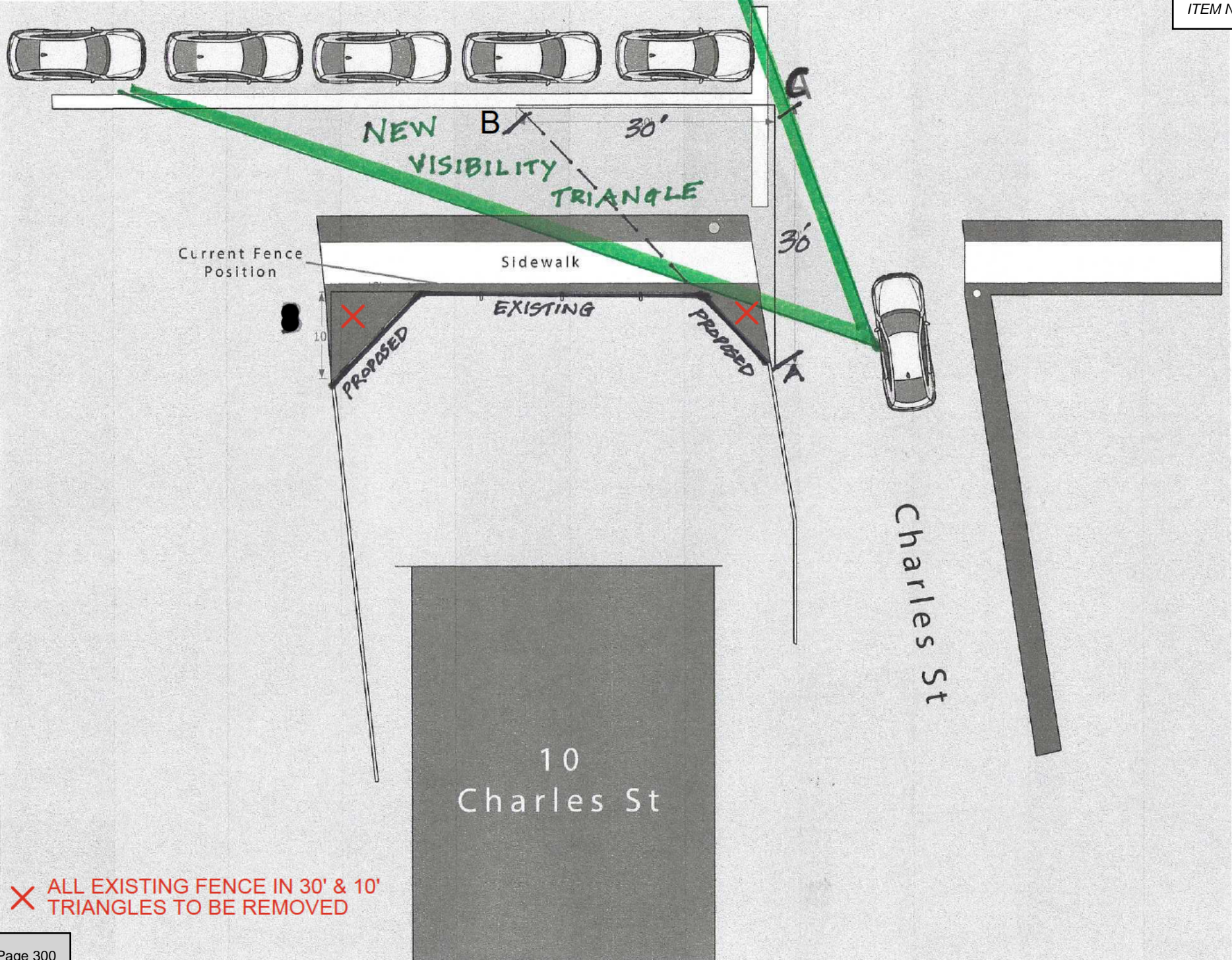


**NOTES:**

1. This plan entails bringing the entire fence along LG Blvd back by 3'0" to 3'6", and clipping the corners on both, the street side as well as the street corner. It further entails moving all the planting (incl trees that were planted after the property was purchased in February 2019) to behind the proposed fence.
2. This plan was run by all the neighbors, and has had everyone's verbal or written support, with the exception of a single neighbor, Kevin Chesney)
3. The proposed view triangle is shown for moving the fence back by 3'0", and the visibility only increases significantly if it is moved back by 3'6".

OPTION B - Create 30' Triangle measured from the point at which the face of curb on Charles matching face of curb on Los Gatos Boulevard

ITEM NO. 12.



ALL EXISTING FENCE IN 30' & 10' TRIANGLES TO BE REMOVED





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:

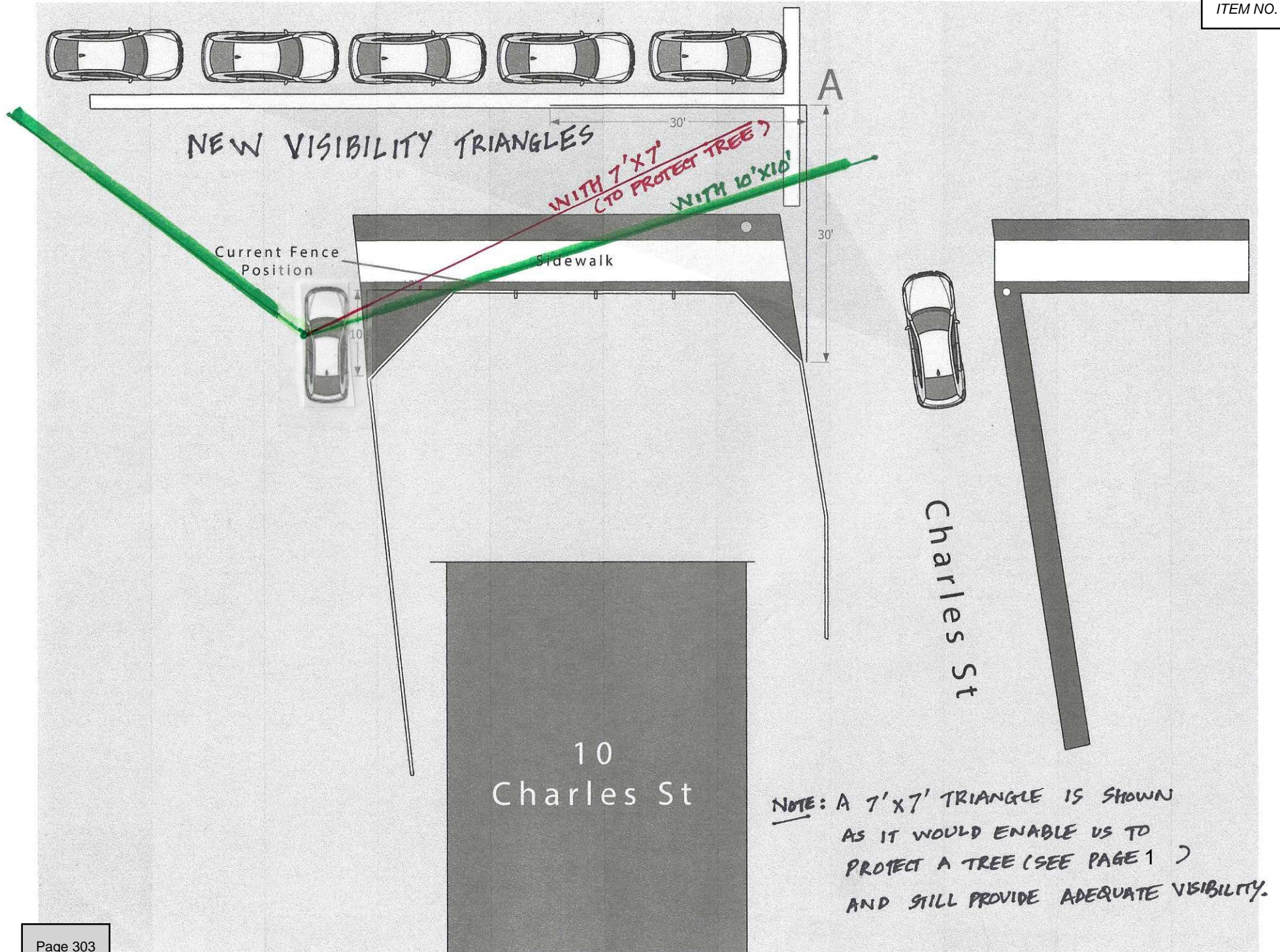
..... Point A to Point C (Curb Corner): 30'0"; Point B to Point C (Curb Corner): 30'0" (Note: Points A, B & C are shown above).

- > 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.
- I 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



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**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:

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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
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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

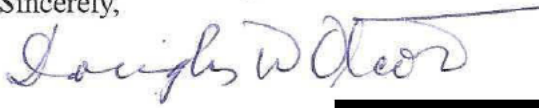
Following my conversation this morning with Firoz Pradhan the owner of the property at 10 Charles Street in Los Gatos on the fence which borders this property and its position relative to Los Gatos Boulevard and Charles Street, I am writing to update my comments on this fence and to make one recommendation 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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A P P E A R A N C E S:

Los Gatos Planning Commissioners:  
Emily Thomas, Chair  
Kendra Burch, Vice Chair  
Jeffrey Barnett  
Susan Burnett  
Joseph Sordi  
Rob Stump

Town Manager: Chris Constantin

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

Transcribed by: Vicki L. Blandin  
(619) 541-3405

P R O C E E D I N G S:

CHAIR THOMAS: We will now move on to our public hearings, starting with Item 2. Item 2 is to 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 streetside 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. The property owner and Applicant and Appellant is Mr. Pradhan, and our project planner is Mr. Mullin, who will be giving the Staff Report.

Before that, are there any disclosures from the Commissioners? Okay, and then can I see hands of who has visited the property? Thank you. Okay, thank you, Mr. Mullin.

SEAN MULLIN: Thank you, and good evening.

On March 12<sup>th</sup> the Planning Commission considered the appeal and continued the matter with the following direction to the Applicant: address the right-of-way and

1 safety issues created by the fence; redesign the fence at  
2 the corner of Los Gatos Boulevard and Charles Street to  
3 adhere to the corner sight triangle standards to Staff's  
4 approval; redesign the fence near the driveway serving 264  
5 Los Gatos Boulevard to address site and safety concerns;  
6 and any approval should carry the condition that there be  
7 no changes to materials or solidness of the fence, and that  
8 there will be no plantings allowed along the fence.  
9

10 In response to the Commission's direction the  
11 Applicant has met with Staff and neighbors and has  
12 submitted two letters presenting two options for  
13 consideration.

14 The first option would maintain the fence at the  
15 current height, design, and location with modifications  
16 moving portions of the fence to partially address the  
17 corner sight triangle and the neighbor's driveway view  
18 area. With these modifications, the fence would remain in  
19 the required front and street side setbacks, corner sight  
20 triangle, driveway view area, and traffic view area at a  
21 height exceeding the maximum allowed 3'.

22 The second option would maintain the current  
23 height and design of the fence, but would move the fence  
24 back 3'-9", and relocate portions of the fence at the  
25 corner and adjacent to the neighbor's driveway to tie into

1 the existing fence. With this option, the fence would  
2 remain in the required front and streetside setbacks,  
3 corner sight triangle, driveway view area, and traffic view  
4 area at a height exceeding the maximum allowed 3'.

5 With both options, portions of the fence located  
6 along Charles Street would remain in the right-of-way, and  
7 the Applicant indicates that they are willing to enter into  
8 the appropriate agreements with the Town to maintain  
9 private improvements in the right-of-way.

10 Based on the analysis provided in the Staff  
11 Report, Staff recommends denial of the appeal due to safety  
12 and Town liability issues, upholding the decision of the  
13 Director to deny the exception to the fence regulations.

14 An Addendum and Desk Item were distributed with  
15 public comments received after the publishing of the Staff  
16 Report, and in addition to Planning Staff, Engineering  
17 Staff is also in attendance tonight to further support your  
18 discussion.

19 This concludes Staff's presentation and we're  
20 available for any questions.

21 CHAIR THOMAS: Thank you. Are there any questions  
22 for Staff at this time? Commissioner Stump.

23 COMMISSIONER STUMP: Mr. Mullin, if the appeal  
24 were to be denied, what is the next process as far as  
25

1 remediation? What sort of commitment would we be getting  
2 from the Appellant to take the required action so that that  
3 fence fully complies with Town Code as well as the right-  
4 of-way?

5           ATTORNEY WHELAN: I can address that. The Town's  
6 Code Compliance Officer most likely would issue a  
7 compliance order that would require that the fence be  
8 brought into conformance with the Town's regulations within  
9 a specified amount of time. Then, if it doesn't occur  
10 within that time frame, then there is a hearing scheduled  
11 before a hearing officer, and the hearing officer has the  
12 ability to impose penalties. Then, if the fence is still  
13 not brought into conformance, then the Town's next step  
14 would be to get an injunction.

15           COMMISSIONER STUMP: Thank you.

16           DIRECTOR PAULSON: Through the Chair, prior to  
17 that occurring, whatever decision is made by the Planning  
18 Commission is ultimately appealable to the Council, so that  
19 would be the next step. Following that decision, then what  
20 Ms. Whelan mentioned is plausible.

21           CHAIR THOMAS: Are there any other additional  
22 questions for Staff at this time. Commissioner Barnett.

23           COMMISSIONER BARNETT: This would be for Ms.  
24 Whelan. The Applicant/Appellant has offered to enter into  
25

1 an indemnity agreement with the Town respecting the right-  
2 of-way encroachment, and the question I have is would a  
3 standard homeowner's insurance policy cover liability  
4 related to the easement that would be given by the Town?

