RESOLUTION 2014-040

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS GOVERNING THE DESIGN REVIEW PROCESS AND CLARIFYING THE ROLES AND RESPONSIBILITIES OF THE ARCHITECTURAL CONSULTANT AND RESCINDING RESOLUTION 2002-25

WHEREAS, the Town of Los Gatos Town Council has determined that there is a need to modify the Town's design review process last adopted in 2002; and

WHEREAS, a goal of the Town is to ensure full public and policy maker consideration of design alternatives; and

WHEREAS, the use of an architectural consultant may assist applicants, Town staff, and decision-makers in achieving architectural excellence in designs submitted to the Town for review; and

WHEREAS, architectural consultants have been used in the past and may be engaged by the Town to review the architecture for future development proposals at the expense of project applicants;

WHEREAS, the architectural consultant is qualified to review and critique architecture and may be requested to work with applicants, Town staff and decision makers to provide input on designs which have been submitted to the Town, to answer questions about the submitted design and/or design alternatives, and otherwise serve as a resource to decision makers;

THEREFORE, BE IT RESOLVED by the Town Council that the following policies shall govern the architectural review process:

A. The architectural consultant may review plans upon request by Town staff, the Planning Commission and/or the Town Council and provide input regarding the plan's consistency with applicable design standards and guidelines, specific plans and the General Plan. Staff reports on projects that have been reviewed by the architectural consultant will include any recommendations or alternatives

EXHIBIT 7

presented by the architectural consultant, and any alternative, including the original reviewed design, submitted by the applicant.

B. Town staff, the Planning Commission and the Town Council may consider the architectural consultant's recommendations or alternatives as one of a number of factors used in the consideration of any development project submitted to the Town.

C. Town staff, the Planning Commission and the Town Council may use their independent discretion in evaluating the recommendations of the architectural consultant and may approve any design that meets all applicable Town Design Guidelines, ordinances, specific plans and the General Plan.

D. Whenever possible, the Planning Commission and/or the Town Council should seek to resolve design issues that arise during the hearing by crafting motions to deny, continue with direction to revise, or to approve with appropriate conditions. When necessary, the Planning Commission and/or the Town Council may continue an item to a future meeting and request the presence of the architectural consultant to address specific issues or questions. Any costs associated with the delay and requested presence of the architectural consultant will be paid by the applicant.

PASSED AND ADOPTED at a regular meeting of the Town Council held on the 16th day of June, 2014, by the following vote:

COUNCIL MEMBERS:

AYES: Marcia Jensen, Diane McNutt, Joe Pirzynski, Barbara Spector, Mayor Steven Leonardis

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

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

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ARCHITECTURE PLANNING URBAN DESIGN

April 29, 2014

Ms. Suzanne Avila
Community Development Department
Town of Los Gatos
110 E. Main Street
Los Gatos, CA 95031

RE: 550 Hubbel Way

Dear Suzanne:

Following the last review letter, I met with staff and the applicant to discuss the concerns. This submittal is their response to staff input. My comments and recommendations are as follows:

Neighborhood Context

The site is located on a street with apartment complexes to the east, north and south. A couple of small single-family residences are adjacent to the west. Photographs of the site and surrounding neighborhood are shown below and on the following page.

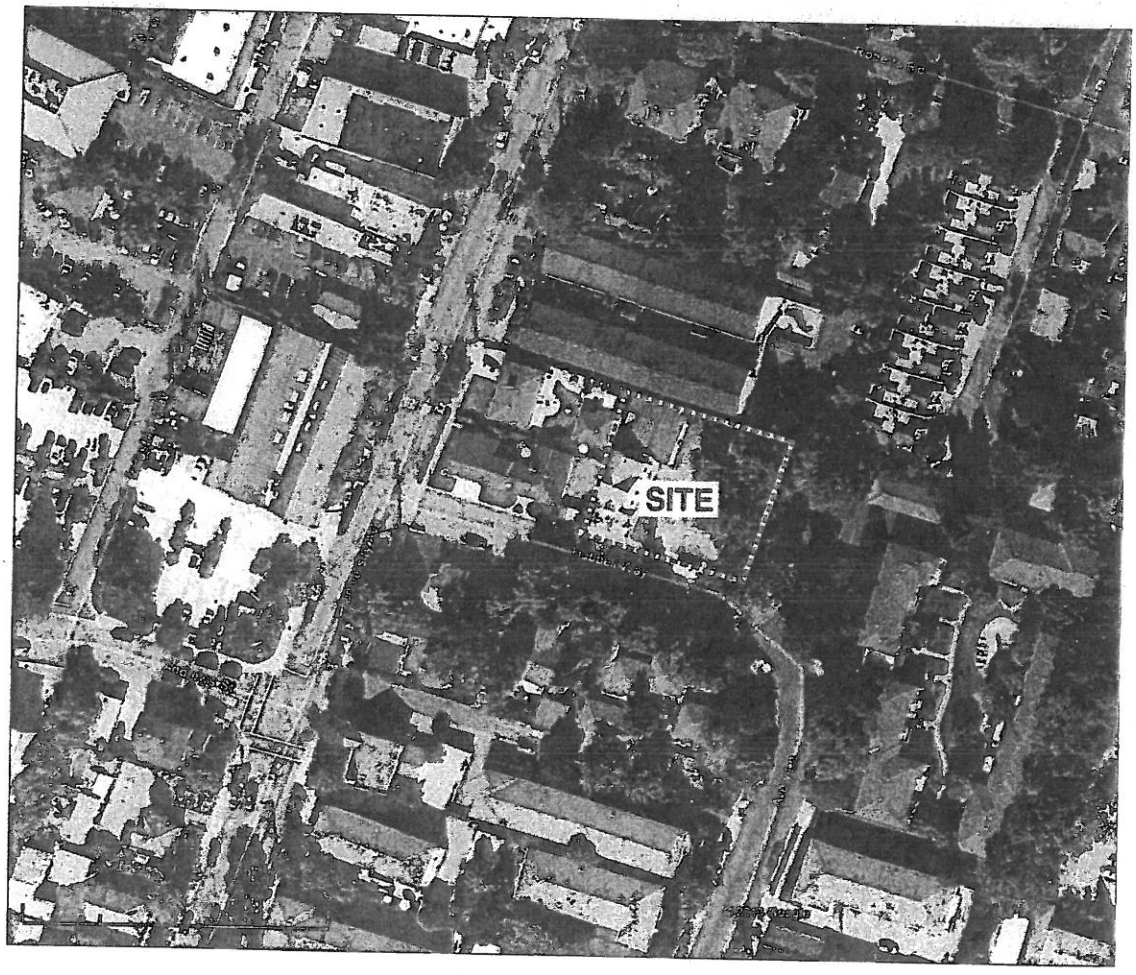
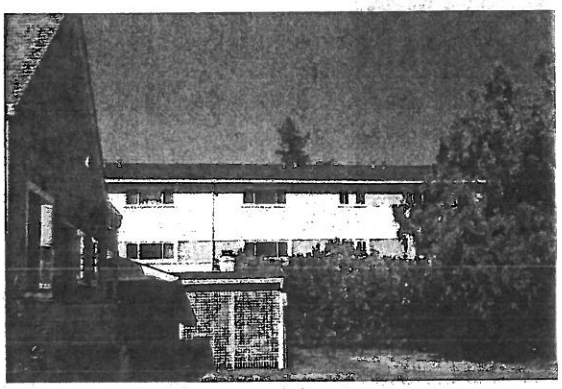
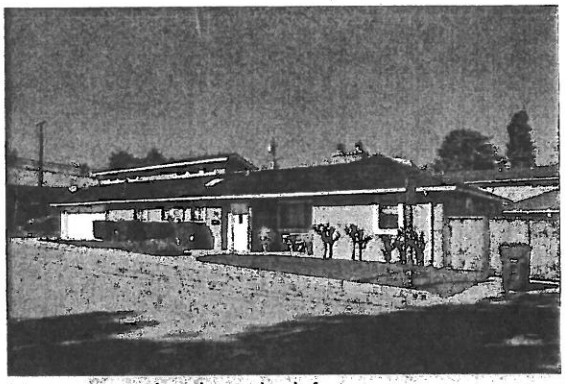


