



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION STAFF REPORT**  
**Meeting Date: August 27, 2014**

**ITEM NO: 3**

PREPARED BY: Jennifer L. Savage, Senior Planner  
[jsavage@losgatosca.gov](mailto:jsavage@losgatosca.gov)

APPLICATION NO.: Tree Removal Permit Application T14-070

LOCATION: **16570 Garden Lane** (southeast side of Garden Lane, approximately 600 feet southwest of Los Gatos Boulevard)

APPLICANT/  
PROPERTY OWNER: Sagi and Rafit Ratzin

APPELLANT/  
CONTACT PERSON: Rafit Izhak Ratzin

APPLICATION SUMMARY: Appeal of a decision denying a Tree Removal Permit on property zoned R-1:8. APN 424-19-039.

RECOMMENDATION: Deny the appeal.

PROJECT DATA: General Plan Designation: Low Density Residential 0-5 units/acre  
Zoning Designation: R-1:8 – Single Family Residential, 8,000 square foot lot minimum  
Parcel Size: 15,126 square feet  
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential and Commercial	Low Density Residential & Mixed Use Commercial	R-1:8 & CH
East	Commercial	Mixed Use Commercial	CH
South	Residential and Commercial	Low Density Residential & Mixed Use Commercial	R-1:8 & CH
West	Residential	Low Density Residential	R-1:8

CEQA: The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15304: Minor Alterations of Land.

FINDINGS:

- As required by the adopted Guidelines for the Implementation of the California Environmental Quality Act this project is Categorically Exempt, Section 15304: Minor Alterations of Land.

STANDARDS OF  
REVIEW:

- As required by Section 29.10.0990 of the Town Code for a tree removal permit.

ACTION:

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

EXHIBITS:

1. Location Map
2. Findings and Standards of Review
3. Draft Conditions of Approval (one page)
4. Town Records of Tree Removal Request (two pages)
5. Tree Removal Application (one page)
6. Supplemental Tree Removal Application (one page)
7. Appeal Application and Letter, received July 7, 2014 (two pages)
8. Appellant's Arborist Report, dated July 2, 2014 (four pages)
9. Consulting Arborist Report, dated July 28, 2014 (six pages)
10. Future Development Plans, received on July 8, 2014 (eight pages)

BACKGROUND:

The applicant made three requests to remove six trees on the subject property (details below; see also Exhibit 4). The town approved five trees to be removed and denied one.

For the first request on April 10, 2014, the Parks and Public Works Department (PPW) received a Tree Removal Application to remove three trees – one 12-inch diameter Redwood, one 28-inch diameter Pine, and one 28-inch diameter Redwood. While the application (Exhibit 5) identified the 28-inch diameter Redwood correctly, the plans identified it as an 18-inch diameter Redwood. The request was granted with a requirement for three 24-inch box size replacement trees to be planted on the property. Instead of planting the replacement trees, the property owner submitted tree replacement fees (\$600) for the first three trees on July 2, 2014.

For the second request on June 19, 2014, two additional Redwood trees, both 18-inches in diameter and located along the northeastern property line, were added to the Tree Removal Application. The request was granted and no replacement trees were required.

For the third request on June 26, 2014, the property owner submitted a request for the removal of one 28-inch diameter Deodar Cedar tree (Exhibit 5). The property owner requested the removal of the 28-inch diameter deodar cedar based on their plans to construct an addition to the residence (see Future Development Plans, Exhibit 10). The Town's Arborist conducted an inspection and determined that the tree was healthy. The request to remove the tree to construct an addition was denied on June 27, 2014.

The property owner appealed the denial on July 7, 2014 (Exhibit 7). Along with the appeal, the property owner provided a report by a certified arborist (Exhibit 8). The report finds the tree in good to excellent health and states that should the cedar tree be removed, the site would continue to have several mature trees, including eight of an equivalent size.

#### ANALYSIS:

##### A. Standards of Review

The standards for review of Tree Removal Permits are set forth in Town Code Section 29.10.0990 (Exhibit 2).

The Town's consulting arborist conducted a site visit, reviewed the property owner's arborist report, and prepared a report with findings (Exhibit 9). The consulting arborist found the tree to have good vigor and fair/good structure, which results in a good preservation suitability rating. The consulting arborist concurs with the property owner's arborist that, if all other trees remained on the property, the removal of the subject cedar tree would not have much of an effect on the overall canopy coverage. The plans note five trees (not counting the cedar tree) would be removed – a 28-inch Pine, three 18-inch Redwoods, and a 12-inch Redwood. These five trees are the trees already approved for removal.

The Town's consulting arborist provided the following setback recommendations for soil disturbance should the cedar be retained:

1. Where there is disturbance on one side of the trunk, no soil disturbance should occur within a minimum radius of seven feet from the trunk; or
2. Where there is disturbance on multiple sides of the trunk, no soil disturbance should occur within a minimum radius of 12 feet from the trunk.

The report measured the existing porch corner at eight feet from the trunk, and the house wall at 13 feet from the trunk. Based on these measurements and the future development plans (Exhibit 10), it appears that an addition could be constructed in a manner that would retain the tree with the recommended setbacks.

Staff recommends denial of the appeal because there is space to construct an addition while maintaining the recommended setbacks to preserve the cedar.

B. Environmental Review

The project is Categorically Exempt according to the adopted Guidelines for the Implementation of California Environmental Quality Act, Section 15304: Minor Alterations of Land.

SUMMARY AND RECOMMENDATION:

A. Summary

Staff recommends denial of the appeal because there is space to construct an addition while maintaining the recommended setbacks to preserve the cedar.

B. Recommendation

Uphold the denial of the tree removal permit and deny the appeal.

Alternatively, the Commission can:

1. Grant the tree removal permit appeal subject to the required canopy replacement;  
or
2. Continue the matter to a date certain with specific direction.



Prepared by:  
Jennifer L. Savage, AICP  
Senior Planner



Approved by:  
Laurel R. Prevetti  
Assistant Town Manager/  
Director of Community Development

LRP:JS:cg

cc: Sagi and Rafit Ratzin, 16570 Garden Lane, Los Gatos, CA 95032  
Matt Morley, Director of Parks & Public Works

# 16570 Garden Lane



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**PLANNING COMMISSION – August 27, 2014**  
**REQUIRED FINDINGS & STANDARDS OF REVIEW FOR:**

**16570 Garden Lane**

**Tree Removal Permit Application T-14-070**

**Appeal of a decision denying a Tree Removal Permit on property zoned R-1:8. APN 424-19-039.**

**APPLICANT/PROPERTY OWNER: Sagi and Rafit Ratzin**

**APPELLANT: Rafit Ratzin**

**FINDINGS**

**Required finding for CEQA:**

- The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act, Section 15304: Minor Alterations of Land.

**STANDARDS OF REVIEW**

**Required standards of review for a Tree Removal Application:**

- As required by Section 29.10.0990 of the Town Code for granting approval of a Tree Removal Application:

Each application for a tree removal permit required by this division shall be reviewed using the following criteria:

- (1) The condition of the tree or trees with respect to disease, imminent danger of falling or structural failure, proximity to existing or proposed structures based on a report from a certified arborist, structural damage to a building or a public nuisance caused by a tree. The danger of falling or failure shall be rated using the ISA Tree Hazard Rating Form or an approved equivalent.
- (2) The condition of the tree giving rise to the permit application cannot be reduced to a less than significant level by the reasonable application of preservation, preventative measures or routine maintenance.
- (3) The removal of the tree(s) will not result in a density of trees or tree cover that is inconsistent with the neighborhood.
- (4) The number of trees the particular parcel can adequately support according to good urban forestry practices, or whether a protected tree is a detriment to or crowding another protected tree.
- (5) In connection with a proposed subdivision of land into two (2) or more parcels, no protected tree shall be removed unless removal is unavoidable due to restricted access to the property or deemed necessary to repair a geologic hazard (landslide, repairs, etc.) The tree removed shall be replaced in accordance with the standards in section 29.10.0985 of this Code. Tree preservation and protection measures for any lot that is created by a proposed subdivision of land shall comply with the regulations of this Code.

- (6) The retention of a protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent. In such a case, the removal shall be conditioned upon replacement in accordance with the standards in section 29.10.0985 of this Code.
- (7) The Hillside Development Standards and Guidelines, current version.
- (8) Removal of the protected tree(s) will not result in a substantial adverse change in the site's aesthetic and biological significance; the topography of the land and the effect of the removal of the tree on erosion, soil retention, or diversion or increased flow of surface waters.
- (9) Whether the Protected Tree has a significant impact on the property.

**DRAFT CONDITIONS OF APPROVAL – August 27, 2014**

**16570 Garden Lane**

**Tree Removal Permit Application T-14-070**

**Appeal of a decision denying a Tree Removal Permit on property zoned R-1:8. APN 424-19-039.**

**APPLICANT/PROPERTY OWNER: Sagi and Rafit Ratzin**

**APPELLANT: Rafit Ratzin**

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 Tree Removal Application 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. REPLACEMENT TREES: Replacement trees shall be planted for trees being removed. The number and size of new trees shall be determined by the Town Arborist using the canopy replacement table in the Town's Tree Protection Ordinance. Required trees shall be planted within 60 days of tree removal, or prior to a building permit final if building permit plans have been submitted and approved.
4. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
5. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval, and may be secured to the satisfaction of the Town Attorney.

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User ID: JSAVAGE

Admin Tools

Daily

ACCELA AUTOMATION®

SmartManager	Application	Property	People	Fees	Cashier	Workflow	Attachments	Inspection	Reports	Preference	Project	Condition	Set
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## Application - Summary

Application : T14-070

Submit

Application Type : PPW / Parks / Residential / Tree Removal

Address: 16570 GARDEN LN, LOS GATOS, CA 95032

Owner Name: RATZIN RAFIT AND SAGI

Owner Address: 16570 GARDEN LN, LOS GATOS, CA, CA 95032

Application Name :

Parcel No.: 42419039

File Date: 04/10/2014

Application Detail: [Detail](#)Application Comments: [Comments](#)

Structure:

Licensed Professionals

Info.:

Application Spec Info.:

## GENERAL INFO

Tree Removal Reason:

"The tree is dead (Redwood #1), garage space (Pine #2), add living space (Redwood #3). Cartegraph PER-70-14; 04/10/14 UPDATE: Addition to original permit for two Redwoods. Cartegraph PER-70-14; 06/19/14 UPDATE: Addition to original permit for one Deodora. Cartegraph PER-70-14; 06/26/14.

## INSPECTION INFO

Tree Removal Request:

3

Replacement Requirement:

3 - 24" box trees on property per Town Arborist on 06/18/14 for T14-070; Two Redwoods are dead. Pine has multiple top which are poorly attached. Tree replacement letter mailed 06/18/14; compliance date 08/18/14. Property owner submitted payment for replacement requirement on 07/02/14. N/A per Town Arborist on 06/26/14 for T14-070A; Both trees are dead. DENIED per Town Arborist on 06/27/14 for T14-070B; Tree is healthy. Resident wants to remove for addition. Request for refund for T14-070B on 06/27/14; \$32.50 (TLG Check #121701; 07/08/14).