5 ATTORNEY WHELAN: I don't have the answer to that  
6 offhand. I know that upon occasion there are people who  
7 install things in the Town's public right-of-way, and in  
8 those instances the Town and that party enter into a  
9 license agreement, and as a general rule that license  
10 agreement contains an indemnity requirement, and then we do  
11 typically require a separate insurance policy. I don't know  
12 whether a homeowner's policy would cover this or not, but I  
13 could get back to the Commission with that information at a  
14 future time.

16 COMMISSIONER BARNETT: It sounds like one way or  
17 the other, there's going to be coverage.

18 ATTORNEY WHELAN: Yes.

19 COMMISSIONER BARNETT: Okay, thanks so much.

20 CHAIR THOMAS: Any other questions for Staff at  
21 this time? I now invite the Appellant up to speak. Whoever  
22 is speaking on behalf of the Appellant can come to the  
23 microphone and State your name, and you will have five  
24 minutes. Thank you.  
25



1 FIROZ PRADHAN: My name is Firoz Pradhan and I'm  
2 the proud owner of the property at 10 Charles Street.

3 On the 12<sup>th</sup> of March the Planning Commission  
4 unanimously voted that I should go back and try to work  
5 with the staff and with the neighbors to find a workable  
6 solution that addresses the visibility or safety concern.

7 If you can jump to slide 10. And so, this is the  
8 story of the mysterious fence. I diligently reached out to  
9 as many neighbors as I possibly could. My home is in red.

10 The neighbor, Michelle, I reached out to, had  
11 several discussions, extremely supportive, and I think we  
12 came up with a solution that would work.

13 Jenna seems like is not on Charles, but is on  
14 Charles because it's a flag lot. I have had (inaudible)  
15 discussions with her, and she wasn't even aware there was a  
16 problem with respect to the visibility. I told her what we  
17 were doing, what we were proposing, and essentially the  
18 solution we were recommending is pushing the fence back by  
19 3.5', clipping the corners, and going from there. She said  
20 this obviously seems to solve the problem.

21 The same response I got from Mr. Olcott, and the  
22 same response I got from Saeed. I also got the same  
23 response from Kent, except in the case of Kent there was no  
24 follow-up letter as was the case with Saeed and with Mr.  
25

1 Olcott, and with Michelle. All of them responded with a  
2 letter to the Town expressing their comfort.

3           As far as the neighbor, Kevin, is concerned, and  
4 I believe he is here with us today and obviously he could  
5 speak on his behalf, he initially was not comfortable at  
6 all. When I showed him the solution, he said, "As far as  
7 the visibility is concerned, it seems to solve my problem."  
8 I'm sorry if I'm being so sort of open or candid about it,  
9 but he said, "I'm really pissed off with you, and so I'm  
10 going to raise an objection." And obviously the discussions  
11 ended over there.  
12

13           I did try to reach out to Matt Daily, who used to  
14 be on Charles, more to find out about an accident that had  
15 occurred at the intersection. I was not able to reach out  
16 to him regarding the visibility till this morning.

17           If you can move to slide 1. So, this was the  
18 solution. If you see the fence on Los Gatos Boulevard, it's  
19 pushed back by 3.5', actually 3'-9" based on my  
20 clarification with Sean. The visibility is significantly  
21 enhanced, and you can literally see down the road, as well  
22 as Michelle is extremely comfortable and she's put that in  
23 her letter as well, which is on the record.  
24

25           Subsequent to this, what happened is I met with  
Sean and had a discussion with him. He urged me to talk to

1 Gary Heap at Public Works, if (inaudible). Sorry, next  
2 slide again.

3 And Gary Heap said, "We will not support what you  
4 have come up with." What he wants us to do is a 30-foot  
5 triangle from face-of-curb at Los Gatos Boulevard to face-  
6 of-curb at Charles. We did that, marked out everything, we  
7 did the fence accordingly. Go to the next slide, please.

8 And this was the triangle that he came up with on  
9 both sides. He looked at it, and I believe he's in the  
10 room, and I'm obviously trying to quote him as accurately  
11 as possible. I was nervous when he told me about this. He  
12 said, "Firoz, it's not going to be as bad as you think. Let  
13 us mark it and show it to you." He showed it to me, I felt  
14 comfortable, he said, "Go ahead and do this. It definitely  
15 solves the problem." Let's go to the next slide.

17 This is the triangle. Next slide.

18 This is on the other side. Next slide, please.

19 Unfortunately, what happened is two or three days  
20 later I got an email from him saying that it was a mistake  
21 and that the 30 feet really has to be measured from the  
22 property corner and not from the curb corner, and that  
23 completely threw me off. I went back to Sean and had a  
24 meeting with him. Next slide, please.  
25

1           And this is what the code requires, and there is  
2 no way we could do this, so I would urge the Planning  
3 Commission to let us do the solution that we came up with  
4 Gary Heap.

5           CHAIR THOMAS: Okay, thank you very much. Are  
6 there any questions for speaker at this time? Yes,  
7 Commissioner Barnett.

8           COMMISSIONER BARNETT: Yes, sir. The unanimous  
9 vote of the Planning Commission at our March 12<sup>th</sup> meeting  
10 included a direction to redesign the fence at the corner of  
11 Los Gatos Boulevard and Charles Street to adhere to the  
12 corner sight triangle standards to Staff's approval, and  
13 Staff's approval was not given. It's recommendation tonight  
14 is to deny the appeal. Do you have any comment about that?

15           FIROZ PRADHAN: My understanding from the last  
16 meeting with the Planning Commission—that's a great  
17 question—my understanding, Mr. Barnett, was that I should  
18 go back and come back with a solution that would work for  
19 everybody, for the neighbors and for the Staff, and see if  
20 it practically solves the concern that people have with  
21 respect to visibility.  
22

23           I'm trying to quote as closely as possible. When  
24 I met with the Staff, with Gary Heap and James Watson, and  
25 they showed me the triangle they wanted me to... They looked

1 at it and they said, "This definitely solves the visibility  
2 problem." James Watson mentioned something about the 200'  
3 rule, to which Mr. Heap said, "That's not a problem. We are  
4 going to be granting... We're okay with the fence height  
5 exception, so that should not be a problem."

6 So, if the idea was just for me to go back and  
7 follow the code to the T, it would imply giving up 55% of  
8 the front yard. That was the last slide that Sean showed  
9 us, and that's something that I would just not be  
10 comfortable with.

11  
12 COMMISSIONER BARNETT: Okay, thank you, sir.

13 CHAIR THOMAS: Any other questions? Thank you.  
14 We'll have public comment, and then you'll have an  
15 additional three minutes.

16 FIROZ PRADHAN: Thank you so much. I didn't  
17 realize five minutes would go so fast.

18 CHAIR THOMAS: I know, it does. It goes fast when  
19 you're up there. So, we will now continue with the public  
20 portion of this public hearing, and invite comments from  
21 members of the public. If you have not already turned in a  
22 speaker card to Staff, please do so at this time, or use  
23 the raised hand feature on Zoom. I do have two speaker  
24 cards, and the first one is for Kevin Chesney. Thank you.  
25 You will have three minutes.

1 KEVIN CHESNEY: Good evening, Commissioners, and  
2 thank you for your time. My name is Kevin Chesney and I  
3 reside at 2 Charles Street, immediately adjacent to the  
4 subject property.

5 I urge the Commission to deny this fence  
6 exception, not as a personal disagreement, but because it  
7 poses a real risk to pedestrian safety and undermines the  
8 community standards.

9  
10 First, I want to address a claim by the Applicant  
11 in his addendum. He asserts that all neighbors support the  
12 proposed fence, with the exception of a single neighbor,  
13 Kevin Chesney, which is me. This statement is not only  
14 misleading, but it is inaccurate. Other neighbors, like  
15 Matthew Daily and Ken Anderson, have also expressed  
16 concerns despite the Applicant's efforts to convince them  
17 otherwise, and after two years of this, we're all worn  
18 down; we're tired.

19 This is not about personal preference or  
20 aesthetics, it's about safety, code compliance, and the  
21 public right-of-way. The fence, as constructed, encroaches  
22 into the town's right-of-way, exceeds height limits, and  
23 violates visibility standards that exist for a reason.

24 The intersection is traveled daily by school  
25 children walking or biking to Louise Van Meter Elementary,

1 Raymond Fisher, Los Gatos High School, and even Mariposa.  
2 These children use this very sidewalk, some learning to  
3 ride, others carrying back packs that are bigger than them.  
4 They shouldn't have to navigate a blind corner caused by a  
5 noncompliant fence. The Town has a duty to protect its most  
6 vulnerable pedestrians, not just accommodate property  
7 owners.

8           The Applicant has also suggested that a prior  
9 fence may justify this one, but any previous fence only  
10 existed a short way down the frontage, and Town policy is  
11 clear. New construction in violation of code does not get  
12 grandfathered because someone didn't know the rules.

13           If this appeal is granted, it will send the  
14 message that safety regulations are flexible and it is  
15 acceptable to build first and seek forgiveness later, even  
16 when children's safety is at stake. I respectfully urge the  
17 Commission to support the Staff recommendation and deny  
18 this appeal.

19           Upholding these standards affirm that Los Gatos  
20 values safety over shortcuts, and children over  
21 convenience. Let's show that rules exist for a reason and  
22 that the Town is protecting those who walk its sidewalks.  
23 When rules are enforced fairly, everyone—residents,  
24  
25



1 parents, and future builders—benefits from a system they  
2 can trust.

3 I also want to thank the Staff, Sean and Erin  
4 Walters especially, for educating me.

5 CHAIR THOMAS: Thank you. Are there any questions  
6 for the speaker? No. Okay, thank you. The next speaker card  
7 I have is for Michelle Huntley.

8 MICHELLE HUNTLEY: Hi, my name is Michelle  
9 Huntley; I live at 264 Los Gatos Boulevard. I've been  
10 thinking about this a lot, because it's been years, but  
11 really the only issue for this is: is this safe or is this  
12 not safe?  
13

14 I think that the new proposal of moving back, was  
15 it 6'-9", and angling the corners, is a minimum. Right now,  
16 people can't see me and I can't see them. Moving the fence  
17 back from my side, I think, would be okay. Speaking from  
18 the Charles side, I can't really speak to that. Is it safe?  
19 I don't know. That's not my job; I'm a nurse and we don't  
20 do that.

21 We just need to decide if this is something  
22 that's safe. We have Town Code and Town rules, and I do  
23 believe that there are exceptions that can work for  
24 everyone to be safe, but I'm not one that can say if this  
25 is safe. It's certainly a big improvement. From my side, I

1 think I can work with it. From the Charles Street side,  
2 they have a lot more traffic. It isn't just me; it's all of  
3 the neighborhood.

4 But whatever we decide, I just ask that we make  
5 it very specific going forward, because we've had  
6 agreements in the past and things have not exactly turned  
7 out as discussed, so make it specific and include future  
8 protections. I know it's already a redundancy, and we  
9 talked about it before, but saying that going forward, the  
10 fence must be in like kind for any future owners.

11 But we definitely need to move a little bit back.  
12 I think the 6'-9" from my side could work, but again,  
13 Charles Street is a busy intersection and someone needs to  
14 say is this safe or it not, because that's really the only  
15 thing that matters.

16 CHAIR THOMAS: Thank you. Are there any questions  
17 for the speaker? Okay, thank you. I don't have any more  
18 speaker cards. Are there any hands raised...

19 (Inaudible speaker in audience.)

20 CHAIR THOMAS: That's okay, you can pass it on  
21 up. Thank you. For Item 2. Yes, perfect. Just please State  
22 your name for the record.

23 DOUG OLCOTT: Yes, my name is Doug Olcott; I've  
24 lived at 300 Charles Street since 1977, which is the end of  
25

1 that section of Charles. I wrote a second letter, after the  
2 Staff here proposed changes to the configuration of the  
3 fence, in support of the changes, moving the fence back  
4 from the Boulevard 3.5', and clipping the corner.

5 But I also made a recommendation for another  
6 minor change, and that would be to put reflectors on that  
7 fence, because I have driven into Charles from the  
8 intersection on the Boulevard—one of the slides shows that—  
9 at night, and have hit the curb there on Firoz's side.

10 There's a bulge in that curb there, not straight,  
11 and there's a very large tree there; it's not listed, this  
12 is Town property. Not suggesting that we cut down the tree,  
13 but there are no lights put up by the Town, or reflectors  
14 there, warning people about that restriction as you come  
15 in, so I was suggesting to Firoz that he, himself, put  
16 reflectors on his fence. People commonly do that when there  
17 is any kind of danger when you're entering a gate or  
18 something, and he has agreed to do that, so that might  
19 help.  
20

21 If you're coming from the intersection of Highway  
22 9 and the Boulevard, and you're turning right at night, no  
23 lights, and you come in there, you can't see that red  
24 painted curb very well, so having more reflectors there, I  
25 think, would help.

1 CHAIR THOMAS: Thank you, and before you sit  
2 down, are there any questions for the speaker? No. Okay,  
3 thank you very much. Are there any more speaker cards? No.  
4 Any hands raised on Zoom?

5 DIRECTOR PAULSON: No hands.

6 CHAIR THOMAS: Oh, there is one more. Can you  
7 fill out a speaker card, please? Oh, perfect, can I get it?  
8 Thank you very much.

9 SAEED NEJAD: Good evening. My name is Saeed  
10 Nejad. I've been living on Charles Street since 1993.  
11 Firoz's work on rebuilding this house, this Victorian old  
12 house, is well done. It's very nice, I'm very proud.

13 But when it comes to the fence and this dispute,  
14 I regret having it basically, because it's strange to have  
15 this real nice home, and yet we are still disputing over  
16 the fence. I wish this would never have happened, but  
17 anyway.

18 Both options that I looked at, A and B, I think  
19 they do provide good visibility, and even without those,  
20 talking about basically myself on my behalf, I try to drive  
21 safely, and visually in the morning at 4:30 when I'm  
22 leaving the house, there is no one there, and I still stop  
23 and look around, sometimes you see joggers, they run, but I  
24 am able to manage that. So far, so good.

