



**TOWN OF LOS GATOS  
PLANNING COMMISSION  
REPORT**

MEETING DATE: 03/12/2025

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

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Reviewed by: Community Development Director

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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

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.

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**



- (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.

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.

PAGE 7 OF 7

SUBJECT: 10 Charles Street/FHE-23-001

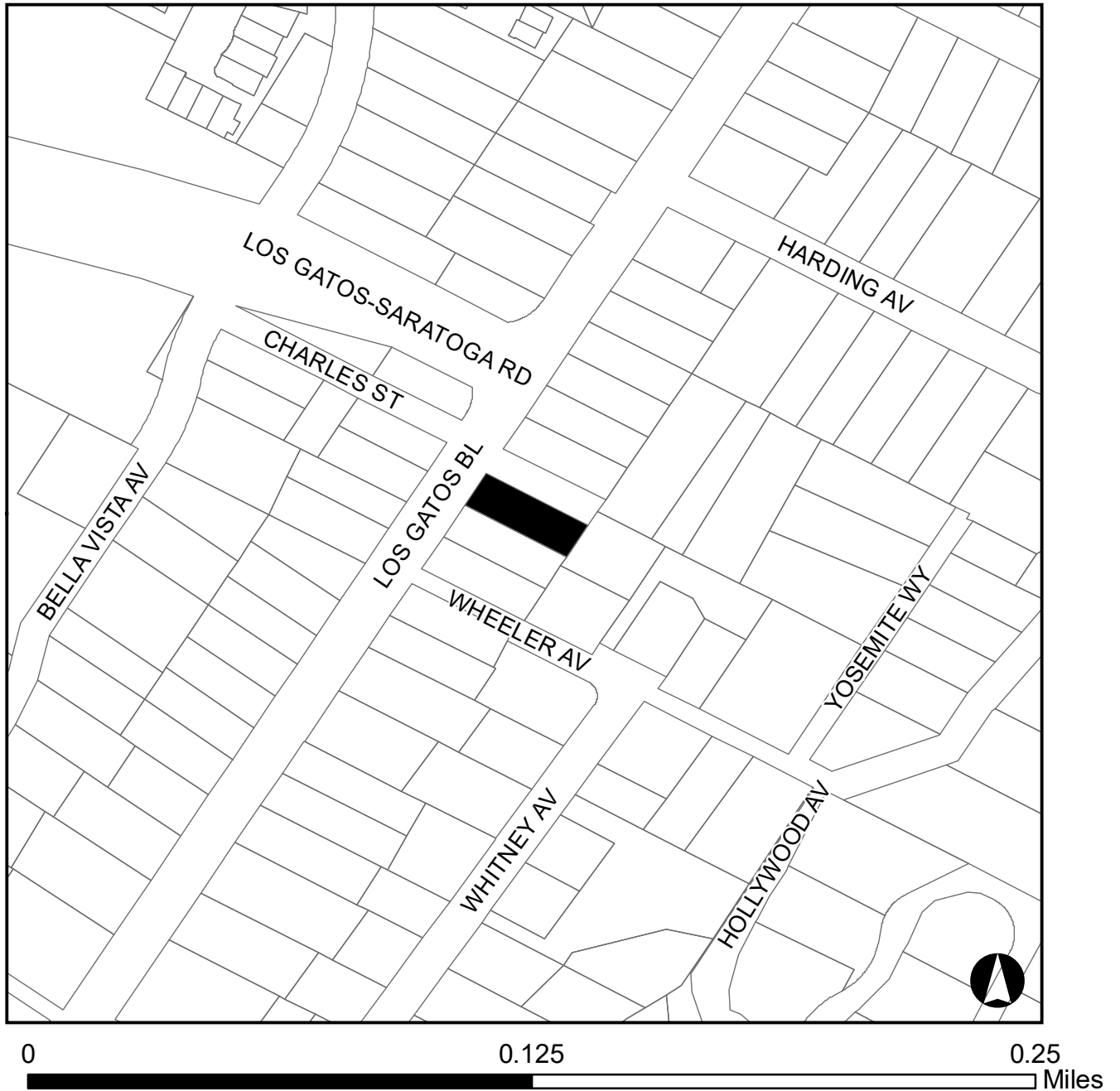
DATE: March 7, 2025

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

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.