EXHIBIT 8

Site with existing house to be removed

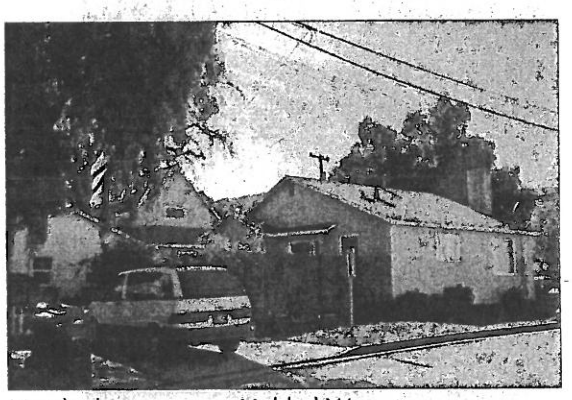


Apartments to the rear of the site



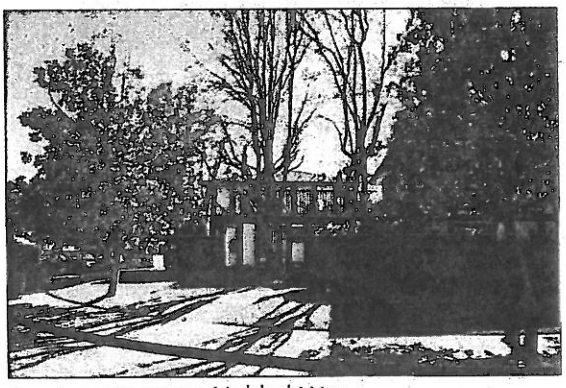
House immediately to the left

Apartment complex immediately to the right



Nearby house across Hubbel Way

House immediately across Hubbel Way



Apartments across Hubbel Way

Nearby apartments on Hubbel Way

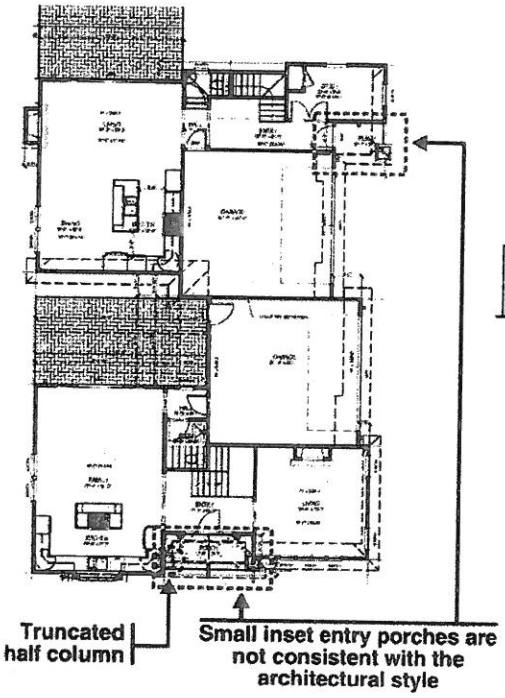
Concerns and Recommendations

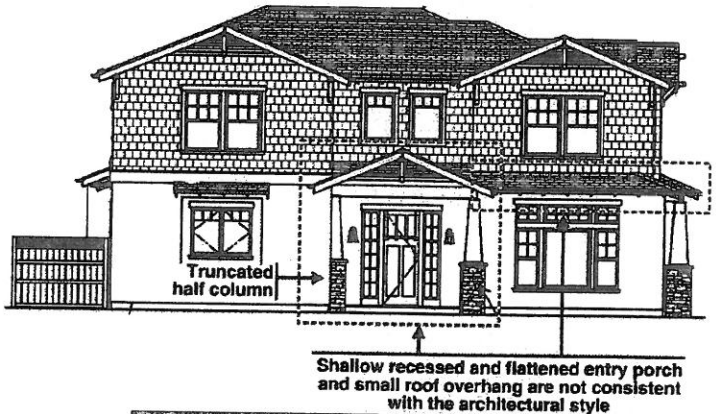
I previously reviewed another four unit plan for this site a little over one year ago. This revised site plan seems to work much better in terms of relating all four units more strongly to the street frontage, and in presenting a cohesive project.

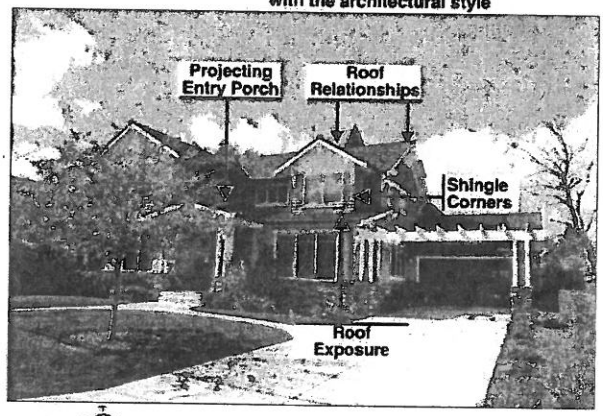
There were, however, a few issues with the previous submittal in March that I found troubling. Overall, the concern was that a set of floor plans were worked out, and then a set of Craftsman Style details grafted onto the structures. The specific concerns which staff recently discussed with the applicant and his architect included the following:

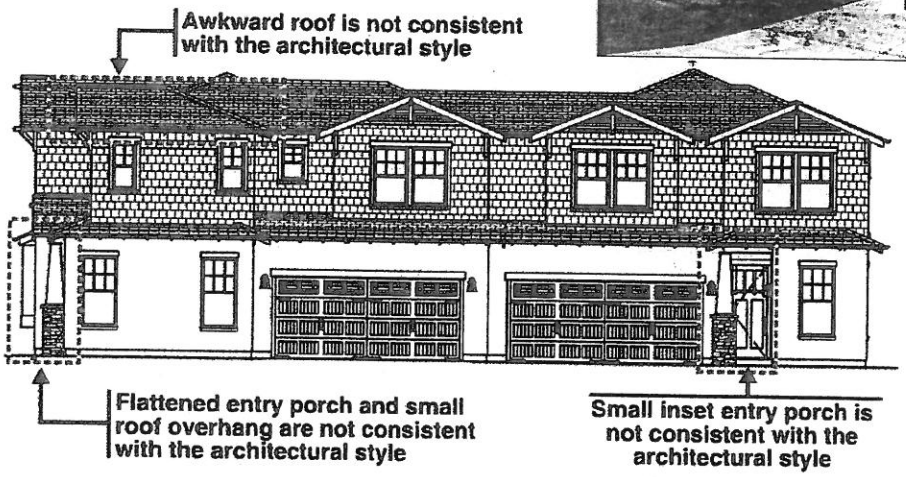
1. The porches facing the street were very small, and recessed into the building form very much unlike the typical Craftsman Style entry.
2. The entries to the rear two units also were small, recessed entry porches which is not consistent with the architectural style.
3. The roof exposure at the second floor line on the street elevations at the auto court entry seemed too small.
4. The top roof adjacent to the auto court entry was very awkward, and not consistent with the architectural style. The proposed design had a gable end facing the street and a very close hip end to the north.

Those concerns were summarized in the illustrations and photo example of one approach example shown below.





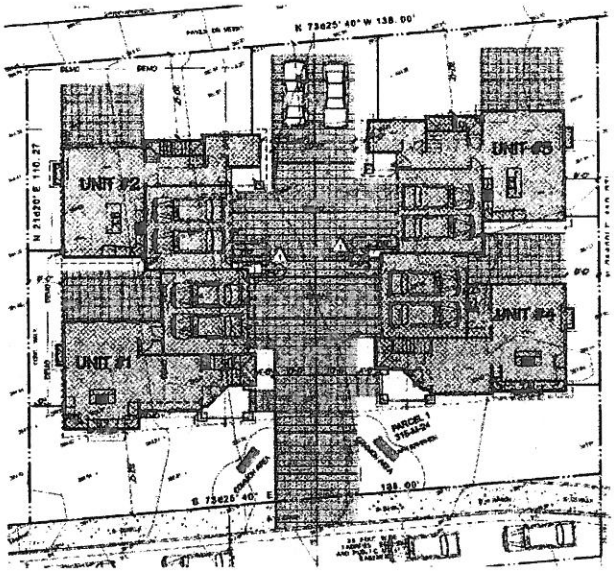


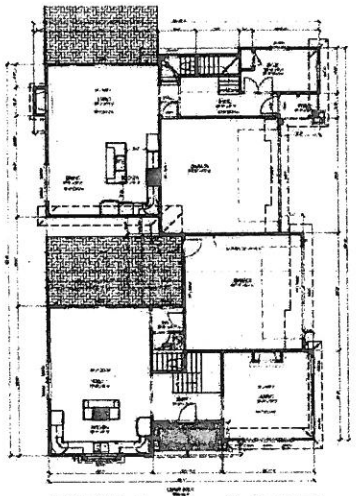


The applicant has responded to the recommendations in the review letter and our subsequent meeting by making the following changes:

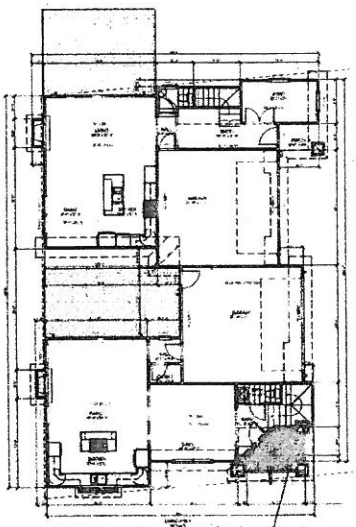
1. Adding a textured, modular paving material for the entire auto court.
2. Increasing the size of the porches, and relocating them to a location adjacent to the auto court.
3. Improving the awkward corner massing and roof conditions at the second floor adjacent to the auto court.