1           Back to Options A and B. As you saw in the  
2 slides, the visibility actually increases, it enhances, and  
3 I think if you just stop right where the stop sign is, you  
4 can easily see both sides and you can move on, but as far  
5 as the code is concerned, and regulations, it's up to you  
6 totally. You are the experts in this field, but as far as  
7 the safety that I'm concerned, I think it is manageable.  
8 That's it.

9  
10           CHAIR THOMAS: Thank you very much. Are there any  
11 questions for the speaker? Thank you. Is there anyone else  
12 that would like to speak on this Item 2, or are there any  
13 hands raised on Zoom? Okay. I now will invite the Appellant  
14 back up, and you will have an additional three minutes,  
15 followed by questions by Commissioners.

16           FIROZ PRADHAN: If we can go to slide 9. In  
17 January 2023, Public Works actually gave an email mailed to  
18 Planning, saying, "Engineering supports this exception, and  
19 because of the width of the sidewalk and the planter strip,  
20 it provides the space for the driveway turning into Los  
21 Gatos Boulevard; therefore, it is my opinion that the  
22 height and open design of the proposed fence does not  
23 create a safety hazard at this location."

24           Subsequently, as recent as the 8<sup>th</sup> of May the same  
25 gentleman and Mr. Gary Heap both looked at the triangle and

1 said, "This definitely solves the visibility problem, and  
2 we will support the fence exception."

3 Mr. Olcott actually acknowledged and sent a  
4 letter to the Town saying the presence of the current fence  
5 in the right-of-way following the direction of the curb  
6 actually provides more visibility while entering Charles  
7 Street, thereby reducing the aforementioned risk factor.  
8 And it is a risk factor. In the night, when you're turning  
9 into Charles, you could hit the curb, had it not been for  
10 the fence.  
11

12 The other issue I want to touch upon is it was  
13 mentioned that Matt Daily was against the fence and there  
14 was an accident, and there was a big issue in the last  
15 Planning Commission hearing about that accident. I did  
16 reach out to Matt Daily this morning and had a long  
17 conversation with him. I don't know if he had a chance to  
18 reach out to Sean; he said he will try to do that.

19 He said that the accident occurred when there was  
20 a 6-foot opaque construction fence that wrapped around the  
21 property completely, and the police had determined that the  
22 accident was not his fault, but it was the fault of the  
23 other driver. So, I just want to point out that this issue  
24 was obviously amplified and exaggerated.  
25

1           There was another letter that said that we  
2 changed the address from Los Gatos Boulevard to 10 Charles  
3 Street, and that again was completely false. Sean was  
4 involved, and Mr. Gray was involved in that decision.

5           My request would therefore be to let me follow  
6 the 30'x30' triangle that was worked out in one of the  
7 exhibits with the Public Works staff. I can lower the fence  
8 to 3 feet in that triangle, get all the bushes out, get all  
9 the trees that we planted out, give an undertaking that we  
10 will not put any plant more than 3', and we can go from  
11 there. I am absolutely confident it solves the problem.

12  
13           CHAIR THOMAS: Thank you. Are there any questions  
14 for the Applicant? Vice Chair Burch.

15           VICE CHAIR BURCH: Just to be clear with what you  
16 were saying at the end, there's an Option A, and Option B,  
17 and then there is the plan of compliance. Is what you're  
18 suggesting either Option A or Option B with lowering the  
19 fence height and clipping the corners? Which one are you  
20 referencing that is your preference?

21           FIROZ PRADHAN: Thank you so much. I know I was a  
22 little rushed toward the end. What I'm suggesting is that  
23 we worked out—and we can go back to the triangle, if you  
24 like—it's the one that we worked out Staff, with Public  
25 Works. It's slide 4. Yes, perfect.



1           So, what I'm saying is that if you take the  
2 visibility triangle, and it provides tremendous significant  
3 visibility, if we can instead clip the fence there, we  
4 basically in that triangle lower the fence to 3', both the  
5 triangles, the left side and the right side; and  
6 essentially eliminate all the plants which are over 3',  
7 basically all the trees that we have planted, we push them  
8 back outside the triangle, which is essentially lowering  
9 one, two, three sections on the right side and two sections  
10 on the left side, so five full panels get lowered to 3'. We  
11 don't need to remove the fence and push it back, we just  
12 lower the fence to 3', and everything inside the triangle,  
13 all the plants inside the triangle, get moved away.

15           VICE CHAIR BURCH: If it, depending on how the  
16 discussion obviously goes amongst the Commissioners and  
17 everything, if this Commission though leaned more towards  
18 Option A, which does push the fence back, would still have  
19 the clipped corners, the 3' reduced. Is that amenable to  
20 you also?

21           FIROZ PRADHAN: So, here is my concern on that.  
22 My concern on that is that you've got children walking up  
23 and down. If you move the fence 3.5' or 3'-9", almost 4', I  
24 don't want to be responsible for somebody getting hurt on  
25

1 my property when they're walking up and down; that is a  
2 concern I have.

3 If this is providing any less visibility, I'm  
4 open to that idea, but I know practically this solution  
5 provides more visibility on both sides.

6 VICE CHAIR BURCH: Okay, thank you.

7 FIROZ PRADHAN: I just think it's a more win/win.

8 CHAIR THOMAS: Are there any additional questions  
9 for the Appellant? Okay, thank you very much. We will now  
10 close the public portion of the public hearing on Item 2,  
11 and I invite Commissioners to ask questions of Staff,  
12 provide comments, or propose a motion.  
13

14 I am going to start it off, actually. I have a  
15 question for Staff about part of the fence that's in the  
16 public right-of-way. I know that there was a fence there  
17 previously. Can you just explain a little bit of the  
18 history on that part of the property?

19 SEAN MULLIN: Thank you for that question. I  
20 believe there have been some photos that show that there  
21 was a fence there previously. I can't speak to whether it  
22 was located in the public right-of-way, I don't have plans  
23 that show that, and regardless, once the fence is removed,  
24 per the Town Code the rights to it are lost.  
25

1 CHAIR THOMAS: Okay, I just didn't know if its  
2 location has been an issue for the Town or something  
3 previously. Not that you're aware of.

4 SEAN MULLIN: Not that I'm aware of, and I  
5 couldn't speak to its location relative to the right-of-  
6 way.

7 CHAIR THOMAS: Okay, thank you. I know a lot of  
8 us have questions, so Commissioner Burnett.

9 COMMISSIONER BURNETT: Thank you for that.  
10 Question for Staff. I'm wondering with the Staff Report; do  
11 you still stand by your recommendations in your report  
12 after all the different designs have been submitted that  
13 we've looked at?  
14

15 SEAN MULLIN: Yes.

16 COMMISSIONER BURNETT: Thank you.

17 CHAIR THOMAS: Commissioner Barnett.

18 COMMISSIONER BARNETT: I would appreciate hearing  
19 from a representative from Public Works with respect to the  
20 revised plans, and to clear up the record concerning the  
21 communications. Thank you.

22 GARY HEAP: Yes, Gary Heap, Town Engineer. We  
23 have some explaining to do on this one. We have not  
24 provided a consistent response back to the Applicant on  
25 this; I'll be the first one to say it. There have been a

1 number of communications with this Applicant. I can say the  
2 one consistent thing throughout this whole process has been  
3 our Town standard drawing that we have provided to this  
4 Applicant and showing him through the diagram what we've  
5 allowed.

6           Early indications and early discussions with the  
7 Applicant indicated for my Staff that we would be  
8 supportive of the fence exception, allowing the fence to  
9 remain. We went and did a site visit prior to, I think, the  
10 first meeting which we had, and I did a ride-along with our  
11 traffic sergeant and asked him, I said, "We're getting a  
12 lot of questions about this. I don't get it. Where is the  
13 site distance issue coming out of the street, coming out of  
14 Charles? I don't understand how this is a sight distance  
15 issue. You've seen the exhibits; you've seen the diagrams.  
16 Folks coming out of the street and making that left or  
17 right turn onto Los Gatos Boulevard doesn't seem to be an  
18 issue." He said, "Gary, that's not the issue. It's actually  
19 when you're going northbound on Los Gatos Boulevard and  
20 making the right turn." Sean, do you have the image that I  
21 sent you earlier today?  
22

23           So, this is the direction of traffic flow that is  
24 concerning to us. As you're going northbound and then going  
25 to make a right turn onto Charles, you can see the whole

1 frontage of his property there, you can see the driveway  
2 just south of the beginning of the fence. As you're  
3 traveling northbound and go to make the right turn onto  
4 Charles, that is the obstruction. Looking at the fence on  
5 angle, even though you're looking at it perpendicularly,  
6 it's half open; looking at it on angle like that, it  
7 provides 100% obstruction.

8  
9 And so, at that point I believe that we came to  
10 the meeting as Staff and we said, "We really can't support  
11 the fence exception. We've really got to go ahead and have  
12 it removed within the triangle area of visibility." You  
13 guys made your decision; we had subsequent discussions.

14 On May 8<sup>th</sup> we met with the Applicant and we  
15 provided incorrect information, which was followed up very  
16 quickly with an email that said we're sorry, we incorrectly  
17 measured. Typically, we don't go out in the field and  
18 measure for applicants. We thought we were helping out, we  
19 thought we were supporting. We usually just review plans  
20 and then look at the plans and say does the plan meet the  
21 code, or does it not? All the plans that we've seen, we  
22 consistently provided responses back, saying it did not  
23 meet our code, it did not meet our requirements.

24  
25 When we traveled out there and met with the  
Applicant, mismarked, because when we went out there we

1 measured 30' from the face of curb, which throughout my  
2 career is what I'm used to doing. Here in Los Gatos though  
3 the 30' is measured from the property line. That was  
4 realized after the fact.

5 We apologized, we sent an email to the property  
6 owner saying we're willing to go ahead and allow the fence  
7 on Charles to remain in the public right-of-way, because  
8 that was something that we were still contemplating, with  
9 the license agreement, but we've got to remove that fence  
10 within the corner triangle sight distance.

11 From our opinion, I believe the trees can remain  
12 so long as they're trimmed up above 7', and so long as no  
13 foliage or fence is higher than 3'; that is what our  
14 standard requires.

15 But it's the 30' triangle from the property line  
16 that needs to be adhered to, and that's I think because we  
17 haven't seen those plans yet with that proposal, which is  
18 why you see in front of you this evening the recommendation  
19 you have.

20 COMMISSIONER BARNETT: Thank you, that's very  
21 helpful.

22 CHAIR THOMAS: Vice Chair Burch.

23 VICE CHAIR BURCH: As a follow-up to what you  
24 were just talking about, going down there and measuring.

1 For scalability, in my mind, I know the house just right  
2 across from Charles does have the clipped fence. Is that  
3 30' back? Did you measure to see if that met the 30' off  
4 the properly line?

5 GARY HEAP: There is no visibility triangle  
6 compliance at that location at all. But again, if you're  
7 travelling northbound and making the right turn, the fence  
8 on the far side, the green fence, doesn't impact  
9 visibility. Coming out on Charles and looking left or  
10 right, neither of the fences, frankly, in their current  
11 location, create a visibility issue. It's only when you're  
12 making that northbound right turn that the fence on the  
13 south side in front of the Appellant's house causes the  
14 issue.  
15

16 VICE CHAIR BURCH: Okay, thank you.

17 CHAIR THOMAS: Commissioner Stump.

18 COMMISSIONER STUMP: Question for Staff as well.  
19 I'm not sure if it comes your way or maybe Sean's way. We  
20 certainly have a good idea of a fence that does not comply  
21 with the Town Code. We've been looking at this now for  
22 several weeks.

23 My question would be could you recap what would  
24 be in compliance at that location? I realize it may be  
25 somewhat of a verbal description, or if you put up a



1 diagram and say these changes would need to be made for a  
2 fence to be in compliance on this property.

3 SEAN MULLIN: Thank you for that question. I can  
4 put up a slide if you'll bear with me, that is  
5 overwhelmingly complicated, I admit, but I can try to walk  
6 you through it. We'll just focus on the front part of the  
7 property at the corner of Charles and Los Gatos Boulevard,  
8 and this is fairly consistent with the Applicant's  
9 presentation that showed the areas that would be impacted  
10 by the fence.  
11

12 One thing that I would clarify is that while you  
13 see all these areas with colors and triangles where the  
14 fence has been characterized as now allowed, a fence that's  
15 3' tall could be located right on the property line in all  
16 these areas, so one solution is to have a fence that marks  
17 the property line that would be consistent with Town Code,  
18 to the Commissioners' question, to limit the height to 3'  
19 as the code requires.  
20

21 This complicated diagram provides the corner  
22 sight triangle that is measured at the property line in  
23 blue. It provides the traffic view area. It provides the  
24 driveway view area. These are all standard drawings on file  
25 with the Town. This is based on a plan that was provided  
for the house remodel, so we had some scalability there.

1           The red dashed line is the location of the fence  
2 currently. There is not a surveyed location; this is based  
3 on field observations to the best of Staff's ability.

4           Option 1 is this burgundy dotted line you see as  
5 it's clipping the corners near the driveway and the corner,  
6 and Option 2 is the blue dotted line moving the fence back  
7 3'-9" and then clipping the corners a little bit as well.  
8 As stated in the Staff Report, with either of those  
9 options, the fence would still require an exception, and  
10 that's part of the appeal this evening.

11           CHAIR THOMAS: Commissioner Stump.

12           COMMISSIONER STUMP: Quick follow-up. If I  
13 understand this correctly, a 3' fence could go right to the  
14 properly line. A 3' fence also would not require side  
15 angles, because you can see over a 3' fence.