Denial Notification Date:

06/24/2014

Appeal Deadline Date:

07/14/2014

## MICROFILM

Microfilm Pages:

## Application Spec Info.TREE INFORMATION

Table:Type Removed

Redwood #3 (T14-070)

Pine #2 (T14-070)

Redwood #1 (T14-070)

Redwood #2 (T14-070A)

Redwood #1 (T14-070A)

Trunk Diameter

28"

28"

12"

Unknown

Unknown

Deodora (T14-070B)

28"

<b>Contact Info: Name</b>	<b>Organization Name</b>	<b>Contact Type</b>	<b>Relationship</b>	<b>Address</b>
	<u>RATZIN RAFIT AND SAGI</u>	Applicant		16570 GARDEN LN, LOS GATOS, CA, CA 95032

**Description of Work:**

**Job Value:** \$0.00

**Total Fee Assessed:** \$1,055.00

**Total Fee Invoiced:** \$1,055.00

**Balance:** \$0.00

**Application Status:** Notification

**Workflow Status:** Task

Application Acceptance

Arborist Inspection

Owner Notification

Closure

**Status**

Complete

Approved

Complete

**Status Date**

04/10/2014

06/18/2014

06/18/2014

**Action By**

Dorrie Romero

Dorrie Romero

Dorrie Romero

**Required Inspections:**

**Condition Status:** Condition Name

**Adhoc Task Status:** Task

**Initiated by Product:** AA\_CLASSIC

Status

Status

Apply Date

Status Date

Severity

Action By

Action By



RECEIVED

TOWN OF LOS GATOS

PARKS & PUBLIC WORKS  
SERVICE CENTER  
41 MILES AVENUE  
LOS GATOS, CA 95030  
(408) 399-5770

## TREE REMOVAL APPLICATION AND PERMIT

RECEIVED

JUL 07 2014

JUL 07 2014

TOWN OF LOS GATOS  
PLANNING DIVISION

\*\* APPLICATION \*\*

TOWN OF LOS GATOS  
PLANNING DIVISION

Please PRINT the following information:

Name of Property Owner:

Property Owner's Site Address:

Property Owner's Mailing Address:

Sagi Ratzin

16570 Garden Ln Los Gatos

16570 GARDEN LN LOS GATOS

Phone:

310-7955199

Zip Code:

95032

Zip Code:

I, Sagi Ratzin / Rafit Ratzin (Name), consent and agree to allow

(Name), to apply and

obtain a tree removal permit on my property location at (Address) 16570 Garden Ln Los Gatos

Property Owner's Signature (required):

Date:

04/10/2014

Name of CDD Planner (if applicable):

Tree Type

Trunk Diameter  
(measured 3"  
from ground)Reason for Removal  
(attach additional sheet, if needed)Fee  
AmountTree  
Size  
Verified

Redwood #1

12"

the tree is dead / hazard

\$ 130

Pine #2

18"

Re garage space

\$ 65

Redwood #3

18"

100' living space

\$ 65

~~Redwood #4~~~~18"~~~~the tree is dead / hazard~~~~\$ 65~~

Total number of tree(s) requesting to be removed:

3

Total Fees: \$ ~~260~~ \$260

Staff will review each application and notify applicant of approval or denial within 14 business days of receipt.  
This application becomes a permit only upon approval.

## SUBMITTAL REQUIREMENTS

- ☒ Photos of tree(s) proposed for removal depicting reason for requested removal (required);  
☒ Map indicating tree(s) location on the property (required);  
☐ Arborist Report (if applicable);  
☒ Fee \$130 for one tree + \$65 for each additional tree on same application (required) and;

Payment Received: 4/10/14  
Receipt #: WH 2184  
Check/Money Order #:                       
Credit Card Authorization #: 181815  
Account: TREEREM

Payments (Cash, Check/Money Order made payable to the "Town of Los Gatos" or Credit Cards (VISA/MasterCard) are accepted Monday through Friday, at the following locations:

Parks & Public Works Department  
41 Miles Avenue

~~8:00 a.m. to 2:00 p.m.~~  
8:00 a.m. to 1:00 p.m.

~~Civic Center (Lower Level)~~  
~~110 East Main Street~~  
~~8:00 a.m. to 1:00 p.m.~~

8/18/14

\*\* PERMIT \*\*

T 14-070 PER -70-14

Application Received Date:

4/10/14

Inspection Date:

6-18-14

Inspection Conducted By:

Rob Moulton

Summary of Inspection:

2 Redwoods are dead. Pine has multiple tops which are poorly attached.

Pursuant to Section 29.10.0990 of the Zoning Ordinance of the Town of Los Gatos Code, the removal of tree(s) is:

APPROVED

1, 2 &amp; 3

DENIED

Amount of Refund: \$

Final Notification Date:

Appeal Deadline Date:

Replacement Tree Requirement:

3-24" box trees on property

EXHIBIT 5

☒ Cartegraph Work Request/Order☒ Accela Application☒ PPW Tree Inspection☐ PPW Tree Replacement

Distribution: PPW (white copy), Planning Department (yellow copy), Applicant (pink copy)

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**TOWN OF LOS GATOS**  
**TREE REMOVAL APPLICATION AND PERMIT**

PARKS & PUBLIC WORKS  
SERVICE CENTER  
41 MILES AVENUE  
LOS GATOS, CA 95030  
(408) 399-5770

**\*\* APPLICATION \*\***

**PRINT** the following information:

Name of Property Owner: Sagi Ratzin Phone: 310-795-5199  
Property Owner's Site Address: 16570 Garden Lane Zip Code: 95032  
Property Owner's Mailing Address: Los Gatos CA 95032 Zip Code: \_\_\_\_\_

I, \_\_\_\_\_ (Name), consent and agree to allow \_\_\_\_\_ (Name), to apply and obtain a tree removal permit on my property location at (Address) \_\_\_\_\_

Property Owner's Signature (required): \_\_\_\_\_ Date: 6/26/14

Name of CDD Planner (if applicable): \_\_\_\_\_

Tree Type	Trunk Diameter (measured 3' from ground)	Reason for Removal (attach additional sheet, if needed)	Fee Amount	Tree Size Verified
<u>Redwood</u>	<u>28"</u>	<u>in middle construction</u>	<u>\$65</u>	_____
_____	_____	_____	\$ _____	_____
_____	_____	_____	\$ _____	_____

Total number of tree(s) requesting to be removed: 1 Total Fees: \$ 65

Staff will review each application and notify applicant of approval or denial within 14 business days of receipt.

**This application becomes a permit only upon approval.**

**MITTAL REQUIREMENTS**

- ☐ Photos of tree(s) proposed for removal depicting reason for requested removal (required);  
☐ Map indicating tree(s) location on the property (required);  
☐ Arborist Report (if applicable);  
☒ Fee \$130 for one tree + \$65 for each additional tree on same application (required) and;

Payment Received: 6/26/14  
Receipt #: 10112292  
Check/Money Order #: \_\_\_\_\_  
Credit Card Authorization #: 10053314  
Account: TREEREM

Payments (Cash, Check/Money Order made payable to the "Town of Los Gatos" or Credit Cards (VISA/MasterCard) are accepted Monday through Friday, at the following locations:

Parks & Public Works Department  
41 Miles Avenue  
8:00 a.m. to 1:00 p.m.

Civic Center (Lower Level)  
110 East Main Street  
8:00 a.m. to 1:00 p.m.

**\*\* PERMIT \*\***

T 14 - 0701 PER - 70 - 14

Application Received Date: 6/26/14 Inspection Date: 6-27-14 Inspection Conducted By: R. H. Miller

Summary of Inspection:

Tree is healthy. Resident wants to remove for addition

Pursuant to Section 29.10.0990 of the Zoning Ordinance of the Town of Los Gatos Code, the removal of tree(s) is:

APPROVED \_\_\_\_\_ DENIED X X X X X Amount of Refund: \$ 32.50

Denial Notification Date: 6-27-14 Appeal Deadline Date: 7-14-14

Replacement Tree Requirement:

(Fruit trees do not count as a replacement requirement.)

**EXHIBIT 6**

- ☒ Cartograph Work Request/Order ☐ Accela Application ☒ PPW Tree Inspection ☐ PPW Tree Replacement

Distribution: PPW (white copy), Planning Department (yellow copy), Applicant (pink copy)

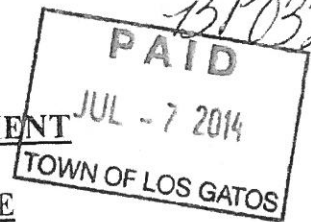
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**TOWN OF LOS GATOS  
COMMUNITY DEVELOPMENT DEPARTMENT**

110 E. Main Street  
Los Gatos, CA 95030

**APPEAL OF THE DECISION OF  
DIRECTOR OF COMMUNITY DEVELOPMENT  
OR  
DEVELOPMENT REVIEW COMMITTEE**



**PLEASE TYPE or PRINT NEATLY**

I, the undersigned, do hereby appeal a decision of the COMMUNITY DEVELOPMENT DEPARTMENT/DIRECTOR OF COMMUNITY DEVELOPMENT OR DEVELOPMENT REVIEW COMMITTEE as follows:

DATE OF DECISION: 6/27/2014

PROJECT/APPLICATION: \_\_\_\_\_

LOCATION: 16570 GARDEN LANE

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED:

Please read the attached letter

(If more space is needed, attach additional sheets.)

**IMPORTANT:**

1. APPEAL MUST BE FILED WITHIN TEN (10) DAYS AFTER THE DATE OF MAILING OF WRITTEN NOTIFICATION OF THE DECISION.
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 Rafit Idah-Rabin SIGNATURE [Signature]

DATE \_\_\_\_\_ ADDRESS 16570 Garden Lane Los Gatos 95032

PHONE 424-622-001  
\*\*\*\*\*

**OFFICE USE ONLY**

DATE OF PLANNING COMMISSION HEARING: \_\_\_\_\_

COMMISSION ACTION: 1. \_\_\_\_\_ DATE: \_\_\_\_\_  
2. \_\_\_\_\_ DATE: \_\_\_\_\_  
3. \_\_\_\_\_ DATE: \_\_\_\_\_

PLAPPEAL  
PLAPPEAL  
PLAPPEAL

\$ 172.00 Residential  
\$ 689.00 Commercial  
\$ 70.00 Tree Appeals

RECEIVED

JUL 07 2014

TOWN OF LOS GATOS  
PLANNING DIVISION

Dr. Rafit Izhak-Ratzin and Sagi Ratzin  
16570 Garden Lane  
Los Gatos, 95032  
July 02, 2014

Tel: 424-672-5001

Attn: Los Gatos Community Development Department,  
Address: 110 E. Main St. Los Gatos, CA 95030

Dear community members,

We are in the process of submitting building plans for our home that we just bought, located on 16570 Garden Lane. To our dismay, there appears to be difficulty with approving our plans, due to a cedar tree located on the right side of our lot, which falls within the perimeter of our proposed expansion.

The city arborist did not approve the removal of the cedar tree under discussion, as according to his examination, the tree is currently healthy. We are appealing this decision due to the following reason:

Our lot currently has 13 trees. Indeed, this is one of the reasons we fell in love with this property and have attempted to maintain as many trees as possible within our proposed plans. However, the downside to the large number of trees is that there are trees in every direction (North/South/East and West) around the current home and thus, even though the lot is 15,126 sq.ft., our expansion options are very limited. Additionally, the original home plans are highly unconventional, placing the home toward the extreme rear end of the lot, thus leaving virtually no room for expansion to the rear (the south/east end) and calling for the natural expansion to the north and west. It is precisely because of our desire to best maintain the lot's enchanted forest feeling that we came up with the plan to expand mainly to the west, which is where the one problematic tree is located.

