

**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.