

ITEM NO: 5

PREPARED BY:

Jennifer Savage, Associate Planner

jsavage@losgatosca.gov

APPLICATION NO:

Architecture and Site Application S-12-038

LOCATION:

236 & 238 Bachman Avenue (north side of Bachman Avenue,

between Tait and Wilder Avenues)

APPLICANT/

PROPERTY OWNER/

CONTACT PERSON:

Omid Shakeri

APPLICATION SUMMARY: Requesting approval to demolish a two-family dwelling, and

construct a single-family dwelling with a detached garage with reduced rear setbacks on property zoned R-1D:LHP. APN 510-

14-054.

DEEMED COMPLETE: August 8, 2012

FINAL DATE TO TAKE ACTION: February 8, 2013

RECOMMENDATION:

Approve, subject to conditions.

PROJECT DATA:

General Plan Designation:

Medium Density Residential, 5-

12 du/acre

Zoning Designation:

R-1D:LHP – Single Family

Residential Downtown, Landmark and Historic Preservation Overlay

Applicable Plans & Standards: General Plan; Residential Design

Guidelines

Parcel Size:

8,440 square feet

Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Single Family Residential	Medium Density Res.	O:LHP
East	Single Family Residential	Medium Density Res.	O:LHP
South	Single Family Residential	Medium Density Res.	R-1D:LHP
West	Single Family Residential	Medium Density Res.	R-1D:LHP

CEQA:

The project is Categorically Exempt according to Section 15303 of the State Environmental Guidelines as adopted by the Town because the project consists of the demolition of a two-family

dwelling and construction of a single-family dwelling.

Planning Commission Staff Report - Page 2 236 & 238 Bachman Avenue/S-12-038 August 22, 2012

FINDINGS:

- As required by Section 15303 of the State Environmental Guidelines as adopted by the Town that this project is Categorically Exempt.
- As required by the Residential Design Guidelines that the project complies with the Residential Design Guidelines.
- As required by Section 29.10.09030(e) of the Town Code for the demolition of a two-family residence.

CONSIDERATIONS:

- As required by Section 29.20.150 of the Town Code for granting approval of an Architecture and Site application.
- As required by Section 29.80.290(2) of the Town Code for new construction in historic districts.

ACTION:

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

EXHIBITS:

- 1. Location Map
- 2. Required Findings
- 3. Recommended Conditions of Approval
- 4. Project Description (four pages), received April 18, 2012
- 5. Square Footage Justification (one page), received May 9, 2012
- 6. Justification to Remove One Unit (two pages), received May 9, 2012
- 7. Pest and Organism Report (ten pages), received March 19, 2012
- 8. Project Data Sheet
- 9. Neighbor Support (three pages), received May 15, 2012
- 10. Architectural Consultant Report (four pages), received June 25, 2012
- 11. Arborist Consultant Report (25 pages), received May 30, 2012
- 12. Development Plans (eight sheets), received July 23, 2012

BACKGROUND:

The 8,440 square foot property currently contains a two-family residence with two uncovered dirt parking spaces. The two-family residence requires four onsite, independently operated parking spaces. Therefore, the existing use is non-conforming as to parking. Although not permitted to count as required parking, two tandem spaces can be accommodated in the driveway. A Santa Clara Valley Water District easement runs along the northwest and northeast property lines. Almendra Creek runs along the northeast property line (the rear) within concrete pipes.

Planning Commission Staff Report - Page 3 236 & 238 Bachman Avenue/S-12-038 August 22, 2012

The use is a duplex, as opposed to a single-family dwelling with a second dwelling unit. Duplexes are permitted in the R-1D zone if the lot has a minimum of 8,000 square feet. The house is a non-contributing structure in the Almond Grove Historic District. The project is being forwarded to the Planning Commission because the project would create the largest home in terms of square footage in the immediate neighborhood and would remove a unit from the Town's housing stock.

PROJECT DESCRIPTION:

A. Location and Surrounding Neighborhood

The project site is located on the north side of Bachman Avenue, between Tait and Wilder Avenues. Surrounding properties contain single-family residential uses. According to the Town land use records, there is only one other duplex on Bachman Avenue.

B. Proposed Project

The applicant is proposing to demolish the existing 1,256 square foot two-family residence and construct a new single-family residence with a detached garage. Although the applicant calls the project a remodel and addition in the project description letter (Exhibit 4), the applicant goes onto describe that they will maintain only the foundation and the floor system. The applicant would demolish all of the walls and, therefore, the project is a demolition pursuant to Town Code. The new residence would be 2,708 square feet; the detached garage would be 575 square feet. The residence would be a maximum height of 30 feet; the garage would be 15 feet in height. The residence and garage would consist of stucco siding, wood trim, divided lite vinyl windows, wood columns with stone, and composition shingle roofs.

The residence would meet or exceed minimum setbacks for the R-1D zoning designation. Development plans are included as Exhibit 12 and basic project data information is included as Exhibit 8. A project description and justification for the square footage and to remove a housing unit are included as Exhibits 4, 5, and 6, respectively.

C. Zoning Compliance

The proposed project does not exceed the floor area ratio, height, structure coverage, or setback limitations. The project complies with parking requirements. The zoning permits a single-family dwelling use.

Planning Commission Staff Report - Page 4 236 & 238 Bachman Avenue/S-12-038 August 22, 2012

ANALYSIS:

A. Floor Area

The residences in the immediate neighborhood range in size from 752 square feet to 2,457 square feet based on Town and County records. The floor area ratios (FAR) range from 0.09 FAR to 0.49 FAR. The maximum allowable floor area is 2,712 square feet for the residence and 760 square feet for the garage. The applicant is proposing a residence of 2,708 square feet on an 8,440 square foot parcel (0.32 FAR).

The Neighborhood Analysis table below reflects current conditions. Cellar data is not available and may be included in the square footage amount.

Neighborhood Analysis						
Address	House SF	Garage SF	Total SF	Lot Size SF	House FAR	
226 Bachman	2025	288	2313	7950	0.25	
228 Bachman	752	0	752	7950	0.09	
244 Bachman	2457	694	3151	7841	0.31	
250 Bachman	1020	0	1020	7950	0.13	
237 Bachman	1804	252	2056	4392	0.41	
251 Bachman	1119	514	1633	4042	0.28	
243 Bachman	1530	0	1530	3154	0.49	
229 Wilder	2075	441	2516	4575	0.45	
238 Bachman	2708	575	3283	8400	0.32	

At 2,708 square feet, the project creates the largest home in the immediate neighborhood in terms of square footage. As the largest property in the immediate neighborhood, the proposed project would be only the fourth largest in terms of FAR. The Residential Design Guidelines specify that residential development shall be similar in mass, bulk and scale to the immediate neighborhood. The guidelines also specify that consideration will be given to the existing FAR's, residential square footages, and lot sizes in the neighborhood.

The applicant's justification (Exhibit 5) explains that the project would be compatible with the immediate neighborhood with the following architectural design elements:

- Similar front width of the house
- Setback the second floor from the first floor
- Use belly bands and roof eaves on two story elevations

Planning Commission Staff Report - Page 5 236 & 238 Bachman Avenue/S-12-038 August 22, 2012

The project was referred to the Planning Commission because it would result in the largest residence in the immediate neighborhood in terms square footage. The Planning Commission should consider if the proposed floor area is compatible with the neighborhood in terms of square footage.

B. Architecture

The project was reviewed by the Town's Consulting Architect (Exhibit 10). Town staff and the consulting architect found that the proposed house is well designed and the details are compatible with the proposed architecture and immediate neighborhood. The Architectural Consultant made two recommendations:

- Provide a front porch of at least six feet in depth; and
- Ensure the belly band is wood.

The applicant modified the plans to meet these recommendations (Exhibit 12).

C. Tree Impacts

One multi-trunk acacia tree is proposed for removal to accommodate the detached garage. The project was reviewed by the Town's Consulting Arborist (Exhibit 11). The consultant found there was a low value of maintaining this tree. Replacement trees would be required to be planted pursuant to Town Code.

The Town Arborist also made recommendations for the trees to remain. The applicant has modified the driveway to meet these recommendations (Exhibit 12). Tree protection measures would be required to be implemented prior to issuance of building permits and to remain throughout construction.

D. Creek

Almendra Creek runs along the northeast property line (the rear) within concrete pipes. The creek is within an easement for the Santa Clara Valley Water District (SCVWD) who has jurisdiction over the covered creek and a permit is required by SCVWD prior to the applicant filing a building permit. SCVWD reviewed the project and made the following comments, which have been incorporated in the conditions of approval:

- No portion of the garage may encroach into the easement
- Driveway pavement and pavement edge must accommodate the District's trucks
- Minimum clearance is required for gates and locks which requires the District's approval
- Any work proposed in the easement requires the District's approval

Planning Commission Staff Report - Page 6 236 & 238 Bachman Avenue/S-12-038 August 22, 2012

Town staff has reviewed the project for consistency with the Guidelines and Standards for Land Uses near Streams and determined that the project is consistent for the following reasons due to the condition that the creek at the subject site and in the immediate vicinity of the property is located underground in a concrete pipe:

- No impact on a streamline slope or slope stability.
- No impact on riparian corridors and associated vegetation and related erosion impacts.
- No adverse impacts to the creek in relationship to the effects of down-slope sedimentation, altered stream hydrology or related impacts to water quality.

In addition, pursuant to the standards, SCVWD has indicated that the proposed residence would not directly affect any District facility provided the first bulleted items noted in this section are addressed as part of the District's permit approval process.

E. <u>Demolition</u>

The existing structure was originally built as a single-family residence in 1913. Town records indicate that the structure was converted to a duplex sometime between 1956 and the 1970s.

The applicant submitted a pest and organism report (Exhibit 7) which noted standard pest and mold issues. The applicant's justification for the demolition and elimination of a unit (Exhibit 6) includes that one unit has a poor floor plan that has been difficult to rent, and that the construction of a single-family residence meets the Town's Housing Element. Refer to Exhibit 6 for full description of applicant's justification.

Although the project would remove a housing unit from the Town's housing stock, the Town's housing stock has cumulatively increased as a result of subdivisions and other development projects.

F. Historic Preservation Committee

The Historic Preservation Committee considered the application on March 28, May 23, and June 5, 2012, in terms of historic significance and architecture only. The Committee recommended approval of the request to demolish the existing structure and construct a new residence. The Committee recommended approval of the demolition based on the finding that any historic architectural significance the structure may have had is gone due to the additions and modifications and the consideration that the proposed structure is compatible with the historic district.

Planning Commission Staff Report - Page 7 236 & 238 Bachman Avenue/S-12-038 August 22, 2012

G. General Plan

In eliminating a house from the Town's inventory, the Planning Commission should consider the following policies from the Town's 2020 General Plan:

- Policy LU-6.7 Continue to encourage a variety of housing types and sizes that is balanced throughout the Town and within neighborhoods, and that is also compatible with the character of the neighborhood.
- Policy HOU-3.1 Encourage the maintenance and improvement of existing housing units.
- Policy HOU-3.2 Support the preservation and conservation of existing housing units that provide affordable housing opportunities for Town residents and workers.

H. Environmental Review

The project is Categorically Exempt according to Section 15303 of the State Environmental Guidelines as adopted by the Town because the project consists of the demolition of a two-family dwelling and construction of a single family dwelling.

PUBLIC COMMENTS:

The Town received three letters is support of the project from neighbors (Exhibit 9).

SUMMARY AND RECOMMENDATION:

A. Summary

The existing structure has no historic significance and the proposed house would not exceed the floor area ratio, height, structure coverage, and setback limitations of the zoning district. The applicant designed the structure to be compatible with the immediate neighborhood in terms of mass. The structure is well designed, compatible with the immediate neighborhood and the historic district, and the reduction of one unit would eliminate the nonconforming parking. Although the project would create the largest home in the immediate neighborhood in terms of square footage, the project would be only the fourth largest in terms of FAR.

Although the project would remove a housing unit from the Town's housing stock, the Town's housing stock has cumulatively increased. The elimination of one unit would not have a detrimental impact on the Town's housing stock given that the number of new units exceeds the number of applications to eliminate a unit.

Planning Commission Staff Report - Page 8 236 & 238 Bachman Avenue/S-12-038 August 22, 2012

The Planning Commission should consider whether the project meets the intent of the Residential Design Guidelines and the General Plan.

B. Recommendation:

Based on the summary above, staff recommends that the Planning Commission approve the Architecture and Site application. If the Planning Commission concurs with staff's recommendation, it should:

- 1. Find that the proposed project is categorically exempt, pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines as adopted by the Town (Exhibit 2);
- 2. Make the required finding that the project is consistent with the Residential Design Guidelines (Exhibit 2); and
- 3. As required by Section 29.10.09030(e) of the Town Code for the demolition of a two-family residence (Exhibit 2); and
- 4. Make the required considerations as required by Section 29.20.150 of the Town Code for granting approval of an Architecture & Site application (Exhibit 2); and
- 5. Make the required consideration as required by Section 29.80.290(2) of the Town Code when reviewing applications for new construction in historic districts (Exhibit 2); and
- 6. Approve Architecture and Site application S-12-038 subject to the conditions contained in Exhibit 3.

If the Commission has concerns with the proposed use, it can:

1. Deny the application; or

2. Continue the matter to a date certain with specific directions; or

3. Approve the application with additional and/or modified conditions.

Prepared by:

Jennifer L. Savage, AICP

Associate Planner

Approved by:

Wendie R. Rooney_

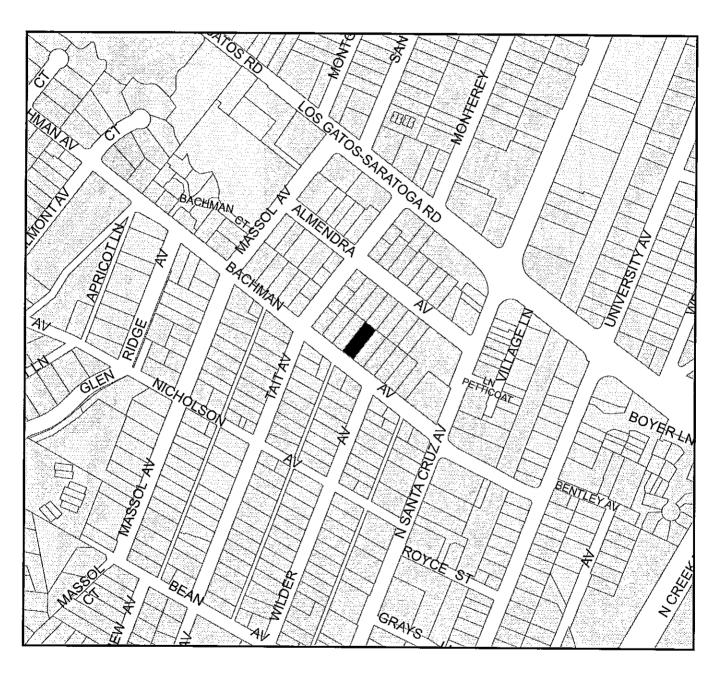
Director of Community Development

WRR:JS:ct

cc: Omid Shakeri, 12280 Saratoga Sunnyvale Road #109, Saratoga, CA 95070

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238 Bachman Avenue



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REQUIRED FINDINGS FOR:

236 & 238 Bachman Avenue

Architecture and Site Application S-12-038

Requesting approval to demolish a two-family dwelling, and construct a single-family dwelling with a detached garage with reduced rear setbacks on property zoned R-1D:LHP. APN 510-14-054.