We are very eager to resolve this issue and would be more than happy to plant replacement trees. We welcome any suggestions by the committee as to how to resolve this issue in the best interest of all parties.

Best wishes,

Rafit and Sagi Ratzin



## Pruning Specialties

Horticultural Consultation  
Fine Ornamental Pruning

**Mark Barton**  
**Certified Arborist**

Phone: (408) 406-9876

Fax: (408) 259-3430

email: [arborman@sbcglobal.net](mailto:arborman@sbcglobal.net)

2360 Ohara Ct. San Jose, Ca 95133

I.S.A. Western Chapter #3309

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## ARBORIST REPORT

For: Rafit Izhak-Ratzin  
16570 Garden Lane  
Los Gatos, California 95032

7/2/2014

Re: The removal of (1) *Cedrus, deodara*, Deodar Cedar on the property for the purpose of an addition to the current structure.

Dear Mrss. Ratzin

You requested that I inspect your *Cedrus, deodara*, Deodar Cedar located adjacent to the current structure and the southern fence line (please see map #1) for the purpose of acquiring a removal permit.

I found the following; there is nothing wrong with this tree, it is in good health. The problem is that it stands in the middle of a proposed bedroom addition.

If this was the only 1 of maybe 2 or 3 significant trees on this property, removal might be an issue of canopy loss and or a significant change of neighborhood character. This not the case on this property. There will be (8) trees of roughly equivalent size or larger still on the property including another Cedar of the same specie and 3 very old and large Oaks.

The total tree canopy cover of this lot appears to be very high. This will not change significantly if this *Cedrus, deodara*, Deodar Cedar is removed.

I have reviewed many plans for additions. Compared to many uses of land I have seen in the past, this plan seemed to go to great lengths to keep tree removal to a minimum. Alternative plans would create problems for other and even more valuable trees on the property.

After the removal of the *Cedrus, deodara*, Deodar Cedar there will still be (13) mature trees standing on this property.

### Tree specifications

**DBH:** 27 inches

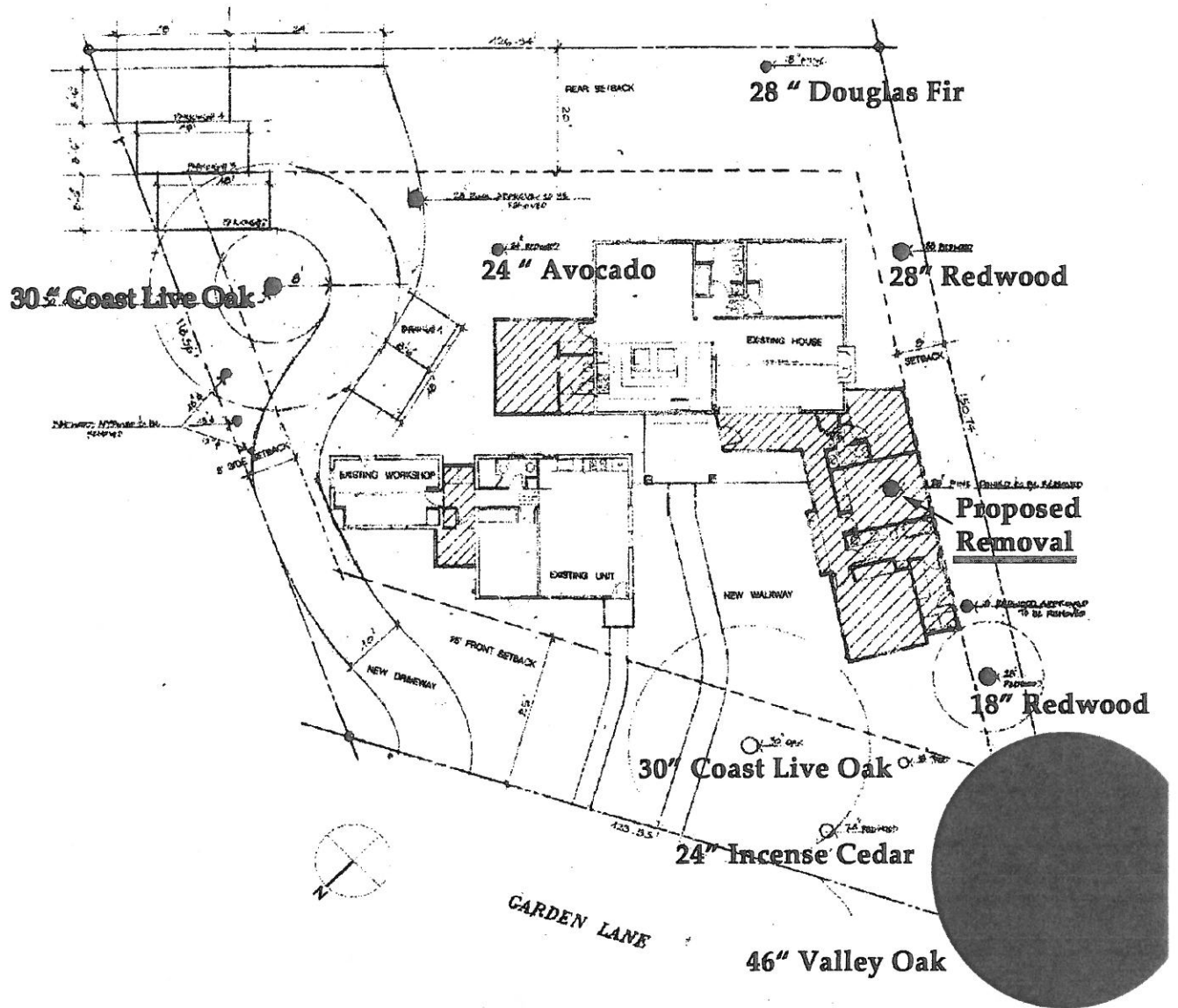
**Health:** Excellent

**Height:** 55 feet

**Spread:** 30 feet

EXHIBIT 8

# Site Plan

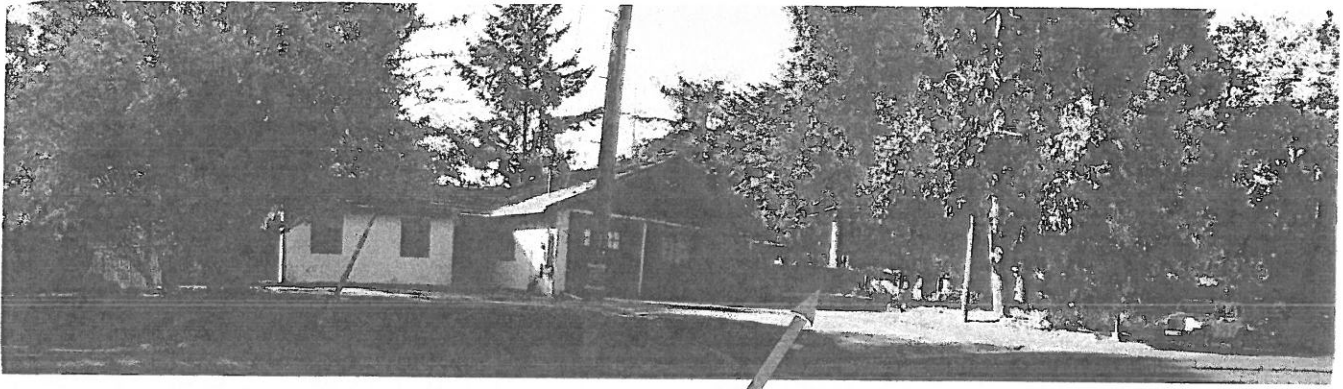


SITE PLAN

SCALE 1" = 10' - 0"

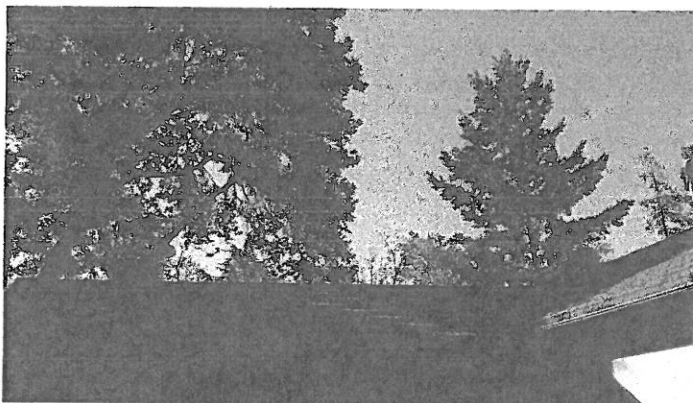
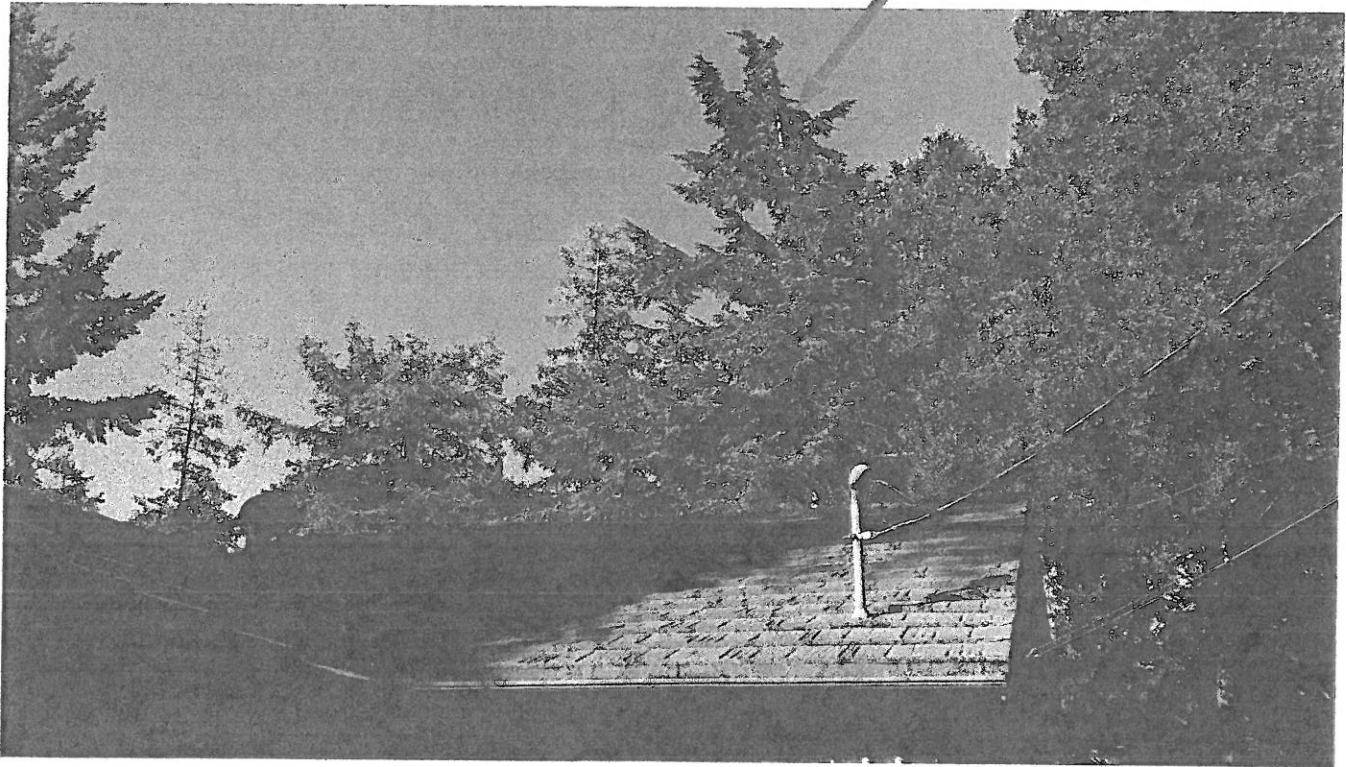
Just the (8) largest trees to remain are noted on this map. There are (5) more significant trees to be left after the *Cedrus, deodara*, Deodar Cedar is removed. Please note the canopy renderings are not accurately to scale. The canopies of the three Oaks are much larger than depicted.