These changes are shown on the new drawings shown below.





PORCH: Previous Submittal



PORCH: Current Submittal

My feeling is that the project has been substantially improved from that submitted in March. I am comfortable with the rear porches being smaller in size than the street-facing porches given the limitations in space necessitated by the attached townhouse product type and the dimensions of the site. However, I am still not convinced that the porches on the front units are meeting the word and spirit of the Town's Residential Design Guidelines 3.10.1 which calls for usable porches. The porch depth, while larger than first proposed, would seem to preclude porch furniture in a comfortable arrangement. And, I am rather uncomfortable with the angled wall at the entry door which encroaches on the available porch space. This arrangement is much less satisfactory than the similar project example in San Mateo shown the applicant at our meeting (see photo below).

Staff and the Planning Commission may wish to discuss this further with the applicant before deciding on the acceptability of the plans presented. Other than that issue, I have no recommendations for changes.

Suzanne, please let me know if you have any questions, or if there are specific issues of concern that I did not address.

Sincerely,
CANNON DESIGN GROUP

Larry L. Cannon

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Public Hearing Item #6 – continued

MOTION: **Motion** by **Council Member Joe Pirzynski** to approve the recommendations as stated in the Staff Report.
Seconded by **Council Member Diane McNutt.**

VOTE: **Motion passed unanimously.**

7. Conditional Use Permit Application U-13-005, Subdivision application M-13-001, Architecture and Site Applications S-13-008 through S-13-011. Property Location: 550 Hubbell Way. Property Owner: 17230 Buena Vista Partners, LLC. Applicant/Appellant: Gregory Howell Consider appeal of Planning Commission decisions denying a request for a conditional use permit for construction of four condominiums on property zoned RM:12-20 APN 529-09-036 **RESOLUTION 2013-043**

Suzanne Avila, Senior Planner, presented the staff report.

Opened the Public Hearing at 7:46 p.m.

Chris Spaulding, Architect
- Represented the appellant and spoke on the project.

Elizabeth McCoy
- Expressed concern about construction traffic and parking.

Chris Wiley
- Expressed concern about noise, privacy, and parking.

Mark DeMattei
- Stated that the applicant will address construction parking concerns.

Closed the Public Hearing at 8:25 p.m.

Council Members discussed the matter.

MOTION: **Motion** by **Council Member Marcia Jensen** to adopt a resolution denying the appeal and upholding the decision of the Planning Commission. **Amendment by Mayor Barbara Spector**: that should the applicant resubmit a new application the applicant will work with staff on a time and materials basis.
Seconded by **Vice Mayor Steven Leonardis.**

VOTE: **Motion passed unanimously.**

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Deborah Ellis, MS

Consulting Arborist & Horticulturist

Service since 1984

ARBORIST REPORT

550 Hubbell Way,
Los Gatos, California

Prepared for:
Suzanne Avila
Town of Los Gatos Community Planning Department
110 E. Main Street
Los Gatos, CA 95031

Prepared by:
Deborah Ellis, MS.
Consulting Arborist & Horticulturist
Registered Consulting Arborist #305, American Society of Consulting Arborists
Board Certified Master Arborist WE-0457B, International Society of Arboriculture
Certified Professional Horticulturist #30022, American Society for Horticultural Science

MARCH 6, 2013

PO Box 3714, Saratoga, CA 95070. 408-725-1357. decah@pacbell.net. http://www.decah.com.

EXHIBIT 10

Deborah Ellis, MS
Consulting Arborist & Horticulturist
Service since 1984

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Cover photo: trees #1, 2, 3, 6, 7 and 8, left to right from across the street on Hubbell Way. All photos in this report were taken by D. Ellis on March 4, 2013.

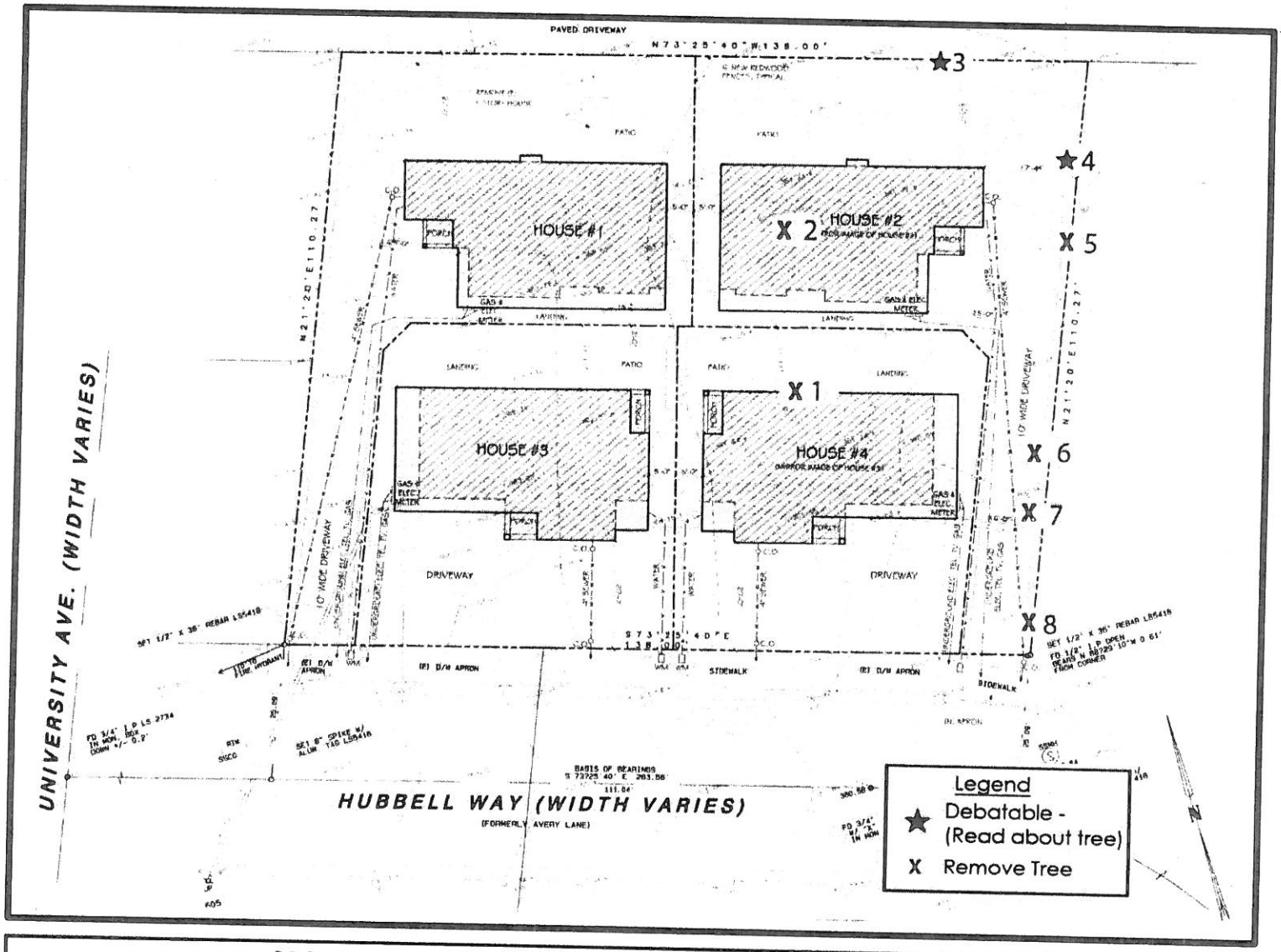
PO Box 3714, Saratoga, CA 95070. 408-725-1357. decah@pacbell.net. http://www.decah.com.

