



**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
OCTOBER 14, 2020
110 EAST MAIN STREET
LOS GATOS, CA**

Melanie Hanssen, Chair
Kathryn Janoff, Vice Chair
Mary Badame, Commissioner
Jeffrey Barnett, Commissioner
Kendra Burch, Commissioner
Matthew Hudes, Commissioner
Reza Tavana, Commissioner

PARTICIPATION IN THE PUBLIC PROCESS

How to participate: The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a “speaker’s card” and return it to the Staff Liaison. If you wish to speak to an item NOT on the agenda, you may do so during the “verbal communications” period. The time allocated to speakers may change to better facilitate the Planning Commission meeting.

Effective Proceedings: The purpose of the Planning Commission meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Planning Commission meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Commissioners without first being recognized; interrupting speakers, Commissioners or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

Deadlines for Public Comment and Presentations are as follows:

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Planning Department by 1 p.m. or the Clerk’s Office no later than 3:00 p.m. on the day of the Planning Commission meeting.
- Persons wishing to submit written comments to be included in the materials provided to the Planning Commission must provide the comments to the Planning Department as follows:
 - For inclusion in the regular packet: by 11:00 a.m. the Friday before the meeting
 - For inclusion in any Addendum: by 11:00 a.m. the Monday before the meeting
 - For inclusion in any Desk Item: by 11:00 a.m. on the day of the meeting

Planning Commission meetings are broadcast Live on KCAT, Channel 15 (on Comcast) on the 2nd and 4th Wednesdays at 7:00 p.m.

Live and Archived Planning Commission meetings can be viewed by going to:

<https://www.kcat.org/government-meetings>

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]

IMPORTANT NOTICE REGARDING OCTOBER 14, 2020 PLANNING COMMISSION MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television and/or online at: <https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>. **In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online and not in the Council Chamber.**

PARTICIPATION

If you are not interested in providing oral comments real-time during the meeting, you can view the live stream of the meeting on television (Comcast Channel 15) and/or online at <https://www.youtube.com/channel/UCFh35XRBWer1DPx-F7vvhcg>.

If you are interested in providing oral comments real-time during the meeting, you must join the Zoom webinar at:

<https://logatosca.gov.zoom.us/j/96811916244?pwd=M1ZLSC9PQmlhVUJOVXJmOXplNkRQdz09>
Passcode: 633075.

During the meeting:

- When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.
- When called to speak, please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council meeting.

If you are unable to participate in real-time, you may send an email to PlanningComment@logatosca.gov with the subject line “Public Comment Item # ” (insert the item number relevant to your comment) or “Verbal Communications – Non Agenda Item.” Comments will be reviewed and distributed before the meeting if received by 11:00 a.m. on the day of the meeting. All comments received will become part of the record. The Chair has the option to modify this action on items based on comments received.

REMOTE LOCATION PARTICIPANTS

The following Planning Commissioners are listed to permit them to appear electronically or telephonically at the Planning Commission meeting: CHAIR MELANIE HANSSEN, VICE CHAIR JANOFF, COMMISSIONER BADAME, COMMISSIONER BARNETT, COMMISSIONER BURCH, COMMISSIONER HUDES, AND COMMISSIONER TEVANA. All votes during the teleconferencing session will be conducted by roll call vote.

**TOWN OF LOS GATOS
PLANNING COMMISSION AGENDA
OCTOBER 14, 2020
7:00 PM**

MEETING CALLED TO ORDER

ROLL CALL

VERBAL COMMUNICATIONS *(Members of the public may address the Commission on any matter that is not listed on the agenda. Unless additional time is authorized by the Commission, remarks shall be limited to three minutes.)*

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION) *(Before the Planning Commission acts on the consent agenda, any member of the public or Commission may request that any item be removed from the consent agenda. At the Chair's discretion, items removed from the consent calendar may be considered either before or after the Public Hearings portion of the agenda)*

1. Approve Minutes of the September 23, 2020 Planning Commission Meeting.
2. Approve Minutes of the September 28, 2020 Special Planning Commission Meeting.