## 16570 Garden Lane



Bottom view of proposed Cedar removal

These photographs put the *Cedrus, deodara*, Deodar Cedar, in perspective to the rest of the property.



This *Quercus agrifolia*, Coast Live Oak is in the back yard. The canopy is so large it won't fit in a photograph.



This is a partial view of some of the canopy from the front porch of the house. This is a beautifully wooded lot.

## Mitigation

After reviewing the suggested tree list, the owners decided upon planting 2 (24") box *Arbutus unedo*, 'Marina', Strawberry trees. The back of the lot borders businesses and a sound and visual screen would be an excellent addition to the landscape.

There is yet another issue of mitigation that should be discussed and that is the protection of drip zones around the remaining established trees during construction. It is strongly recommended by this arborist that all drip zones be protected by standard construction fencing of orange plastic to a height of 4-5 feet, around mature trees of value. In the event, that this not possible due to the need to move construction equipment through a certain area, than the prescribed method to protect drip zones should be (6") of wood chips covered by 4' X 8' plywood sub-flooring sheets lashed together at their corners. In any event it is imperative that as little disturbance occur to the drip zones as possible.

Thank you,

*Mark Barton*

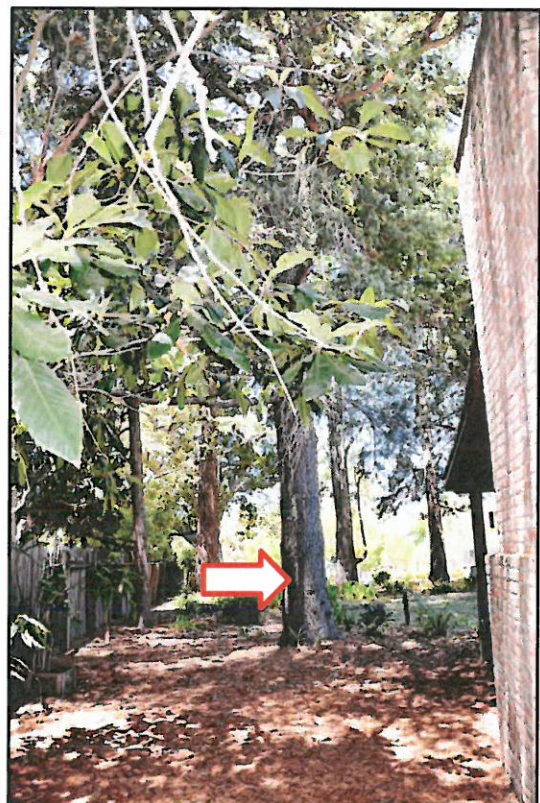
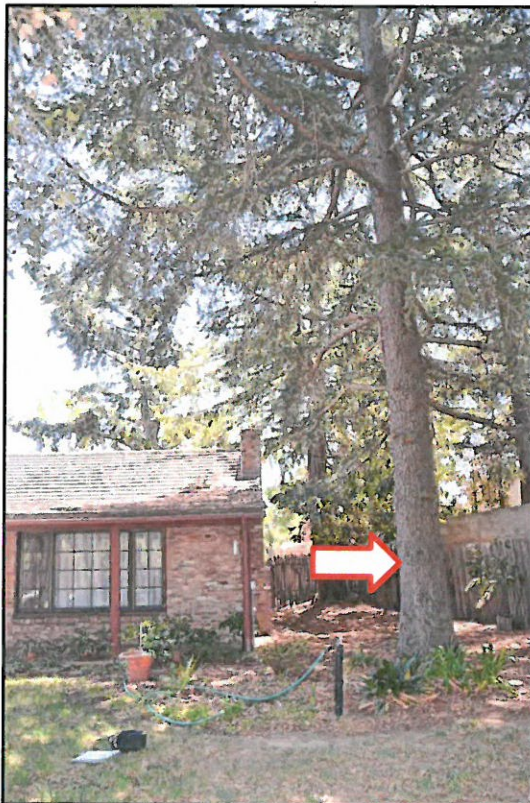
Mark Barton  
Pruning Specialties  
Certified Arborist W.C. I.S.A. #3309



Erwin Ordonez  
Town of Los Gatos Community Development Department  
110 E., Main Street  
Los Gatos, CA 95030

July 28, 2014

### 16570 Garden Lane, Arborist Peer Review Report



Dear Erwin:

This letter concerns the request to remove a 28-inch diameter deodar cedar in the front yard of the above residence. I have reviewed the Tree Removal Application and Permit dated June 26, 2014, which was denied by the Town of Los Gatos. I also reviewed the applicant's arborist report by Mark Barton of Pruning Specialties, dated July 2, 2014. I evaluated the subject tree on July 25, 2014. The photos above, which I took when I was on site, show the lower portion of the tree from the northwest (left) and the southeast (right).



In my opinion the tree has *Good* vigor and *Fair/Good* structure. Overall its preservation suitability is *Good*. Detailed tree information is presented on page 3. I agree with the applicant's arborist that there are many other larger trees on the property, and if this deodar cedar were removed (and all existing other trees remained), the removal would not have much of an effect on the overall canopy coverage on the subject property, or for the surrounding neighborhood. Below I have included an aerial map of the property and the surrounding neighborhood and have marked the subject deodar cedar on this map.



**Aerial Map of 16570 Garden Lane and surrounding neighborhood.** In the above map, I have circled the **dripline** of the subject deodar cedar tree in red and placed a white dot over the approximate top of the tree. The house at 16570 is to the right of the tree and somewhat underneath its canopy.

If the tree remains, I recommend that there be no soil disturbance within a minimum radius of 7 feet from edge of trunk for a disturbance on one side of the trunk, and 12 feet for disturbances on multiple sides of the trunk. These are the **3 and 5xDBH root protection distances**<sup>1</sup> for this tree, respectively. Additional space may be required for the canopy, depending upon the height and location of the proposed addition. Right now the existing house porch corner is 8 feet from the trunk, and the house wall is 13 feet.

<sup>1</sup> Terms **highlighted** in this letter are defined in the Glossary on pages 5 and 6.



**Tree Data:**

**Species:** *Cedrus deodara*

**Common Name:** deodar cedar

**Trunk diameter at 3 feet above the ground:** 28 inches (also 28 inches at DBH)

**Tree size:** 70 feet tall (measured with handheld laser hypsometer), 45 foot canopy spread east to west)

**Condition:**

**Vigor:** 85

**Structure:** 70

**Preservation Suitability:** Good

**Notes:** there are a few small diameter dead branches in the lower canopy which have probably died because they were shaded and not because of a disease or other problem. The cedar may have lost a portion of its **leader** in the past as there are relatively long branches close to the top of the tree. There is a forked, **co-dominant** 5 to 6-inch diameter branch growing toward the house. This branch forks at about 12 inches from the trunk. If the tree remains, one of the forked sub-branches should be pruned to **subordinate** it.



View of the 16570 Garden Lane property from Garden Lane to the northeast. An arrow points to the subject deodar cedar which is barely visible from this viewpoint.



View of the 16570 Garden Lane property from directly across the street on Garden Lane. I have placed a white dot on the lower trunk of the subject deodar cedar tree.

\*\*\*\*\*

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





## Glossary

1. **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 effect 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.
2. **Condition & Preservation Suitability Ratings:** Trees are rated on their condition on a scale of zero to 100 with zero being a dead tree and 100 being a perfect or near-perfect tree (which rarely exists -- like a supermodel in human terms). There are two components to tree condition -- vigor and structure, and they are each rated separately. Averaging the components would not be useful because a very low rating for either component could be a good reason to remove a tree from a site -- even if the other component has a high rating. Numerically speaking, 100 is *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*. A "U" rating (Uncertain) for either vigor or structure means that the tree was deciduous or just starting to leaf out when evaluated, so I could not accurately estimate its vigor based on foliage characteristics. Condition of the tree is considered relative to the tree species and present or future use of the site to obtain the tree's *Preservation Suitability Rating* (i.e. "Is this tree worth keeping on this site, in this location, if the tree could be provided with enough above and below ground space to survive and live a long life?"). Preservation suitability ratings are: *None, Poor, Fair, Good and Excellent*. *Fair/Poor* and *Fair/Good* are intermediate ratings.
3. **Co-dominant** refers to two leaders, branches or trunks that arise at the same point on a tree and are about the same diameter. This is an undesirable structural defect that is a weak point in the tree. Co-dominant stems typically lack the overlapping tissue present in a branch or trunk collar, which may be why trees with this defect split so easily. Included bark between members also reduces the strength of the union. It is best that branches or trunks originate with space between them, or if they arise at the same point that they be of different sizes. Co-dominant leaders can often be corrected (one leader removed) when trees are young. When trees are older it is often better to subdue the smaller or more undesirable member by reducing the length of and/or thinning the terminal half of the foliage by 25% to slow its growth and ultimate size relative to the other member, rather than create a large wound by removing one of the members. Large wounds are much more subject to decay than are smaller wounds and there is no natural decay barrier between the members.