PROPERTY OWNER/APPLICANT: Omid Shakeri

FINDINGS

Required finding for CEQA:

The project is Categorically Exempt pursuant to Sections 15303 of the State Environmental Guidelines as adopted by the Town in that the project consists of the demolition of a twofamily residence and the construction of a single-family residence.

Required finding for the demolition of a two-family dwelling:

- As required by Section 29.10.09030(e) of the Town Code for the demolition of an existing two-family dwelling:
 - 1. The Town's housing stock would be maintained in that the Town's housing stock has cumulatively increased and that one unit will replace the two-family unit.
 - 2. Preservation of historically or architecturally significant buildings or structures in that the Historic Preservation Committee recommended approval based on the following: The building is not associated with any events that have made significant contribution to the Town; no significant persons are associated with the site; any historic architectural significance the structure may have had is gone due to the additions and modifications; and the house does not yield information important to the Town's history.
 - 3. Property owner's desire or capacity to maintain the structure in that the owner does not want to maintain the structure as it exists.
 - 4. Economic utility of the building or structure in that the building was originally a onefamily unit and was subsequently split into two units with unsympathetic additions which has resulted in a poor floor plan.

Required Compliance with the Residential Design Guidelines:

The project is in compliance with the Residential Design Guidelines for single-family homes not in hillside residential areas.

CONSIDERATIONS

Required considerations in review of Architecture & Site applications:

■ As required by Section 29.20.150 of the Town Code, the considerations in review of an Architecture and Site application were all made in reviewing this project.

Page 2 of 2 236 & 238 Bachman Avenue/S-12-038 August 22, 2012

As required by Section 29.80.290(2) of the Town Code for construction in historic districts:

■ As required by Section 29.80.290 (2) of the Town Code for approval of work within an historic district.

In evaluating applications, the deciding body shall consider the architectural style, design, arrangement, texture, materials and color, and any other pertinent factors. Applications shall not be granted unless:

In historic districts, the proposed work will neither adversely affect the exterior architectural characteristics or other features of the property which is the subject of the application, nor adversely affect its relationship, in terms of harmony an appropriateness, with its surroundings, including neighborhood structures, nor adversely affect the character, or the historical or aesthetic interest or value of the district. The structure to be demolished has been found to not be of historical significance. The proposed structure meets the design guidelines of the Almond Grove Historic District and is compatible with the neighborhood.

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CONDITIONS OF APPROVAL – August 22, 2012

236 & 238 Bachman Avenue

Architecture and Site Application S-12-038

Requesting approval to demolish a two-family dwelling, and construct a single-family dwelling with a detached garage with reduced rear setbacks on property zoned R-1D:LHP. APN 510-14-054.

PROPERTY OWNER/APPLICANT: Omid Shakeri

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

- APPROVAL. This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans approved and noted as received by the Town on June 23, 2012. Any changes or modifications to the approved plans shall be approved by the Community Development Director, the Development Review Committee, the Planning Commission, or Town Council, depending on the scope of the changes.
- EXPIRATION. The approval will expire two years from the approval date pursuant to 2. Section 29.20.320 of the Town Code, unless the approval has been vested.
- OUTDOOR LIGHTING. Exterior lighting shall be kept to a minimum, and shall be down 3. directed fixtures that will not reflect or encroach onto adjacent properties. No flood lights shall be used unless it can be demonstrated that they are needed for safety or security. The lighting plan shall be reviewed during building plan check.
- GENERAL. All existing trees shown on the plan and trees required to remain or to be planted are specific subjects of approval of this plan, and must remain on the site.
- TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for any trees to be 5. removed, prior to the issuance of a building or grading permit.
- ARBORIST REQUIREMENTS. The developer shall implement, at their cost, all 6. recommendations made by Deborah Ellis, identified in the Arborist's report, dated as received May 30, 2012, on file in the Community Development Department. A Compliance Memorandum shall be prepared by the applicant and submitted with the building permit application detailing how the recommendations have or will be addressed. These recommendations must be incorporated in the building permit plans, and completed prior to issuance of a building permit where applicable.
- TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees 7. prior to issuance of demolition and building permits and shall remain through all phases of construction. Include a tree protection fencing plan with the construction plans.
- SALVAGE OF BUILDING MATERIALS: Prior to the issuance of a demolition permit, 8. the developer shall provide the Community Development Director with written notice of the company that will be recycling the building materials. All wood, metal, glass, and aluminum materials generated from the demolished structure shall be deposited to a company which will recycle the materials. Receipts from the company(s) accepting these materials, noting the type and weight of materials, shall be submitted to the Town prior to the Town's demolition inspection.

9. STORY POLES. The story poles on the project site shall be removed within 30 days of

approval of the Architecture & Site application.

10. SANTA CLARA VALLEY WATER DISTRICT (SCVWD). The applicant shall modify the garage placement or design during building permit plan review to ensure the eaves do not overhang into the SCVWD easement. Submit plans for approval to SCVWD, including details of proposed gates and locks, grading, drainage, and landscaping. The applicant shall submit copy of SCVWD approval to the Town of Los Gatos Community Development Department prior to submitting building permit or grading permit applications.

11. 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.

Building Division

12. PERMITS REQUIRED: A Demolition Permit shall be required for the demolition of the existing two-family residence and a Building Permit for the construction of the new single family residence and a separate Building Permit for the new detached garage. Separate permits are required for electrical, mechanical, and plumbing work as necessary.

13. CONDITIONS OF APPROVAL: The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of

Approval will be addressed.

14. SIZE OF PLANS: Four sets of construction plans, maximum size 24" x 36".

15. DEMOLITION REQUIREMENTS: Obtain a Building Department Demolition Permit Application and a Bay Area Air Quality Management District Application from the Building Department Service Counter. Once the Demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the Air Quality District's J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.

16. SOILS REPORT: A Soils Report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the Building Permit Application. This report shall be prepared by a licensed civil engineer

specializing in soils mechanics.

17. FOUNDATION INSPECTIONS: A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report, and that the building pad elevation and on-site retaining wall locations and elevations have been prepared according to the approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:

- a. Building pad elevation
- b. Finish floor elevation
- c. Foundation corner locations
- d. Retaining Walls
- 18. RESIDENTIAL TOWN ACCESSIBILITY STANDARDS: The residence shall be designed with adaptability features for single family residences per Town Resolution 1994-61:
 - a. Wood backing (2" x 8" minimum) shall be provided in all bathroom walls at water closets, showers, and bathtubs, located 34-inches from the floor to the center of the backing, suitable for the installation of grab bars.
 - b. All passage doors shall be at least 32-inches wide on the accessible floor.
 - c. Primary entrance shall be a 36-inch wide door including a 5'x5' level landing, no more than 1/2-inch out of plane with the immediate interior floor level with an 18-inch clearance at interior strike edge.
 - d. Door buzzer, bell or chime shall be hard wired at primary entrance.
- 19. TITLE 24 ENERGY COMPLIANCE: All required California Title 24 Energy Compliance Forms must be blue-lined, i.e. directly printed, onto a plan sheet.
- 20. BACKWATER VALVE: The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (WVSD) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
- 21. TOWN FIREPLACE STANDARDS: New wood burning fireplaces shall be an EPA Phase II approved appliance as per Town Ordinance 1905. Tree limbs shall be cut within 10-feet of Chimney.
- 22. FIRE ZONE: The project requires a Class A Roof assembly.
- 23. SPECIAL INSPECTIONS: When a special inspection is required by CBC Section 1704, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance. Special Inspection forms are available from the Building Division Service Counter or online at www.losgatosca.gov/building
- 24. BLUE PRINT FOR A CLEAN BAY SHEET: The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (24x36) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print for a fee or online at www.losgatosca.gov/building.
- 25. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
 - a. Community Development Planning Division: Jennifer Savage (408) 399-5702
 - b. Engineering/Parks & Public Works Department: Maziar Bozorginia (408) 395-3460
 - c. Santa Clara County Fire Department: (408) 378-4010
 - d. West Valley Sanitation District: (408) 378-2407

- e. Local School District: The Town will forward the paperwork to the appropriate school district(s) for processing. A copy of the paid receipt is required prior to permit issuance.
- f. Bay Area Air Quality Management District: (415) 771-6000
- g. Santa Clara Valley Water District: (408) 265-2607 x2650

TO THE SATISFACTION OF THE DIRECTOR OF PARKS AND PUBLIC WORKS:

Engineering Division

- 26. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
- 27. ENCROACHMENT PERMIT. All work in the public right-of-way will require a Construction Encroachment Permit. All work over \$5,000 will require construction security. It is the responsibility of the applicant/developer to obtain any necessary encroachment permits from affected agencies and private parties, including but not limited to, Pacific Gas and Electric (PG&E), SBC, Comcast, Santa Clara Valley Water District, California Department of Transportation. Copies of any approvals or permits must be submitted to the Town Engineering Department prior to releasing of any permit.
- 28. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
- 29. RESTORATION OF PUBLIC IMPROVEMENTS: The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
- 30. SITE SUPERVISION. The General Contractor shall provide qualified supervision on the job site at all times during construction
- 31. STREET/SIDEWALK CLOSURE. Any proposed blockage or partial closure of the sidewalk requires an encroachment permit. Special provisions such as limitations on works hours, protective enclosures, or other means to facilitate public access in a safe manner may be required.
- 32. PLAN CHECK FEES Plan check fees shall be deposited with the Town prior to plan review at the Engineering Division of the Parks and Public Works Department.

- 33. INSPECTION FEES. Inspection fees shall be deposited with the Town prior to issuance of any Permit or recordation of the Final Map.
- 34. DESIGN CHANGES. Any proposed changes to the approved plans shall be subject to the approval of the Town prior to altered work is started. The Applicant Project Engineer shall notify, in writing, the Town Engineer at least 72 hours in advance of all the proposed changes. Any approved changes shall be incorporated into the final "as-built" plans.
- 35. PARKING. Any proposed parking restriction must be approved by The Town of Los Gatos, Community Development Department.
- 36. TREE REMOVAL. Copies of all necessary tree removal permits shall be provided prior to issuance of a grading permit/building permit.
- 37. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
 - a. Retaining wall-top of wall elevations and locations
 - b. Toe and top of cut and fill slopes
- 38. PAD CERTIFICATION. A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
- 39. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to the Town before final release of any occupancy permit is granted.
- 40. FRONTAGE IMPROVEMENTS. Applicant shall be required to improve the project's public frontage to current Town Standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approaches, curb ramps, traffic signal, street lighting (upgrade and/or repaint) etc.
- 41. UTILITIES. The Developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code Section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. Applicant is required to obtain approval of all proposed utility alignments from any and all utility service providers. The Town of Los Gatos does not approve or imply approval for final alignment or design of these facilities.
- 42. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town Standard Details. An inspection made at the time the planning application was filed showed a minimum of TBD square feet of sidewalk currently in need of repair. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.

- 43. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town Standard Details. An inspection made at the time the planning application was filed showed a minimum of TBD linear feet of curb and gutter currently in need of repair. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
- 44. DRIVEWAY APPROACH. The developer shall install a Town standard residential driveway approach. The new driveway approach shall be constructed per Town Standard Details.
- 45. FENCING. Any fencing proposed within 200-feet of an intersection shall comply with Town Code Section §23.10.080.
- 46. SIGHT TRIANGLE AND TRAFFIC VIEW AREA: Any proposed improvements, including but not limiting to trees and hedges, will need to abide by Town Code Section 23.10.080, 26.10.065, 29.40.030.
- 47. AS-BUILT PLANS. An AutoCAD disk of the approved "as-built" plans shall be provided to the Town prior to issuance of a Certificate of Occupancy. The AutoCAD file shall include only the following information and shall conform to the layer naming convention:

 a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Swimming Pool, Layer: SWIMMING-POOL; e) Tennis Court, Layer: TENNIS-COURT; f) Property Line, Layer: PROPERTY-LINE; g) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
- 48. CONSTRUCTION TRAFFIC: All construction traffic and related vehicular routes shall be submitted for review and approval by the Town Engineer prior to issuance of permit.
- 49. CONSTRUCTION STREET PARKING. No vehicle having a manufacture's rated gross vehicle weight exceeding ten thousand (10,000) pounds shall be allowed to park on the portion of a street which abuts property in a residential zone without prior to approval from the Town Engineer.
- 50. HAULING OF SOIL. Hauling of soil on or off-site shall not occur during the morning or evening peak periods (between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.). Prior to the issuance of a building permit, the developer shall work with the Town Building and Engineering Department Engineering Inspectors to devise a traffic control plan to ensure safe and efficient traffic flow under periods when soil is hauled on or off the project site. This may include, but is not limited to provisions for the developer/owner to place construction notification signs noting the dates and time of construction and hauling activities, or providing additional traffic control. Coordination with other significant projects in the area may also be required. Cover all trucks hauling soil, sand, and other loose debris or require all trucks to maintain at least two feet of freeboard.
- 51. CONSTRUCTION NOISE. Between the hours of 8:00 a.m. to 8:00 p.m., weekdays and 9:00 a.m. to 7:00 p.m. weekends and holidays, construction, alteration or repair activities shall be allowed. No individual piece of equipment shall produce a noise level exceeding eighty-five (85) dBA at twenty-five (25) feet. If the device is located within a structure on the property, the measurement shall be made at distances as close to twenty-five (25) feet from the device as possible. The noise level at any point outside of the property plane shall not exceed eighty-five (85) dBA.

- 52. SANTA CLARA VALLEY WATER DISTRICT (SCVWD): Prior to start of any work along or within Santa Clara Valley Water District (SCVWD) right of way/easement, the developer shall submit construction plans to SCVWD for review and approval, and obtain necessary encroachment permits for the proposed work. Copy of approved encroachment permit is required to be submitted to Engineering Department prior to Grading Permit issuance.
- 53. WVSD (West Valley Sanitation District). Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Sanitary Sewer Clean-out is required for each property at the property line or location specify by the Town.
- 54. SANITARY SEWER BACKWATER VALVE. Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flusing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative. The Town shall not incur any liability or responsibility for damage resulting from a sewer overflow where the property owner or other person has failed to install a backwater valve as defined in the Uniform Plumbing Code adopted by the Town and maintain such device in a functional operation condition. Evidence of West Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.
- 55. BEST MANAGEMENT PRACTICES (BMP's). Best Management Practices (BMPs) shall be maintained and be placed for all areas that have been graded or disturbed and for all material, equipment and/or operations that need protection. Removal of BMPs (temporary removal during construction activities) shall be placed at the end of each working day.
- 56. STORMWATER DEVELOPMENT RUNOFF. All new development and redevelopment projects subject to the Stormwater development runoff requirements. Every applicant shall submit a stormwater control plan and implement conditions of approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of treatment measures and other appropriate source control and site design measures. Increases in runoff volume and flows shall be managed in accordance with the development runoff requirements
- 57. SITE DESIGN MEASURES. All projects must incorporate the following measures to the maximum extent practicable:
 - a. Protect sensitive areas and minimize changes to the natural topography.
 - b. Minimize impervious surface areas.
 - c. Direct roof downspouts to vegetated areas where feasible.
 - d. Use permeable pavement surfaces where feasible.
 - e. Use landscaping to treat stormwater.
- 58. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration

of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

- 59. CONSTRUCTION ACTIVITIES. All construction shall conform to the latest requirements of the CASQA Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the ABAG Manual of Standards for Erosion & Sediment Control Measures, the Town's grading and erosion control ordinance and other generally accepted engineering practices for erosion control as required by the Town Engineer when undertaking construction activities.
- 60. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor and home owner to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
- 61. GOOD HOUSEKEEPING. Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
- 62. UTILITY SETBACKS. House foundations shall be set back from utility lines a sufficient distance to allow excavation of the utility without undermining the house foundation. The Town Engineer shall determine the appropriate setback based on the depth of the utility, input from the project soils engineer, and the type of foundation.
- 63. COVERED TRUCKS: All trucks transporting materials to and from the site shall be covered.

TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:

64. FIRE SPRINKLER SYSTEM REQUIRED: An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows: In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet. Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area. Note: The owner(s), occupant(s), and any contractor(s) or subcontractor(s) are responsible for consulting with the water purveyor of record in order to determine if any

- modification or upgrade of the existing water service is required. Note: Covered porches, patios, balconies, and attic spaces may require fire sprinkler coverage. A State of California licensed (C-16) Fire Protection Contractor shall submit plans, calculations, a completed permit application and appropriate fees to the Fire Department for review and approval prior to beginning their work.
- 65. WATER SUPPLY REQUIREMENTS: Potable water supplies shall be protected from contamination caused by fire protection water supplies. It is the responsibility of the applicant and any contractors and subcontractors to contact the water purveyor supplying the site of such project, and to comply with the requirements of that purveyor. Such requirements shall be incorporated into the design of any water-based fire protection systems, and/or fire suppression water supply systems or storage containers that may be physically connected in any manner to an appliance capable of causing contamination of the potable water supply of the purveyor of record. Final approval of the system(s) under consideration will not be granted by the Fire Department until compliance with the requirements of the water purveyor of record are documented by that purveyor as having been met by the applicant(s).
- 66. PREMISES IDENTIFICATION: Approved numbers or addresses shall be placed on all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.
- 67. CONSTRUCTION SITE FIRE SAFETY: All construction sites must comply with applicable provisions of the CFC Chapter 14 and Standard Detail and Specification SI-7.

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OMID SHAKERI 12280 SARATOGA-SUNNYVALE ROAD SUITE 109 SARATOGA, CA 95070 VOICE: 408-666-6556

OICE: 408-666-6556 FAX: 408-996-9210

RECEIVED

APR 1 1 2012

April 18, 2012

TOWN OF LOS GATOS PLANNING DIVISION

Suzanne Avila Senior Planner Town of Los Gatos Community Development Department 110 East Main Street Los Gatos, CA 95031

Ref: 238 Bachman Avenue, design review

Dear Ms. Avila:

I wish to file an application for a design review for a remodel and first and second floor addition to an existing building located at 238 Bachman Avenue.

Existing Conditions: The project site is approximately 8,400square feet. The existing building is a single story Craftsman bungalow with horizontal wood siding that houses two small one bedroom, one-bath units. This structure consists of 1,256 of living area and sits approximately 17 feet behind the sidewalk. There are no garages on this site (see attached photos).

The Almandra Creek runs along the rear of this property. This Creek has been covered (concrete pipes) on this property and properties to the east. The open portion of the creek starts from the property to the west. Santa Clara Valley Water District has two easements on this property. A 13-foot wide easement runs along the rear property line where the drain pipe is located and a 14 to 18 foot wide ingress-egress easement along the west property line.

The existing architecture can be classified as Craftsman Bungalow style. It appears that over time, several modifications have been made to the building. Both windows on the front elevation have been modified to bay windows. It also appears that the small front porch has been enclosed by a front door and two sidelights. A laundry room has been added to the rear of the building. This room has vertical exterior siding (T-111) and a flat roof, and it is constructed on top of an existing deck. The roof on this building has been changed from the typical wood shakes to composition shingles.

Our Proposal: We are proposing to demolish a portion of the existing building and add approximately 1,442 square feet to the existing building for a total living area of 2708 sq.ft. In addition, we will build a 575 detached sq.ft. garage. The addition to the house will be a combination of single story (297 sq.ft.), in rear of the building, and a second floor area (1,155 sq.ft.). In order to do the addition, we will remove the existing roof and walls, including the exterior walls, and will keep the foundation and the floor system. On March 18, 2012, the Historic Preservation Commission approved the demolition of the existing house.

The proposed architecture is a two-story craftsman style building with a large porch and a well-defined front entry. The exterior material is a combination of wood and stucco. Wood siding is used in the gable areas and stucco covers the walls. Wood trims also are used around the windows and doors. In addition, the porch columns and the fireplace chimney have been highlighted by stone.

In designing the proposed building, we have paid special attention to details. The proposed second floor is well balanced and is further setback in the front than the first floor wall. We have used dormers, accent wood trims around the windows, exposed gable ends and; stone and wood columns in the front porch to reflect a strong craftsman design.

The proposed detached garage has a similar design as the main house; and is located in the rear of the property approximately 14 feet from the rear property line. A stone paved driveway will provide access from the street to the garage.

In conclusion, I believe that our proposed Craftsman design is compatible with the historic character of Almond Grove historic neighborhood and will further enhance this neighborhood. Therefore, we request our design review application to be approved.

If you have any questions, please feel free to call me at 408-666-6556.

Sincerely:

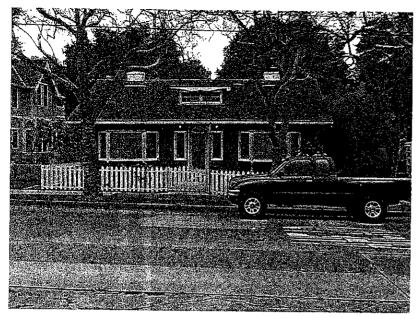
Omid Shakeri

Attachments:

Streetscape (one page)

Photos of the existing house (one page)

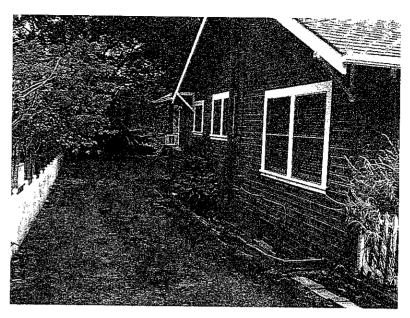
Proposed plans (five pages)



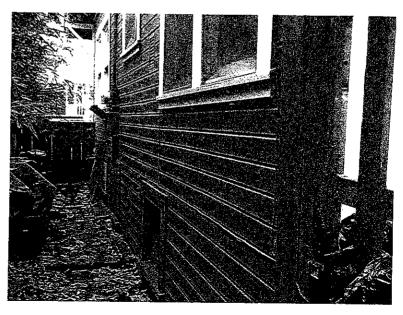
Street View



Rear View



Left side View



Right side View

236/238 Bachman Avenue



Streetscape

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MEMORANDUM

GAY - 3 2012

TOWN OF LOS GATOS PLANNING DIVISION

Date:

May 8, 2012

To:

Jennifer Savage AICP, Associate Planner, Planning Division, Tow of Los Gatos

From:

Omid Shakeri

RE:

Explanation for the size of the home, 238 Bachman Avenue

We are proposing to build a new 2,708 sq.ft. home on a 8,400 sq.ft. lot. The size of this house is more than those of immediate neighbors (the four adjancent home and four homes located across the street). This is due to the fact that our property is the largest among the neighbors. The proposed FAR is within the average FAR and below the Town's Guidelines. The lots across the street range from 3,049 sq.ft. to 4,356 sq.ft. the adjancent lots range from 5,227 to 7,841 sq.ft. The FAR for these homes range from 10% to 50%. With an average FAR of 31%. Our proposed FAR is 32%, which is, close to the existing average FAR in the neighborhood. Table below shows the data related to the neighboring homes and their related FARs. This table indicates that the FAR for our home is in the middle range compare to the other homes.

ADDRESS	APN	LOT SIZE	LIVING AREA	FAR
243 Bachman Avenue	510-17-039	3,049	1,530	50%
229 Wilder Avenue	510-17-095	4,356	2,075	48%
237 Bachman Avenue	510-17-022	4,356	1,804	41%
256 Bachman Avenue	510-14-057	5,227	1,724	33%
238 Bachman Avenue	510-14-054	8,400	2,708	32%
244 Bachman Avenue	510-14-055	7,841	2,457	31%
251 Bachman Avenue	510-17-038	3,920	1,119	29%
226 Bachman Avenue	510-14-052	7,841	2,025	26%
250 Bachman Avenue	510-14-056	7,841	1,020	13%
228 Bachman Avenue	510-14-053	7,841	752	10%

We have designed a home that is compatible with the adjacent homes. We have used several techniques to control the mass of the building. The front (width) of the home is 36 feet which is similar to the adjacent homes. The second floor, facing the street, is set back from the first floor. Dormers have been used to provide windows on the second floor area. Two story walls have been accented by bellybands or rooflines to provide visual interest in these areas.

In conclusion, the living area of our proposed home is larger than the nine homes on Bachman Avenue because our lot is the largest compared to rest of the parcels on this street. However, the underlying FAR is well within average FAR for these homes. In addition, the design and massing on our home is similar to the homes in the neighborhood. We believe that our proposed home will be a great addition to this area and urge the Planning Commission to approve our request.

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MEMORANDUM

MAY - 9 2012

TOWN OF LOS GATOS PLANNING DIVISION

Date:

May 8, 2012

To:

Jennifer Savage AICP, Associate Planner, Planning Division, Town of Los Gatos

From:

Omid Shakeri

RE:

Justification for eliminating one unit, 238 Bachman Avenue

We have purchased the property located at 238 Bachman Avenue to build a new home. Presently, there is a duplex on this property, which consists of two one-bedroom units. Our proposal will result in a loss of one unit on this property. Below is our justification for removing one of the units.

The existing building was originally built as a single family home and later converted to a duplex. We do not know exactly when this conversion occurred or if it was done legally. All of the building records we found were only issued under one address (238 Bachman Avenue). The county records show only one single family home with two bedrooms and one bath at this location. The Town's 2008 housing inventory, however, shows two units at this property.

The existing one-bedroom units are relatively small. One of the units has a poor floor plan. The bedroom for this unit is about 8 feet wide. This bedroom is much smaller than standard bedroom that should be at least 10 feet by 10 feet. The only access to the bedroom is through the door in the kitchen. This unit has one bathroom, which is only accessible through the bedroom. As I understand from the previous owner, because of the problems with the floor plan, this unit has always been very difficult to rent. The current tenant is a single person who lives at this unit part time. This unit is also not suitable for families or single parent with children because it is too small for two or more occupants.

We believe that our proposal to convert this building back to a single-family home will be consistent with the goals of the Town's Housing Element. Goal HOU-1 states" Expand the choice of housing opportunities for all economic segments of the community by supporting the development of affordable housing in variety of types and sizes, including mixture of ownership and rental housing." The existing units only can accommodate one occupant. The housing Element indicates that the average household size in Los Gatos is 2.3 person. Our proposed home will accommodate a larger household than the existing units, which will be more in line with the size of average household in the town of Los Gatos. In addition, the new house will be owner occupied which is encouraged by the Goal 1 of the Housing Element.

Goal Hou-3 States "preserve existing residential opportunities including the existing affordable housing stock". Policy Hous3-1 encourages the maintenance and improvement of existing housing units. Policy HOU3.2 supports the preservation and conservation of existing housing units that provide affordable housing opportunity for Town residents and workers. We are proposing to keep the existing residential use of this site. We are only eliminating the unit that has a poor floor plan. The new home on this property will be owner occupied which is encouraged by the goals and policies of the General Plan.

Residential units in the downtown area are very popular and usually fetch much higher rent than other areas of the Town. As the result, these units could not be classified as affordable housing. The unit that we are removing has been rented at the market value and has never been considered as affordable or below market unit. Thus removing one of the units will be consistent with this policy of the Housing Element. Furthermore, there are many apartment and secondary dwelling units in the downtown area. Loss of one unit will not significantly affect the housing stock in this area.

Goal HOU-8 encourages "residential construction that promotes green building and energy conservation practices". The existing building was constructed in mid 1930 and is not energy efficient. It lacks adequate insulation, double pane windows, and other components that make a home energy efficient. The new house will comply with the current green building requirements and will be much more energy efficient than the existing building. As the result, our proposal will be consistent with Goal 8 of the Housing Element.

WOOD DESTROYING PESTS AND ORGANISMS INSPECTION REPORT

Building No.	Street	City	Zip	Date of Inspection	Number of Pages	
236 & 238	BACHMAN AVE.	LOS GATOS	95030	3/9/2012	10	
S. I	JNRAY	125 SOUTH CAPITOL AVENUE SAN JOSE, CA 95127 (408) 258-0927 FAX 258-3306 EMAIL: srtermite@comcast.net	www.term	UR WEB PAGE: nite-questions.com	OF CALIFORNIA, DIG	
Ordered By:		Owner and/or Party In Interest:	Re	port Sent To:		
OMID SHAKERI						
:						
		,				
	LIMITED REP	ORT SUPPLEMENTAL REPOR	RT	REINSPECTION REP	ORT	
General Description: [DUPLEX IR			ectionTag Posted: SU er Tags Posted:	BAREA	
OCCUPIED	11.		Othe	n rags rosted:		
CROSS STREET: SAN						
An inspection has been made of the structure(s) shown on the diagram in accordance with the Structural Pest Control Act. Detached porches, detached steps, detached decks and any other structures not on the diagram were not inspected.						
	Subterranean Termites 🗵 Drywood Termites 🗵 Fungus / Dryrot 🗵 Other Findings 🗵 Further Inspection 🔀					
If any of the above boxes are checked, it indicates that there were visible problems in accessible areas. Read the report for details on checked items.						

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MAR 19 2012

TOWN OF LOS GATOS PLANNING DIVISION

FRONT - DIAGRAM NOT TO SCALE

Inspected by: JAMES VONG State License No. FR 25596 Signature

You are entitled to obtain copies of all reports and completion notices on this property reported to the Structural Pest Control Board during the preceding two years. To obtain copies contact: Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, California 95815–3831.

NOTE: Questions or problems concerning the above report should be directed to the manager of the company. Unresolved questions or problems with services performed may be directed to the Structural Pest Control Board at (916) 561–8708, (800) 737–8188 or www.gestboard.ca.gov. 43M–41 (REV. 10/01)

PAGE 2 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

ADDRESS:	236 & 238	BACHMAN AVE.	LOS GATOS	95030
_	BLDG. NO.	STREET	CITY	ZIP CODE
		3/9/2012	122741-J	
-	STAMP NO.	DATE OF INSPECTION	CO. REPORT NO.	

SCOPE OF REPORT - AREAS NOT INSPECTED: Unless specified otherwise, this report is limited to those portions of the diagrammed structure that were open and visible on this date only. We did not inspect any concealed areas to which there is no access without moving appliances, floor coverings, insulation, and/or defacing or tearing out finished and sealed segments such as walls, cabinets, etc. We did not water test and do not certify against leakage, any appliances, plumbing over finished ceilings, roof coverings or decks. Such actions were not performed because they are considered impractical without specific written authorization. We make no guarantee against infestations, leaks, or adverse conditions which may exist in such areas or which may develop or become visibly evident in any other areas after this date. If information about the areas not inspected is desired, we recommend further inspection be performed.