Deborah Ellis, MS

Consulting Arborist & Horticulturist

Service since 1984

TREE MAP



SUMMARY

There are 8 protected *trees*[1] on the project site. These trees are described briefly the *Summary Tree Table 1* (on the next page and in greater detail in the *Complete Tree Table* (Table 2) beginning on page 6. The Complete Tree Table also includes recommendations for reducing construction impact to trees when possible and practical. The **Town of Los Gatos General Tree Protection Directions** are included on pages 20 – 22 for those trees that will be retained on the developed site.

Based upon the plans that I have reviewed for this project:

- **Six trees are proposed to be removed (trees #1, 2, 5, 6, 7 and 8)**
- **Two trees (#3 and 4) are classified as "debatable"** due to factors such as: tree condition, tree species, uncertainty about the extent of construction impact on the tree, or for other reasons. Read more about these trees in the Notes column of the *Complete Tree Table*.

Terms highlighted at their first occurrence in this report are explained in the Glossary on page 22.

[1] For the purpose of this project, a protected tree in Los Gatos as defined in the Los Gatos Town Code, Division 2 Tree Protection, Section 29.10.0960, 12/3/2010 the Scope of Protected Trees is any tree with a 4-inch or greater diameter of any trunk, when removal relates to any review for which zoning approval or subdivision approval is required. Town Street trees of any size are protected. Fruit trees less than 18 inches in trunk diameter are exempt.

TABLE 1 SUMMARY TREE TABLE

Tree #	Common Name	Trunk Diam. @ 3 ft.	Preservation Suitability	Expected Construction Impact	Action	Reason
1	Calif. pepper tree	37	Fair/Poor	Severe	Remove	Construction, Structure
2	Calif. pepper tree	36	Fair/Poor	Severe	Remove	Construction, Structure
3	Red River gum	14	Fair/Poor	Low/Moderate	Debatable	Overall Condition, Nuisance (mess from insect dripping)
4	coast live oak	7	Fair	Moderate/Severe	Debatable	Construction
5	silver wattle	7	Fair/Poor	Moderate/Severe	Remove	Construction
6	silver wattle	3,2,4,5,2,7	Fair/Poor	Severe	Remove	Construction
7	silver wattle	7,6	Poor	Severe	Remove	Construction Structure, Risk,
8	silver wattle	13	Poor	Severe	Remove	Construction, Structure, Risk,

TREES ON NEIGHBORING PROPERTIES

There are trees close to the subject property on the neighboring property to the east. The canopies of these trees do overhang the site somewhat, but their branches are very high and should not interfere with planned construction. These trees are visible behind the subject trees on the project site, in the tree photos on pages 16 through 20. The trunks of these neighboring trees are close to the fence between properties, and so the roots of these trees may be impacted by propose construction. In order to reduce damage to these trees, I advise that the edge of the driveway across from the dripline of any tree within 6 feet of the fence between properties be dug by hand and any roots encountered from these neighboring trees be cut cleanly by hand with appropriate root cutting tools.

RECOMMENDATIONS

1. **For those trees that will be retained on the site, follow the Town of Los Gatos General Tree Protection Directions** on pages 20 – 22 to the greatest extent possible, before site demo and during and after construction. Supplemental Tree Protection Directions that provide more detailed information about specific tasks such as how to deal with tree roots can also be prepared for the project if requested. Such additional directions serve to cover potential gaps in tree protection for the trees that will remain on the site.

2. **Construction or landscaping work done underneath the dripline of existing trees should be done by hand**, taking care to preserve existing roots in undamaged condition as much as possible and cutting roots cleanly by hand when first encountered, when those roots must be removed. A qualified consulting arborist (the project arborist) should supervise all work underneath the dripline of trees. This also applies to trees on neighboring properties whose canopies overhang the work site.

3. **Neighboring trees**: The trunks of a few trees on the adjacent property to the east are close to the fence between properties. The roots of these trees may be impacted by proposed driveway construction. The edge of the driveway across from the dripline of any tree within 6 feet of the fence between properties should be excavated by hand to the maximum depth of the excavation for the driveway. Any roots 2 inches or greater in diameter from these neighboring trees that are growing into the driveway area and must be removed should then be cut cleanly by hand with appropriate root cutting tools.

4. **General Tree Maintenance**: do no unnecessary pruning, fertilization or other tree work. Pre-construction pruning should be limited to the absolute minimum required for construction clearance. In general, trees should be pruned as little as possible. The most important post-construction pruning for this project will be the removal of large dead, cracked or hanging branches over target areas.

5. **The following plans listed in Table 3 on the next page have or have not been reviewed prior to the development of this Arborist Report.** Those plans not reviewed should be reviewed by me; otherwise potential construction impacts to trees may be missed and trees will be exposed to unnecessary damage.

Table 3 Plans Reviewed or not Reviewed

PLAN	DATE	SHEET	REVIEWED	SHOULD REVIEW	NOTES
Existing Site Topographic Map *including existing tree trunk locations*					
Construction Staging					
Demolition					
Proposed Site Layout	2/12/13	A1	X		Includes existing grades and proposed underground utilities.
Grading/Drainage				X	
Underground Utility					
Site & Building Sections					
Erosion Control					
Building Exterior Elevations	2/12/13	A4,5	X		
Roof					
Shadow Study	2/12/13	A2	X		
Construction Details *that would affect trees (for example building foundations, pavement installation including sub-grade preparation, underground utility installation)*				X	
Landscape Planting				X	
Irrigation Plan				X	
Landscape & Irrigation Details				X	

APPENDIX

TABLE 4 COMPLETE TREE TABLE

Explanation of the data fields is included on pages 9 to 13. This Table is continued through page 9.

Tree #	Species & Common Name	Trunk Diam. @ 3 ft.	Size	CONDITION		Preservation Suitability	Val	Expected Construction Impact	Action	Reason	Notes	ROOT PROTECTION DISTANCES		
				vigor	structure							3xDBH	5xDBH	OTPZ
1	*Schinus molle*, Calif. pepper tree	37	35x30	80	50	Fair/Poor	$8,900	Severe	Remove	Construction /Structure	Construction: within/at edge of proposed house #4. Condition: a past large scaffold branch failure plus other smaller branch failures have led to a central column of decay in the trunk.	9	15	55
2	Calif. pepper tree	36	42*40	80	50	Fair/Poor	$8,500	Severe	Remove	Construction/ Structure	Construction: within proposed house #2. Condition: several large scaffold branch failures have left long branches with decayed ends.	9	15	53
3	*Eucalyptus camaldulensis*, Red River gum	14	50*30	50	50	Fair/Poor	$200	Low/Moderate	Debatable	Overall Condition	Construction: 12.5 feet from edge of proposed driveway/parking and 19 feet from house wall. There is a gap in the fence between the project site and the adjacent site to the North, to accommodate the trunk. Condition: canopy is very sparse due to infestation of *Eucalyptus lerp psyllid* (an insect pest that	3	6	10

Tree #	*Species* & Common Name	Trunk Diam. @ 3 ft.	Size	CONDITION		Preservation Suitability	Val	Expected Construction Impact	Action	Reason	Notes	ROOT PROTECTION DISTANCES		
				vigor	structure							3xDBH	5xDBH	OTPZ
											feeds on the foliage of this tree species and can cause premature leaf drop). This may be a problem in the future because this insect secretes a fluid that accumulates and causes a sticky mess on objects below such as cars and pavement. For this reason and the fact that this tree is not in good condition, it would not be unreasonable to remove the tree, although it does provide some nice screening between properties. The University of California has released and recovered selective wasp parasites that attack this insect in the San Francisco Bay Area. Because of this, tree condition may improve over time if the wasps become established in this particular tree. Live foliage was too high for me to sample, so I could not tell if the wasp is present. It will be important not to spray or in any way treat this tree with insecticides, which may kill the wasp and disrupt any potential biological control.			