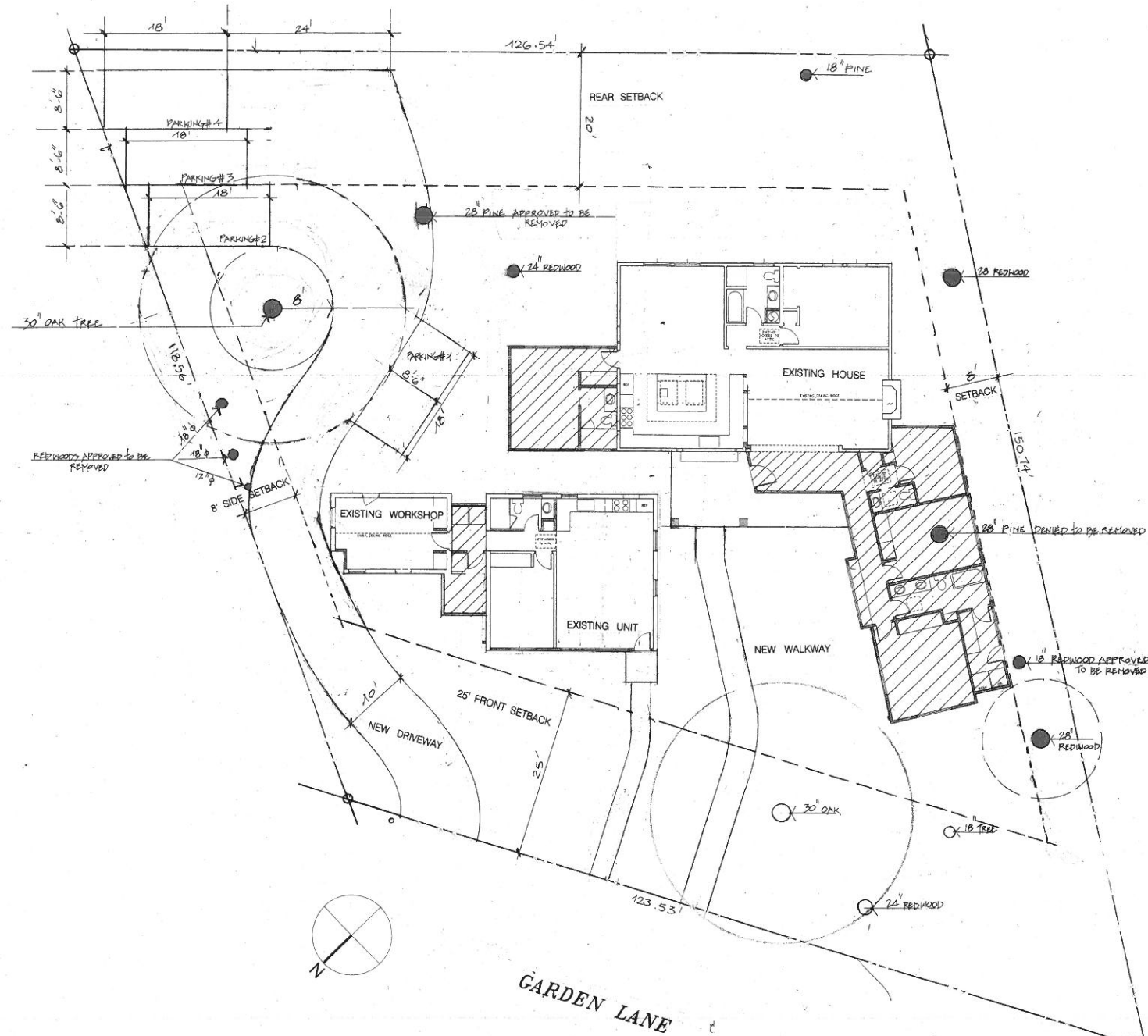


4. **Dripline**: the area under the total branch spread of the tree, all around the tree. Although tree roots may extend out 2 to 3 times the radius of the dripline, a great concentration of active roots is often in the soil directly beneath this area. The dripline is often used as an arbitrary "tree protection zone".
5. **Leader**: the primary terminal shoot or trunk of a tree.
6. **Subordination pruning**: the removal, typically of the upright or end portion of a parent branch or trunk, to slow growth rate, so other portions of the tree grow faster. Subordination pruning which shortens a branch or competing leader to a lower, lateral branch can be used to reduce branch weight, change branch orientation, alter growth rate to reduce the size of a pruned branch relative to the trunk or parent branch. Branches with that are considerably smaller (e.g. 75% the size or less) than the parent trunk or branch that they originate from are more stable than larger branches. Similarly, when a trunk forks into smaller sub-trunks, the sub-trunks will be more stable if one is considerably larger than the other, rather than the same or near the same size (co-dominant).

**Please Note:** The subject deodar tree described in this report received a basic evaluation. Other trees on the property were not evaluated. Trees on neighboring properties were not evaluated. A basic evaluation is a brief and cursory 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. It is an initial screening of the tree after which the evaluator may recommend that additional, more detailed examination(s) be performed if deemed necessary. It is possible that defects in the tree can be missed during a basic evaluation. Note that 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.

REMODELING AND ADDITION TO A HOUSE AT 16570 GARDEN LANE, LOS GATOS, CA

DRAWN
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SCALE
JOB NO.
SHEET
1



## PROJECT DATA

PROJECT ADDRESS      APN-424-19-039      16570 GARDEN LANE, LOS GATOS, CA.

PROJECT TYPE	* ADDITION AND REMODELING TO AN EXISTING HOUSE, AN EXISTING 2ND DWELLING UNIT, AND WORKSHOP.	* ADDITION OF DETACHED GARAGE
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ZONING R - 1:8

LOT SIZE 15126 sq.ft.

	HOUSE	1125.1		
	UNIT	586.88		
EXISTING FLOOR AREA	WORKSHOP	216	TOTAL	1927.99 sq.ft.

EXISTING COVERAGE	2471.99 sq.ft.
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PROPOSED COVERAGE 3247.1 sq.ft.

HOUSE	2219.6
UNIT	900

PROPOSED FLOOR AREA	UNIT	900	TOTAL	3119.6 sq.ft.
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MAX. ALLOWABLE FLOOR AREA	4991.58 sq. ft.
MAX. ALLOWABLE UNIT FAD	200 sq. ft.

MAX. ALLOWABLE UNIT FAR	900	sq. ft.
MAX. ALLOWABLE GARAGE AREA	1107	sq. ft.

MAX. ALLOWABLE GARAGE AREA	1107	sq.ft.
MAX. ALLOWABLE COVERAGE	6050.4	sq.ft.

HOUSE	1394.4 sq. ft.
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PROPOSED ADDITIONS	UNIT	97.12 sq.ft.
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# SITE PLAN

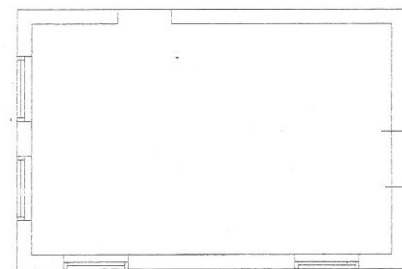
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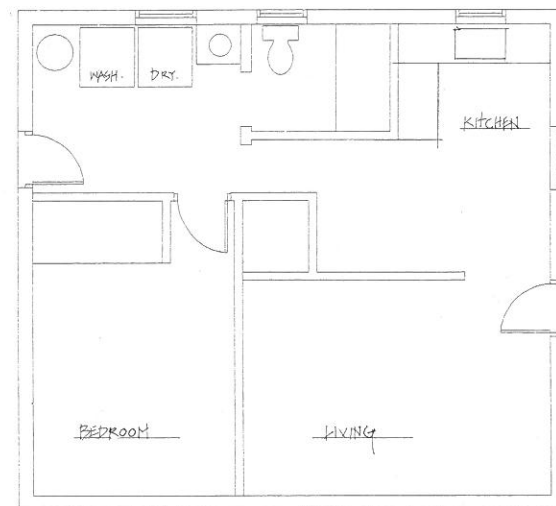
JUL 08 2014

TOWN OF LOS GATOS  
PLANNING DIVISION

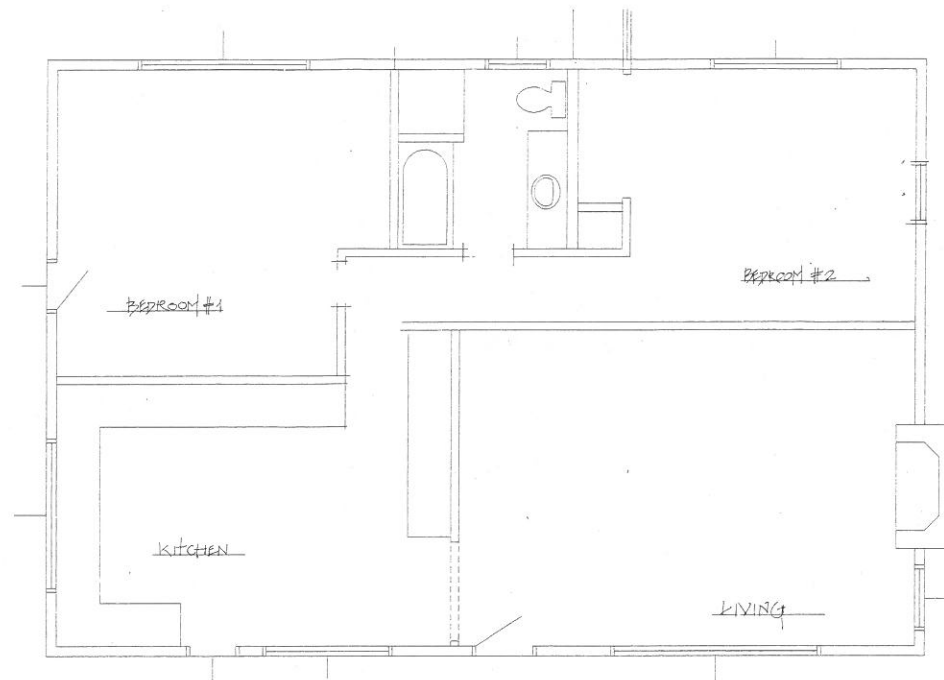
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EXISTING WORKSHOP



EXISTING UNIT



EXISTING HOUSE

EXISTING FLOOR PLAN

SCALE 1/4" = 1' - 0"

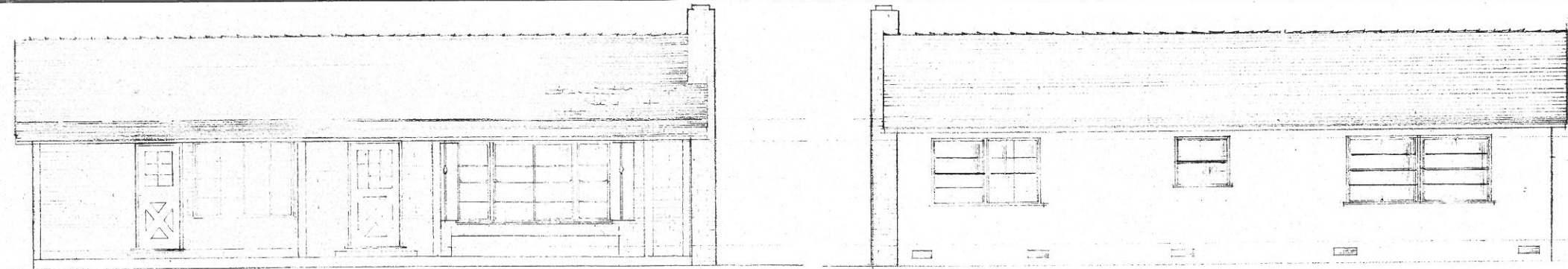
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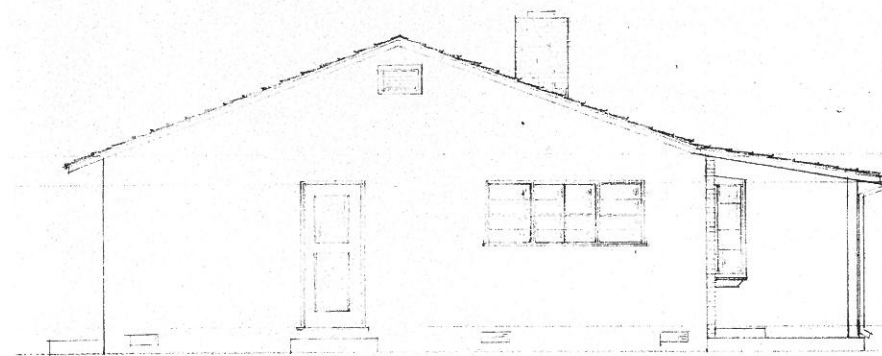
REMODELING AND ADDITION TO A HOUSE AT 16570 GARDEN LANE, LOS GATOS, CA