- (a) WORK CONDITIONS: If materials other than those specified herein are desired or if any other changes or additional work, are requested by the customer or required by any Public Bodies, or if additional concealed infestation or damage is discovered during the course of the work, there may be additional charges. Changes or additional work will not be performed until customer provides written authorization for such.
- (b) WARRANTY: Fumigations performed by SUNRAY are warranted to remain effective for a period of time not to exceed 3 years from the date of the actual fumigation. Structural repairs and ceramic tile replacement performed by SUNRAY will be guaranteed to remain effective for ONE YEAR from the date of completion. Warranty for the control of subterranean termites is limited to the area(s) where the chemical has been applied and are warranted for ONE YEAR. Vinyl floor coverings, plumbing repairs, glass work, grouting, caulking or any measures for control of moisture completed by SUNRAY will be guaranteed to remain effective for NINETY DAYS.
- (c) REINSPECTION: If requested within four (4) months from the date of this report by the person ordering the report, a reinspection of the structure will be performed for an additional fee. Our reinspection is for certification purposes only. We do not assume responsibility for work done by others. Please call our office PRIOR to commencing any work for further information.
- (d) LIMITATIONS: We do not paint or texture in connection with any repairs. We do not remove or replace any appliances or furniture. After shower or floor covering work the caulking, grout or sealant must be maintained monthly or as needed by the owner or occupant to prevent moisture leakage in the future. We install grout and/or caulking on a one-time basis. This inspection is to disclose actual infestations, infections and conditions that are conducive to infestation or infection. This is not a structural inspection. If any information concerning the electrical, heating, foundation, plumbing, roof covering, and any other conditions beyond the scope of a wood destroying organisms inspection is desired, the appropriate inspecting firm should be consulted. This firm inspects and reports only visible plumbing leaks on the day of the inspection. This firm does not guarantee against hidden or future leaks. Owner to contact a plumber for further information regarding plumbing. No representation is made regarding the presence or absence of asbestos, a material commonly used in structures prior to 1983. If interested parties desire information concerning asbestos, a proper contractor should be consulted.
- (e) MILL PATTERNS: It may not be possible to match the existing mill patterns and materials used in the original construction. We will replace damaged wood members with materials which resemble, as closely as possible, the existing wood members with standard grade materials currently available.

Sunray Termite Control, Inc. limits liability for any inspection errors or omissions to the cost of the inspection. If interested parties desire any further information regarding this limitation, contact this office.

PAGE 3 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

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ADDRESS:	236 & 238	BACHMAN AVE.	LOS GATOS	95030
	BLDG. NO.	STREET	CITY	ZIP CODE
_		3/9/2012	122741 - J	
	STAMP NO.	DATE OF INSPECTION	CO. REPORT NO.	

REINSPECTION POLICY:

IF REQUESTED WITHIN FOUR MONTHS, WE WILL REINSPECT ANY ITEMS OUTLINED HEREIN FOR AN ADDITIONAL FEE PER TRIP TO THE PROPERTY. WHERE APPLICABLE, OPEN FLOOR/WALL INSPECTIONS ARE NECESSARY IF A "SECTION 1 CERTIFICATION" IS DESIRED.

STANDARD MATERIALS:

NOTE: OUR BID FOR LINOLEUM AND TILE IS BASED ON "STANDARD GRADE" MATERIAL. STANDARD TILE: \$2.80 SQ. FT. (PRICE GROUP 1). STANDARD LINOLEUM: \$.83 SQ. FT.

ROOF COVERINGS:

THE EXTERIOR SURFACE OF THE ROOF WAS NOT INSPECTED. IF YOU WANT THE WATER TIGHTNESS OF THE ROOF DETERMINED, YOU SHOULD CONTACT A ROOFING CONTRACTOR WHO IS LICENSED BY THE CONTRACTOR'S STATE LICENSE BOARD.

MOLD:

THERE WILL BE HEALTH RELATED ISSUES ASSOCIATED WITH THE FINDINGS REFLECTED IN THIS REPORT. WE ARE NOT QUALIFIED TO AND DO NOT RENDER AN OPINION CONCERNING ANY SUCH HEALTH ISSUES. THE INSPECTION REFLECTED BY THIS REPORT WAS LIMITED TO THE VISIBLE AND ACCESSIBLE AREAS ONLY. QUESTIONS CONCERNING HEALTH RELATED ISSUES, WHICH MAY BE ASSOCIATED WITH THE FINDINGS OR RECOMMENDATIONS REFLECTED IN THIS REPORT, THE PRESENCE OF MOLD, THE RELEASE OF MOLD SPORES OR CONCERNING INDOOR AIR QUALITY SHOULD BE DIRECTED TO A CERTIFIED INDUSTRIAL HYGIENIST.

COMPETITIVE BUSINESS PRACTICES:

NOTICE: THE STRUCTURAL PEST CONTROL BOARD ENCOURAGES COMPETITIVE BUSINESS PRACTICES AMONG REGISTERED COMPANIES. REPORTS ON THIS STRUCTURE PREPARED BY VARIOUS REGISTERED COMPANIES SHOULD LIST THE SAME FINDINGS (I.E. TERMITE INFESTATIONS, TERMITE DAMAGE, FUNGUS DAMAGE, ETC.). HOWEVER, RECOMMENDATIONS TO CORRECT THESE FINDINGS MAY VARY FROM COMPANY TO COMPANY. THEREFORE, YOU HAVE A RIGHT TO SEEK A SECOND OPINION FROM ANOTHER COMPANY.

NOTICE: THE CHARGE FOR SERVICE THAT THIS COMPANY SUBCONTRACTS TO ANOTHER PERSON OR ENTITY MAY INCLUDE THE COMPANY'S CHARGES FOR ARRANGING AND ADMINISTERING SUCH SERVICES THAT ARE IN ADDITION TO THE DIRECT COSTS ASSOCIATED WITH PAYING THE SUBCONTRACTOR. YOU MAY ACCEPT SUNRAY TERMITE CONTROL'S BID OR YOU MAY CONTRACT DIRECTLY WITH ANOTHER REGISTERED COMPANY LICENSED TO PERFORM THE WORK. IF YOU CHOOSE TO CONTRACT WITH ANOTHER COMPANY, SUNRAY TERMITE CONTROL WILL NOT BE RESPONSIBLE FOR ANY ACT OR OMISSION IN THE PERFORMANCE OF WORK THAT YOU DIRECTLY CONTRACT WITH ANOTHER TO PERFORM.

PAGE 4 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

ADDRESS:	236 & 238	BACHMAN AVE.	LOS GATOS	95030
_	BLDG. NO.	STREET	CITY	ZIP CODE
		3/9/2012	122741-Ј	
	STAMP NO.	DATE OF INSPECTION	CO. REPORT NO.	

SECTION I AND II INFORMATION:

A SEPARATED REPORT HAS BEEN REQUESTED WHICH IS DEFINED AS SECTION I/SECTION II CONDITIONS EVIDENT ON THE DATE OF INSPECTION. SECTION I CONTAINS ITEMS WHERE THERE IS EVIDENCE OF ACTIVE INFESTATION, INFECTION OR CONDITIONS THAT HAVE RESULTED IN OR FROM INFESTATION OR INFECTION. SECTION II ITEMS ARE CONDITIONS DEEMED LIKELY TO LEAD TO INFESTATION OR INFECTION, BUT WHERE NO VISIBLE EVIDENCE OF SUCH WAS FOUND. FURTHER INSPECTION ITEMS ARE DEFINED AS RECOMMENDATIONS TO INSPECT AREA(S) WHICH DURING THE ORIGINAL INSPECTION DID NOT ALLOW THE INSPECTOR ACCESS TO COMPLETE HIS INSPECTION AND CANNOT BE DEFINED AS SECTION I OR SECTION II.

(1) SUBSTRUCTURE AREA

1A. Evidence of subterranean termites were found to be entering the structure from one or more of the following areas: subarea, exterior soil and beneath the concrete surfaces as indicated on the diagram.

RECOMMENDATION: Treat all probable subterranean termite entry points. Treat the entire subarea soil with approved chemicals. Drill a series of holes through all exterior concrete slabs, porches and walkways. Pressure inject the soil beneath these surfaces with termiticide and seal all holes with mortar. FURTHER: Trench and treat the soil adjacent to the foundation with an approved chemical for the control of subterranean termites. Remove all accessible evidence of subterranean termites as practical.

NOTE: We assume no liability for damage that could occur to pipes and/or conduits that could be located under the concrete slab floor. It will be the owner's responsibility to provide Sunray Termite Control with the necessary information as to the location of pipes/conduits under the slab prior to the commencement of this work.

SECTION I

1B. Sections of the pier pad have been damaged by subterranean termite activity, as indicated on the diagram. RECOMMENDATION: Remove and replace the damaged pad with pressured treated wood as necessary. SECTION ${\bf I}$

1C. Cellulose debris (wood, paper and/or cloth) was found on the subarea soil. RECOMMENDATION: Remove and dispose of the non-infested cellulose debris. SECTION II

PAGE 5 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

ADDRESS: 236 & 238 BACHMAN AVE. LOS GATOS 95030

BLDG. NO. STREET CITY ZIP CODE

3/9/2012 122741-J

STAMP NO. DATE OF INSPECTION CO. REPORT NO.

(3) FOUNDATION

3A. Minor foundation cracks were noted to the in some areas. No evidence of subterranean termite infestations resulting from these cracks at this time. RECOMMENDATION: For further information in regards to foundation conditions contact a licensed contractor to make a complete survey. SECTION II

(9) PATIOS - DECKS

9A. The wood deck attached to the structure is extensively damaged by fungus (dry-rot) and replacement of all the decking is recommended. Also, portions of the girders will require replacement and/or chemical treatment with a fungicide/wood preservative applied in accordance with the manufacturer's instructions.

RECOMMENDATION: Owner's to contract with an outside independent decking contractor to remove and replace all fungus damaged/infected wood members as needed.

SECTION I

(10) OTHER - INTERIOR

10A. Moisture has gained entry beneath the floor covering in the utility room/closet and has caused damage to the floor covering and/or underlayment. RECOMMENDATION: Remove the damaged floor covering and underlayment as necessary. Install new underlayment, and install new floor covering throughout.

NOTE: If damage is found to extend into the subfloor or beyond the perimeter of the utility room/closet, a supplemental report will be issued to owner or agent on findings and for cost and direction.

NOTE: New vinyl floor covering will be installed flat with molded top set base.

NOTE: It will be the owner's responsibility to have any applicable appliances removed prior to our commencement of this work. Re-installation of any appliances will also be the owner's responsibility. If the owner desires to engage the services of Sunray Termite Control to remove and reinstall any appliances, contact this office to arrange for this service and to authorize an additional cost.

SELECTION OF MATERIAL: S&G Carpet and more, 4952 Almaden Exp., San Jose 414-1188 or 19625 Steven Creek Blvd. Cupertino 350-9220 SECTION I

PAGE 6 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

ADDRESS:	236 & 238	BACHMAN AVE.	LOS GATOS	95030
_	BLDG. NO.	STREET	CITY	ZIP CODE
		3/9/2012	122741 - J	
_	ON CHARTES	DATE OF INSPECTION	CO REPORT NO	

10B. Water stains were noted at the area(s) indicated on the diagram, apparently caused by past and/or present roof and/or rain gutter leakage. RECOMMENDATION: Contact a licensed contractor to inspect and to make any necessary recommendations. Any certifications or guarantee regarding the roof covering and/or rain gutters should be obtained from the contractor that inspects and/or performs any work. Sunray Termite Control does not inspect roof coverings and/or rain gutter systems. SECTION II

10C. Water is seeping out around the bathtub enclosure assembly in the hall bath of unit #236.

RECOMMENDATION: Remove, reseal, and rehang the glass enclosure.

NOTE: Owner or occupant must maintain caulking/sealant monthly or as needed to prevent future moisture penetration and damage.

NOTE: Bid does not include cleaning existing unit. Owner or occupant should direct water away from enclosure when bathing and use all due caution to keep the floor as dry as possible.

NOTE: If conditions prevail that prevent the reinstallation of the existing enclosure, we will issue a supplemental report and a cost quotation to replace the enclosure with new tempered safety glass.

SECTION II

10D. This property was occupied and furnished along with finished floor coverings at the time of this inspection. This limits our inspection to visible and accessible areas only. We do not move personal items and/or appliances during our inspection process. A portion of the interior of this structure was found to be inaccessible for visual inspection due to storage at this time.

If desired and/or required a further inspection of the areas not totally accessible during our original inspection will be performed. This will be done after the areas are made accessible by others and this office is contacted for an appointment and approval of additional fees.

INFORMATION

10E. The bathrooms were noted to have ceramic tile floor covering. This prevented a true and positive survey of the underlayment. INFORMATION

PAGE 7 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

ADDRESS:	_ 236 & 238	BACHMAN AVE.	LOS GATOS	95030
_	BLDG. NO.	STREET	CITY	ZIP CODE
		3/9/2012	122741 - J	
_	STAMP NO	DATE OF INSPECTION	CO REPORT NO	

10F. Small cracks were present in the interior sheetrock/plaster of this structure. This condition is somewhat common for a structure of this age and type located in this area and is presumed to be the result of normal settling. This condition is not considered a Structural Pest Control problem and no recommendation is required at this time. If interested parties desire any further information, contact a licensed contractor for a proper recommendation.

INFORMATION

10G. The kitchen was noted to have ceramic tile floor covering. This prevented a true and positive survey of the underlayment. INFORMATION

(11) OTHER - EXTERIOR

11A. Sections of the siding have been damaged by fungus activity, as indicated on the diagram.

RECOMMENDATION: Remove and replace the damaged wood members as necessary.

NOTE: This bid does not include painting or refinishing.

NOTE: If damage is revealed beyond the visible damage, a supplemental report will be issued outlining any further findings and recommendations and a bid will be issued if applicable.

NOTE: Due to the building materials used on this structure, it may be difficult to match the existing mill patterns and materials used in the original construction. We will replace damaged wood members with materials which resembles, as closely as possible, the existing wood members using standard grade readily available materials.

SECTION I

11B. Portions of the exterior wood window sashes were found to be damaged by fungus and subterranean termite as indicated on the diagram.

RECOMMENDATION: Owner's to contract with an outside independent window contractor to remove and replace the damaged window sashes as needed.

SECTION I

11C. Sections of the front bay windows and framing members have been structurally damaged by fungus activity, as indicated on the diagram. RECOMMENDATION: Owner's to contract with an outside independent window contractor to remove and replace the damaged windows and framing as needed. SECTION I

PAGE 8 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

ADDRESS:	236 & 238	BACHMAN AVE.	LOS GATOS	95030
•	BLDG. NO.	STREET	CITY	ZIP CODE
		3/9/2012	122741-J	
•	STAMP NO.	DATE OF INSPECTION	CO. REPORT NO.	

11D. Evidence of drywood termites was noted in the wood framing as indicated on the diagram.

RECOMMENDATION: Seal up and fumigate this structure with a lethal gas in compliance with the manufacturer's instructions to control drywood termites. Remove seals and air out this structure ready for reoccupancy. Fumigation cannot begin in inclement weather. In the case of rain and/or strong winds, this job may have to be postponed to a later date.

NOTE: There will be preparation work that must be completed prior to the performance of the structural fumigation. The preparation work is the responsibility of the homeowner. If interested, you can contact a preparation company that specializes in this service (like Fumigation Prep @ 408-888-9486). The cost to complete the preparation work varies for each particular structure depending on the amount of required work.

Due to recent changes in the law we are required to give you the following notice. Sunray Termite Control Inc. subcontracts our fumigation services with a licensed fumigation contractor.

NOTICE: The charge for the service that this company subcontracts to another registered company may include the company's charges for arranging and administering such services that are in addition to the direct costs associated with paying the subcontractor. You may accept Sunray Termite Control Inc. bid or you may contract directly with another registered company.

SECTION I

11E. Drywood termite pellets were found in the area(s) indicated on the diagram.