16           SEAN MULLIN: That's correct.

17           COMMISSIONER STUMP: Okay, thank you very much.

18           CHAIR THOMAS: Any other questions? Yes, Vice  
19 Chair Burch.

20           VICE CHAIR BURCH: If a 3' fence would meet Town  
21 Code, does that also include plantings? Do the plantings  
22 have to stay below the 3' for this building?

23           SEAN MULLIN: Thank you for that question. Yes,  
24 the Town's Zoning Code would limit shrubs, fences, and  
25

1 walls to a 3' height in these locations, and then one of  
2 the Town's engineering codes would require that any trees  
3 in those locations be limbed up to 7'. So, you get this  
4 buffer between 3' and 7' for the view area when you're  
5 operating a car in and out of these intersections.

6 VICE CHAIR BURCH: Thank you.

7 CHAIR THOMAS: Commissioner Sordi.

8 COMMISSIONER SORDI: As long as you've got that  
9 graphic up, I have a question about the corner sight  
10 triangle. So, that is represented accurately in the graphic  
11 now?  
12

13 SEAN MULLIN: It's as scaled as it could be, but  
14 yes, it's represented accurately. What was provided in the  
15 field, these straight legs here and down here were not  
16 included, so the triangle itself was more of a traditional  
17 triangle with the two corner points being right at the face  
18 of the curb. What the standard drawing requires is that you  
19 come perpendicular in from the roadway to the properly  
20 line, then begin your 30' measurement, and then connect it  
21 with the hypotenuse.

22 COMMISSIONER SORDI: Okay, thank you.

23 SEAN MULLIN: I have a cleaned-up version of the  
24 Town's standard engineering drawing that might be a little  
25 bit easier. You can see it's not as extreme as the example

1 that was just shown, but you see from the edge of the  
2 roadway/face of the curb that the triangle doesn't start at  
3 that angle; it comes in perpendicular until it hits the  
4 properly line, and then the angle is drafted.

5 CHAIR THOMAS: I have another question. Do either  
6 Option A or B fix the turning right onto Charles view  
7 situation from your perspective? I recognized that even if  
8 it does, it's still not in compliance, but I think that as  
9 members of the public and many of us have stated, safety is  
10 the number one concern, and obviously the purpose of having  
11 these sight triangles is for safety, so do Option A or B  
12 address that safety issue?

14 GARY HEAP: I do not believe so. We have Town  
15 standards for a reason, and not complying with those Town  
16 standards, I don't think, leaves us in a really good light.  
17 They're there for a reason; we have to really follow them  
18 when we need to.

19 CHAIR THOMAS: Okay, thank you. Then I did have  
20 another question for Staff regarding our decision-making. A  
21 couple members of the public made comments about how a  
22 decision could set a precedent. I mean maybe Director  
23 Paulson should comment on this. Is that true that if we  
24 made a decision tonight, that would require us to make it  
25 for future similar decisions.

1           DIRECTOR PAULSON: Thank you. Appreciate the  
2 question. No, each individual application is looked at on  
3 its own merits. Unless identical circumstances existed,  
4 which is highly unlikely, and even in that case the  
5 Commission is not tied to previous decisions.

6           CHAIR THOMAS: Okay, thank you. Vice Chair Burch.

7           VICE CHAIR BURCH: In front of us, if we deny the  
8 appeal, my understanding from what you said, Mr. Mullin,  
9 this will go back then to the Compliance Officer who will  
10 then enforce the fence being in compliance, which sounds  
11 like would be a 3' fence, 3' plantings, 7' clearance  
12 without the clipped; or we could look at these options and  
13 determine we feel like one of these would also fulfill the  
14 need, and we could recommend one of these. It's a little  
15 confusing, so I just want to understand.

16           SEAN MULLIN: I think there are several options.

17           First of all, if the Planning Commission denied  
18 the appeal, it's subject to further appeal to the Town  
19 Council, so this is not necessarily the final  
20 administrative decision.

21           Second, if the ultimate decision was not granting  
22 of the appeal, should this end up on the Council's hands,  
23 the Applicant would need to work with the Code Enforcement  
24 Officer and Planning to remedy the situation and meet the  
25

1 Town Code. That would include lowering the height, or  
2 moving the fence out of these traffic view areas, and  
3 removing the fence from the public right-of-way as well  
4 along Charles Street.

5 It is possible to further request an exception  
6 with a different option; but not typical.

7 CHAIR THOMAS: My proposal here, I think maybe we  
8 could move forward with some sort of motion. We voted  
9 unanimously to come back to address the safety sight  
10 triangle, etc., issue. I think that we can make the  
11 findings about in the public right-of-way, especially if  
12 Commissioner Barnett feels comfortable from a legal point  
13 of view that we've covered all of our bases, and the Town  
14 Attorney feels comfortable, I think we can find the  
15 exception for that portion of the fence.

17 My concern is that if we deny this application  
18 fully, then that is all included in it, so I propose that  
19 make a motion to approve it with specific modifications to  
20 the front portion of the fence with the safety issues that  
21 are very specific, and try to come up with a way to grant  
22 the appeal in that direction. Is that something that we're  
23 perhaps interested in?

24 Let me further explain maybe what that would  
25 possibly look like first. We would perhaps grant this

1 appeal and have two options, you need to move the entire  
2 fence out of the view triangle, the blue square situation.  
3 Sean, can you put that back up again? So, either move the  
4 fence back so that that works, or lower the fence. Leave it  
5 as it is, but make it compliant with the 3', and then allow  
6 for an exception for it to be higher than 3' once it is  
7 outside of that corner sight triangle, like in the back, on  
8 the Charles Street side. Is this making sense at all?

9  
10 That is something that I feel like I can make the  
11 findings for, but I am interested.. I just saw Sean writing  
12 stuff down, so, Mr. Mullin.

13 SEAN MULLIN: Thank you. I may have some  
14 clarifying questions during the discussion. I'll try to  
15 write them down.

16 CHAIR THOMAS: Okay. Commissioner Barnett.

17 COMMISSIONER BARNETT: My position is that there  
18 was clear direction from the Planning Commission on March  
19 12<sup>th</sup> that the Appellant return with a plan that was approved  
20 by Staff. Staff has not approved either Option A or B.

21 Furthermore, I cannot make any of the findings  
22 required by Town Ordinance 29.43.20. We're not adjacent to  
23 a commercial property. A special privacy concern does not  
24 exist, in my opinion. There is no wildlife issue here. The  
25 security issues, well, the Appellant mentioned two people



1 who were loitering near his property. I don't see that as a  
2 justification for allowing the fence height to be allowed.

3 And I don't see further that there are special  
4 circumstances, including size of the lot or configuration,  
5 where it would cause an undue hardship.

6 The Appellant has mentioned that part of his yard  
7 is not usable unless we have the modification, but there is  
8 no way that that overcomes the public safety issue for  
9 children, for adults. We know how people are driving in the  
10 Town, which is frequently in violation of the Vehicle Code.  
11 So, those are my thoughts.

12  
13 CHAIR THOMAS: I appreciate that. Is the public  
14 right-of-way your issue? Because that's what I'm saying,  
15 that if we grant the appeal that that's the portion that I  
16 would be in support of. The rest of it would have to come  
17 into compliance.

18 COMMISSIONER BARNETT: As I understand, Staff  
19 said that that issue can be addressed with a License  
20 Agreement and insurance, but I don't see the point of  
21 dealing with the right-of-way when we have to have the  
22 fence reconfigured anyway.

23 CHAIR THOMAS: Okay.

24 COMMISSIONER BARNETT: I'm not adamantly against  
25 that, but I think it's a moot issue.

1 CHAIR THOMAS: Okay. Commissioner Burnett.

2 COMMISSIONER BURNETT: Thank you, Chair. Yes, I  
3 totally agree with Commissioner Barnett. I think this item  
4 has gone on for quite a while with very clear directions.  
5 Our Staff is definitely still upholding their summary and  
6 their discussion and their feelings that have been  
7 presented, so I totally agree with Commissioner Barnett  
8 that we should move forward and deny this. I mean, not deny  
9 it, but deny the appeal. Thank you.  
10

11 CHAIR THOMAS: Commissioner Stump.

12 COMMISSIONER STUMP: I've got to throw my  
13 agreement in there as well. This has become so convoluted  
14 over time. We are continuing to try to solve a problem that  
15 shouldn't have been there in the first place. I realize  
16 that the Appellant likely built this fence in good faith,  
17 thinking that it was going to be a beautiful fence, but it  
18 does not meet the Town Code.

19 So, I guess two wrongs don't make a right. I  
20 don't know if that makes sense or not, I'm just saying I  
21 have real concerns about safety in that area. For any of  
22 you that deal with that intersection, that's a dangerous  
23 left turn coming off of Highway 9 and making a left onto  
24 Charles Street. My concern is why? Because pedestrians are  
25 there, and people are so concerned about making a left turn

1 they don't really pay attention to what's going on on the  
2 sidewalk.

3           You may say that's not a side issue, I'm just  
4 saying there are continued safety issues around Charles  
5 Street, and it is a congested area, it's a tight area, it's  
6 a funny intersection there, and I do not think we should  
7 compromise safety in this matter at all.

8           CHAIR THOMAS: Vice Chair Burch.

9           VICE CHAIR BURCH: My understanding of what the  
10 Chair was saying was not compromising on compliance with  
11 the view corridor in the front yard at all; she was  
12 basically saying that has to fall into compliance for all  
13 the reasons that you guys have said, but rather than have  
14 us deny the appeal and this go back up to Town Council, I  
15 think what she was trying to say was the front yard has to  
16 fall into compliance.

17           We all agree this is a safety issue, no ifs,  
18 ands, or buts; but the side yard, this appears that this is  
19 not a massive issue with Staff. They think there is a path  
20 forward, that what we could do is say we've come up with... I  
21 guess what in a sense it's saying is we're granting the  
22 appeal, but with a number of conditions that aren't really  
23 granting the appeal. Does that make sense?  
24  
25

1           We're still enforcing the safety requirements.  
2 What we're doing is eliminating even more meetings on this  
3 topic by saying that this has to go into compliance, but  
4 the side yard, we're going to let Staff deal with that with  
5 them. Does that make sense? I just want to make it clear  
6 that I don't think anybody up here is going to say forget  
7 the safety issue.

8           CHAIR THOMAS: Commissioner Sordi, and then I'll  
9 get back to you.

10           COMMISSIONER SORDI: I just wanted to agree with  
11 Commissioner Barnett. I don't think a good faith effort was  
12 made to follow the direction of the Planning Commission,  
13 and I did watch the hearing the last time this item was  
14 here.

15           I have an issue with taking a formal action to  
16 uphold an appeal, when effectively we're denying most of  
17 what the Applicant is asking for. (Inaudible) asking to  
18 keep a fence that exceeds height limits and encroaches in  
19 the front setback and in the triangle areas, so I don't  
20 know how else you'd do it.

21           The other question I guess I would have, even if  
22 the appeal is denied, is is there anything preventing the  
23 Applicant from pursuing a License Agreement along Charles  
24 Street with Staff later? Is there anything preventing him  
25

1 from bringing up that issue with Council if he chose to  
2 appeal?

3 SEAN MULLIN: I can start, and the Town Engineer  
4 may want to jump in as well.

5 I think if the appeal were denied, and Staff  
6 continued to work with the Applicant to bring the fence  
7 into compliance, the conversation with the Town Engineer  
8 could be had about maintaining portions of it in the right-  
9 of-way and whether they supported that; that may be a  
10 separate issue.  
11

12 GARY HEAP: I can go ahead and add onto that. The  
13 issue outside the sight triangle along Charles and that 6'  
14 there is not a concern for Public Works. We deal with  
15 fences that get built in the right-of-way, unfortunately,  
16 too many times, and a lot of times it's just easier...so long  
17 as it doesn't create a site distance issue, and a lot of  
18 times there are good reasons for it, security, etc., we  
19 allow those to remain in the public right-of-way; so long  
20 as they don't interfere or go against zoning requirements  
21 in terms of heights in the setback, as long as that's not  
22 the case, then we go ahead and allow those to remain with a  
23 License Agreement.  
24

25 So, in this case, so long as the fence is either  
removed or lowered to 3' within the visibility triangle,

1 we're happy to support keeping the fence 6' high along  
2 Charles outside that triangle, and allowing it to be there  
3 through a License Agreement.

4 CHAIR THOMAS: Thank you for answering that  
5 question. Just before Commissioner Stump, I want to say  
6 that really I think that we should assume best intent from  
7 everyone involved in this entire situation, that everyone  
8 wants this wrapped up as effectively as possible, and I do  
9 think that my potential motion would hopefully be the least  
10 amount of work for Staff, for the Applicant, for the  
11 neighbors, for Town Council, because another one of these  
12 won't have to go to them; it would be preventing that.

14 I don't think we should compromise safety at all.  
15 I'm a huge proponent for... As a person that sat on the  
16 General Plan Advisory Committee and updated the General  
17 Plan, I pushed so much for bike and pedestrian safety and  
18 all of that, and so I really think that the front yard  
19 issue needs to come into compliance, but I don't think we  
20 should just like say...

21 I feel like in my opinion that the Applicant, we  
22 told him that safety was the concern. That was the message  
23 that we sent. We care most about safety, come back to us  
24 with a safety thing, and this is the option that he  
25 proposed. If we're not satisfied with that, that's fine,

1 but he gave us two very specific options. I don't think  
2 that we should be punishing everyone here, including Staff,  
3 to have to go back and do additional more work and have to  
4 start a lot of this process over again just because we feel  
5 like he didn't take the exact direction that we totally  
6 anticipated.

7 I still would urge other Commissioners to  
8 consider the fact that the reality is this is going to  
9 become another fence height exception situation perhaps if  
10 it's in the public right-of-way, and we're going to be  
11 seeing this perhaps again on a future agenda, a new item, a  
12 new thing, a new application, so I would urge everyone to  
13 really think about trying to solve the problem here tonight  
14 instead of just create future problems down the line.  
15 Commissioner Stump.