PUBLIC HEARINGS *(Applicants/Appellants and their representatives may be allotted up to a total of five minutes maximum for opening statements. Members of the public may be allotted up to three minutes to comment on any public hearing item. Applicants/Appellants and their representatives may be allotted up to a total of three minutes maximum for closing statements. Items requested/recommended for continuance are subject to the Commission's consent at the meeting.)*

3. Consider an Appeal of the Replacement Tree Requirement for a Tree Removal Permit on Property Zoned R-1:8. Located at 205 Lester Lane. APN 424-17-015. Tree Removal Permit T-20-074. Property Owner/Applicant/Appellant: Cynthia Jaen. Project Planner: Ryan Safty.

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

SUBCOMMITTEE REPORTS / COMMISSION MATTERS

ADJOURNMENT *(Planning Commission policy is to adjourn no later than 11:30 p.m. unless a majority of the Planning Commission votes for an extension of time)*

Writings related to an item on the Planning Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public inspection at the reference desk of the Los Gatos Town Library, located at 100 Villa Avenue; the Community Development Department and Clerk Department, both located at 110 E. Main Street; and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Town Council Chambers.

Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/14/2020

ITEM NO: 1

**DRAFT
MINUTES OF THE PLANNING COMMISSION MEETING
SEPTEMBER 23, 2020**

The Planning Commission of the Town of Los Gatos conducted a Regular Meeting on Wednesday, September 23, 2020, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic and was conducted via Zoom. All planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff, Commissioner Mary Badame, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, Commissioner Matthew Hudes, and Commissioner Reza Tavana

Absent: None.

Chair Hanssen announced that the meeting would be continued due to the public being unable to access the link to attend the meeting on Zoom.

MOTION: Motion by Vice Chair Janoff to continue the meeting to September 28, 2020. Seconded by Commissioner Tavana.

VOTE: Motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 7:17 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 23, 2020 meeting as approved by the Planning Commission.

/s/ Vicki Blandin

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**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/14/2020

ITEM NO: 2

**DRAFT
MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING
SEPTEMBER 28, 2020**

The Planning Commission of the Town of Los Gatos conducted a Special Meeting on Monday, September 28, 2020, at 7:00 p.m.

This meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID19 pandemic and was conducted via Zoom. All planning commissioners and staff participated from remote locations and all voting was conducted via roll call vote.

MEETING CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Present: Chair Melanie Hanssen, Vice Chair Kathryn Janoff, Commissioner Mary Badame, Commissioner Jeffrey Barnett, Commissioner Kendra Burch, Commissioner Matthew Hudes, and Commissioner Reza Tavana

Absent: None.

VERBAL COMMUNICATIONS

None.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approval of Minutes – September 9, 2020

MOTION: Motion by Commissioner Barnett to approve adoption of the Consent Calendar. **Seconded** by Commissioner Badame.

VOTE: Motion passed unanimously

PUBLIC HEARINGS

2. 14225 Walker Street (Market Hall)

Architecture and Site Application S-20-012

APN 424-56-017

Property Owner/Applicant: Summerhill N40, LLC

Project Planner: Jocelyn Shoopman

Consider approval of a request for modification to an existing Architecture and Site Application (S-13-90) to remove underground parking for construction of a commercial building (Market Hall) in the North 40 Specific Plan Area. Continued from the September 9, 2020 and September 23, 2020 Planning Commission meetings.

Commissioner Burch indicated that she would recuse herself from participating in the public hearing for 14225 Walker Street due to the proximity of her residence to the subject site.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Town Attorney Robert Schultz provided a recap of information in his letter distributed with the meeting's agenda.

Opened Public Comment.