Tree #	Species & Common Name	Trunk Diam. @ 3 ft.	Size	CONDITION		Preservation Suitability	Val	Expected Construction Impact	Action	Reason	Notes	ROOT PROTECTION DISTANCES		
				vigor	structure							3xDBH	5xDBH	OTPZ
4	*Quercus agrifolia*, coast live oak	7	20*12	60	50	Fair	$990	Moderate/Severe	Debatable	Construction	Construction: the edge of the proposed driveway looks like it will be 2 feet from the trunk, and with a 6 to 12 inch over-excavation beyond the edge (toward the tree) this could bring the excavation within a foot of the trunk. Even if the tree survives it is likely to cause pavement damage in the future. My advice is to move the driveway so that is flush with the house, and eliminate the planter area between house and driveway. This will provide more ground space for this tree to grow normally, and will reduce future pavement damage. The tree could also be transplanted elsewhere.	2	3	4
5	*Acacia dealbata*, silver wattle	7	30*20	80	60	Fair/Poor	$1,260	Moderate/Severe	Remove	Construction	Construction: trunk is within a few feet of proposed driveway; shown as Remove on the Site Plan. I agree. Not a good tree for this location.	2	3	5
6	silver wattle	3,2,4, 5,2,7	45*25	80	50	Fair/Poor	$240	Severe	Remove	Construction	Construction: within proposed driveway. Condition: stump sprout.	4	6	11

Tree #	Species & Common Name	Trunk Diam. @ 3 ft.	Size	CONDITION		Preservation Suitability	Val	Expected Construction Impact	Action	Reason	Notes	ROOT PROTECTION DISTANCES		
				vigor	structure							3xDBH	5xDBH	OTPZ
7	silver wattle	7,6	40*35	80	40	Poor	$100	Severe	Remove	Structure, Risk, Construction	Construction: within proposed driveway. Condition: leans 45 degrees toward site. Cracks in both trunks opposite lean.	2	4	7
8	silver wattle	13	25*30	70	40	Poor	$160	Severe	Remove	Structure, Risk, Construction	Construction: less than 2 feet from edge of driveway. Condition: leans 45 degrees toward street and project site driveway. Soil is heaving opposite lean -- tree may be in the process of failing.	3	5	13

EXPLANATION OF TREE TABLE DATA COLUMNS:

1) **Tree Number** (the field tag number of the existing tree). Each existing tree in the field is tagged with a 1.25 inch round aluminum number tag that corresponds to its tree number referenced in the arborist report, Tree Map, Tree Protection Specifications and any other project plans where existing trees must be shown and referenced.
2) **Tree Name and Type:**

   Species: The *Genus* and *species* of each tree. This is the unique scientific name of the plant, for example *Quercus agrifolia* where *Quercus* is the Genus and *agrifolia* is the species. The scientific names of plants can be changed from time to time, but those used in this report are from the most current edition of the Sunset Western Garden Book (2012) Sunset Publishing Corporation. The scientific name is presented at its first occurrence in the Tree Table, along with the regional common name. After that only the common name is used.

3) **Trunk diameter (at 3 feet above the ground).** This is the trunk diameter measurement height required by the Town of Los Gatos, in lieu of DBH[2]. For multi-trunk trees, trunk diameter is measured for the largest trunk and estimated for all smaller trunks.
4) **Size**: tree size is listed as height x width in feet, estimated and approximate and intended for comparison purposes.
5) **Condition Ratings**: Trees are rated for their *condition* on a scale of *zero to 100* with zero being a dead tree and 100 being a perfect tree (which is rare – like a supermodel in human terms). A 60 is "average" (not great but not terrible either). There are two components to tree condition – ***vigor*** and ***structure***, and each component is rated separately. Averaging the two components is not useful because a very low rating for either one could be a valid reason to remove a tree from a site -- even if the other component has a high rating. Numerically speaking for each separate component:

- **100** is equivalent to *Excellent* (an `A' academic grade), **80** is *Good* (B), **60** is *Fair* (C), **40** is *Poor* (D), **20** is *Unacceptable* (F) and **0** is *Dead*.

Relative to the scope of work for this report, tree condition has been rated but not explained in detail and recommendations for the management of tree condition have not been included. The tree owner may contact Deborah Ellis for additional information on tree condition and specific recommendations for the general care of individual trees relative to their condition.

The condition of the tree is considered relative to the tree species and present or future intended use of the site to provide an opinion on the tree's Preservation Suitability Rating (i.e. "Is this tree worth keeping on this site, in this location, as explained in Table 5 below and on the next page. This is based upon the scenario that the tree is given enough above and below-ground space to survive and live a long life on the site. Ratings such as "Fair/Good" and "Fair/Poor" are intermediate in nature. The Preservation Suitability rating is not always the same as the Condition Rating because (for example) some trees with poor condition or structure can be significantly improved with just a small amount of work – and it would be worthwhile to keep the tree if this were done.

Table 5 Preservation Suitability Rating Explanation *(continued on the next page)*

Excellent	Such trees are rare but they have unusually good health and structure and provide multiple functional and aesthetic benefits to the environment and the users of the site. These are great trees with a minimum rating of "Good" for both vigor and structure. Equivalent to academic grade `A'.
Good	These trees may have some minor to moderate structural or condition flaws that can be improved with treatment. They are not perfect but they are in relatively good condition and provide at least one significant functional or aesthetic benefit to the environment and the users of the site. These are better than average trees equivalent to academic grade `B'.

[2] DBH is tree trunk diameter in inches "at breast height", measured at 4.5 feet above ground level. This is the forestry and arboricultural standard measurement height that is also used in many tree-related calculations.

Table_ Preservation Suitability Rating Explanation *(continued from the previous page)*

Fair	These trees have moderate or greater health and/or structural defects that it may or may not be possible to improve with treatment. These are "average" trees – not great but not so terrible that they absolutely should be removed. The majority of trees on most sites tend to fall into this category. These trees will require more intensive management and monitoring, and may also have shorter life spans than trees in the "Good" category. Retention of trees with moderate suitability for preservation depends upon the degree of proposed site changes. Equivalent to academic grade `C'.
Poor	These trees have significant structural defects or poor health that cannot be reasonably improved with treatment. These trees can be expected to decline regardless of management. The tree species themselves may have characteristics that are undesirable in landscape settings or may be unsuitable for high use areas. I do not recommend retention of trees with low suitability for preservation in areas where people or property will be present. Equivalent to academic grade `D'.
None	These trees are dead and are not suitable for retention in their location. In certain settings however, (such as wilderness areas, dead trees are beneficial as food and shelter for certain animals and plants including decomposers. Equivalent to academic grade `F'.

14. **Value**: Tree monetary appraisal is based upon: (1) Cost of Installation plus (2) its increase in value over a container-size tree if a larger size tree being appraised. This value is then adjusted according to: (a) *Species* (according to regional published species ratings), (b) *Condition* of the tree, and (c) *Location* of the tree (an average of the sub-categories of *Site*, *Contribution* and *Placement)*. The methodology and calculations for the Trunk Formula Method are taken from two industry standard texts – The Guide for Plant Appraisal, 9th edition, 2000, edited by the Council of Tree & Landscape Appraisers and published by the International Society of Arboriculture, and the Species Classification and Group Assignment, 2004, published by the Western Chapter of the International Society of Arboriculture. The cross-sectional trunk diameter price presented in this text has been adjusted slightly downward to match the current actual average wholesale cost of a 24-inch box nursery tree in this area. Note that the values produced for this report are meant for reference only and may not reflect the true value of the tree that could be calculated by a thorough and more detailed analysis of each individual tree.

15. Caveats regarding tree values: The values in this report have not been subjected to a "reasonableness test" which compares the value of trees and landscaping to the total value of the property. The values in the report were calculated quickly and are intended to be approximate and for reference only. Research on tree and landscape values has shown that landscaping can contribute up to 20% of the total property value. In some cases however, tree appraisals have produced tree values that exceed the value of the entire property. Performing a reasonableness test screens for this error. For certain trees in this report I have decreased or increased tree values when I felt that the calculated values were too high or too low.

16. *The Trunk Formula Method is* used for trees that are too large for practical replacement with a similar size nursery container-grown tree. This method applies to trees with trunk diameters that are larger than 8-inches, measured at 12 inches above the ground. For the purpose of this report, all trees with trunk diameters of 8 inches or greater measured at DBH (4.5 feet above the ground) are appraised by this method.

17. *The Replacement Cost Method* is used for smaller trees with trunk diameters up to 4-inches in diameter measured at 12 inches above the ground. This is generally equivalent to a 48-inch box-size tree. The replacement cost for such a tree shall be the average wholesale cost of the tree multiplied by two to include transportation to the site, planting and other costs. This price is then adjusted (usually downward) based upon the Condition ratings percentages for the appraised tree. For the purpose of this report, all trees with trunk diameters of 7 inches or less measured at DBH (4.5 feet above the ground) are appraised by this method. The following cost basis is used (based upon wholesale tree prices from Boething Treeland Nursery, Portola Valley, 1/5/2013):

Trunk DBH	Replacement tree size	Replacement Tree Wholesale Cost x 2 (for installation, etc.)
<1" to 1"	15 gallon	$50 x 2 = $100
2-3"	24" box	$150 x 2 = $300
4-5"	36" box	$400 x 2 = $800
6-7"	48" box	$900 x 2 = $1800

18. Tree values for tree protection bonds: Prior to commencing work, the tree-regulating authority may require that the contractor furnish a bond equal to some portion of the total appraised value of the trees on the site based upon the values presented in the Arborist Report. Bond money will be returned to the contractor upon the completion of the project with deductions or additional fines imposed based upon tree protection compliance and the final condition of the trees. Tree values are often used to establish a benchmark amount to fine the contractor if non-compliance with the Tree Protection Specifications or other negligence causes a subject tree to be removed or unnecessarily damaged. The full value amount should be charged to the contractor if a tree is damaged to the degree that it must be removed. A portion of the value of the tree plus any necessary remediation costs, as determined by the tree owner, should be charged to the contractor if the tree is damaged but does not have to be removed.