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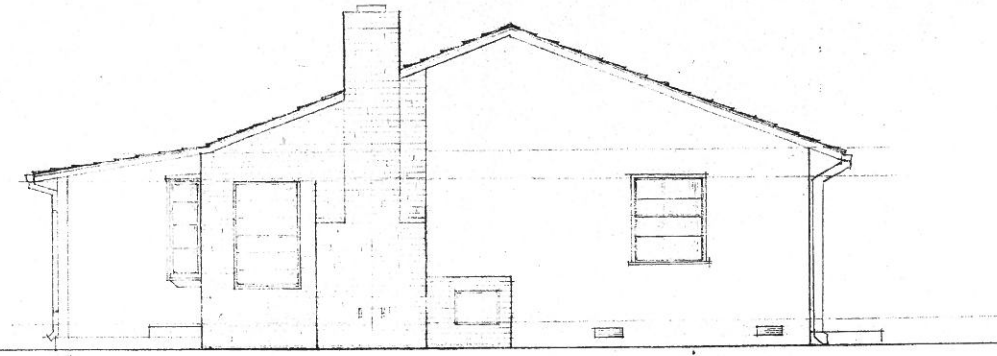


FRONT ELEVATION

REAR ELEVATION



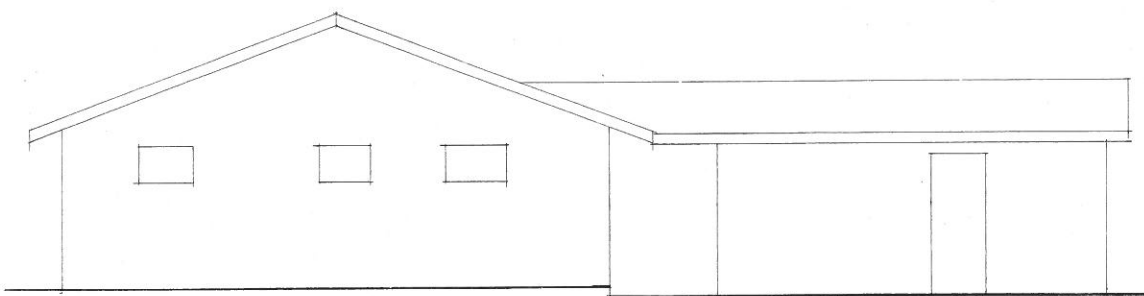
RIGHT ELEVATION



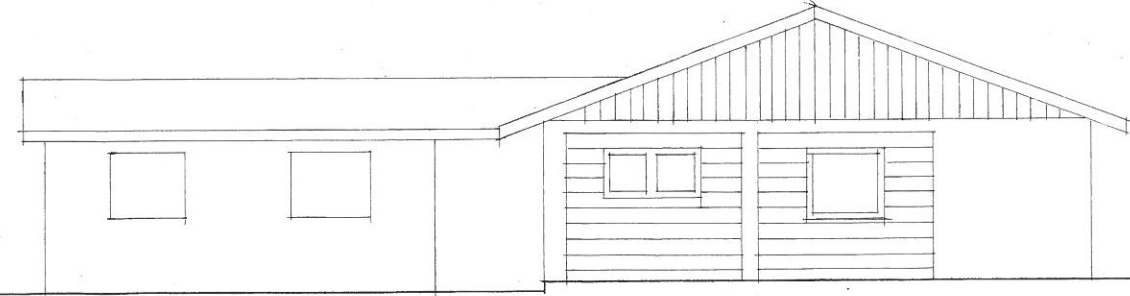
LEFT ELEVATION

EXISTING HOUSE ELEVATIONS

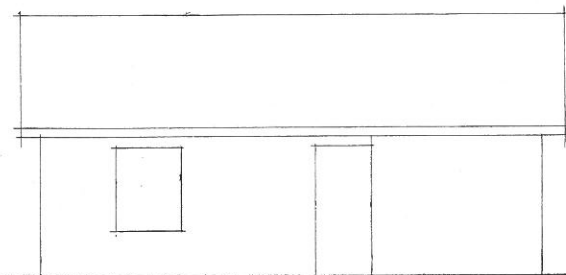
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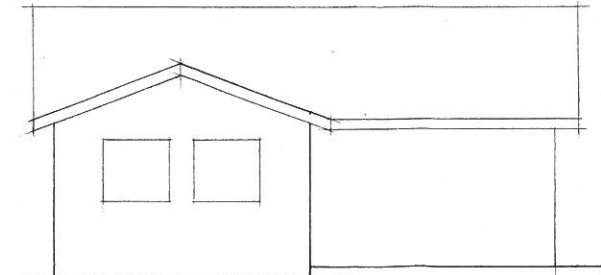
REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

EXISTING UNIT AND WORKSHOP ELEVATIONS

SCALE 1/4" = 1' - 0"

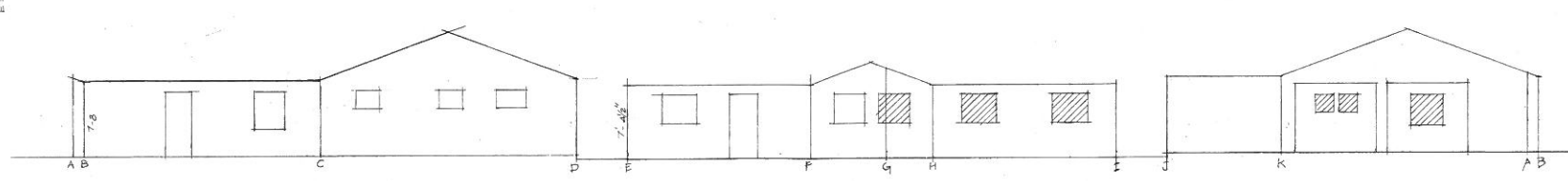
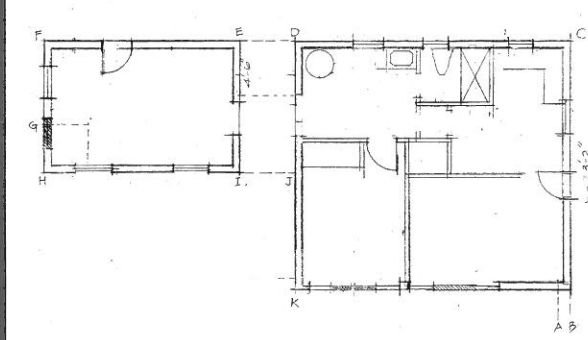
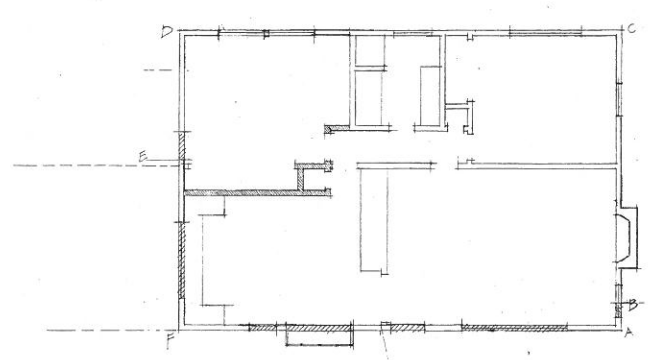
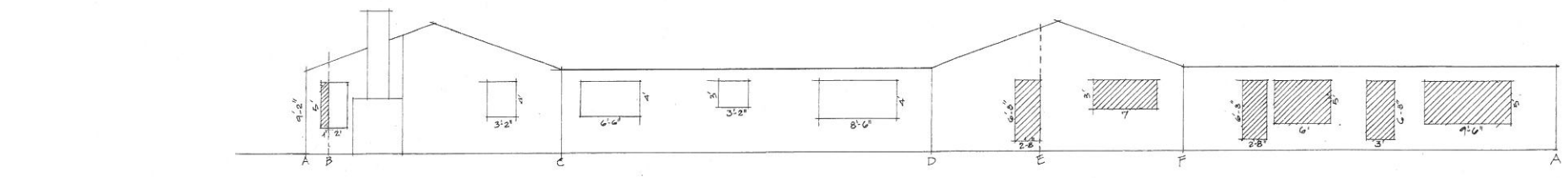
REVISIONS	DATE



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REMODELING AND ADDITION TO A HOUSE AT 16570 GARDEN LANE, LOS GATOS, CA.

DRAWN
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DATE
SCALE
JOB NO.
SHEET
<b>3A</b>



WALL DEMOLISHING CALCULATION OF MAIN HOUSE

WALL DEMOLISHING CALCULATION OF UNIT AND WORKSHOP

WALLS DEMOLISHING CALCULATION AT MAIN HOUSE

A. WALLS TO REMAIN:

WALL SECTION	TOTAL NET AREA	OPENING AREA	NET WALL AREA
BC	306.6 SF	22 SF	284.3 SF
CD	322.7 SF	65.1 SF	302.2 SF
DE	137 SF	28.7 SF	98.3 SF
		TOTAL	685.5 SF

B. WALLS TO BE DEMOLISHED

WALL SECTION	TOTAL NET AREA	OPENING AREA	NET WALL AREA
AB	23.9 SF	5 SF	18.9 SF
EF	180 SF	21 SF	161.1 SF
FA	372.7 SF	114.7 SF	257.5 SF
		TOTAL	443.3 SF

C. TOTAL EXISTING NET WALLS AREA

A + B = 1129.4 SF

A / C X 100% = 60.6% > 50%

WALLS DEMOLISHING CALCULATION AT THE UNIT

A. WALLS TO REMAIN:

WALL SECTION	TOTAL NET AREA	OPENING AREA	NET WALL AREA
AB	7.8 SF		7.8 SF
BC	171.6 SF	40.6 SF	131 SF
CD	254.5 SF	14.2 SF	240.2 SF
EF	122.75 SF	17.7 SF	114.8 SF
FG	25.87 SF	12 SF	16.6 SF
		TOTAL	516.47 SF

B. WALLS TO BE DEMOLISHED

WALL SECTION	TOTAL NET AREA	OPENING AREA	NET WALL AREA
GH	28.9 SF	7.5 SF	28.4 SF
JK	84.3 SF		84.3 SF
HI	122.75 SF	21 SF	111.75 SF
KA	246.7 SF	16.25 SF	230.45 SF
		TOTAL	427.825 SF