Michael Keaney, Development Manager for Summerhill Homes (Applicant)

- The proposed modification for Market Hall is consistent with the North 40 Specific Plan and the Town Code and would provide 176 commercial parking spaces and 50 residential parking spaces, a surplus of 52 commercial spaces for the Transition District, 70-percent more than is required. Summerhill has prepared the "Transition District Parking Summary Table" to help clarify questions for the Commission and community regarding parking calculations for the Commercial Transition District and the Market Hall. The currently proposed 319 parking spaces is 46 spaces more than required for the Market Hall. There is no obligation in the conditions or the Specific Plan for Market Hall to provide parking for future phases.

Mark Miller

- He and his neighbors already deal with parking overflow and can't image what it would be like if the North 40 had insufficient parking. He asked why there is no development agreement and said he had assumed there were measures in place to protect the residents. He was concerned about transparency because he did not know about this meeting until a neighbor told him.

Jeff Loughridge

- The Market Hall plan that included the parking garage was approved years ago and designed to accommodate parking at the North 40. As a resident he does not look at the North 40 in phases but as one project. Utilizing the current parking requirements for only the phase one portion of the North 40 would be irresponsible for the Town to consider since phase two will require additional parking. Summerhill knew what the project was before they signed on and agreed to build it.

Barbara Dodson

- Summerhill was party to the original proposal and if they didn't want to build the garage they should have said so in 2016. Approval with the three applicants, Grosvenor, Summerhill, and Eden, was based on a commitment to include an underground garage that was a condition of approval and the subject of considerable discussion. It is a bad idea to reduce parking without knowing how much commercial space there would be.

Lisa Miller

- She asked how anyone would know about changes made with no review beyond staff, and how many other changes have been made from the approved set of construction documents being used to build the project? Where is the transparency?

Maria Ristow

- She was concerned that this matter was even continued from the beginning, because at the first meeting when this came up there was plenty of residential opposition to allowing this change. She agreed with Mr. Loughridge that this is for the entire North 40 and parking should be considered for the entire scope of the project.

Lee Quintana

- By her recollection the changes to the parking were the result of the fact that downtown businesses felt that there should be equity in the parking requirements between downtown and the North 40 and that the North 40 was being required to supply more parking than downtown.

Michael Keaney, Development Manager for Summerhill Homes (Applicant)

- They checked the history of the secondary access point to the garage from their perspective and found the elimination of the access point to the garage that was shown in the original A&S approval was done during the schematic design in coordination with the Planning and Building Department in the Spring of 2018. There is still a loading area in that location and the building permit that they have been issued includes that modification, but the modification to eliminate the basement has no relationship to how that access point would be implemented going forward.

Closed Public Comment.

Commissioners discussed the matter.

Opened Public Comment

Michael Keaney, Development Manager for Summerhill Homes (Applicant)

- They prefer the Commission make a decision at this meeting rather than a continuance.

Closed Public Comment

MOTION: **Motion by Commissioner Hudes** to deny a request for modification to an existing Architecture and Site Application for 14225 Walker Street (Market Hall). **Seconded by Commissioner Barnett.**

Commissioners discussed the matter.

VOTE: **Motion passed 4-2 with Chair Hanssen and Vice Chair Janoff dissenting.**

Commissioner Burch returned to the meeting.

3. Modifications to Hillside Development Standards & Guidelines Regarding the Visibility Analysis

Applicant: Town of Los Gatos

Forward a recommendation to the Town Council for approval of modifications to Chapter II (Constraints Analysis), Chapter III (Site Planning), and Chapter IX (Project Review and Approval Process) of the Hillside Design Standards and Guidelines (HDS&G) regarding the visibility analysis.

Jocelyn Shoopman, Associate Planner, presented the staff report.

Opened Public Comment.

Dr. David Weissman

- Hillside homeowners generally want to see city lights at night, but flatlanders prefer to look at tree-covered hillsides and not see nighttime light pollution and daytime reflective window glare and the Hillside Guidelines have taken the side of flatlanders. Non-native hillside trees that are extremely flammable, such as eucalyptus, should be removed and not counted as providing screening. Native species that are fire resistant, such as oak, would still be protected under the Tree Ordinance and should be counted as providing screening.