19. **Action (Disposition):**
    - ***Save***
    - ***Remove*** (based upon tree condition, preservation suitability, expected impact of construction, poor species for the site or any combination of these factors).
    - ***Debatable:*** More information is needed about the tree before a final recommendation can be made to save or remove it. Please read about the tree in the *Notes* column of the Complete Tree Table.

20. **Reason** (for tree removal or to explain why a tree is listed as "Debatable" or "Uncertain"). Multiple reasons may be provided, with the most significant reason listed first. Reasons can include but are not limited to:
    - ***Construction*** (excessive construction impact is unavoidable and it is not worthwhile to try and save the tree)
    - ***Condition*** (e.g. poor tree condition – either *vigor*, *structure* or both)
    - ***Landscaping*** (the tree is being removed because it does not fit in with or conflicts with proposed new landscaping)
    - ***Species*** (the tree is a poor species for the use of the site)
    - ***Risk*** (the tree presents moderate to excessive risk to people or property that cannot be sufficiently mitigated)

21. **Notes:** This may include any other information that would be helpful to the client and their architects and contractors within the scope of work for this report, such as a more detailed explanation of tree condition or expected construction impact. When reasonable, methods of reducing construction impact (including design changes) are presented here.

22. **Tree Protection Distances** *(See page 15).*
    a. Root Protection:
        - **3 and 5xDBH**: Both the 3 and 5xDBH distances are listed for each tree. For multi-trunk trees 100% of the DBH of the largest trunk is added to 50% of the DBH for all other trunks in order to compute the operational DBH to use for these the Tree Protection Distance calculations.
        - **OTPZ (Optimum Tree Protection Zone)**: This is calculated as per the text, *Trees & Development*, Matheny et al., International Society of Arboriculture, 1998. This method takes into account tree age and the particular tree species tolerance of root disturbance. Because it may not be possible to maintain the OPTZ distance recommended for trees on many projects due to crowded site conditions, the Arborist may omit this requirement and list only the 3 and 5xDBH distances.
    b. Canopy Protection: Additional space beyond root zone protection distances may be necessary for canopy protection.

SUPPORTING INFORMATION

PURPOSE & USE OF REPORT

This survey and report was required by the Town of Los Gatos as a part of the building permit process for this project. The purpose of the report is to identify and describe the existing protected trees on site - - their size, condition and suitability for preservation. The audience for this report is the property owner, developer, project architects and contractors, and Town of Los Gatos authorities concerned with tree preservation and tree removal. The goal of this report is to preserve the existing protected trees on site that are in acceptable condition, are good species for the area and will fit in well with the proposed new use of the site.

METHODOLOGY

I performed a basic evaluation of the subject trees on March 4, 2013. Tree characteristics such as form, weight distribution, foliage color and density, wounds and indicators of decay were noted. Surrounding site conditions were also observed. Evaluation procedures were taken from:

- *Guide for Plant Appraisal*, 9th edition, 2000, authored by the Council of Tree and Landscape Appraisers (CTLA) and published by the International Society of Arboriculture (ISA).
- *Species Classification and Group Assignment* published by the Western Chapter of the International Society of Arboriculture (WCISA), 1992.
- *Tree Hazard Evaluation Form* taken from *Evaluation of Hazard Trees in Urban Areas*, 2nd Ed., Matheny & Clark, International Society of Arboriculture, 1994.

The above three references serve as industry professional standards for tree and landscape evaluations.

I measured the trunk diameter of each tree with a diameter tape at 3 feet above the ground, which is the required trunk diameter measurement height of the Town of Los Gatos. Trunk diameter was extrapolated to *DBH* (diameter at breast height, 4.5 feet above the ground) because DBH is also used calculate tree protection distances and other tree-related factors. The DBH figure is not included in the Tree Tables, but I have used it to estimate construction impacts to trees. Trunk diameter was rounded to the nearest inch. I estimated the tree's height and canopy spread. Tree *Condition* (structure and vigor) was evaluated and I also recorded additional notes for trees when significant. Tree species and condition considered in combination with the current or (if applicable) proposed use of the site yields the *Tree Preservation Suitability* rating. The more significant trees (or groups of trees) were photographed with a digital camera. Some of these photos are included in this report, but all photos are available from me by email if requested.

OBSERVATIONS

SITE CONDITIONS

There is an older, single-story building on the west half of the site which is a Senior Center. Just to the west of this building the remainder of the site (containing the eight subject trees) may be used as a parking area. Site topography is generally level. Sun exposure for the trees varies from full to partly shaded, depending upon proximity to other trees. There does not seem to be any irrigation in the vicinity of the subject trees. Landscape maintenance is of a low level.

Deborah Ellis, MS

Consulting Arborist & Horticulturist

Service since 1984

TREE PROTECTION DISTANCES

3 TO 5 X DBH

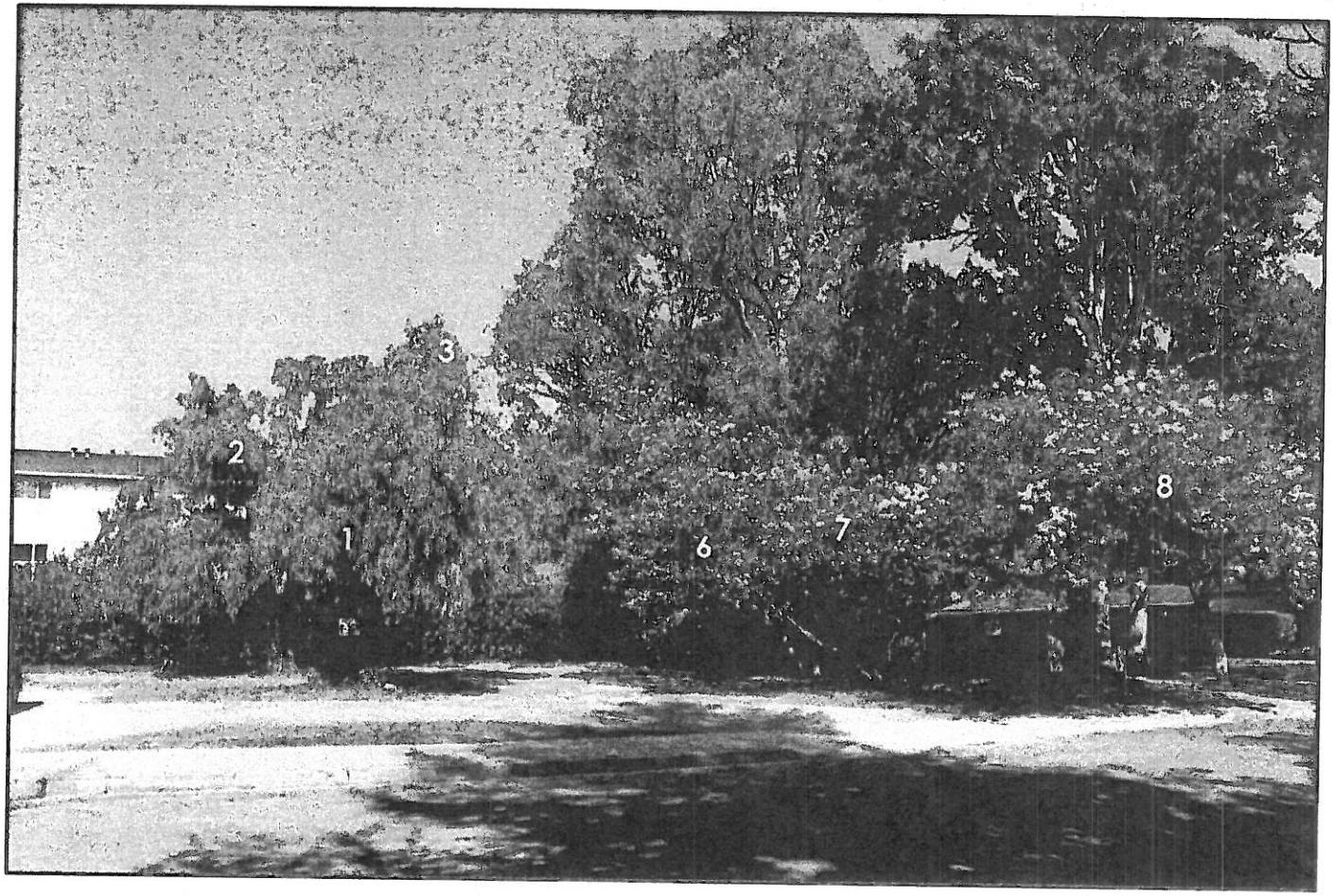
No one can estimate and predict with absolute certainty how far a soil disturbance such as an excavation must be from the edge of the trunk of an individual tree to affect tree stability or health at a low, moderate or severe degree -- there are simply too many variable involved that we cannot see or anticipate. 3xDBH however, is a reasonable "rule of thumb" minimum distance (in feet) any excavation should be from the edge of the trunk *on one side of the trunk.* This is supported by several separate research studies including (Smiley, Fraedrich, & Hendrickson 2002, Bartlett Tree Research Laboratories. *DBH* is trunk "diameter at breast height" (4.5 feet above the ground). This distance is often used during the design and planning phases of a construction project in order to estimate root damage to a tree due to the proposed construction. It tends to correlate reasonably well with the *zone of rapid taper*, which is the area in which the large *buttress roots* (main support roots close to the trunk) rapidly decrease in diameter with increasing distance from the trunk. For example, using the 3X DBH guideline an excavation should be no closer than 4.5 feet from the trunk of an 18-inch DBH tree. Such distances are guidelines only, and should be increased for trees with heavy canopies, significant leans, decay, structural problems, etc. It is also important to understand that in actual field conditions we often find that much less root damage occurs than was anticipated by the guidelines. 3xDBH may be more of an aid in preserving tree stability and not necessarily long-term tree health. 5X DBH or greater is the "preferred" minimum distance which should be strived for, and this distance or greater should probably be used when there are multiple trenches on more than one side of the trunk. The roots beyond the zone of rapid taper form an extensive network of long, rope-like roots one to two inches in diameter. These woody perennial roots are referred to as *transport roots* because they function primarily to transport water and minerals. Maintaining a 5xDBH tree protection zone or greater around a tree will preserve more of these transport roots, which will have less of an impact on tree health than if the excavation were closer to the trunk.