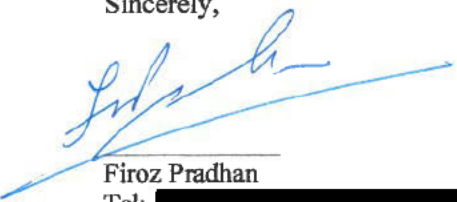
**CONCLUSION**

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](#)

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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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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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## PROPERTY LINE

**PORTION OF FENCE  
LOCATED IN TOWN'S  
RIGHT-OF-WAY**

LOT 12  
R1  
PN NO.: 532-36-021

## TREE PROTECTION FENCING NOTES

TREE PROTECTION FENCING SHALL BE A MIN. OF 5' HIGH CHAIN LINK MOUNTED ON 2"Ø GALVINIZED STEEL POSTS DRIVEN 2' MIN. INTO THE GROUND AT A 10' MAX. SPACING

TREE PROTECTION FENCING TO REMAIN IN PLACE THROUGHOUT CONSTRUCTION AND SHALL NOT BE REMOVED UNTIL APPROVED BY ARBORIST OR RECORD.

EXISTING  
1-STORY  
HOUSE

FF 102.3

APN NO.: 532-36-022  
LOT GROSS AREA: 7,473± SF

SHADE INDICATES [N]

ADDITION, TYPICAL

ENLARGED  
[F] CARACE

FF 99-4 1.0

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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,

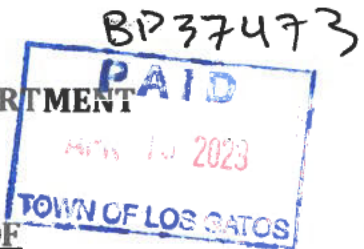
Sean Mullin, AICP  
Senior Planner

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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.

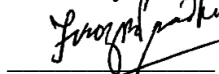
### REQUEST

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)













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.

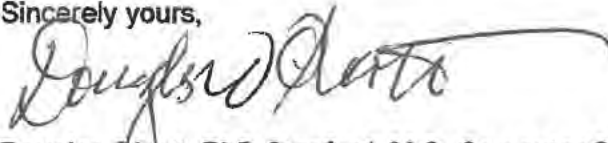
Let me try to point out some facts about this intersection, the fence, and our neighbors the Pradhans which I hope will lead you to grant them an extension. First of all, one must come to a full stop when approaching the Boulevard from Charles Street (See picture #1). There is a crosswalk at the intersection 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.