C. TOTAL EXISTING NET WALLS AREA

A + B = 1129.4 SF

A / C X 100% = 54% > 50%

REVISIONS	DATE



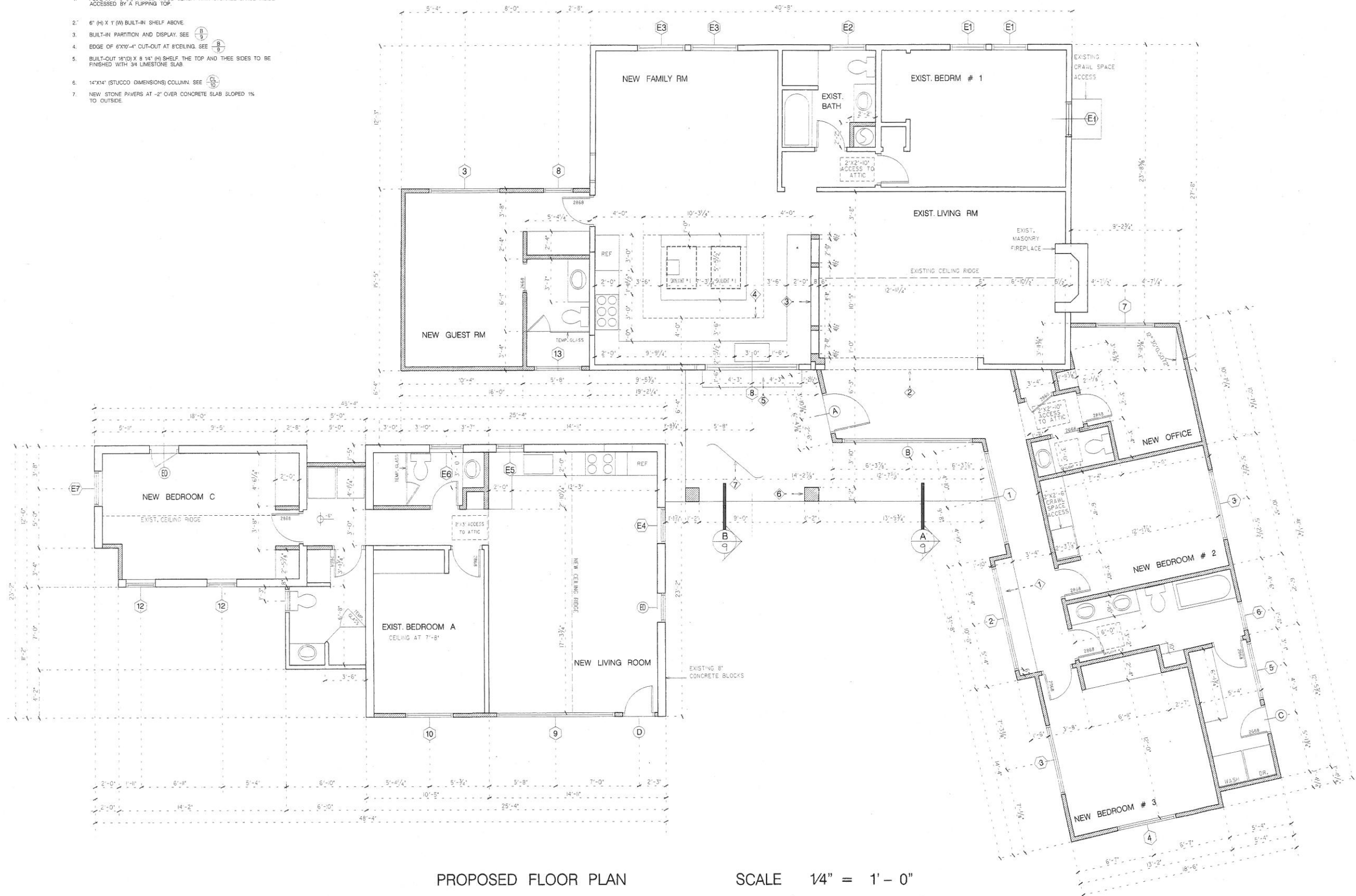
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REMODELING AND ADDITION TO A HOUSE AT 16570 GARDEN LANE, LOS GATOS, CA

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 CHECKED: *[Signature]*  
 DATE: 6/25/12  
 SCALE:   
 JOB NO.   
 SHEET **4**

# FLOOR PLANS NOTES

1. PLUG-IN 1'-6" (H) PAINTED WOOD BENCH WITH STORAGE SPACE INSIDE ACCESSED BY A FLIPPING TOP.
2. 6" (H) X 1" (W) BUILT-IN SHELF ABOVE.
3. BUILT-IN PARTITION AND DISPLAY. SEE (B 9).
4. EDGE OF 6'X10'-4" OUT-OUT AT 8' CEILING. SEE (B 9).
5. BUILT-OUT 16" (D) X 8' 14" (H) SHELF. THE TOP AND THREE SIDES TO BE FINISHED WITH 3/4 Limestone SLAB.
6. 14"X14" (STUCCO DIMENSIONS) COLUMN. SEE (CL 10).
7. NEW STONE PAVERS AT -2" OVER CONCRETE SLAB SLOPED 1% TO OUTSIDE.



PROPOSED FLOOR PLAN

SCALE 1/4" = 1'-0"

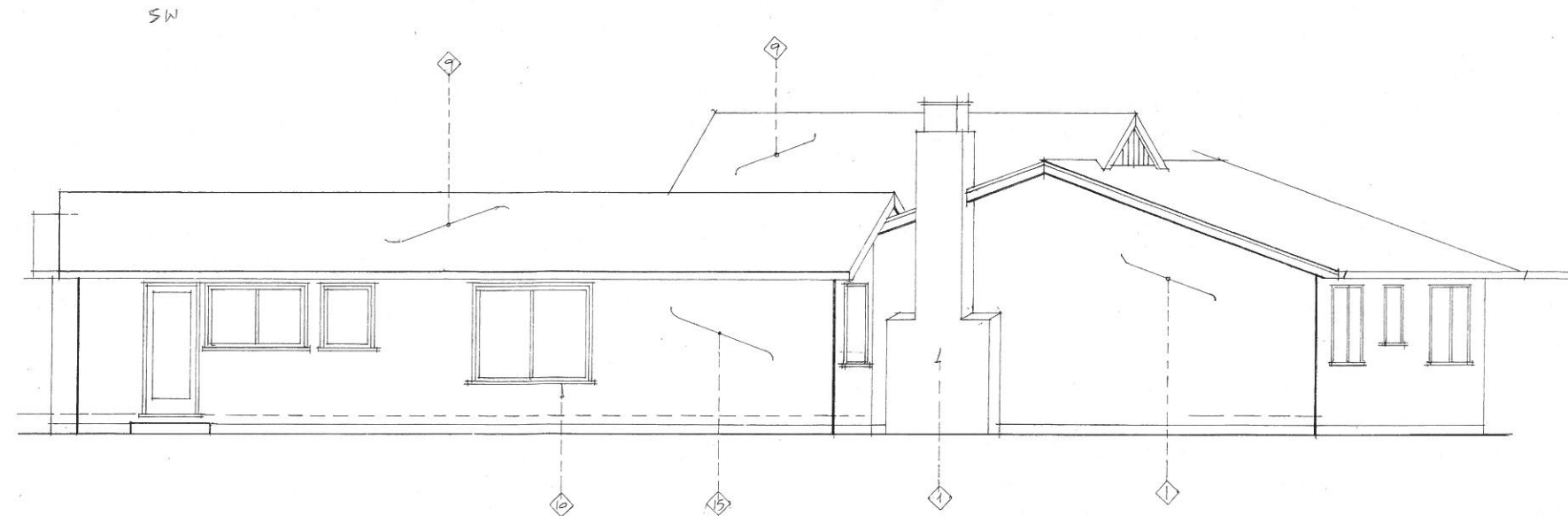
REVISIONS	DATE



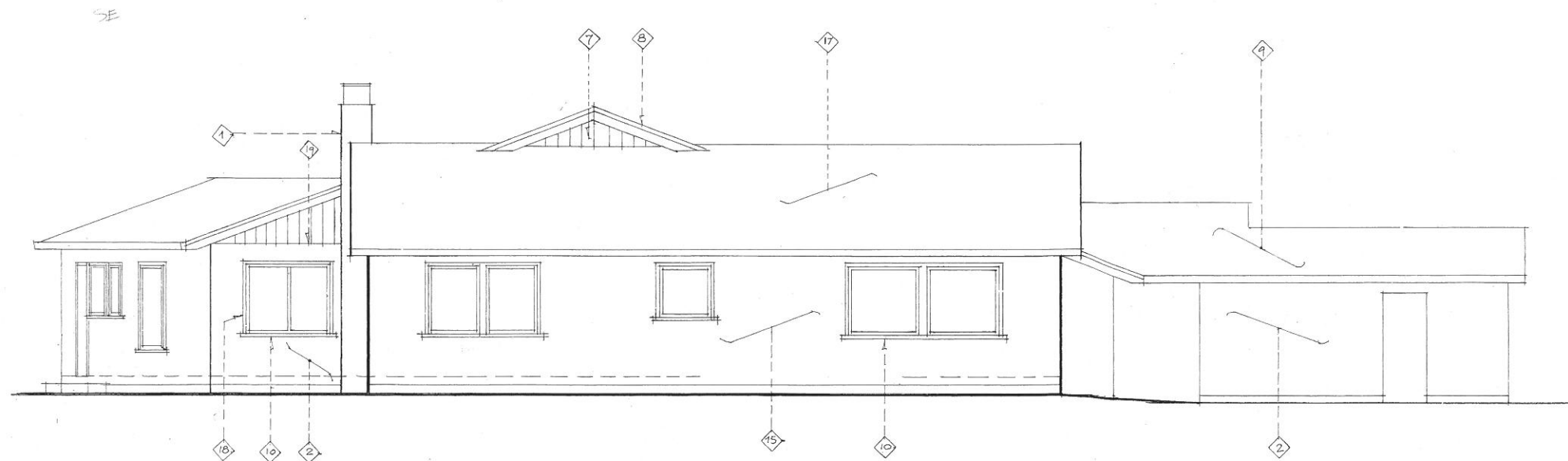
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REMODELING AND ADDITION TO A HOUSE AT 16570 GARDEN LANE, LOS GATOS, CA

DRAWN	CHECKED
DATE	DATE
SCALE	SCALE
JOB NO.	JOB NO.
SHEET	SHEET
5	



SOUTH WEST ELEVATION SCALE  $\frac{1}{4}" = 1' - 0"$



SOUTH EAST ELEVATION SCALE  $\frac{1}{4}" = 1' - 0"$

#### ELEVATION NOTES

1. EXISTING MASONRY CHIMNEY.
2. NEW STUCCO - SEE GENERAL STUCCO NOTES AT SHEET # 2.
3. NEW 6X6 STAINED CEDAR.
4. NEW 6X10 STAINED CEDAR.
5. NEW STAINED AND SHAPED 6X10 CEDAR.
6. NEW STAINED 12" (1) REDWOOD VENT.
7. PAINTED 1X8 SIDING.
8. NEW SMOOTH AND PAINTED 2X8 FASCIA WITH 1X2 1/2" TRIM.
9. NEW ROOF : 50 YEARS PRESIDENTIAL ASPHALT SHINGLES.
10. NEW PAINTED WOOD SILL. SEE (SILL 10)
11. NEW 14"X14" (STUCCO DIMENSIONS) COLUMN. SEE (CL 10)
12. NEW PAINTED 1'-6" X 8" - 1'-6" REDWOOD PLANTER.
13. BUILT-IN SERVING SHELF THE TOP AND THREE SIDES TO BE FINISHED WITH 3/4" LIMESTONE SLAB.
14. TRANSITION BETWEEN SIDING AND STUCCO. SEE (ES 10)
15. EXISTING STUCCO.
16. SOLID CORE HARDWOOD ENTRY DOOR.
17. EXISTING ROOF WITH NEW 50 YEARS PRESIDENTIAL ASPHALT SHINGLES.
18. NEW 1 1/2" PAINTED BRICK MOLDING.