RECOMMENDATION: Remove and/or cover the accessible drywood termite pellets. NOTE: It is possible for old pellets to sift down and to become visible in previously infested areas due to normal movement and vibration of a structure. Our bid is for removing and/or covering the pellets on a one-time basis.

SECTION I

11F. The exterior wood members are weathering algae and/or paint is peeling in some areas.

RECOMMENDATION: The owner should maintain all exterior wood, keeping it well sealed and/or painted during the course of routine general home maintenance to minimize future decay in these areas.

SECTION II

PAGE 9 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

ADDRESS: 236 & 238 BACHMAN AVE. LOS GATOS
BLDG. NO. STREET CITY

95030

ZIP CODE

3/9/2012

122741-J

STAMP NO. DATE OF INSPECTION CO. REPORT NO.

SEPARATION OF REPORT ITEMS:

SECTION I: 1A, 1B, 9A, 10A, 11A, 11B, 11C, 11D, 11E

SECTION II: 1C, 3A, 10B, 10C, 11F

SECTION UNKNOWN - FURTHER INSPECTION: NONE

PAGE 10 OF THE STANDARD INSPECTION REPORT OF THE PROPERTY LOCATED AT:

ADDRESS:	236 & 238	BACHMAN AVE.	LOS GATOS	95030
•	BLDG. NO.	STREET	CITY	ZIP CODE
		3/9/2012	1227 41 -J	
-	STAMP NO.	DATE OF INSPECTION	CO. REPORT NO.	

CHEMICAL INFORMATION

SUNRAY TERMITE CONTROL, INC. will use pesticide chemical(s) specified below for the control of wood-destroying pests or organisms in locations identified in the Structural Pest Control report as indicated above.

The Pest(s) to be controlled:

SUBTERRANEAN TERMITES, DRYWOOD TERMITES, FUNGUS

The pesticide(s) to be used and the active ingredient(s):

PREMISE (IMIDACLOPRID .05%), TERMIDOR (FIPRONIL .06%), VIKANE OR ZYTHOR (SUFURYL FLUORIDE), TIM BOR (DISODIUM OCTABORATE 15%)

State law requires that you be given the following information:
CAUTION - PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Operators are licensed and regulated by the Structural Pest Control Board and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that, based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

If, within 24 hours following application, you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or Poison-control center and your Pest Control Operator immediately.

For further information, contact any of the following:

FOR PESTICIDE MEDICAL EMERGENCIES (PCOC MEDNET HOTLINE)	(800)	655-7262
For pesticide questions (PCOC MEDNET)	(408)	733-4380
Sunray Termite Control, Inc	(408)	258-0927
For health questions County Health Department	(408)	299-2177
Poison control center	(800)	876-4766
For Regulatory Information - the Structural Pest Control Board	(800)	737-8188
2005 Evergreen Street, Suite 1500, Sacramento California, 95815.		
For Application Information - the County Agricultural Commissioner	(408)	918-4600

Persons with respiratory or allergic conditions, or others who may be concerned about their health relative to this chemical treatment, should contact their physician concerning occupancy during and after chemical treatment prior to signing this NOTICE.

NO CHEMICAL APPLICATION WILL BE PERFORMED UNTIL SUCH TIME THAT THIS NOTICE IS RETURNED. HAVING READ THE INSTRUCTIONS, I, THE UNDERSIGNED, WILL ACCEPT RESPONSIBILITY FOR ALL THE AFORE MENTIONED.

OWNER/OCCUPANT	DATE	
OWNER/OCCUPANT	DATE	_

	SINGLE-FAMILY RESIDE	NTIAL PROJECT DAT	
	EXISTING CONDITIONS	PROPOSED PROJECT	REQUIRED/ PERMITTED TOWN OF LOS GAT PLANNING DIVISIO
Zoning district	R-1:D	same	-
Land use	vacant	single family residence	-
Lot size:	-		
■ Square feet/acres	8400	84,00	5,000 sq. ft. min.
Exterior materials:	:	·	
siding	MOOD	SAVLAD, Wood	-
■ trim	1-1000	Moero	-
■ windows	Vinida / WOOD C	Your LE, DUROSO A	-
■ roofing	Corresition	Longosition	<i>-</i> /
Building floor area:			
first floor	1,256 D	1,155 p 1,155 p 575 p	-
second floor	Ž.	1,155 0	-
garage	×	575 p	-
cellar	224 \$	224\$	-
Setbacks (ft.):			
• front	17.5	15/175	15 feet minimum
rear	87'	67.8"	20 feet minimum
side	5-14.5	5-14.5	5 feet minimum
side street		,	10 feet minimum
Maximum height (ft.)	20	30	30 feet maximum
Floor Area Ratio (%)	15	32	
house	1,256\$	27081	27/2 _{sq. ft. maximum}
garage	Q	5- C- A	760 sq. ft. maximum

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RECEIVED

MAY 15 2012

TOWN OF LOS GATOS PLANNING DIVISION

Honorable Chair member of the Planning Commission:

We have reviewed the architectural plans for the property located 238 Bachman Avenue. We would like to express our support for Mr. Shakeri's proposal for the new home and the detached garage.

Name	UP	Maher	Name	,
	226	BACKMAN AVE	L. G.	
Addres	S			

Honorable	Chair	member	of the	Planning	Commission
-----------	-------	--------	--------	----------	------------

We have reviewed the architectural plans for the property located 238 Bachman Avenue. We would like to express our support for Mr. Shakeri's proposal for the new home and the detached garage.

 Name	He Patsuris	Name
Hy across the street)		
		Address
	ette Patsuri	the

Honorable Chair member of the Planning Commission:

We have reviewed the architectural plans for the property located 238 Bachman Avenue. We would like to express our support for Mr. Shakeri's proposal for the new home and the detached garage.

Name

Name

Address

Los Jahrs. Of 95030

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RECEIVED

JUN 25 2012

TOWN OF LOS GATOS PLANNING DIVISION

June 25, 2012

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

RE: 238 Bachman Avenue

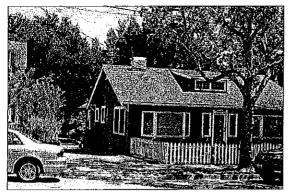
Dear Jennifer:

I reviewed the drawings, and visited the site. My comments and recommendations are as follows:

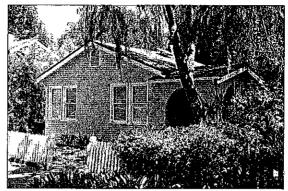
Neighborhood Context

The site is currently occupied by a one-story home that will be demolished. The surrounding neighborhood is composed of one and two-story houses with traditional design styles. Photos of the site and surrounding neighborhood are shown below.





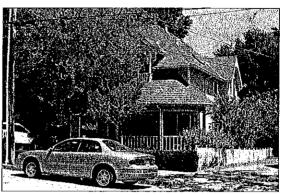
Existing house on the Site



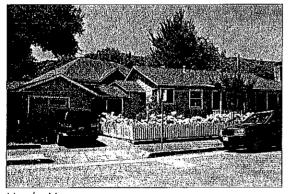
House to the immediate right



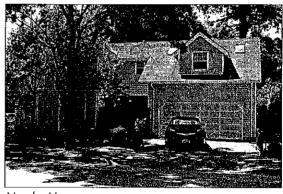
Nearby home to the left



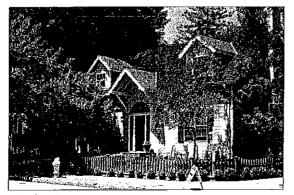
House to the immediate left



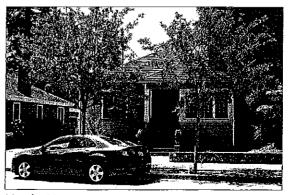
Nearby Home



Nearby Home



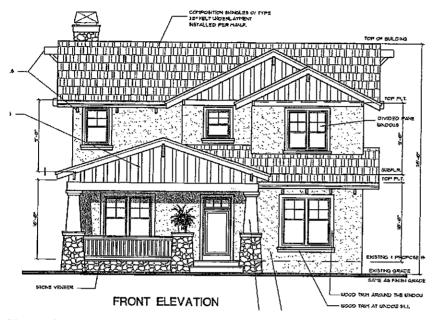
Nearby Home



Nearby Home

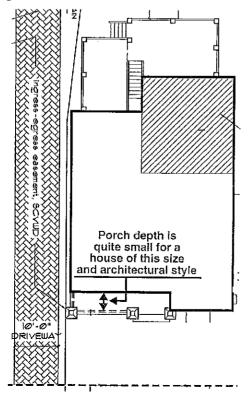
Issues and Recommendations

The proposed house is well designed with a scale and attention to detail suitable to the architectural style and surrounding neighborhood. While larger, at two stories, than several of the nearby homes, it is in keeping with the scale of the house to the immediate left and others in the surrounding neighborhood.

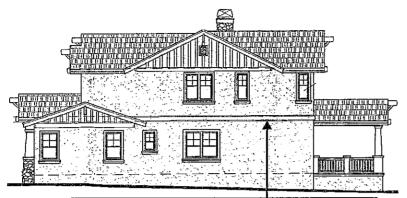


I have only two concerns and recommendations for changes.

1. The front entry porch depth is quite small for a house of this size and architectural style. The clear depth is below the absolute minimum called for in the *Town's Residential Design Guidelines*. The porch depth should be revised to be a minimum of 6 feet clear, and arguably, it should be larger - up to 8 feet in depth - given the size and style of the proposed house.



2. The trim band at the second floor appears from the texture on the drawings to be stucco. This would be unusual and inappropriate to the authenticity of the architectural style. It should be wood.



This trim band appears to be stucco which would be very unusual for this architectural style Use wood trim

Jennifer, 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 Cannon AICP

MAY 30, 2012

Deborah Ellis, MS

Consulting Arborist & Horticulturist



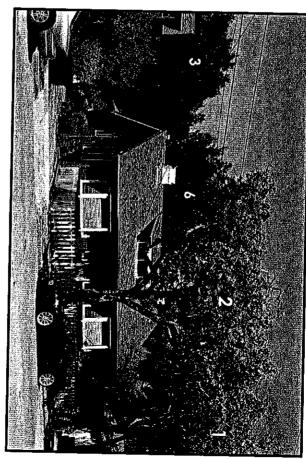
Service since 1984

ARBORIST REPORT

238 Bachman Avenue, Los Gatos, California

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

Consulting Arborist & Horticulturist Prepared by: Deborah Ellis, MS



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

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MAY 30 2012

PLANNING DIVISION

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PO Box 3714, Saratoga, CA 95070.



Table of Contents

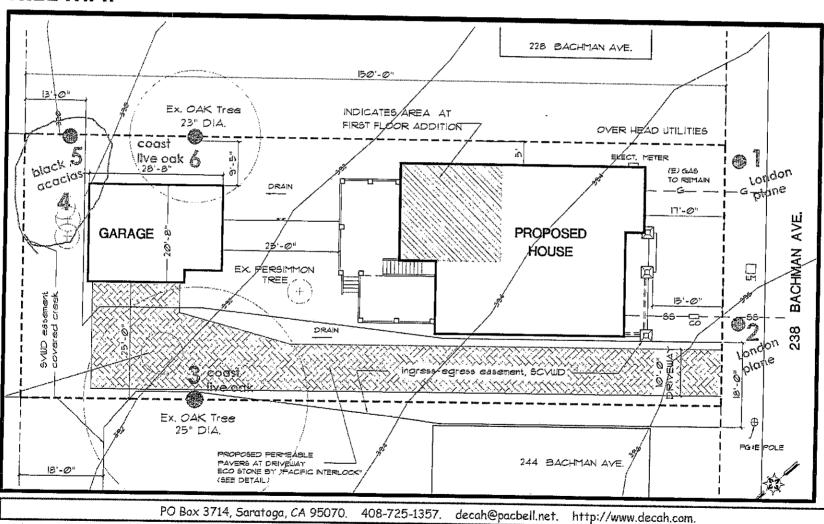
TREE MAP	1
SUMMARY	2
Table 1 Summary Tree Table	3
RECOMMENDATIONS	4
APPENDIX	
Table 2 Complete Tree Table	7
Explanation of Tree Table Data Columns:	1C
Supporting Information	
Purpose & Use of Report	14
Methodology	
Observations	15
Tree Protection Distances	
3 To 5 X DBH	1 <i>6</i>
OTPZ (Optimum Tree Protection Zone)	
Los Gatos General Tree Protection Directions	
Tree Photos	
Assumptions & Limitations	

Cover photo: view of 238 Bachman Avenue from the southwest. London plane Town street trees #1 and 2 are visible in the front yard with coast live oaks #3 and 6 in the background. All photos in this report were taken by D. Ellis on May 24, 2012.



Service since 1984

TREE MAP



Arborist Report for 238 Bachman Avenue. May 30, 2012.

SUMMARY

There are 6 <u>protected trees</u>¹ on the project site. These trees are described briefly the <u>Summary Tree Table (Table 1)</u> on page 3 and in greater detail in the <u>Complete Tree Table (Table 2)</u> beginning on page 7. The Complete Tree Table also includes recommendations for reducing construction impact to trees when possible and practical. Tree protection information for this project is included on pages 17 through 19.

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

- None of the protected trees are proposed to be removed.
- Two of these trees, black acacias #4 (a grove of <u>sucker</u>² trunks) and #5 (a large black acacia tree) are "debatable" save or remove due to their condition, proximity to construction and because this is a poor tree species for the area and the site. Tree #5 may be a boundary line tree (owned jointly by adjacent property owners).
- It should be possible to **save** trees #1 and #2 London plane Town street trees and #3 and #6 large coast live oak trees with some driveway design changes for oak #3 and adequate protection before, during and after construction.
- The key trees on site are definitely the two large coast live oaks in the backyard; trees #3 and #6. Based upon the site plan these are both boundary line trees.

¹ For the purpose of this project, a protected tree in Los Gatos as defined in the <u>Los Gatos Town Code, Division 2 Tree Protection, Section 29.10.0960, 12/3/2010 the Scope of Protected Trees</u> 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.

² <u>Suckers</u> are secondary upright shoots arising from the roots or root collar (junction between roots and trunk) of a tree, or below the graft union. On a grafted tree the suckers (originating from the *stock* which includes the roots), are often not the same plant species as the *scion* (the grafted, desirable aboveground part). Suckers can be a nuisance in landscape situations. In nature however, suckers can serve to keep a tree alive after fire or mechanical damage that kills or removes the aboveground part of the tree.



TABLE 1 SUMMARY TREE TABLE

Tree	Common Name	Trunk Diameter @3 ft.	Preservation Suitability	Expected Construction Impact	Action	Reason
*1	London plane	13	Fair	Low	Save	
*2	London plane	18	Fair	Uncertain	Save	
3	coast live oak	30	i	Moderate/ Severe	Save (Redesign)	
4	black acacia	2-7	Fair/Poor	Moderate	Debatable	
5	black acacia	23	Poor	Uncertain; probably Low to Moderate		Species, Construction
6	coast live oak	29	Good	Moderate	Save	

^{*} Town street tree

RECOMMENDATIONS

- 1) Accurately survey and include the locations of trees #1, 2 and 5 on the site plan. Accurately delineate the area that includes the many trunks of black acacia suckers that I have labeled as #4. Show the accurate driplines of all trees on site accurately as well.
- 2) Clarify if the sewer line adjacent to London plane tree #2 is proposed or existing. If proposed it must be tunneled or <u>air-spade</u>³ excavated if the excavation will be 4 feet or less from the trunk of the tree.
- 3) The proposed driveway should be moved further away from coast live oak #3 so that there is no excavation within 7 feet of the trunk.
- 4) Erect story posts tom see how construction of the proposed garage will impact the canopy of coast live oak #6.
- 5) Coast live oaks (trees #3 and 6) are native to the immediate area and should remain <u>summer dry</u>4. I have enclosed a paper on managing California native oaks in landscapes. Landscaping should be done very carefully around these trees. Preferably the backyard will be landscaped with drought tolerant plants that have the same water requirement as the oaks and will not require irrigation during the dry months, after an establishment period of 2 to 3 years after planting. A lawn in the backyard would not be a good idea, as far as these two oaks are concerned.
- 6) If tree#4 is removed, I believe that there is enough room on site to plant the Town-required four 24-inch box trees or two 48-inch box trees. This assumes that that the selected tree species is compatible with the available space, constraints and the use of the site.

