

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.

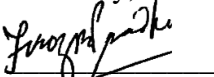
## **REQUEST**

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



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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

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**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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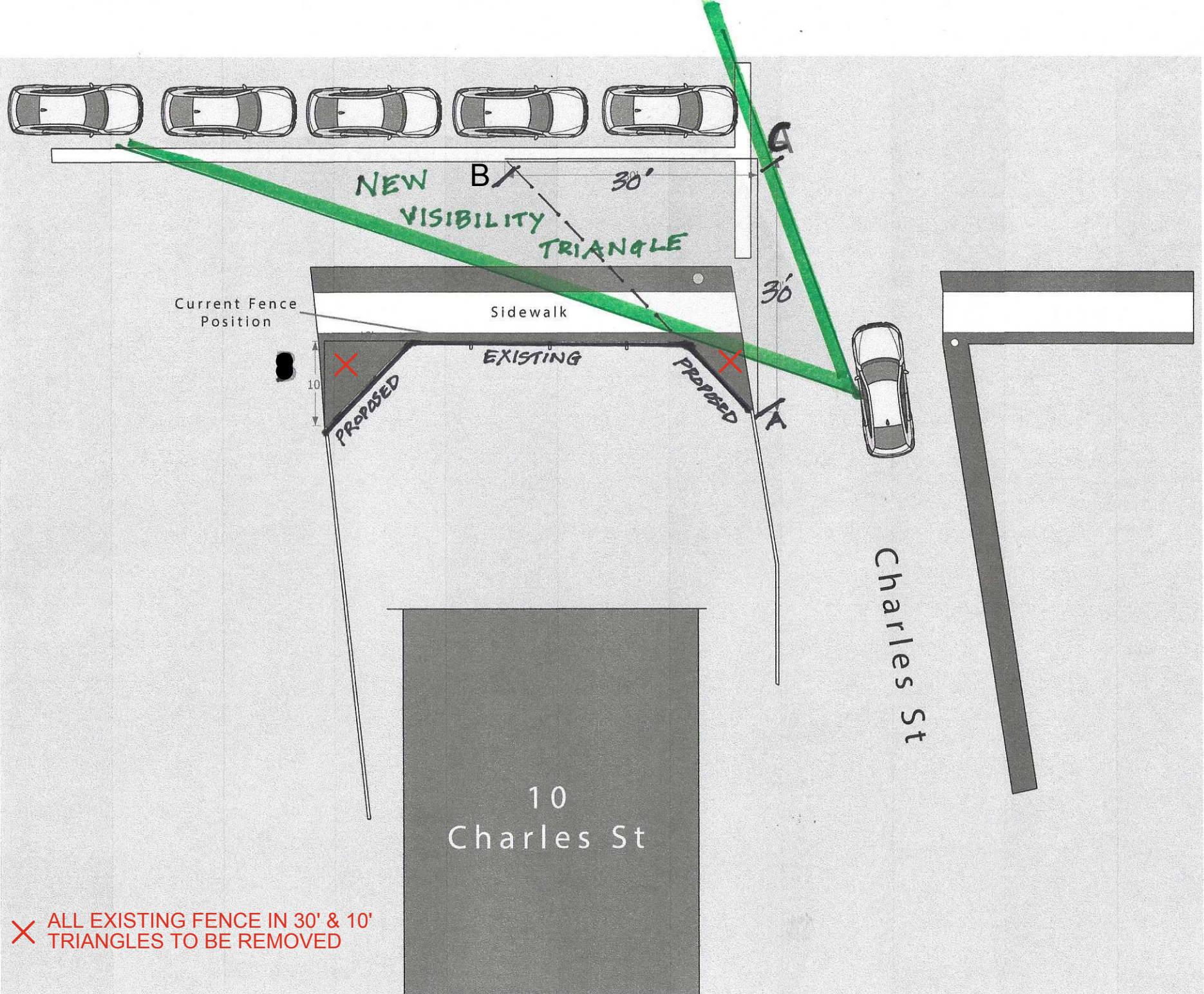


Based upon discussions with the Town's Engineering & Public Works Department held on Thursday, May 8th, it is proposed that the existing fence section at the corner of Los Gatos Boulevard and Charles St be removed, and be replaced with a new fence section that is angled along the straight line drawn 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.
- > 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.





✗ ALL EXISTING FENCE IN 30' & 10' TRIANGLES TO BE REMOVED









#### **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 implementing the 10' x 10' triangle if mandated.



NEW VISIBILITY TRIANGLES

WITH 7'x7'  
(TO PROTECT TREE)

WITH 10'x10'

Current Fence  
Position

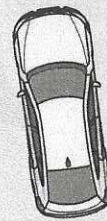
Sidewalk

A

30'

30'

10'



Charles St

10  
Charles St

NOTE: A 7'x7' TRIANGLE IS SHOWN  
AS IT WOULD ENABLE US TO  
PROTECT A TREE (SEE PAGE 1 )  
AND STILL PROVIDE ADEQUATE VISIBILITY.



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

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EVIDENCE OF FENCE EXISTING ALONG CHARLES ST PRIOR TO PURCHASE OF PROPERTY IN FEB 2019





4 Charles St

Los Gatos, California




Google Street View

Apr 2019 See more dates






A photograph of a residential area. In the center is a light-colored building with a white double door. To the left of the door are three large wheeled trash bins: a blue one, a green one, and a black one. To the right of the door, a white sedan is parked. The car is partially obscured by a large, dense green vine-covered bush on the right. In the background, a wooden fence is visible, partially covered by a large green hedge. The scene is lit by bright sunlight, creating strong shadows and highlights. The ground is covered with dry leaves and a concrete curb runs along the front.

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