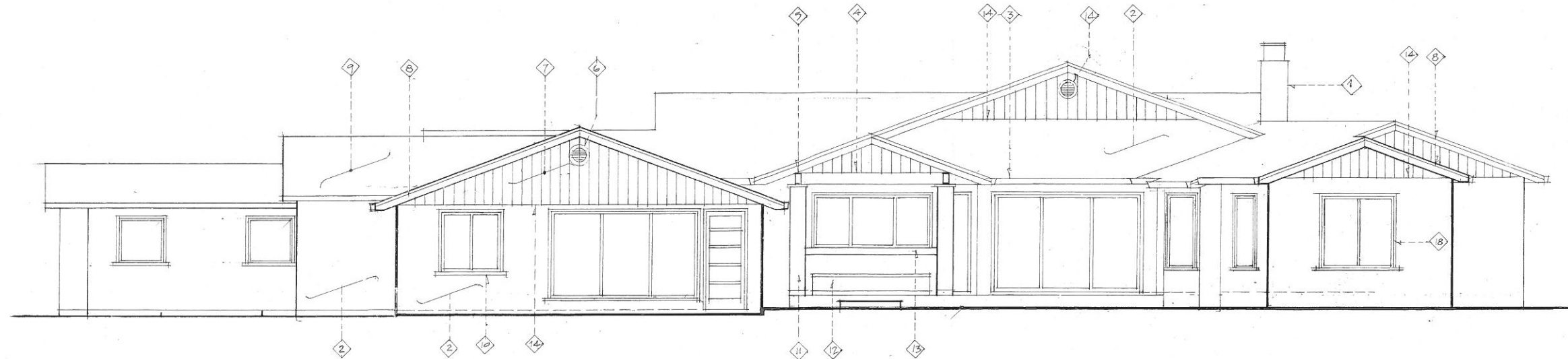
REVISIONS	DATE



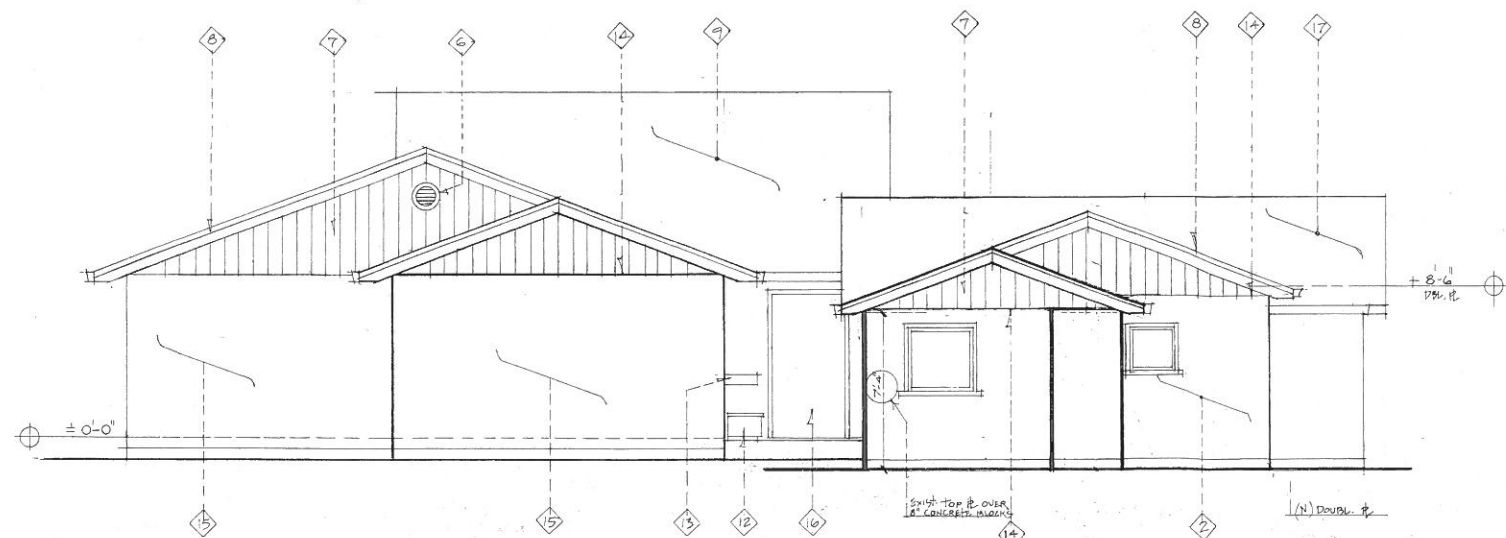
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REMODELING AND ADDITION TO A HOUSE AT 16570 GARDEN LANE, LOS GATOS, CA

DRAWN	CHECKED
DATE	DATE
SCALE	SCALE
JOB NO.	JOB NO.
SHEET	SHEET
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NORTH WEST ELEVATION SCALE 1/4" = 1' - 0"

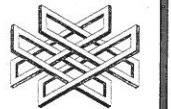


NORTH EAST ELEVATION SCALE 1/4" = 1' - 0"

#### ELEVATION NOTES

1. EXISTING MASONRY CHIMNEY.
2. NEW STUCCO - SEE GENERAL STUCCO NOTES AT SHEET # 2.
3. NEW 6X6 STAINED CEDAR.
4. NEW 6X10 STAINED CEDAR.
5. NEW STAINED AND SHAPED 6X10 CEDAR.
6. NEW STAINED 12" REDWOOD VENT.
7. PAINTED 1X8 SIDING.
8. NEW SMOOTH AND PAINTED 2X8 FASCIA WITH 1X2 1/2" TRIM.
9. NEW ROOF : 50 YEARS PRESIDENTIAL ASPHALT SHINGLES.
10. NEW PAINTED WOOD SILL. SEE (SILL 13)
11. NEW 14'X14' (STUCCO DIMENSIONS) COLUMN. SEE (CL 15)
12. NEW PAINTED 1'-6" X 8' - 1'-6" REDWOOD PLANTER.
13. BUILT-IN SERVING SHELF THE TOP AND THREE SIDES TO BE FINISHED WITH 3/4" Limestone SLAB.
14. TRANSITION BETWEEN SIDING AND STUCCO. SEE (SB 10)
15. EXISTING STUCCO.
16. SOLID CORE HARDWOOD ENTRY DOOR.
17. EXISTING ROOF WITH NEW 50 YEARS PRESIDENTIAL ASPHALT SHINGLES.
18. NEW 1 1/2" PAINTED BRICK MOLDING.

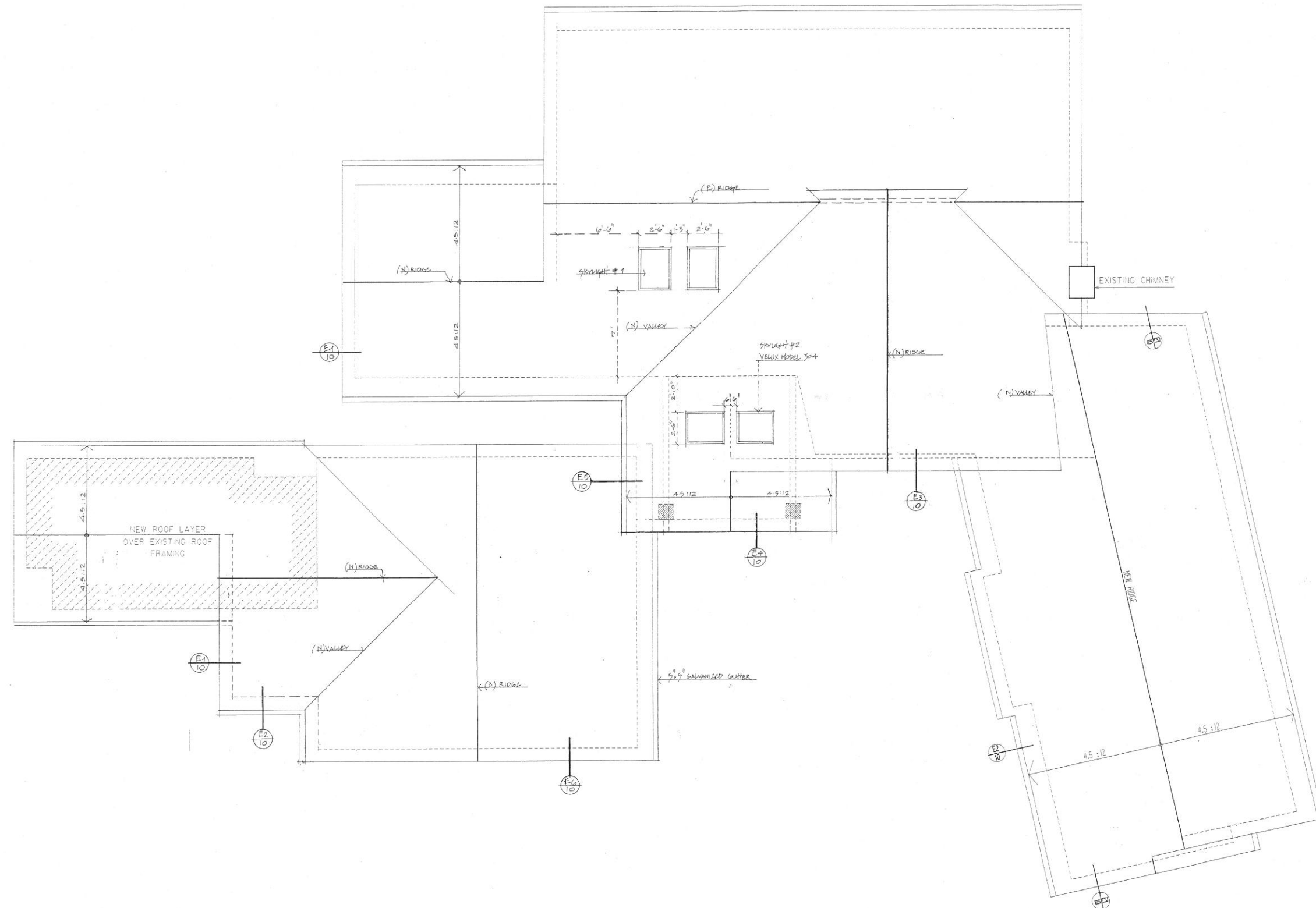
REVISIONS	DATE



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REMODELING AND ADDITION TO A HOUSE AT 16570 GARDEN LANE, LOS GATOS, CA

DRAWN	CHECKED
DATE	DATE
SCALE	SCALE
JOB NO.	
SHEET	
7	



PROPOSED ROOF PLAN

SCALE 1/4" = 1' - 0"

REVISIONS	DATE



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Palo Alto, Ca. 94306 (650) 4937873

REMODELING AND ADDITION TO A HOUSE AT 16570 GARDEN LANE, LOS GATOS, CA

DRAWN	DATE
CHECKED	DATE
SCALE	JOB NO.
SHEET	
8	