³ <u>Air spade</u>: a commercial grade, hand-held metal probe attached to a large air compressor by a hose. This equipment is specialized, industrial equipment that is intended for use by trained professionals. Pressurized air is discharged from the tip of the probe. The air is used to excavate soil away from items such as tree roots, or to dig trenches or remove soil with minimal damage to tree roots (compared to traditional soil removal methods). Information for horticultural uses of the air spade is available at on line at: http://www.air-spade.com/market_arboriculture.html.

⁴ <u>Summer Dry</u>: Our native oak species are adapted to our "summer dry" climate. When the soil in their root system is kept moist during our normally dry months, these oaks are predisposed to attack by fungal root rot pathogens that are usually present in our soils. Therefore it is important to keep irrigation as far from the tree trunk (preferably beyond the mature dripline) as possible. The best landscape treatment underneath native oaks is non-compacted soil covered with a 3 to 4-inch depth of oak wood, leaf and twig litter (the tree's natural litter). Keep this mulch 6 to 12 inches away from the root collar (junction of trunk and roots). An exception to the no summer water rule would be newly planted oaks (for the first 2 to 3 years after planting, until they are "established") and also during droughts that occur during the normal rainy season.



- 7) In general, try to keep improvements (and any additional over-excavation or work area beyond the improvement) as far from tree trunks as possible. 3xDBHs should be considered the absolute minimum distance from any disturbance to the tree trunk on one side of the trunk, for root protection. If there will be disturbances on multiple sides of the trunk, then 5xDBH or greater should be used.
- 8) For those trees that will be retained on the site, follow the Town of Los Gatos General Tree Protection Directions on pages 17 19 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.
- 9) The following plans 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.

Plans Reviewed or not Reviewed (continued on the next page)

PLAN	DATE	SHEET	REVIEWED	SHOULD REVIEW	NOTES
Existing Site Topographic Map		T	"		
including existing tree trunk locations		í I			i :
Construction Staging			*		
Demolition	-			 x 	
Proposed Site Layout	4/17/12	A1	Х	 ^	··-
Grading/Drainage				 x 	
Underground Utility				$\frac{\hat{x}}{x}$	
Site & Building Sections				 ^	
Erosion Control				 ^ _	
Building Exterior Elevations	4/17/12	A3, 4	Х		
Roof		_ ,, .		 	Adequate from building
					elevations
Shadow Study				·	elevations
Construction Details that would					L
affect trees (for example building	! .	ľ		х	
foundations, pavement installation]			^]	

⁵ <u>DBH</u> 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.



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Plans Reviewed or not Reviewed (continued from the previous page)

PLAN	DATE	SHEET	REVIEWED	SHOULD REVIEW	NOTES
including sub-grade preparation, underground utility installation)					
Landscape Planting				Х	
Irrigation Plan				Х	
Landscape & Irrigation Details				Х	

10) 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. Additional instructions for pruning are included in the General Tree Protection Specifications. In general, trees should be pruned as little as possible.

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APPENDIX

TABLE 2 COMPLETE TREE TABLE

Data field information is included on pages 10 to 14.

Tree	Species &	0		COND	ITION			Expected			TREE PROT DIST	ECT	ION
#	Common Name	3 ft.	Size	Vigor	structure	Preservation Suitability	Value	Construction Impact	Action	Reason Notes	Зхрвн	5xDBH	ОТРZ
1	London plane		20*18		50	Fair	\$1,530	Low	Save	Construction: this Town street tree along with London plan #2 (also a city street tree) and the neighboring London plan Town street tree in front of the east neighboring property will all need to be protected (with tree protection fencing, Type 2). The entire parkstrip in front of 238 should be fenced off and this should extend to the adjacent east neighbor tree as well.	3	5	6
2	plane		20*16	75	50	Fair	\$3,030	Uncertain; probably Low to Moderate	Save	Construction: tree not located on plan, is adjacent to proposed driveway. Should be OK as long as excavation is no closer than 4 feet trunk. There is a sewer line in the vicinity of the tree. Is this line proposed or existing? If proposed it must be tunneled or air-spade excavated the excavation will be 4 feet or less from the trunk of the tree. See Notes for tree #1 above regarding tree protection fencing.	4	7	13
t I	coast live oak	30	45*35	85	75	Good			Save (Redesign)	Construction: proposed driveway is about	7	12	22



	M						, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		·		Serv	ice sinc	e 198.	4
	Species	D		COND	ITION			Expected				TREE PROT DIST	ECT	ION
Tree #	Common Name	ft.	Size	Vigor	Preservation Suitability Value	Construction Action	Reason	Notes	3xDBH	5хDВН	OTPZ			
											excavation is 15 inches deep (8 inch rip/compact, 4 inches of base rock and 3-inch thick pavers). The nearest recommended excavation to trunk is 7 feet. Preferably swing driveway away from tree this distance, within a radius of 7 feet on either side of the trunk. Note that the canopy of this tree is not perfectly round and covers much of the 238 backyard – please accurately depict canopy dripline on plans.			
4	black acacia	2- 7	50*35	85	60	Fair/Poor	\$110	Moderate		Species, Construction	Construction: I have not labeled each individual stem 4 inches or greater in diameter in this clump of suckers originating from black acacia #5, which was not included on the plan. There are 26 stems ranging from 2 to 7 inches in diameter that cover a much larger area than indicated on the plan. This is very low value weedy vegetation, although it does provide good screening right now. It is likely that many of the stems will need to be removed for garage construction.	1	2	3

⁶ <u>Suckers</u> are secondary upright shoots arising from the roots or root collar (junction between roots and trunk) of a tree, or below the graft union. On a grafted tree the suckers (originating from the stock which includes the roots), are often not the same plant species as the scion (the grafted, desirable aboveground part). Suckers can be a nuisance in landscape situations. In nature however, suckers can serve to keep a tree alive after fire or mechanical damage that kills or removes the aboveground part of the tree.

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Tree	Species	PD		COND	NTION			Expected				TRE PRO DIST	TEC 1	ION
#	Common Name	ft.	Size	Vigor	structure	Preservation Suitability	Value	Construction Impact	Action	Reason	Notes	3хDВН	5хDВН	OTPZ
	acacia	- AVAILABLE - STATE -				Poor	\$710	Uncertain; probably Low to Moderate			Construction: This may be another boundary line tree. It was not included on the site plan so we have tentatively plotted its location on the tree map. To avoid future pavement damage and remove a poor species of tree that is not in good condition, removal (now when it is easy) is a good idea. Condition: the lower branches of the tree have been removed so the tree provides no useful screening between adjacent properties, and the top of the tree has been pruned very badly.	6	9	28
	coast live oak	29	50*40	85	70	Good	\$13,800	Moderate	Save		Construction: the proposed garage wall is 14 feet from the trunk, so the actual excavation will probably be 11-12 feet from the trunk which is acceptable from a root loss standpoint if the tree is otherwise well protected before and during construction and treated appropriately in the landscape afterward. The canopy of the tree is relatively high due to past pruning, but it would be a good idea to erect story posts and make sure that the garage will "fit" in with the tree, without excessive pruning. Dripline must be accurately shown on plans.	7	12	22

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 Platanus acerifolia where Platanus is the Genus and acerifolia 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 (2007) 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 DBH⁷.
- 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) and
 - 20 is Unacceptable (F).
 - 0 is Dead
 - U Uncertain) for either vigor or structure means that condition component could not be accurately judged for some reason for example the tree may have been dormant (leafless) or certain aspects of the tree (for example the extent of decay) could not be determined without additional investigation that is beyond the scope of the present assignment.

⁷ <u>DBH</u> 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.



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The condition of the tree is considered relative to the tree species and present or future 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 3 below. 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 3 Preservation Suitability Rating Explanation

, , , , , , , , , , , , , , , , , , ,	rable 5 Preservation Suitability Rating Explanation
Excellent	Trees in excellent condition 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. Equivalent to academic grade 'A'.
Good	Irees in good condition: (both health and structural) that have good potential for longevity at the site. These are better than average trees equivalent to academic grade `B'.
Fair	Trees in fair condition: These trees have health and/or structural defects that may be improved with treatment. These are "average" trees — not great but not terrible either. 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	Trees with 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 (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



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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 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. <u>The Trunk Formula Method</u> 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. <u>The Replacement Cost Method</u> 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, 1/5/2012):

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	\$850x 2 = \$1700

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



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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
- Transplant (another option for a tree that can be moved to another area of the site, particularly smaller trees in good condition)
- Needs Further Evaluation: (the tree requires additional, more detailed evaluations that are not a part of the scope of work for the tree survey and Arborist Report. Such evaluations may include root collar excavations and examinations, drill tests to look for decay, aerial inspections of the tree (which must be done by a qualified tree service tree climber), or interior imaging studies of the tree such as sonic or electric tomography, sampling of soil or plant tissue and analysis/diagnosis by a soil or plant pathology laboratory)
- Debatable (the arborist feels that there are good arguments for either retaining or removing the tree).
- Uncertain (may be used when the arborist is unsure of condition of the tree, the expected construction impact or other factors)
- 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)
 - Species (the tree is a poor species for the use of the site)
 - Risk (the tree presents 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.
- 22. Tree Protection Distances (See page 16).
 - 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, <u>Trees & Development</u>, 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. <u>Canopy Protection</u>: 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 <u>purpose</u> of the report is to identify and describe the existing protected trees on site - - their size, condition and suitability for preservation. The <u>audience</u> 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 <u>goal</u> 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 <u>brief ground evaluation</u>⁸ of the subject trees on May 24, 2012. 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:

- <u>Guide for Plant Appraisal</u>, 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 <u>Evaluation of Hazard Trees in Urban Areas</u>, 2nd Ed., Matheny & Clark, International Society of Arboriculture, 1994.

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

⁸ <u>Brief Ground Evaluation of Trees</u>: 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.

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Each of the trees was tagged in the field with metal number tags that correspond with the tree numbers referenced in this report and on the <u>Tree Map</u>. I measured the trunk diameter of each tree with a diameter tape at 3 feet above the ground. Trunk diameter was rounded to the nearest inch. Trunk diameter at 3 feet was extrapolated to *DBH* (trunk diameter at 4.5 feet), which is used to calculate the Tree Protection Distances (for roots) that are listed in the Complete Tree Table. 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.

There were no construction plans available at the time that this report was prepared. My evaluation and recommendations therefore, are based upon the site "as is", but understanding that it will someday be developed. I could not therefore, provide an Expected Impact of Construction rating.

OBSERVATIONS

SITE CONDITIONS

Site topography is mainly level. There is an existing older single family, single-story house on the site. Landscaping is minimal. There is some irrigation of the front yard, but apparently none for the back yard. Sun exposure for the trees varies from full to partly shaded, depending upon proximity to existing buildings and to other trees. Coast live oaks #3 and #6 are native to the immediate area and are probably of natural growth (they were not planted). All other trees are not native to the area and were probably planted, except for the clump of suckers I have labeled as #4 which are probably progeny of the large black acacia #5.



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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, which will have less of an impact on tree health than

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, trunk 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, <u>Trees & Development</u>, 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).



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LOS GATOS GENERAL TREE PROTECTION DIRECTIONS

Note that the following is excerpted from Division 2 (Tree Protection) of the <u>Los Gatos Town Code</u> 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



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around the entire planter strip to the outer branches. <u>Type III</u>: 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

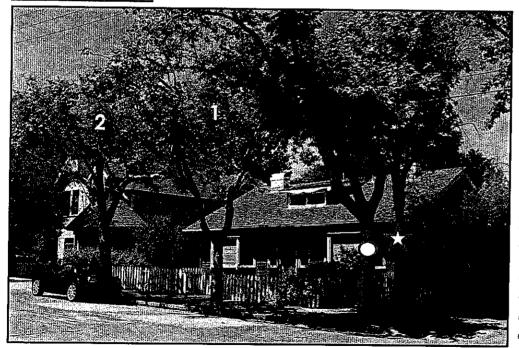
All pruning of protected trees shall be consistent with the current edition of Best Management Practices – Tree Pruning, established by the International Society of Arboriculture (ISA) and any special conditions as determined by the Director. For developments, which require a tree preservation report,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



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- 1. Any public utility installing or maintaining any overhead wires or underground pies or conduits in the vicinity of a protected tree shall obtain permission from the Director before performing any work, including pruning, which may cause injury to a protected tree (e.g. cable TV/fiber optic trenching, gas, water, sewer trench, etc.)
- 2. Pruning for clearance of utility lines and energized conductors shall be performed in compliance with the current version of the American National Standards Institute (ANSI) A300 (Part 1) - Pruning, Section 5.9 Utility Pruning. Using spikes or gaffs when pruning is prohibited.

TREE PHOTOS



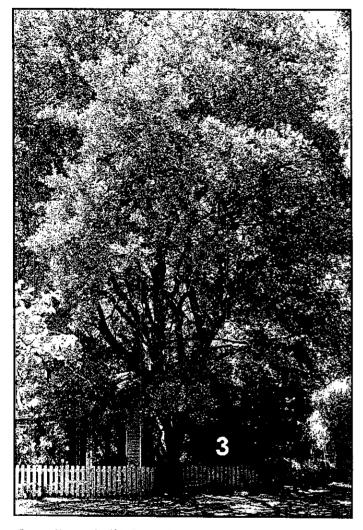
The front of the property from the southeast. London plane Town street trees #1 and 2 are at left and center. I have placed a white dot on adjacent London plane Town street tree in front of neighboring property to the east. This tree should be protected from construction as well. A white star indicates a dead tree in the east neighbor's front yard, right up against the fence in the 238 front yard.

Deborah Ellis, MS

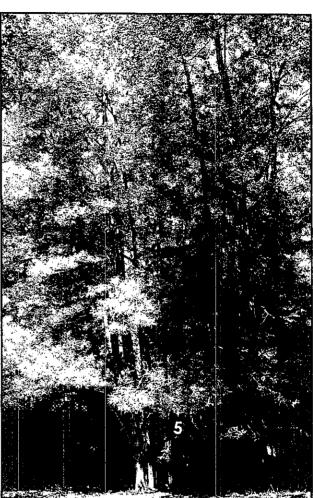
Consulting Arborist & Horticulturist



Service since 1984

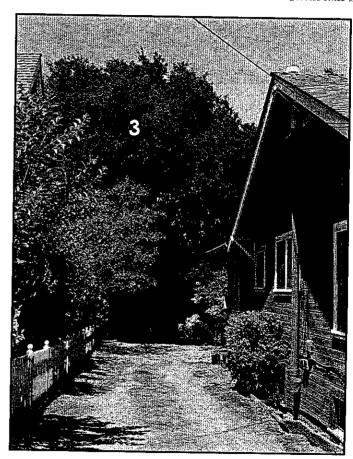


Coast live oak #3 from the south. Neighboring property to the Northwest is in the background.