17 COMMISSIONER STUMP: My question is do we have an  
18 option before us that really is in compliance?

19 CHAIR THOMAS: We don't have an option that's in  
20 compliance, but all Staff has said up this point at all of  
21 our meetings and in all of the Staff Reports is they don't  
22 have a problem with this fence being in the right-of-way.  
23 Fences are in the right-of-way all the time.

24 COMMISSIONER STUMP: I'm not talking about the  
25 right-of-way.



1 CHAIR THOMAS: Then what are you talking about?

2 COMMISSIONER STUMP: Front area.

3 CHAIR THOMAS: Yes.

4 COMMISSIONER STUMP: We keep hearing that it says  
5 not still comply with Town Code.

6 CHAIR THOMAS: I know, but we can approve it, and  
7 say you have to reduce it down to 3' or move it into Town...  
8 Like, this area has to be in Town Code. That's what I'm  
9 proposing. The front part would be in compliance, either at  
10 the 3' or you move it back; those are your two options that  
11 meet our Fence Ordinance situation, but we would be  
12 granting the back part that was just mentioned that's not  
13 an issue, that's in the public right-of-way.  
14

15 Sorry, we can't take any comments from the public  
16 at this point. Vice Chair Burch.

17 VICE CHAIR BURCH: Can I then now look to Mr.  
18 Mullin, because you said you maybe had some questions and  
19 notes. Before we try to go down either path of making a  
20 motion, can we ask you what questions you have? Is this  
21 going to make it more difficult? What is the best path  
22 here?

23 SEAN MULLIN: I would start off by saying  
24 regardless of the difficulties, Staff is happy to continue  
25 working with the Applicant to find a solution and fulfill

1 any direction given by the Planning Commission, so that's  
2 not a problem.

3           The question that I have, the more I listen to  
4 the two options presented by the Chair just clarifying  
5 exactly at what height the fence could be maintained in the  
6 right-of-way with the two options that the Chair presented.

7           So, what I heard was Option 1 is to move the  
8 fence, maintaining its current height, but meeting the Town  
9 Code. We're talking about the portion on the front, so that  
10 would be, with that diagram, moving out all those shaded  
11 and triangled areas and maintain the fence in the right-of-  
12 way. Then my question is at what height? The existing  
13 height, or do we need to lower that?  
14

15           Option 2, as I heard it, was to lower the fence  
16 in its current location to 3', which would then meet the  
17 Town Code, and maintain it in the right-of-way in its  
18 current position, and again, at what height?

19           I would just seek that clarification to me, with  
20 the two options presented by the Chair. That's the only  
21 piece of missing information for me.

22           CHAIR THOMAS: It's currently at 6'?

23           SEAN MULLIN: It's not 6', and I'm sorry, I have  
24 to look it up. It's less than that, but it's somewhere  
25

1 between 3.5' and 5'. I just can't recall off hand; sorry  
2 about that.

3 CHAIR THOMAS: The part in the right-of-way?

4 SEAN MULLIN: I can look it up.

5 CHAIR THOMAS: Okay. Our normal for a side yard  
6 or back yard fence, what is it, 6' with 2' of lattice, or  
7 something? Or what is it?

8 SEAN MULLIN: If it were on a properly line, so  
9 an interior properly line not adjacent to a street, and it  
10 was a side interior or a rear properly line, on this  
11 property without an exception they could build a 7' fence,  
12 but the top part needs to be at least 1' of lattice. There  
13 is no openness requirement with that lattice; it was more  
14 about aesthetically breaking up the tall stretch.  
15

16 CHAIR THOMAS: So, my proposal, I guess, would be  
17 at the current height that it is, current height and  
18 structure that it is.

19 SEAN MULLIN: For clarification, just to be very  
20 clear, for the portion that's in the right-of-way.

21 CHAIR THOMAS: Yes, that is outside of the site.

22 SEAN MULLIN: Outside of the traffic view areas  
23 and triangles.  
24

25 CHAIR THOMAS: Yes, outside of the traffic view  
areas and triangles. It could remain at the height that it

1 is in the public right-of-way, because I do think a special  
2 circumstance exists because of the nature of the lot.

3 Then, in the front portion it would either need  
4 to be lowered to 3' to come into compliance with our Fence  
5 Ordinance, or moved out of the setback area to the required  
6 setbacks at its current height. Does that clarify enough  
7 for you for now, Mr. Mullin?

8 SEAN MULLIN: Yes, and I'll come back to you with  
9 that fence height.

10 DIRECTOR PAULSON: Ms. Whelan has her hand up.

11 ATTORNEY WHELAN: It would be good to put on the  
12 record specifically what the special circumstance is  
13 regarding the lot.

14 CHAIR THOMAS: Okay. Commissioner Burnett.

15 COMMISSIONER BURNETT: Yes, I did have a  
16 question. I was confused, again. You were speaking of  
17 Option 1 to lower the entire front to 3', and then going  
18 around the corner, there is 3' to... I don't know how many  
19 feet that is to the triangle.

20 CHAIR THOMAS: Yes, to the end.

21 COMMISSIONER BURNETT: To the end, so that would  
22 all be 3'.

23 CHAIR THOMAS: Yes.

1 COMMISSIONER BURNETT: And the rest of the  
2 fencing would be what it is now.

3 CHAIR THOMAS: Yes.

4 COMMISSIONER BURNETT: Which, I was there, and  
5 actually I think that fencing that he has makes it almost  
6 worse, because it is crisscrossed, and with all the bushes  
7 and everything, I think it's a very difficult situation. I  
8 would prefer just to go along with denying the appeal  
9 entirely and having him go along with what our Town  
10 recommends on this. It is so complicated, and why are we  
11 making all these extra hoops for this? It sort of doesn't  
12 make sense to me. And asking a lot of exceptions when it's  
13 very clear cut, you just follow what our Town has. That's  
14 it.  
15

16 CHAIR THOMAS: Commissioner Barnett.

17 COMMISSIONER BARNETT: As I understand, four of  
18 the Commissioners have strongly indicated denial of the  
19 appeal, and in light of that I propose to make a motion for  
20 discussion and see where we are after that.

21 So, if I may, with respect to Item 2 on tonight's  
22 calendar, I propose to move to deny the appeal of the  
23 Director's decision concerning the fence exception,  
24 including the right-of-way, for the reason stated  
25 previously.

1 I cannot make the findings required under the  
2 code, Section 29.40.320. I would incorporate my comments  
3 previously indicated into the motion, and I think that's  
4 the extent of the motion.

5 CHAIR THOMAS: Is there a second? Commissioner  
6 Burnett.

7 COMMISSIONER BURNETT: I'll second it.

8 CHAIR THOMAS: Okay, and then discussion. I'll  
9 call the question. All those in favor, please raise your  
10 hand. And that's everyone except me. So, the motion passes  
11 5-1. Are there appeal rights?  
12

13 DIRECTOR PAULSON: Yes, thank you, Chair. There  
14 are appeal rights. Anyone who is not satisfied with the  
15 decision of the Planning Commission can appeal that  
16 decision to the Town Council. Forms are available online  
17 and in the Clerk's Office. There is a fee for filing the  
18 appeal, and the appeal must be filed within ten days.

19 CHAIR THOMAS: Thank you.

20 (END)  
21  
22  
23  
24  
25



**TOWN OF LOS GATOS**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 (408) 354-6872 Fax (408) 354-7593

CIVIC CENTER  
 110 E. MAIN STREET  
 LOS GATOS, CA 95030

May 30, 2025

Firoz Pradhan  
 10 Charles Street  
 Los Gatos, CA 95030  
 Via Email

**RE: 10 Charles Street**  
 Fence Height Exception Application 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: Firoz Pradhan  
 Project Planner: Sean Mullin

At its meeting of May 28, 2025, the Town of Los Gatos Planning Commission denied the above referenced application.

PLEASE NOTE: Pursuant to Section 29.20.275 of the Town Code, this approval may be appealed to the Town Council within 10 days of the date the approval is granted. Therefore, this action for denial should not be considered final until the appeal period has lapsed.

If you have any questions, I can be contacted by email at [Smullin@losgatosca.gov](mailto:Smullin@losgatosca.gov).

Best regards,

Sean Mullin, AICP  
 Planning Manager

N:\DEV\PC\PC ACTION Letters\2025\05-28-25 [10 Charles Street - Item #2; Denied].docx



**FILING FEES**  
**\$523.00 (PLAPPEAL) Residential**  
**\$2,102.00 (PLAPPEAL), per**  
**Commercial, Multi-family, or**  
**Tentative Map Appeal**  
  
**TRANSCRIPTION \$500 (PLTRANS)**

**Town of Los Gatos**  
**Office of the Town Clerk**  
**110 E. Main St., Los Gatos CA 95030**

ITEM NO. 12.

**APPEAL OF PLANNING COMMISSION DECISION**

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)



DATE OF PLANNING COMMISSION DECISION 05/28/2025  
PROJECT / APPLICATION NO: FHE-23-001  
ADDRESS LOCATION: 10 CHARLES ST, LOS GATOS, CA 95032

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

*Interested person means:*

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.


Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission:  
The Planning Commission failed to exercise their discretion to grant the appeal with stringent conditions that the property owner would be mandated - and was, in fact, willing to - implement to ensure any safety concerns due to visibility issues. . OR
2. The Planning Commission's decision is not supported by substantial evidence in the record:  
As the Town is willing to have the right-of-way issue addressed through a license agreement,  
the Planning Commission's decision to reject the appeal in full, and not grant it partially, is not supported by this evidence.

**IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.**

**IMPORTANT:**

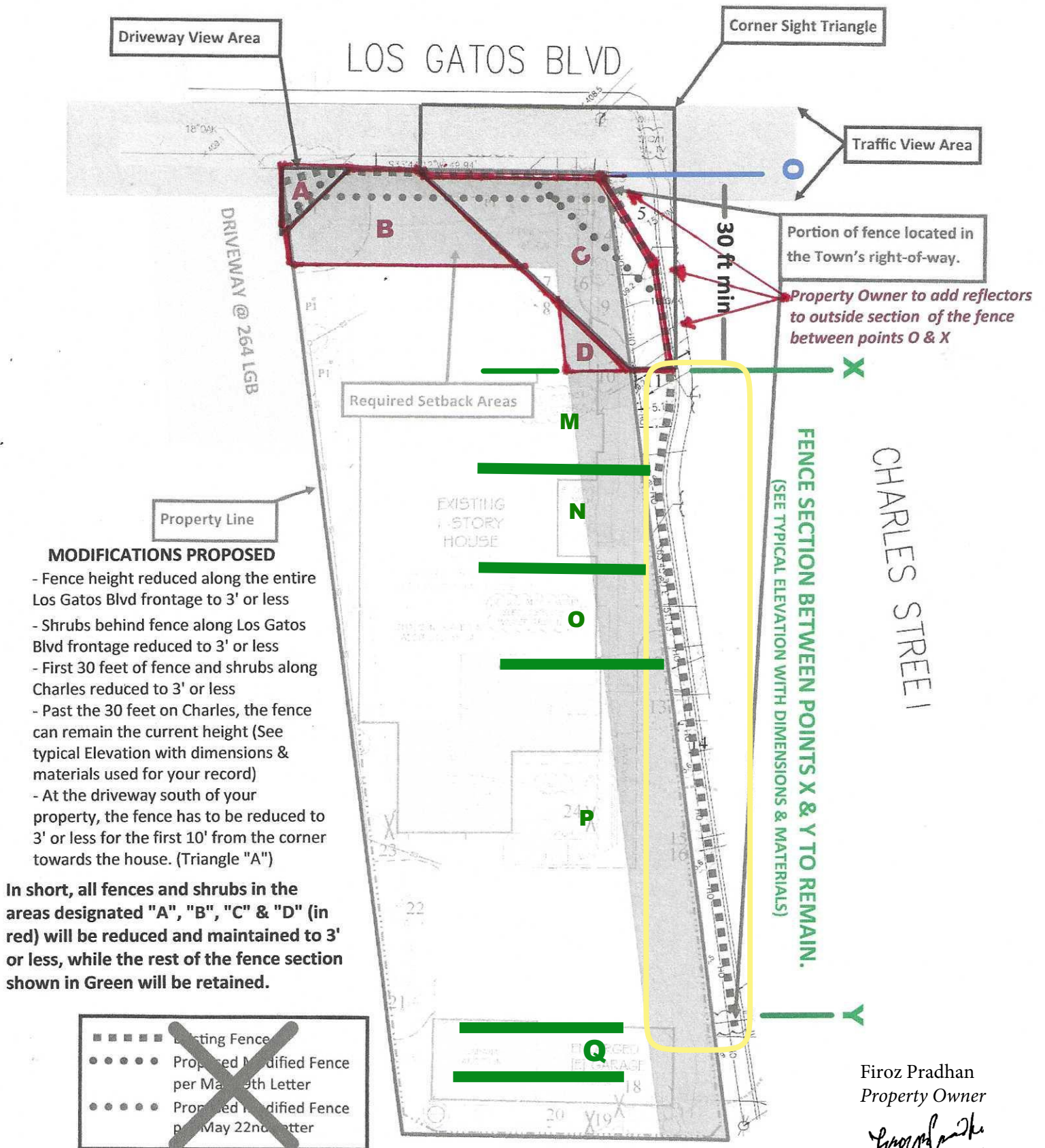
1. **Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10<sup>th</sup> day following the decision. If the 10<sup>th</sup> day is a Friday, the appeal must be filed by 1:00 P.M. If the 10<sup>th</sup> day a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10<sup>th</sup> day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME: FIROZ PRADHAN SIGNATURE:   
DATE: 06/09/2025 ADDRESS: 10 CHARLES ST, LOS GATOS, CA 95032  
PHONE: [REDACTED] EMAIL: [REDACTED]