OTPZ (OPTIMUM TREE PROTECTION ZONE)

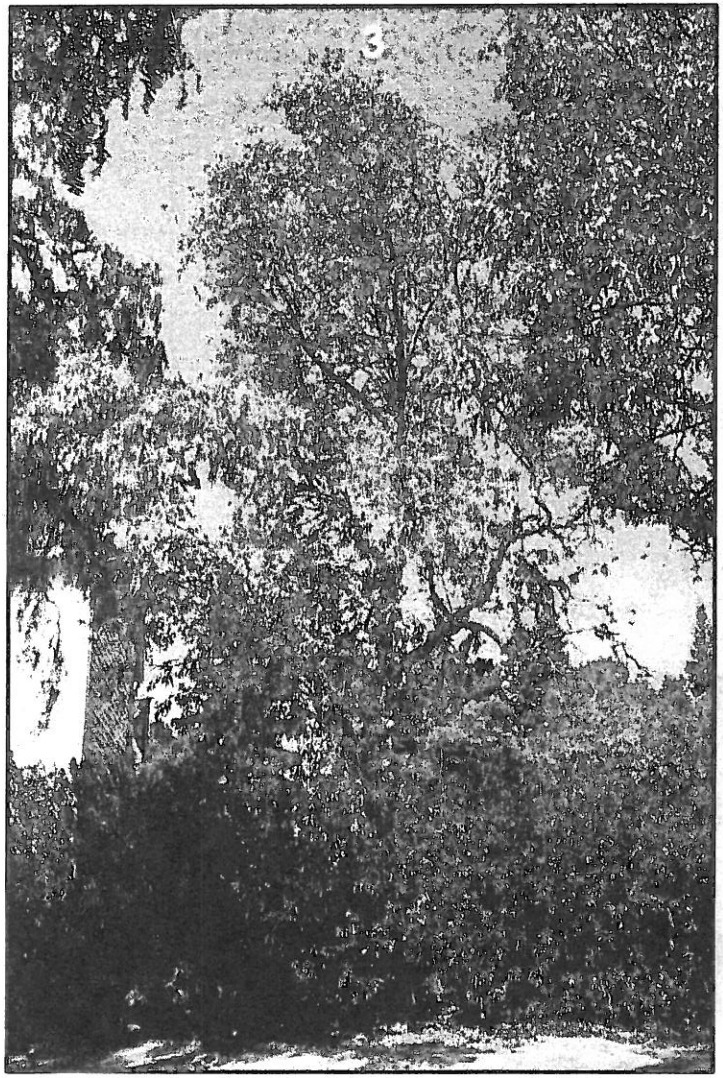
OTPZ is the distance in feet from the trunk of the tree, all around the tree, that construction or other disturbance should not encroach within. If this zone is respected, then chances of the tree surviving construction disturbance are very good. This method takes into account tree age, DBH and the particular species tolerance to root disturbance. Although there are no scientifically based methods to determine the minimum distance for construction (for example, root severance) from trees to assure their survival and stability, there are some guidelines that are often used in the arboricultural industry. The most current guideline comes from the text, Trees & Development, Matheny et al., International Society of Arboriculture, 1998. The tree protection zone calculation method in this text was used to obtain the OTPZ's provided in this report. Due to the crowded, constrained nature of many building sites it is often not be possible to maintain the OPTZ distance recommended for many of the trees -- therefore I have also listed alternate distances of 3 and 5X DBH *(see paragraph above).*

TREE PHOTOS

California pepper trees #1 and 2, right to left. Note the two large Red River gum Eucalyptus trees in the background, growing on the neighboring property to the west.

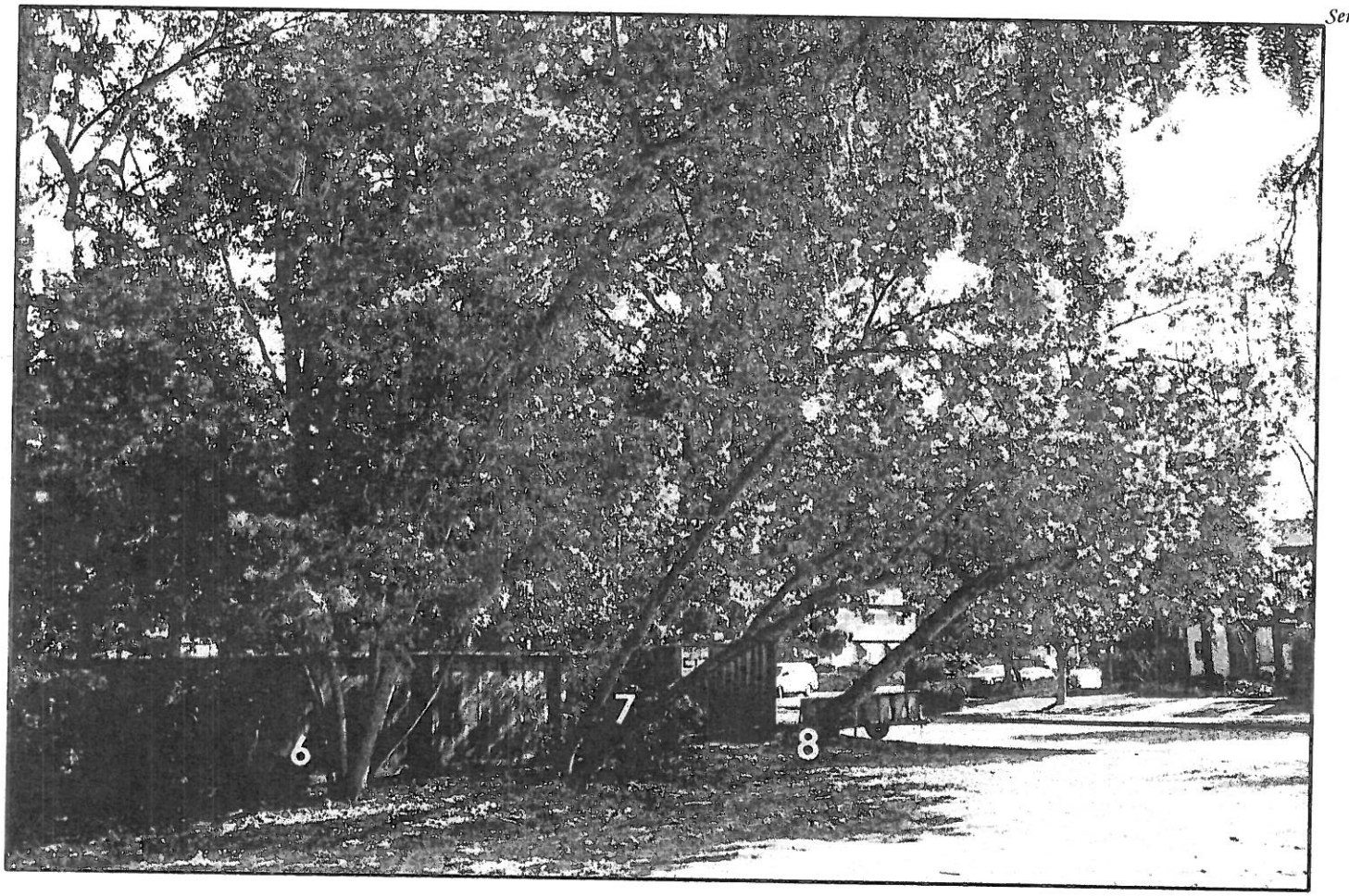


Most of the subject trees are visible in this photo. From left to right, **California pepper trees #2 and #1**, **Red River gum #3** in the background, and **silver wattle acacias #6, 7 and 8**.