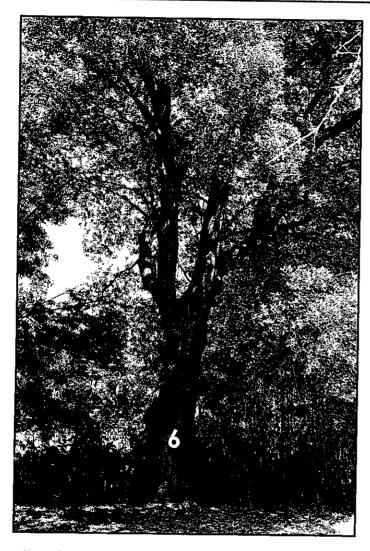


Black acacias #4 and #5: the grove of sucker trunks labeled as #4, with large tree #5 in the background.

Service since 1984



Coast live oak #3 from the south.



Coast live oak #6 from the Northwest. Neighboring property to the southeast is in the background.



Service since 1984

ASSUMPTIONS & LIMITATIONS

- 1) Tree locations were provided by <unknown> and are shown on the <u>Tree Map</u> on page 1 of this report. The tree map is a reduced partial copy of the Site Plan that I was given. Tree locations are assumed to be accurate but should be verified in the field.
 - a) Some trees were not included on the Site Plan (trees #1, 2 much of what is labeled as #4, and tree #5) and so we tentatively plotted the approximate locations of these trees on the <u>Tree Map</u>.
- 2) Trees on neighboring properties were not evaluated. They were only viewed cursorily from the project site. I did not enter the neighboring property to inspect these trees up close.
- 3) 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 <u>dripline</u>9, 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.
- 4) Loss or alteration of any part of this report invalidates the entire report.
- 5) 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.

⁹ <u>Dripline</u>: 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.

Deborah Ellis, MS

Consulting Arborist & Horticulturist



Service since 1984

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.

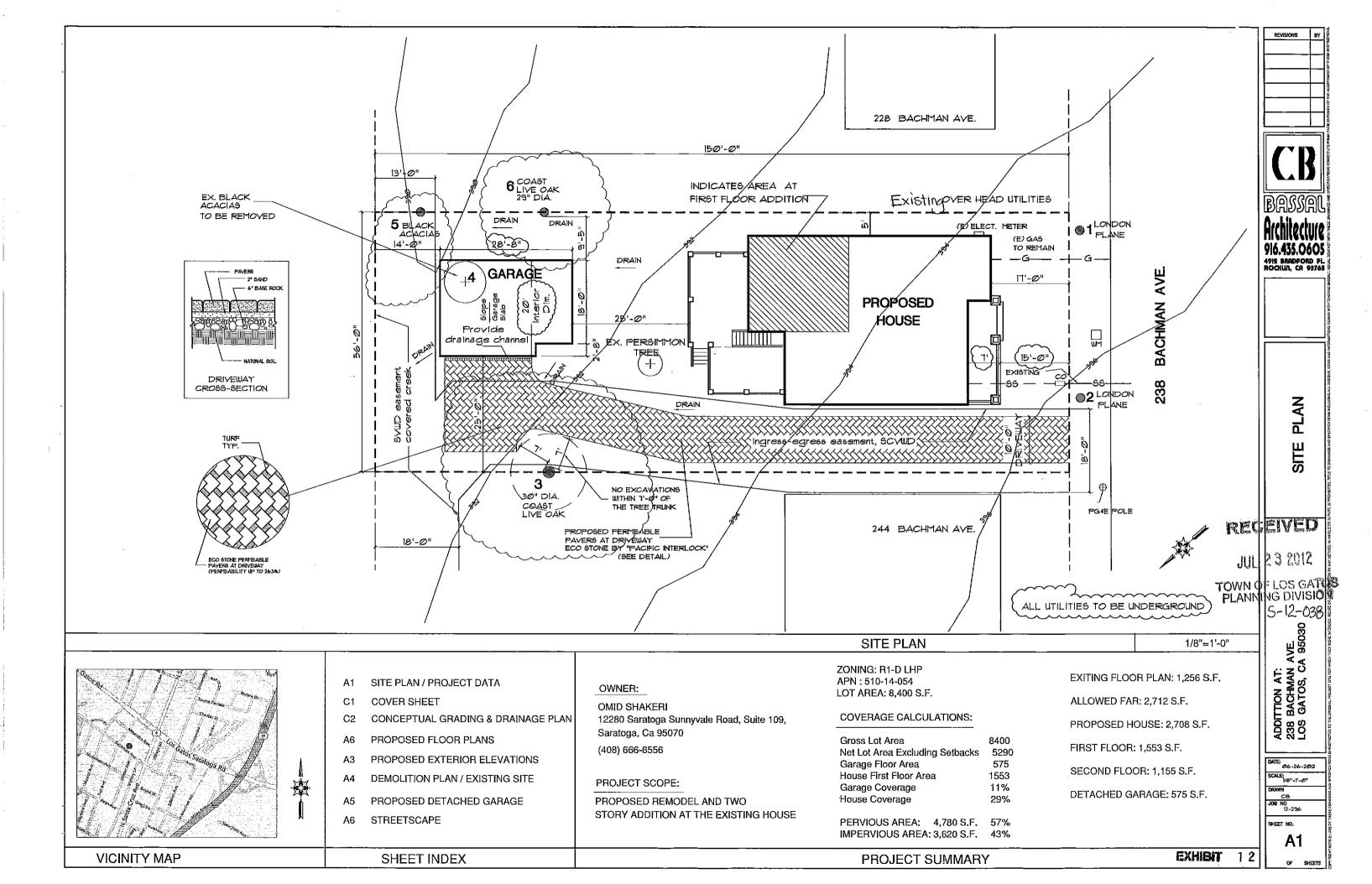
Sincerely.

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

Enclosure: Oak Care Reference: "Keeping Native Calif. Oaks Healthy". Hagen. June 1990. California Department of Forestry & Fire Protection. <u>Tree Notes</u> #7.

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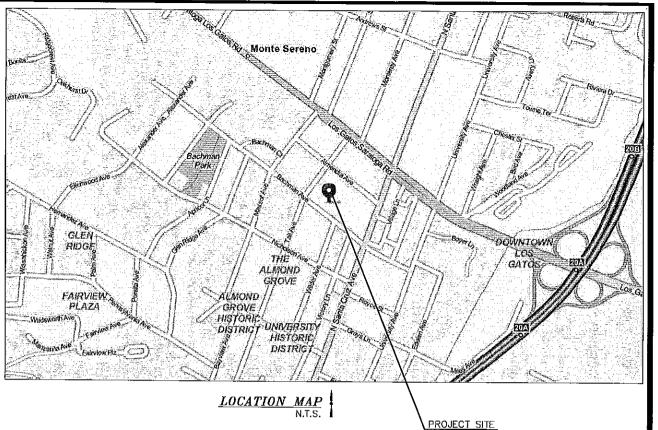
ABBREVIATIONS				
	DESCRIPTION		DESCRIPTION	
ΑĐ	AGGREGATE BASE	L/S	LANDSCAPE AREA	
AC	ASPHALT CONCRETE	ሆ	LOW POINT	
AD	AREA DRAIN	NON (N)	MONUMENT	
BC	BACK OF CURB	(N)	NEW	
8FL	BACKFLOW PREVENTOR	OG O.R.	ORIGINAL GROUND OVERLAND RELEASE	
8W	BOTTOM OF WALL	P8	PULL BOX	
CAG	CURB AND CUTTER	PGEV		
E.C/L CLSW	CENTERUNE CENTERUNE SWALE	LP/L		
CO	CLEANOUT	ρρ'	POWER POLE	
CHO	CHANNEL DRAIN	PPP	PLASTIC PERFORATED PIPE	
DWY	DRIVEWAY	PSE	PUBLIC SERVICE EASEMENT	
Di	DROP INLET	PVC	POLYVINYL CHLORIDE	
ĎΊL	DETAIL	R/W	RICHT OF WAY	
ELCT	ELECTRIC	RCP	REINFORCED CONCRETE PIPE	
EP	EDGE OF PAVENENT ELEVATION	SD	STORM DRAIN	
EUC	EUCALYPTUS TREE	SOMH	STORM DRAIN MANHOLE	
(E),EX	EXISTING	STD	STANDARD	
ĖΓ	FINISK FLOOR	SS	Sanitary Sever	
FG	FINISH GRADE	55MH	SANITARY SEWER MANHOLE	
FH	FIRE HYDRANT	S₩	SIDEWALK	
FL	FLOWUNE	TC	TOP OF CURB	
FNC	FENCE	張	TOP OF FOUNDATION	
FOC	FACE OF CURB	TÖS	TOP OF SLAB	
GB.	GRADE BREAK	ΤP	TOP OF PAVEMENT	
GUY	GUY WRE	.ï₩	TOP OF WALL	
HP	HIGH POINT	(IYP)	TYPICAL	
DΙΡ	OUCTLE IRON PIPE	AC5	VITRIFIED CLAY PIPE	
1HA	INVERT	WL.	WHITE LINE STRIPE	
æ	JOINT POLE	WLK	WALKWAY	
JE	JUNCTION BOX (UTILITY)	WM	WATER WETER	
LG	up of Gutter	₩	WATER VALVE	

CONCEPTUAL GRADING AND DRAINAGE PLANS ADDITION, DETACHED GARAGE 238 BACHMAN AVE., LOS GATOS, CA APN# 510-14-054

LEGEND

	·	
EXISTING	PROPOSED	DESCRIPTION
TOWN MINING MANAGE		PROPERTY LINE
	——F——	FILL AREA LIMIT
c	——с——	CUT AREA LIMIT
201-	102	CONTOUR
w	——W——	WATER LINE
——————————————————————————————————————		STORM DRAIN PIPE (SOLID)
55	—— 25 ——	SANITARY SEWER PIPE
		SUBDRAIN PIPE (PERFORATEO)
OH ELTV	OH a,T,TV_	OVERHEAD UTILITIES WITH POLE
······	c	gas line
<u>Σ</u>	— ε ——	ELECTRIC LINE (UNDERGROUND)
Jī	 л	JOINT TRENCH
⊠ æ.a	⊠ ^{SEV}	STREET LIGHT VAULT
O ₂₈₀₀	● SSCO	SANITARY SEWER CLEANOLIT
, O	•	SANITARY SEWER MANHOLE
0	•	STORM DRAIN MANHOLE
洪	Ж	ELECTROLIER
$\boxtimes_{\mathfrak{m}}$	⊠ _{MW}	WATER METER
	(*)	TREE WITH TRUNK
—-E	— x—— x—	6' WOODEN FENCE
192_21	102.23	SPOT ELEVATION
		tree protection fence 5' tall chain link
		SWALE
	->	DIRECTION OF FLOW IN PIPE
		AREA DRAIN/ INLET
	➾	OVERLAND RELEASE PATH
	√	GRADING DIRECTION
		(E) TREE TO BE REMOVE
	•	DOWN-SPOUT

POP-UP EMITTER



SHEET INDEX:

COVER SHEET/ NOTES

CONCEPTUAL GRADING AND DRAINAGE PLAN/ DETAILS

SURVEY MAP DISCLAIMER NOTE:

SMP ENGINEERS assumes no responsibility for the accuracy of the topographic surveying depicted on this plan set. Topographic surveying map was prepared by others and furnished to SMP ENGINEERS by the owner.

NOTE:

GRADING AND DRAINAGE PLANS SHALL BE REVIEWED AND APPROVED BY THE PROJECT GEOTECHNICAL ENGINEER.

DRAINAGE NOTES

Surface water shall be directed away from all buildings into drainage swates, gutters, storm drain inlets and drainage systems.
 All roof downspouts shall discharge to concrete splash pads draining oway from the foundation. See architectural plans for roof dawnspout locations.

NOTICE TO CONTRACTORS

COMPACTOR TO NOTIFY U.S.A. (UNDERGROUND SERVICE ALERT) AT 800-227-2800 A MINIMUM OF 2 WORKING DAYS BEFORE BEGINNING UNDERGROUND WORK FOR VERIFICATION OF THE LOCATION AND DEPTH OF UNDERGROUND UTILITIES.





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CONCEPTUAL GRADING AND DRAINAGE PLANS
ADDITION, DETACHED GARAGE
238 BACHMAN AVE., LOS GATOS, CA
APN# 510-14-054
COVER SHEET

15 Said Say

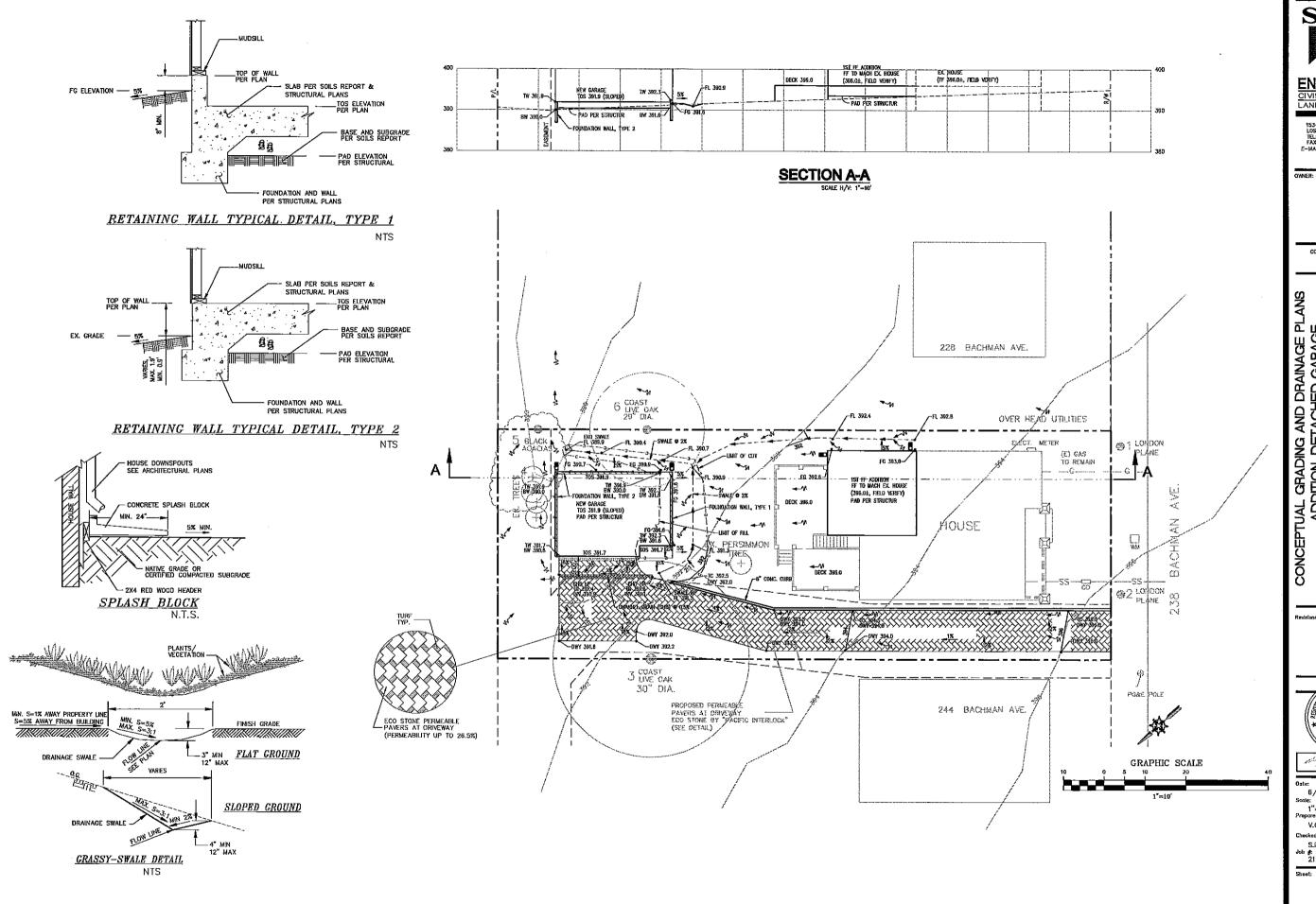
6/27/2012

NTS Prepared by: V.G.