**\*\*\* OFFICIAL USE ONLY \*\*\***

DATE OF PUBLIC HEARING: \_\_\_\_\_  
**Pending Planning Department Confirmation**

DATE TO SEND PUBLICATION: \_\_\_\_\_ DATE OF PUBLICATION: \_\_\_\_\_



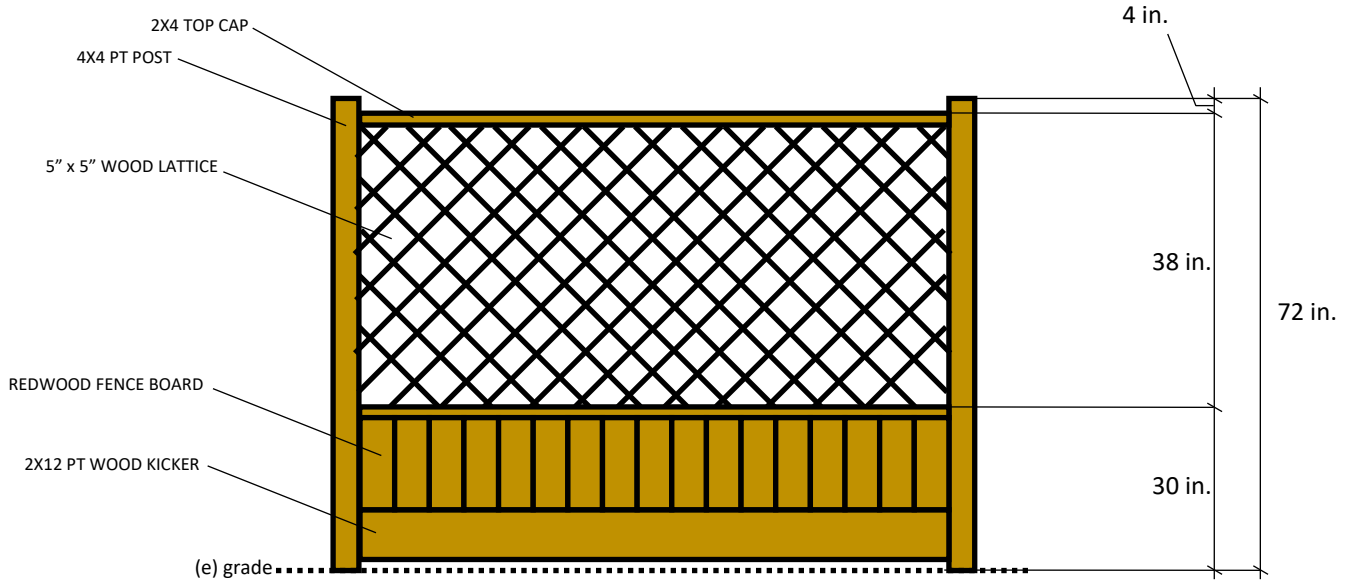
Firoz Pradhan  
Property Owner

Dated: June 12, 2025

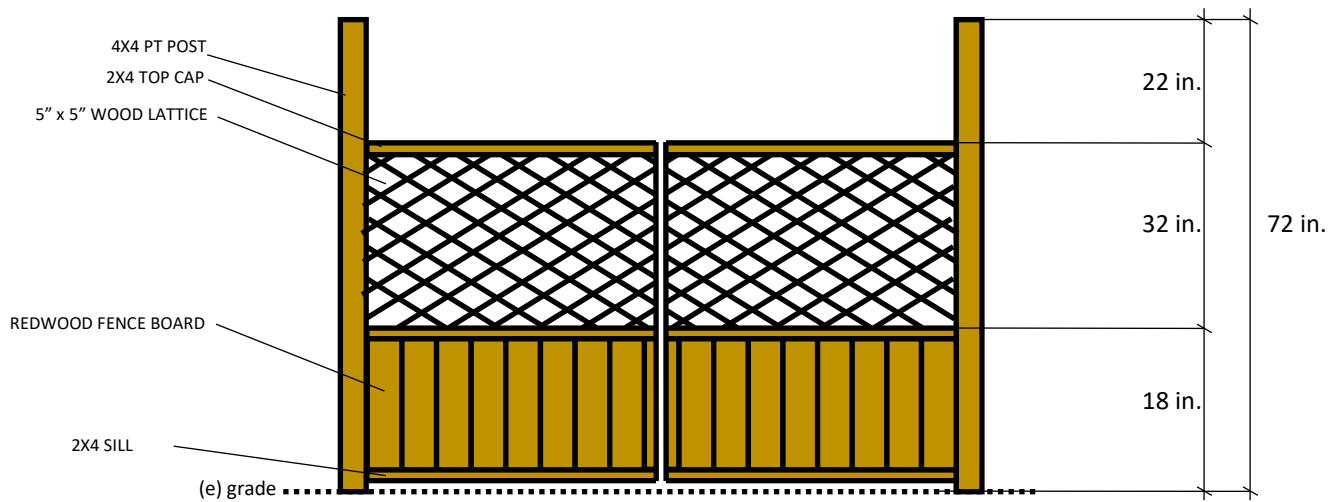
ATTACHMENT 15

SECTION M: LENGTH APPROX 24 FEET

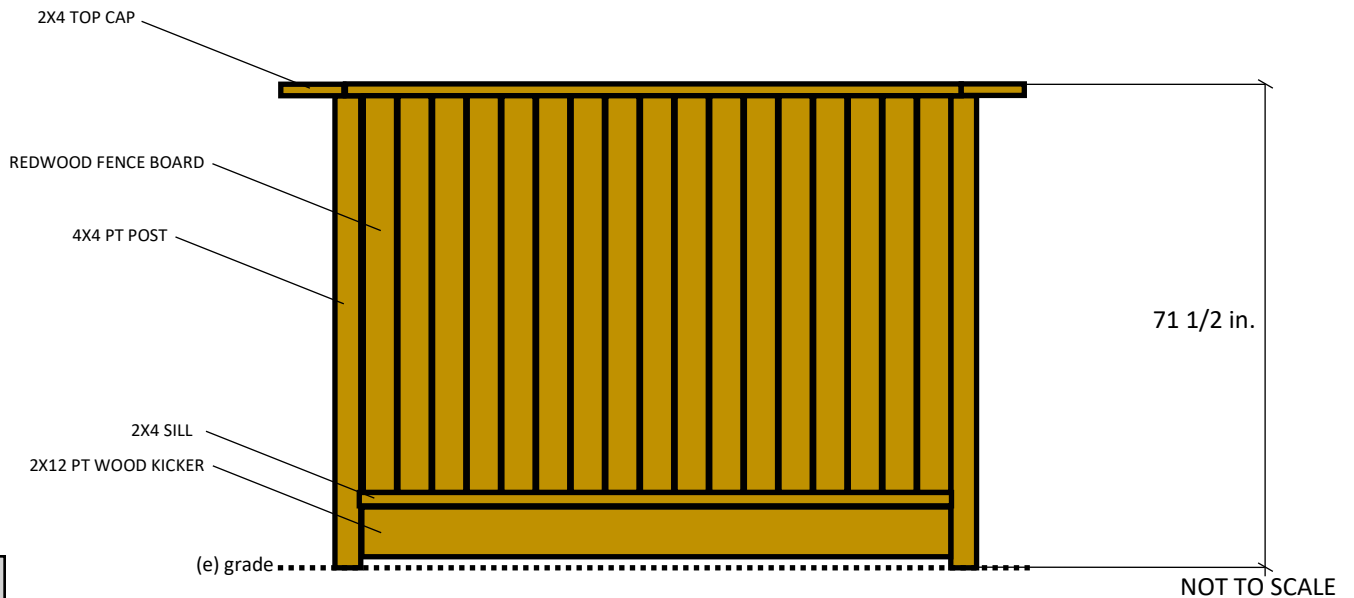
SECTION O: LENGTH APPROX 24 FEET



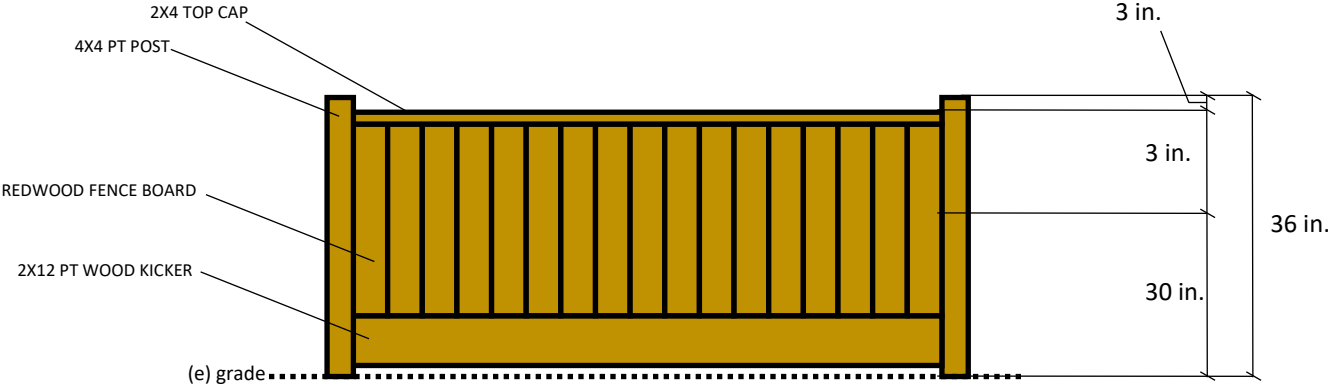
SECTION N: GATE. LENGTH 5 FEET 2 INCHES



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



NOT TO SCALE



DRAFT RESOLUTION

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
DENYING AN APPEAL OF THE DECISION OF THE PLANNING COMMISSION  
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 AND UPHOLDING THE DENIAL.

APN 532-36-022  
FENCE HEIGHT EXCEPTION APPLICATION: FHE-23-001  
PROPERTY LOCATION: 10 CHARLES STREET  
APPELLANT/PROPERTY OWNER/APPLICANT: FIROZ PRADHAN

**WHEREAS**, on November 11, 2022, the Town issued an Administrative Warning for a code violation at the subject property for construction of a fence exceeding height limitations within the required side yard area. In communication with staff, staff indicated that the Town Code offers an exception process that allows for deviation from the Town's requirements if the appropriate findings are made by the Community Development Director; and

**WHEREAS**, on January 10, 2023, the property owner applied for an exception to the Town's fence regulations for the construction of a fence that does not comply with the Town Code regulations for fences located in the required front and street-side yard areas, as well as the traffic view area and corner sight triangle. In reviewing the application, staff noted that a portion of the fence was located in the Town's right-of-way; and

**WHEREAS**, on March 23, 2023, the Community Development Director denied the Fence Height Exception application, unable to make the findings required by Town Code Section 29.40.0320 for granting an exception. Additionally, the Town could not support the fence remaining in the Town's right-of-way; and

**WHEREAS**, on April 3, 2023, the appellant, an interested person, filed a timely appeal of the decision of the Community Development Director 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 front yard and street-side yard setbacks on property zoned R-1D, located at 10 Charles Street; and

**WHEREAS**, on March 12, 2025, the Planning Commission held a public hearing and considered an appeal of the decision of the Community Development Director 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 front yard and street-side yard setbacks on property zoned R-1D, located at 10 Charles Street. The Planning Commission continued the matter to a date certain with direction to the appellant; and

**WHEREAS**, on April 23, 2025, the Planning Commission considered public testimony and continued the matter to a date certain of May 14, 2025; and

ATTACHMENT

**WHEREAS**, on May 14, 2025, the Planning Commission continued the matter to a date certain of May 28, 2025; and

**WHEREAS**, on May 28, 2025, the Planning Commission held a public hearing and considered the appellant's response to their direction of March 12, 2025. The Planning Commission received the staff report, testimony from the applicant, and input from the public. The Planning Commission was unable to make the findings to grant the appeal and voted five-to-one to deny the appeal; and

**WHEREAS**, on June 9, 2025, the appellant, an interested person, filed a timely appeal of the decision of the Planning Commission to 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 front yard and street-side yard setbacks on property zoned R-1D, located at 10 Charles Street; and

**WHEREAS**, this matter came before the Town Council for public hearing on August 19, 2025, and was regularly noticed in conformance with State and Town law; and

**WHEREAS**, the Town Council received testimony and documentary evidence from the appellant and all interested persons who wished to testify or submit documents. The Town Council considered all testimony and materials submitted, including the record of the Planning Commission proceedings and the packet of materials contained in the Council Agenda Report for their meeting on August 19, 2025, along with any and all subsequent reports and materials prepared concerning this application; and

**WHEREAS**, Town Code Section 29.20.295 provides that an appellant bears the burden of proof to demonstrate that there was error or abuse of discretion (including decisions that are not supported by substantial evidence in the record) by the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED:**

In accordance with Town Code section 29.20.295, the Town Council finds that:

1. The appellant has not demonstrated that the Planning Commission's decision to deny the Fence Height Exception application FHE-23-001 was in error or an abuse of discretion.
2. The appeal of the decision of the Planning Commission 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 front yard and street-side yard setbacks on property zoned R-1D, located at 10 Charles Street, is denied, and the application denial is upheld.
3. The decision constitutes a final administrative decision pursuant to Code of Civil Procedure section 1094.6 as adopted by section 1.10.085 of the Town Code of the Town of Los Gatos. Any application for judicial relief from this decision must be sought within the time limits and pursuant to the procedures established by Code of



Civil Procedure section 1094.6, or such shorter time as required by state and federal Law.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 19<sup>th</sup> day of August 2025, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

\_\_\_\_\_  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:

\_\_\_\_\_  
TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA



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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.

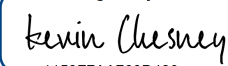
I respectfully request the following:

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.