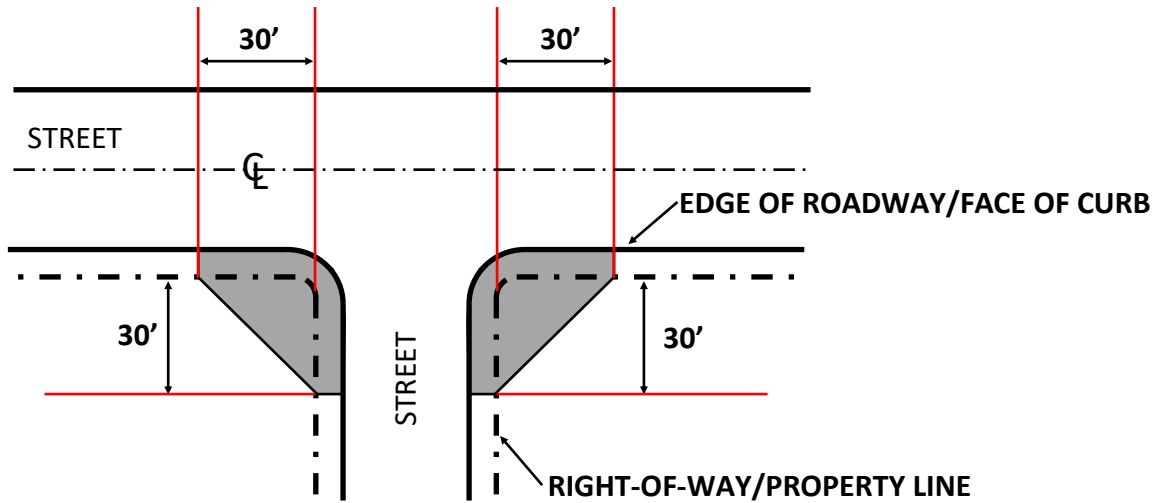
Sincerely yours,

A handwritten signature in cursive script, appearing to read "Douglas O. Goff", written in dark ink.


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



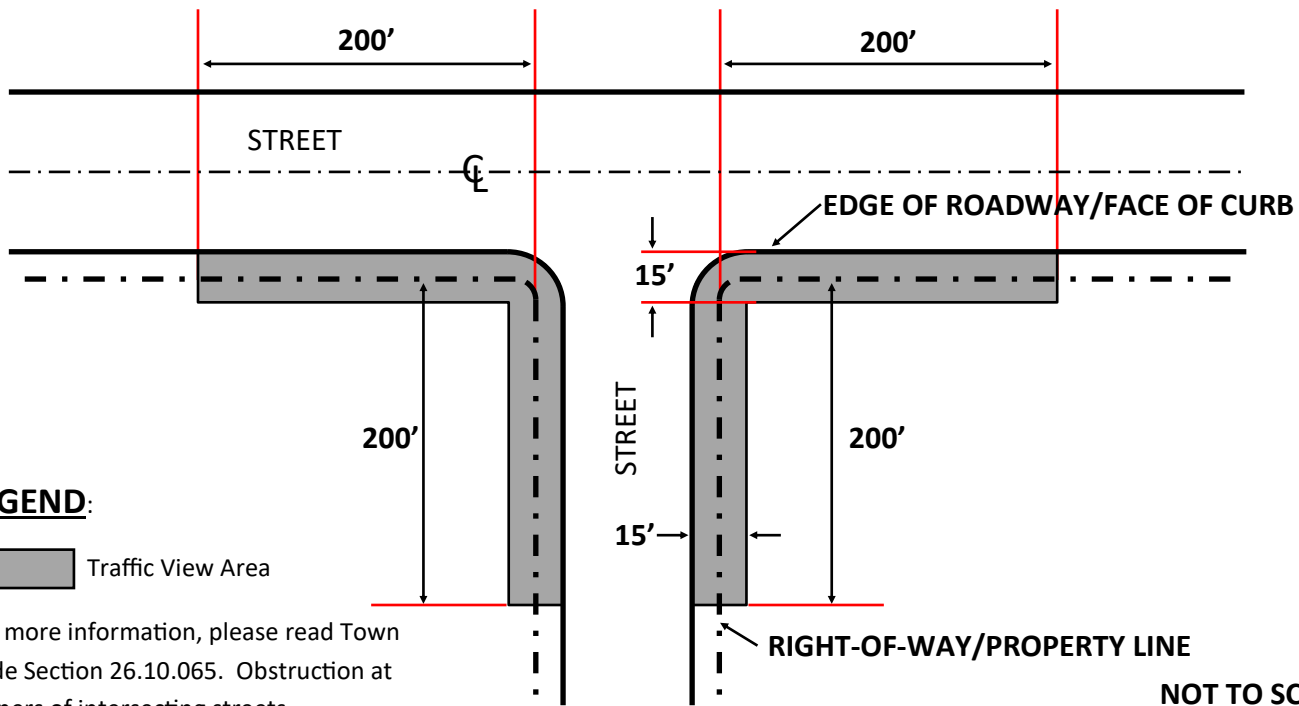
## LEGEND:

 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



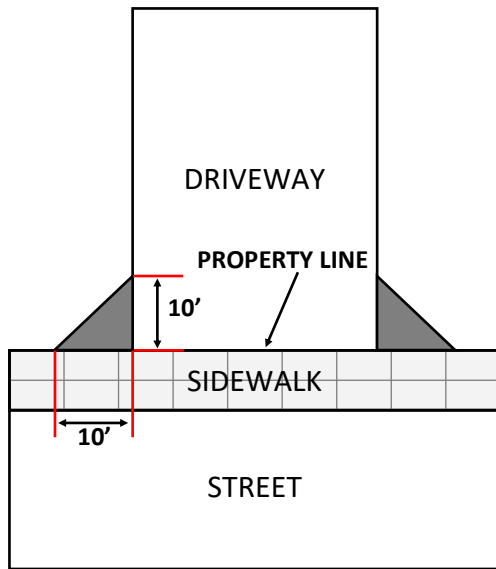
## LEGEND:

 Traffic View Area

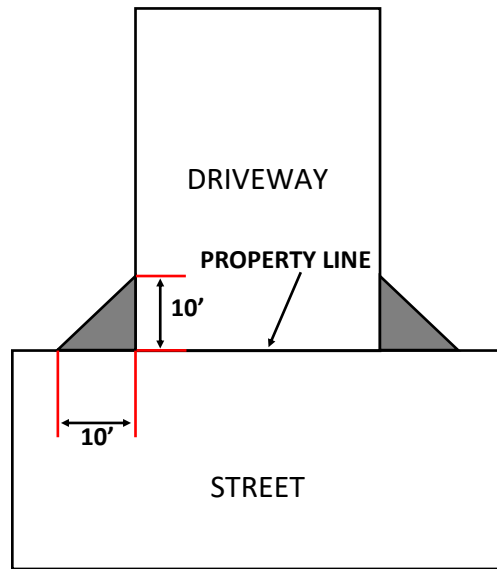
For more information, please read Town Code Section 26.10.065. Obstruction at corners of intersecting streets.

NOT TO SCALE

## DRIVEWAY VIEW AREA



**Sidewalk Example**



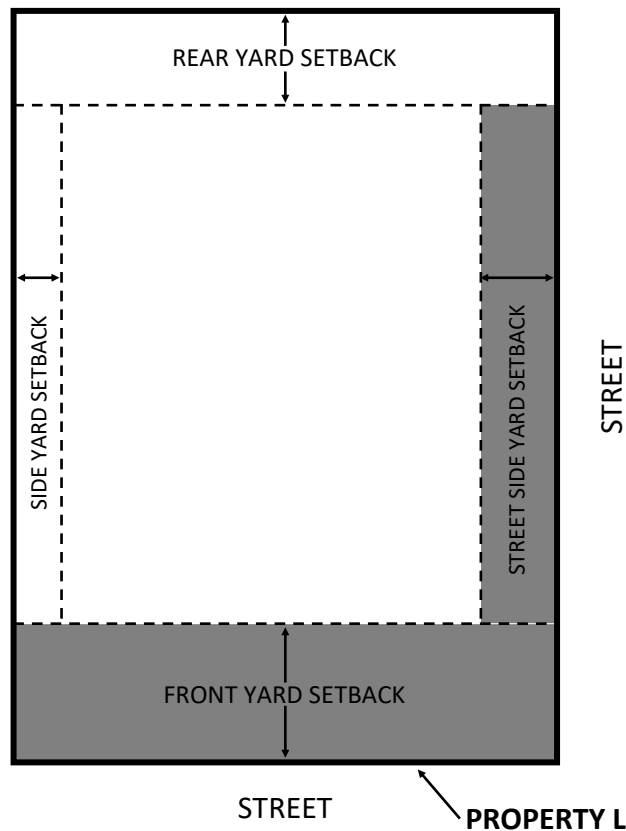
**No Sidewalk Example**

### LEGEND:


 Driveway View Area

NOT TO SCALE

## FRONT AND STREET SIDE YARD AREA



### LEGEND:

 Front and Street Side Yard Area

STREET

PROPERTY LINE

NOT TO SCALE