Checked by: S.R. Job ∦ 212094

1 OF 2

C-1





1534 CAROB LANE LOS ALTOS, CA 94024 TEL: (550) 941-8055 FAX: (650) 941-8755 E-MAIL: SMPENGNEERS® YAHOO.COM

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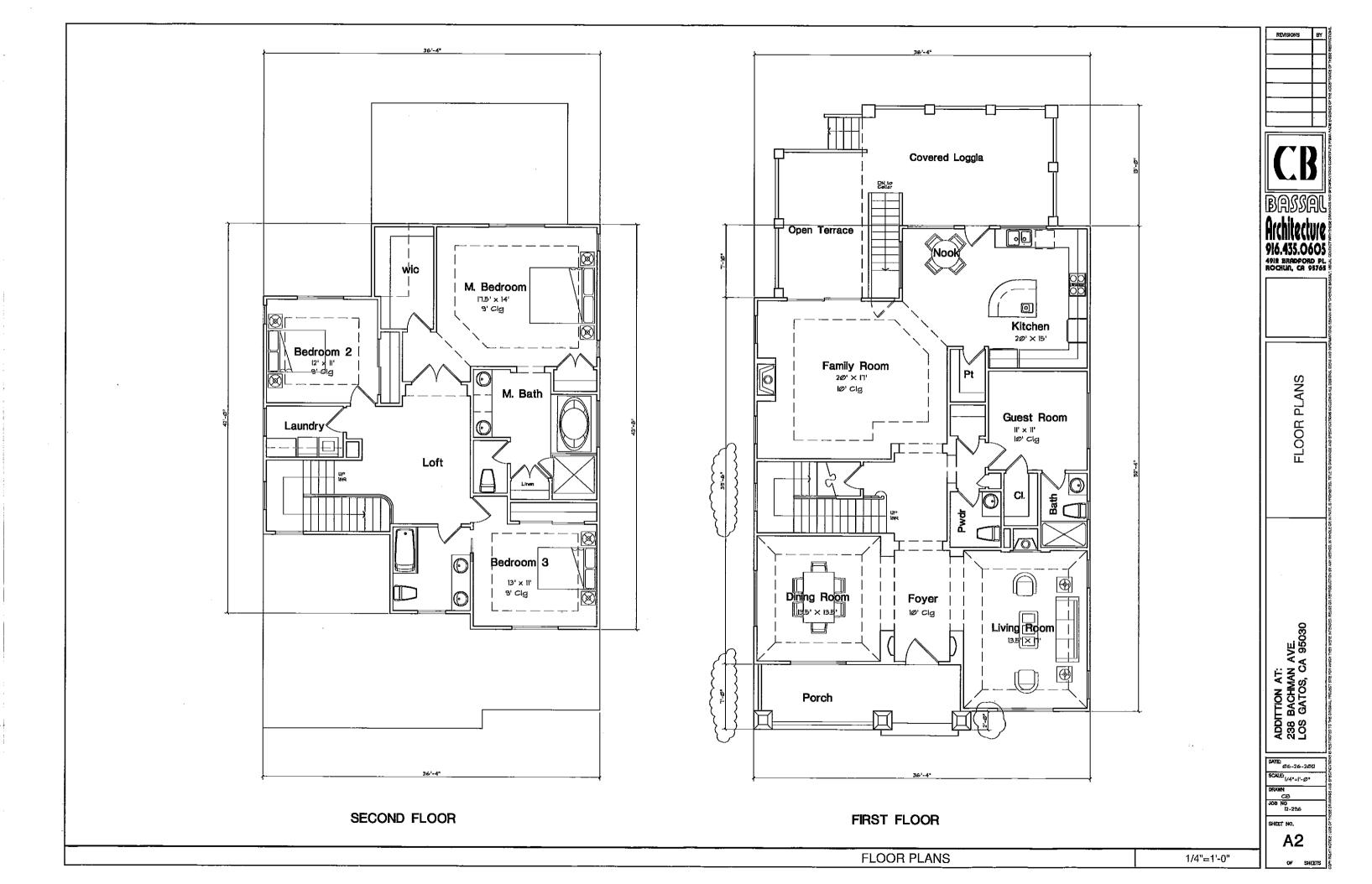
DRAINAGE PLANS HED GARAGE LOS GATOS, CA 4-054 GRADING AND DRAINAGE PLAN CONCEPTUAL, GRADING AND D ADDITION, DETACHE 238 BACHMAN AVE., LO APN# 510-14-(CONCEPTUAL

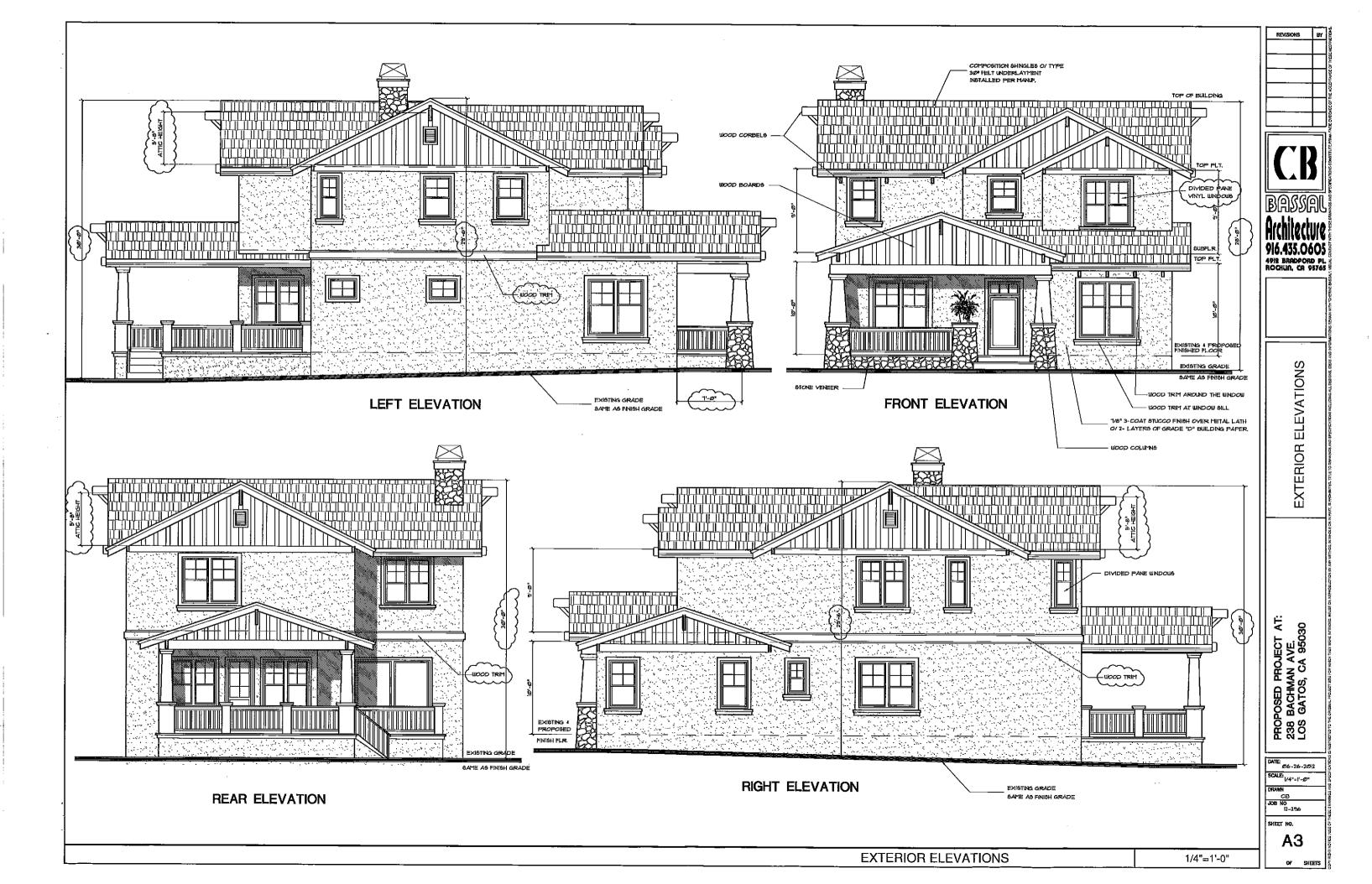


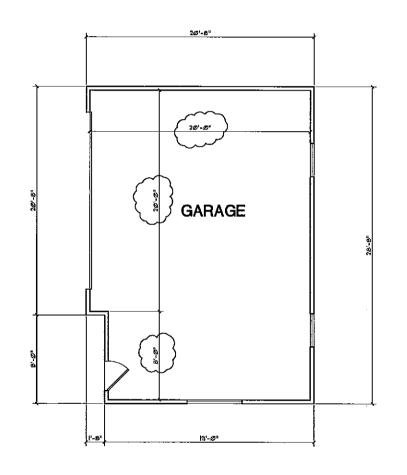
6/27/2012

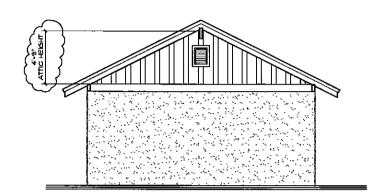
1"=10' Prepared by: V.G. Checked by: S.R. Job # 212094

20F 2 C-2

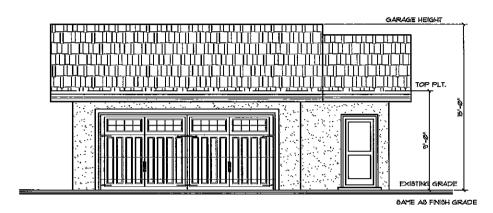




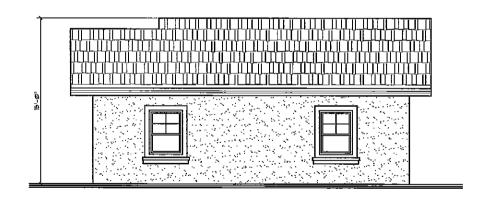




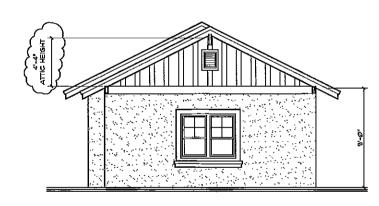
LEFT ELEVATION



FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION

REVISIONS BY

CB

PICHITECTURE
PIG. 435.0605
4912 BRADPORD PL
ROCKLIN, CA 95763

Ш

DETACHED GARAGE

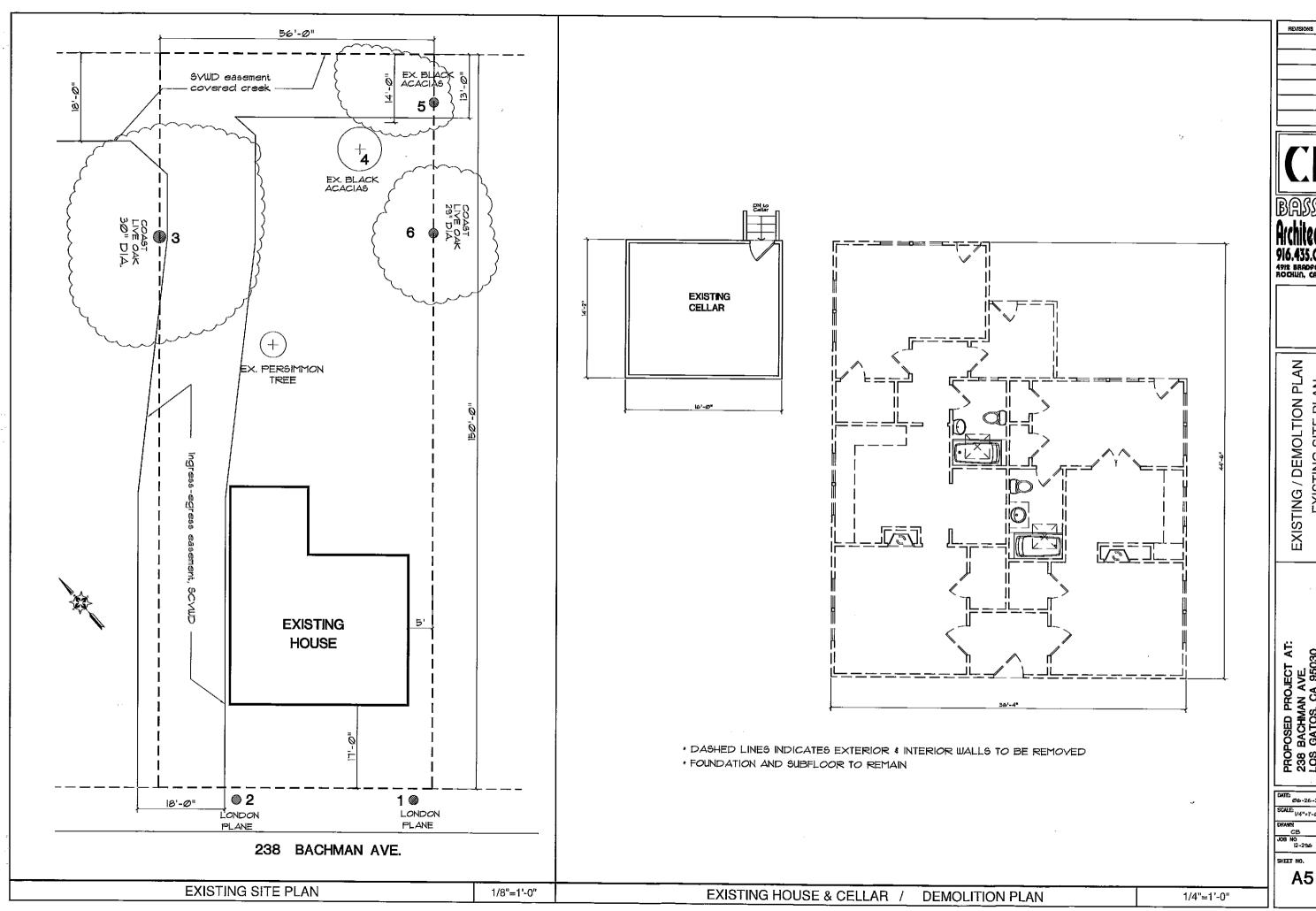
PROPOSED PROJECT AT: 238 BACHMAN AVE. LOS GATOS, CA 95030

DATE: Ø6-76-2012 SCALE: 1/4*=1'-0*

DRAWN
CB
JOB NO
12-256

12-29

Α4



EXISTING SITE PLAN

PROPOSED PROJECT AT: 238 BACHMAN AVE. LOS GATOS, CA 95030

DATE: Ø6-26-2012 SCALE: 1/4"=1'-Ø" DRAWN CB JOB NO 12-296

SHEET NO.