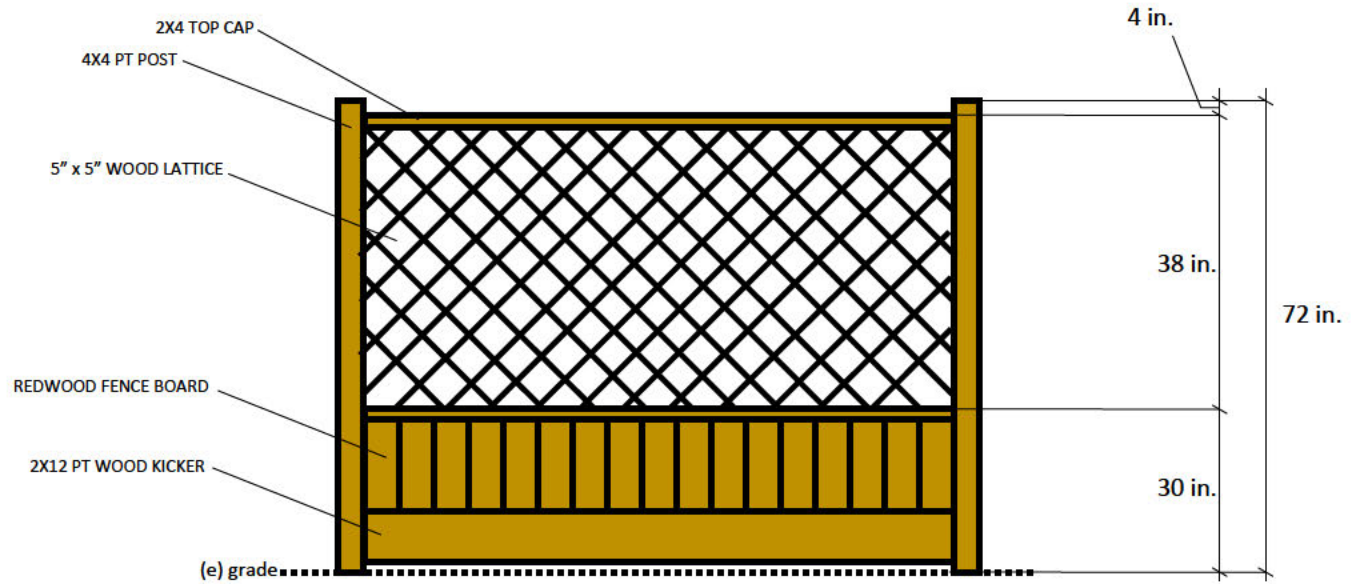
Sincerely,  
DocuSigned by:

  
Kevin B. Chesney

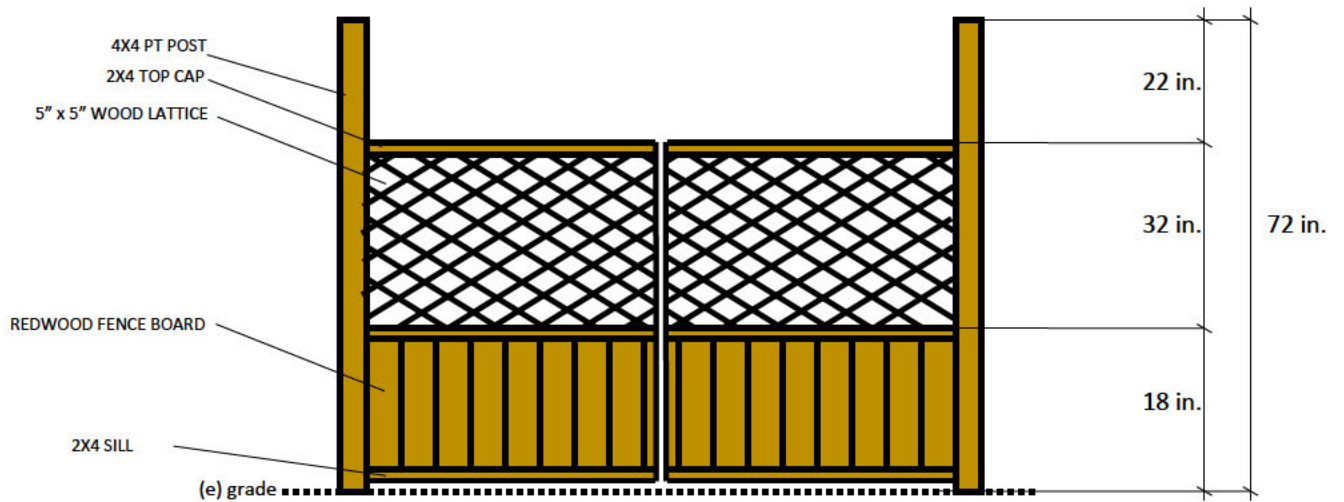
CC: Sean Mullin, Planning Manager

SECTION M: LENGTH APPROX 24 FEET

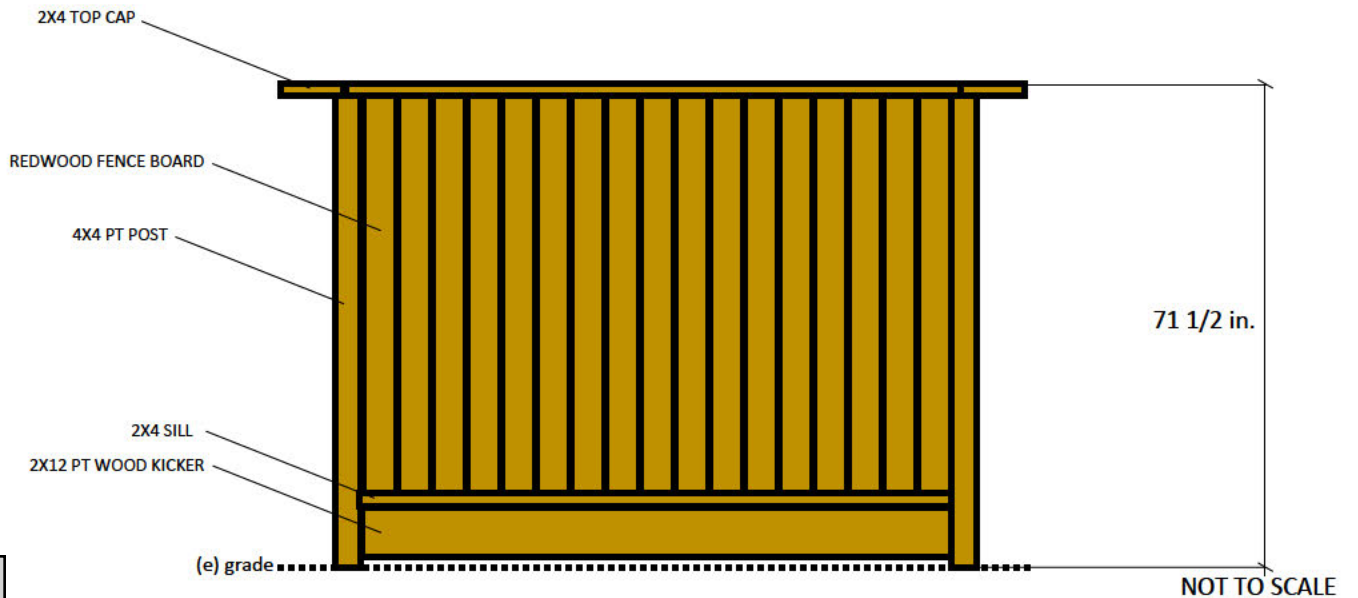
SECTION O: LENGTH APPROX 24 FEET



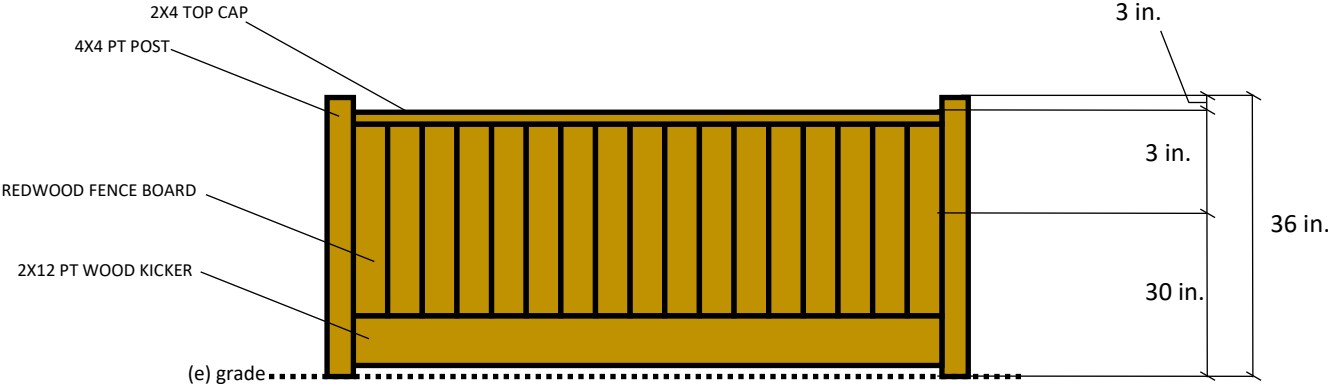
SECTION N: GATE. LENGTH 5 FEET 2 INCHES



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



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]

Driveway View Area

LOS GATOS BLVD

Corner Sight Triangle

Traffic View Area

DRIVEWAY @ 264 LGB

Portion of fence located in the Town's right-of-way.

Property Owner to add reflectors to outside section of the fence between points O &amp; X

30 ft min

Required Setback Areas

Property Line

**MODIFICATIONS PROPOSED**

- Fence height reduced along the entire Los Gatos Blvd frontage to 3' or less
- Shrubs behind fence along Los Gatos Blvd frontage reduced to 3' or less
- First 30 feet of fence and shrubs along Charles reduced to 3' or less
- Past the 30 feet on Charles, the fence can remain the current height (See typical Elevation with dimensions & materials used for your record)
- At the driveway south of your property, the fence has to be reduced to 3' or less for the first 10' from the corner towards the house. (Triangle "A")

In short, all fences and shrubs in the areas designated "A", "B", "C" & "D" (in red) will be reduced and maintained to 3' or less, while the rest of the fence section shown in Green will be retained.

■ ■ ■ ■ ■	Existing Fence
● ● ● ● ●	Proposed Modified Fence per May 19th Letter
● ● ● ● ●	Proposed Modified Fence per May 22nd Letter

M

N

O

P

Q

FENCE SECTION BETWEEN POINTS X & Y TO REMAIN.  
(SEE TYPICAL ELEVATION WITH DIMENSIONS & MATERIALS)

CHARLES STREET I

Firoz Pradhan  
Property Owner


Dated: June 12, 2025



**Kevin B. Chesney**

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:



Kevin B. Chesney

cc: Sean Mullin, Planning Manager

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



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 08/19/2025

ITEM NO: 13

ITEM NO. 13.

DATE: August 19, 2025  
TO: Mayor and Town Council  
FROM: Chris Constantin, Town Manager  
SUBJECT: **Provide Direction for the Distribution of \$155,000 Included in the FY 2025-26 Budget for Community Grants**

RECOMMENDATION: Provide direction for the distribution of \$155,000 included in the FY 2025-26 budget for Community Grants.

FISCAL IMPACT:

\$155,000 was allocated for Community Grants as part of the FY 2025-26 budget by Council motion on May 20, 2025. The direction for allocation of these funds does not create an additional fiscal impact.

STRATEGIC PRIORITY:

This item supports the Core Goal of Fiscal Stability and the strategic priority to develop a structure to ensure accountability of how funding resources move forward the Town's core goals and priorities.

BACKGROUND:

As part of the preparation and adoption of the FY 2025-26 budget, the Town Council discussed Community Grants at Budget Study Session on April 22, 2025, and again during the budget discussions on May 20, 2025. While several ideas and recommendations were discussed, the final action of the Council on May 20, 2025, was simply to allocate \$155,000 to the Community Grants line item, with distribution of that amount to be discussed in August.

Discussion highlights from the April 22<sup>nd</sup> and May 20<sup>th</sup> meetings included whether or not to continue a Competitive Grant program in the future, the possibility of outsourcing the work of

PREPARED BY: Ryan Baker  
Library Director

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

SUBJECT: Provide Direction for the Allocation of \$155,000 Included in the FY 2025-26 Budget  
for Community Grants

DATE: August 19, 2025

grant administration to a third-party foundation, and possible interest in adding Sustaining Grant funding to the St. Vincent de Paul laundry service program at \$2,000.

For additional background reference to aid discussion, Attachment 1 provides tables showing the detailed breakout and accounting for all grants and giving to non-profit organizations for the past four years, including those provided through ARPA replacement funding.

#### DISCUSSION:

**Sustaining Grants** are non-competitive operational grants to select human services non-profits with long partnership histories with the Town and strong alignment to Town priorities, and are given with the purpose of sustaining the core service or operations of the non-profit recipient.

At the April 22<sup>nd</sup> and May 20<sup>th</sup> meetings, \$126,800 was proposed to fund the following sustaining grants:

- \$48,000 to Live Oak Nutrition for nutrition services,
- \$20,000 to West Valley Community Services for human services support,
- \$20,000 to West Valley Community Services for rental assistance,
- \$12,500 to Counseling and Support Services for Youth (CASSY) for mental health support,
- \$12,500 to Next Door Solutions to Domestic Violence for domestic abuse victim services,
- \$6,000 to St. Luke's Episcopal for food pantry support, and
- \$7,800 to Los Gatos Methodist for shower program support.

While discussed at the May 20<sup>th</sup> meeting, this list does not include funding for the laundry program through St. Vincent de Paul as there was no official motion of the Council to add it at the time.