Left photo: Red River gum #3 along the North property line, near the Northwest corner.

Right photo: small **coast live oak #4** and **silver wattle acacia #5**. The larger tree in the background between these two trees is on neighboring property to the east.



Silver wattle acacia #6 through 8, left to right, along the east property perimeter near Hubbell Way. These trees lean toward the site and away from adjacent trees on the neighboring property.

LOS GATOS GENERAL TREE PROTECTION DIRECTIONS

Note that the following is excerpted from* Division 2 *(Tree Protection) of the Los Gatos Town Code and does not constitute the complete Division 2 text. The owner/applicant is responsible for implementing all pertinent requirements of the Code relative to tree protection.

Sec. 29.10.1000 New Property Development

(1) The final approved Tree Preservation Report shall be included in the building permit set of development plans and printed on a sheets titled: Tree Preservation Instruction (Sheet T-1, T-2, etc.). These Sheets shall be referenced on all relevant sheets (civil, demolition, utility, landscape, irrigation) where tree impacts from improvements may be shown to occur.

(3.b.) The site or landscape plans shall indicate which trees are to be removed. However, the plans do not constitute approval to remove a tree until a separate permit is granted. The property owner or applicant shall obtain a protected tree removal permit, as outlined in section 29.10.0980 for each tree to be removed to satisfy the purpose of this definition.

(3.e.) Protective fencing inspection: Prior to issuance of any demolition, grading or building permit, the applicant or contractor shall submit to the building department a written statement verifying that the required tree protection fence is installed around street trees and protected trees in accordance with the Tree Preservation Report.

(3.g.) An applicant with a proposed development which requires underground utilities shall avoid the installation of said utilities within the dripline of existing trees whenever possible. In the event that this is unavoidable, all trenching shall be done using directional boring, air-spade excavation or by hand, taking extreme caution to avoid damage to the root structure. Work within the dripline of existing trees shall be supervised at all times by a certified or consulting arborist.

Section 29.10.1005 Protection of Trees During Construction

a) Protective tree fencing shall specify the following:
1) **Size and materials**: A five (5) or six (6) foot high chain link fencing, mounted on two-inch diameter galvanized iron posts, shall be driven into the ground to a depth of at least two (2) feet at no more than 10-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
2) **Area type to be fenced**. Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence

around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with 2-inch wooden boards bound securely on the outside. Caution shall be used to avoid damaging any bark or branches.
3) **Duration of Type I, II, III fencing.** Fencing shall be erected before demolition, grading or construction begins and remain in place until final landscaping is required. Contractor shall first obtain the approval of the project arborist on record prior to removing a tree protection fence.
4) **Warning sign.** Each tree fence shall have prominently displayed an 8.5 x 11-inch sign stating: "Warning—Tree Protection Zone-this fence shall not be removed and is subject to penalty according to Town Code 29.10.1025".

b) All persons, shall comply with the following precautions:
1) **Prior to the commencement of construction, install the fence** at the dripline, or tree protection zone (TPZ) when specified in an approved arborist report, around any tree and/or vegetation to be retained which could be affected by the construction and prohibit any storage of construction materials or other materials or vehicles inside the fence. The dripline shall not be altered in any way so as to increase the encroachment of the construction.
2) **Prohibit excavation, grading, drainage and leveling within the dripline of the tree** unless approved by the director.
3) **Prohibit disposal or depositing of oil, gasoline, chemicals or other harmful materials within the dripline of or in** drainage channels, swales or areas that may lead to the dripline of a protected tree
4) **Prohibit the attachment of wires, signs or ropes** to any protected tree.
5) **Design utility services and irrigation lines** to be located outside of the dripline when feasible.
6) **Retain the services of the certified or consulting arborist for periodic monitoring** of the project site and the health of those trees to be preserved. The certified or consulting arborist shall be present whenever activities occur that pose a potential threat to the health of the trees to be preserved.
7) **The director and project arborist shall be notified of any damage that occurs** to a protected tree during construction so that proper treatment may be administered.

Section 29.10.1010 Pruning and Maintenance

All pruning of protected trees shall be consistent with the current edition of Best Management Practices – Tree Pruning, established by the International Society of Arboriculture (ISA) and any special conditions as determined by the Director. For developments, which require a tree preservation report, a certified or consulting arborist shall be in reasonable charge of all activities involving protected trees including cabling, and fertilizing if specified.

GLOSSARY

1) **Arborist, Qualified Consulting**: must be either an International Society of Arboriculture (ISA) Board-Certified Master Arborist or an American Society of Consulting Arborists (ASCA) Registered Consulting Arborist that has sufficient knowledge and experience to perform the specific work required.
2) **Basic Evaluation of Trees**: A visual evaluation of the tree from the ground, without climbing into the tree or performing detailed tests such as extensive digging, boring or removing samples. This is an initial screening of the tree after which the evaluator may recommend that additional, more detailed examination(s) be performed.
3) **Dripline**: the area under the total branch spread of the tree, all around the tree. Although tree roots may extend out 2 to 3 times the radius of the dripline, a great concentration of active roots is often in the soil directly beneath this area. The dripline is often used as an arbitrary "tree protection zone".
4) **Scaffold branch**: a primary structural branch arising from the trunk of a tree. Usually the largest and often the lowest branches of the tree.
5) **Stump sprout trees** are the result of a tree trunk being cut down to a short stump close to the ground. If the tree survives, it sends out many small shoots (suckers) from around the cut stump. Some of these suckers may survive and grow to become significant trunks. These trunks are spaced very close together and usually have included bark between them, which reduces the strength of their union. Such trunks are prone to failure. Stump sprout trees can be very structurally unsound, particularly as they become large and old. There is often a great deal of decay associated with the mother stump, which can also reduce mechanical stability.

ASSUMPTIONS & LIMITATIONS

1) **Tree locations** were provided by an unknown party and are shown on the Tree Map on page 1 of this report. The tree map is a reduced partial copy of the Proposed Site Plan (sheet A1)that I was given. Tree locations are assumed to be accurate but should be verified in the field.
2) **The measures noted within this report** are designed to assist in the protection and preservation of the trees mentioned herein, should some or all of those trees remain, and to help in their short and long term health and longevity. This is not however; a guarantee that any of these trees may not suddenly or eventually decline, fail, or die, for whatever reason. Because a significant portion of a tree's roots are usually far beyond its dripline, even trees that are well protected during construction often decline, fail or die. Because there may be hidden defects within the root system, trunk or branches of trees, it is possible that trees with no obvious defects can be subject to failure without warning. The current state of arboricultural science does not guarantee the accurate detection and prediction of tree defects and the risks associated with trees. There will always be some level of risk associated with trees, particularly large trees. It is impossible to guarantee the safety of any tree. Trees are unpredictable.
3) **Loss or alteration of any part of this report** invalidates the entire report.
4) **Unless expressed otherwise**:
   a) **Information contained in this report covers only** those items that were examined and reflects the condition of those items at the time of inspection.
   b) **The inspection is limited to visual examination** of accessible items without dissection, excavation, probing or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

I certify that the information contained in this report is correct to the best of my knowledge, and that this report was prepared in good faith. Thank you for the opportunity to provide service again. Please call me if you have questions or if I can be of further assistance.

Sincerely,

Deborah Ellis

Deborah Ellis, MS.
Consulting Arborist & Horticulturist
Certified Professional Horticulturist #30022
ASCA Registered Consulting Arborist #305
I.S.A. Board Certified Master Arborist WE-457B

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