Staff requests that the Council give direction on the following:

1. Would Council like to move forward with the proposed Sustaining Grants or make any changes?

**Competitive One-time Grants** are open to all classes of non-profits to fund one-time projects. No organization is guaranteed that its application will rank high enough to receive funding. They do not impact the operating budget of any organization, as these funds were never intended or structured to serve that purpose.

Staff requests that the Council give direction on the following:

2. If there are remaining funds that are not allocated as Sustaining Grants, would Council like to make them available as Competitive One-time Grants?

**Staff cost for administration** was considered. Staff received quotes from third-party foundations to administer Competitive Grants; however, it was found that this was cost-

SUBJECT: Provide Direction for the Allocation of \$155,000 Included in the FY 2025-26 Budget  
for Community Grants

DATE: August 19, 2025

prohibitive. As such, the process will need to remain internal at a staff cost of 112 hours (estimated indirect cost of \$20,600). It may be possible to reduce the workload by reducing the number of applications received and/or by reducing the number of grants to be administered.

Staff requests that the Council give direction on the following:

3. If Competitive One-time Grants continue, would Council consider any of the following modifications to the competitive program that may result in a staff workload reduction:
  - Only allow an organization to receive a competitive award every other year, rather than remaining eligible every year (i.e., if an organization has a successful application that is awarded in FY 2025-26, they would not be eligible to reapply again until FY 2027-28). Organizations that are unsuccessful will still be able to apply again the following year. This would potentially cut the number of applications for processing in half and may additionally provide opportunities for a wider range of recipients to be successful over a two-year period.
  - Lower the maximum grant award amount to \$5,000 or less. We have seen very successful projects for under this dollar amount, so it is known that funding at this level can be useful, while at the same time, it may potentially reduce the number of applications if organizations decide the funding level is not worth the dollar amount limitations.
  - Reduce the number of awards given to reduce contracts and reporting by earmarking a smaller total competitive grant fund pool.
  - Stipulate that 100% of the service or event funded by the grant takes place within the municipal boundaries of incorporated Los Gatos. This will reduce/eliminate the number of applications that, while benefiting Los Gatos residents, operate with a more regional focus or whose proposed grant project extends into the areas that are the jurisdiction of Santa Clara County, unincorporated Los Gatos mountain communities, Saratoga, Monte Sereno, etc. This would not bar an organization headquartered outside of Los Gatos from applying, so long as the service or project seeking grant funding remains fully inside the municipal limits of Los Gatos.

**Additional clarification** on specific aspects of the Community Grant program would also be helpful for staff administration of the program going forward. Staff requests that the Council give direction on the following:

4. Is the Council's intention for the composition of the grant reading/rating pool to include two members of the Arts and Culture Commission, two members of the Community Health and Senior Services Commission, and one member of the Diversity, Equity and Inclusion Commission; OR would Council prefer a different composition of grant readers/raters.
5. Would the Council like to revisit Community Grants again during the Fiscal Year 2026-27 Budget Process; OR is Council comfortable committing to the direction given at tonight's meeting as a multi-year framework in keeping with the strategic priority to "develop

SUBJECT: Provide Direction for the Allocation of \$155,000 Included in the FY 2025-26 Budget  
for Community Grants

DATE: August 19, 2025

structure to ensure accountability of how funding resources move forward the Town's core goals and priorities".

CONCLUSION:

Staff looks forward to Council's discussion and the questions above are summarized here for ease of reference:

1. Would the Council like to move forward with the proposed Sustaining Grants or make any changes?
2. If there are remaining funds that are not allocated as Sustaining Grants, would the Council like to make them available as Competitive One-time Grants?
3. If Competitive One-time Grants continue, would the Council consider the following program modifications:
  - Only allow an organization to receive a Competitive One-time award every other year, rather than remaining eligible every year?
  - Lower the maximum grant award amount to \$5,000 or less?
  - Reduce the number of awards given?
  - Stipulate that 100% of the service or event applied for takes place within the municipal boundaries of incorporated Los Gatos?
4. Who would the Council prefer for the composition of the grant reader/rater pool?
5. Would the Council like to revisit Community Grants again during the Fiscal Year 2026-27 Budget Process; OR is the Council comfortable committing to the direction given at tonight's meeting as a multi-year framework?

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

ATTACHMENT:

1. Community Grant Recipient Details from FY2021-22 through FY2024-25

## General Fund Grants from FY 2021-22 through FY 2024-25

The tables shown below give the detailed breakout and accounting of all General Fund grants and giving to non-profit organizations for the past four years, as well as General Fund monies made available because of the utilization of ARPA replacement funding for that purpose. The inclusion of the ARPA component is to provide clarity regarding grant funding sources at various points over the past four years.

### **Community Grants Program**

**Sustaining Grants** are non-competitive operational grants to select human services non-profits with long partnership histories with the Town and strong alignment to Town priorities, and are given with the purpose of sustaining the core service or operations of the non-profit recipient.

Sustaining Recipient	2021-22 Awarded	2022-23 Awarded	2023-24 Awarded	2024-25 Awarded
Counseling and Support Services for Youth/CASSY	\$ 10,000	\$ 10,000	\$ 12,000	\$ 13,000
Live Oak Senior Nutrition*	\$ 22,000	\$ 22,000	\$ 22,000	\$ 23,000
Next Door Solutions	\$ 5,000	\$ 10,000	\$ 12,000	\$ 13,000
West Valley Community Services	\$ 20,000	\$ 20,000	\$ 20,000	\$ 21,000
<b>Total</b>	<b>\$ 57,000</b>	<b>\$ 62,000</b>	<b>\$ 66,000</b>	<b>\$ 70,000</b>

\*Live Oak Senior Nutrition received an additional \$25,000 in one-time funds earmarked by the Council for nutrition programs in FY2024-25 for a total of \$48,000. To match accounting with the published budget, the additional \$25,000 is noted below under Competitive Grants, despite the organization not needing to compete for that funding.

**Competitive One-time Grants** are open to all classes of non-profits to fund one-time projects. No organization is guaranteed that its application will rank high enough to receive funding. They do not impact the operating budget of any organization, as these funds were never intended or structured to serve that purpose. The list below shows only successful applications that were awarded funds in one of the past four years, and it is not representative of all applications received.

One-Time Recipient	2021-22 Awarded	2022-23 Awarded	2023-24 Awarded	2024-25 Awarded
Arts Docents of Los Gatos	\$ 10,000	-	\$ 1,300	\$ 4,500
AWO	-	\$ 7,500	\$ 5,998	
Billy Jones Wildcat Railroad	-	-	-	\$ 10,000
Bay Area Housing Corp	-	\$ 7,500	-	-
Chabad of San Jose	-	-	\$ 12,000	-
Collaborating Agencies' Disaster Relief Effort/CADRE	-	-	-	\$ 10,000



Daves Avenue Elementary School	-	-	\$ 10,500	-
Friends of the Library	-	\$ 600	-	-
Girls on the Run of Silicon Valley	-	-	\$ 12,000	\$ 10,000
History Club of Los Gatos	\$ 10,000	-	-	-
Homementen Santa Clara Ani Chapter	-	-	\$ 4,320	-
JCC Los Gatos	-	\$ 7,500	\$ 12,000	\$ 10,000
Kyle J. Taylor Foundation	-	-	-	\$ 10,000
Live Oak Adult Day Services	\$ 13,000	-	\$ 12,000	-
Live Oak Senior Nutrition*	-	-	-	\$ 25,000
LGSRec	-	-	\$ 12,000	-
Los Gatos Anti-Racism Coalition (rental assistance)**	-	-	\$ 12,000	\$ 12,500
Los Gatos Chamber of Commerce	-	-	\$ 12,000	-
Los Gatos Community Concert Association	-	-	\$ 6,000	\$ 7,500
Los Gatos Education Foundation	-	-	\$ 12,000	\$ 10,000
Los Gatos Foundation for Older Adults to Thrive	-	-	-	\$ 1,500
Los Gatos Methodist Church	\$ 5,750	\$ 6,000	-	-
Los Gatos Music and Arts	-	\$ 7,000	\$ 12,000	\$ 10,000
Los Gatos Public Media/KCAT	-	\$ 7,500	-	\$ 10,000
Los Gatos Youth Park	-	-	-	\$ 10,000
Louise Van Meter Project Cornerstone	-	\$ 7,500	\$ 12,000	\$ 10,000
Mariposa Montessori School	\$ 9,263	-	-	-
NAMI Santa Clara County	-	\$ 7,500	-	-
New Museum of Los Gatos/NUMU	\$ 10,000	\$ 7,500	\$ 12,000	\$ 10,000
Omnware Networks	-	-	\$ 2,500	-
Parent Helping Parents	\$ 10,000	-	\$ 12,000	\$ 10,000
Plant Based Advocates	-	-	\$ 9,382	-
Rebuilding Together Silicon Valley	-	-	\$ 7,500	\$ 7,500
Silicon Valley Jewish Film Festival	-	-	\$ 12,000	\$ 10,000

Rotary Club of Los Gatos	-	-	\$ 7,500	-
St. Luke's Episcopal Church	-	-	\$ 6,000	-
St. Vincent de Paul (rental assistance)**	-	-	-	\$ 12,500
St. Vincent de Paul Society	-	-	-	\$ 4,000
Tianmu Educational Foundation	-	-	-	\$ 10,000
Veterans' Memorial and Support Foundation	-	\$ 7,500	\$ 12,000	\$ 5,000
West Valley Community Services	\$ 10,000	-	-	\$ 10,000
Youth Theater Alliance	-	\$ 7,500	-	-
<b>Total</b>	<b>\$ 78,013</b>	<b>\$ 81,100</b>	<b>\$ 229,000</b>	<b>\$ 230,000</b>

\*See note under Sustaining Grant table

\*\*Rental assistance programs. In addition, a \$15,000 annual grant for rental assistance is given to West Valley Community Services listed under the table for grants from other budget lines.

**Innovation Grants** was a program to promote community-driven ideas initiated by students and community members. This program was discontinued at the end of FY2023-24.

Recipient	2021-22 Awarded	2022-23 Awarded	2023-24 Awarded	2024-25 Awarded
Arjun Seshadri	\$ 1,500	-	-	-
Bruce Preville	\$ 1,500	-	-	-
Cheryl Hansen	\$ 1,500	-	-	-
Heather Shaw	-	\$ 1,500	-	-
Tom Picraux	-	\$ 1,500	-	-
Lilli Valencia	-	\$ 1,500	-	-
Farah Tavana	-	\$ 1,500	\$ 1,500	-
Alyssa Ackalloor	-	-	\$ 1,500	-
Mikaela Swanson	-	-	\$ 1,500	-
Roya Tavana	-	-	\$ 1,500	-
<b>Total</b>	<b>\$ 4,500</b>	<b>\$ 6,000</b>	<b>\$ 6,000</b>	<b>\$ -</b>

### **Other Grants**

**Grants from other budget line items** are for projects or support of non-profit organizations outside of the Community Grant process. These include grants given directly by the Council at the request of a non-profit organization, or as line items captured in other departments. Note that the two items listed below from the Town Manager's Office (TMO) Unhoused Initiatives were removed from that line item for FY2025-26 and suggested for inclusion in the Community Grant Program as Sustaining Grants for better consistency.

<b>Other Grant Recipient</b>	<b>2021-22 Awarded</b>	<b>2022-23 Awarded</b>	<b>2023-24 Awarded</b>	<b>2024-25 Awarded</b>
Los Gatos Methodist Church (TMO line item for Unhoused initiatives)	-	-	-	\$ 7,800
Los Gatos Public Media/KCAT (Direct request made to Council)	-	-	\$ 100,000	-
New Museum of Los Gatos/NUMU (Direct request made to Council)	-	-	-	\$ 100,000
St. Luke's Episcopal Church (TMO line item for Unhoused initiatives)	-	-	-	\$ 6,000
West Valley Community Services (CDD line item for rental assistance)	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
<b>Total</b>	<b>\$ 15,000</b>	<b>\$ 15,000</b>	<b>\$ 115,000</b>	<b>\$ 128,800</b>

### **ARPA Replacement Funds**

**ARPA Replacement Funds** provided additional funding opportunities and enhanced what was normally available in the General Fund. These grants were considered by the Council on an individual basis at the direct request of non-profit organizations. The inclusion of these grants in this report is only intended to clarify any confusion that may have arisen regarding grant funding sources at various points over the last four years.

<b>Recipient</b>	<b>2021-22 Awarded</b>	<b>2022-23 Awarded</b>	<b>2023-24 Awarded</b>	<b>2024-25 Awarded</b>
Los Gatos Public Media/KCAT	\$ 100,000	-	-	-
LGSRec 55+	\$ 328,500	-	\$ 225,000	-
SASCC (Community Assessment Survey)	\$ 21,500	-	-	-
SASCC (Health Fair)	\$ 15,000	-	-	-
SASCC (Outlook Newspaper)	\$ 30,000	-	-	-
SASCC (Senior Drive Through)	\$ 5,000	-	-	-
<b>Total</b>	<b>\$ 500,000</b>	<b>\$ -</b>	<b>\$ 225,000</b>	<b>\$ -</b>

**Totals** listed below are drawn from the sums of the tables listed above.

Fiscal Year	General Fund					ARPA Replacement Funded Grants
	One-time competitive	Sustaining	Innovation	Other budget line items	GENERAL FUND TOTALS	ARPA TOTALS
FY2021-22	\$ 78,013	\$ 57,000	\$ 4,500	\$ 15,000	\$ 154,513	\$ 500,000
FY2022-23	\$ 81,100	\$ 62,000	\$ 6,000	\$ 15,000	\$ 164,100	\$ -
FY2023-24	\$ 229,000	\$ 66,000	\$ 6,000	\$ 115,000	\$ 416,000	\$ 225,000
FY2024-25	\$ 230,000	\$ 70,000	\$ -	\$ 128,800	\$ 428,800	\$ -
<b>TOTALS</b>					<b>\$ 1,163,413</b>	<b>\$ 725,000</b>