Closed Public Comment.

Commissioners discussed the matter.

MOTION: **Motion by Vice Chair Janoff** to forward a recommendation to Town Council to approve the language defining "elevation" as recommended by the Policy Committee. **Seconded by Commissioner Hudes.**

VOTE: **Motion passed 6-1 with Commissioner Barnett dissenting.**

Commissioners discussed the matter.

MOTION: **Motion** by **Vice Chair Janoff** to forward a recommendation to Town Council that (existing trees and/or branches subject to clearing in Zone 2 and Zone 3 should not be included as screening in the visibility analysis and) non-native trees and native trees with an under 8-inch diameter, none of which require a removal permit, should not be included as screening in the visibility study. **Seconded** by **Commissioner Tavana**.

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion** by **Commissioner Burch** to forward a recommendation to Town Council to approve the graphic image update as recommended by the Policy Committee. **Seconded** by **Commissioner Hudes**.

Commissioners discussed the matter.

VOTE: **Motion passed unanimously.**

Commissioners discussed the matter.

MOTION: **Motion** by **Commissioner Badame** to forward a recommendation to Town Council to retain project review and approval process with the Planning Commission for visible homes. **Seconded** by **Commissioner Hudes**.

VOTE: **Motion passed with 6-1 with Commissioner Burch dissenting.**

OTHER BUSINESS

REPORT FROM THE DIRECTOR OF COMMUNITY DEVELOPMENT

Joel Paulson, Director of Community Development

- A community workshop regarding affordable housing is scheduled for September 29, 2020 at 7:00p.m.

SUBCOMMITTEE REPORTS/COMMISSION MATTERS

General Plan Advisory Committee

Commissioner Hanssen

- GPAC met on September 3, 2020; covered the Mobility Element and the Hazards and Safety Element.
- GPAC will review the Public Facilities, Sewage, and Infrastructure Element at its next meeting on October 1, 2020.
- GPAC's rest-of-the-year agenda will include review of a new Racial Justice Element, Land use, and Community Design Element.

Historic Preservation Committee

Commissioner Hudes

- HPC met on September 23, 2020; considered one item:
 - o 32 Walnut Avenue

Commission Matters

Commissioner Hanssen

- The Planning Commission voted at its last meeting to establish a subcommittee to identify areas for more objective standards in the General Plan and other land use documents. The three Planning Commissioners on the subcommittee will be Commissioner Hudes, Commissioner Barnett, and Commissioner Burch, and staff will also be hiring a consultant to look into this matter as well.

ADJOURNMENT

The meeting adjourned at 10:35 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the September 28, 2020 meeting as approved by the Planning Commission.

/s/ Vicki Blandin



**TOWN OF LOS GATOS
PLANNING COMMISSION
REPORT**

MEETING DATE: 10/14/2020

ITEM NO: 3

DATE: October 5, 2020
TO: Planning Commission
FROM: Joel Paulson, Community Development Director
SUBJECT: Consider an Appeal of the Replacement Tree Requirement for a Tree Removal Permit on Property Zoned R-1:8. Located at 205 Lester Lane. APN 424-17-015. Tree Removal Permit T-20-074. Property Owner/Applicant/Appellant: Cynthia Jaen. Project Planner: Ryan Safty.

RECOMMENDATION:

Consider an appeal of the replacement tree requirement for a Tree Removal Permit on property zoned R-1:8 located at 205 Lester Lane.

PROJECT DATA:

General Plan Designation: Low Density Residential
Zoning Designation: R-1:8
Applicable Plans & Standards: General Plan
Parcel Size: 8,163 square feet
Surrounding Area:

	Existing Land Use	General Plan	Zoning
North	Residential	Low Density Residential	R-1:8
South	Residential	Low Density Residential	R-1:8
East	Residential	Low Density Residential	R-1:8
West	Residential	Low Density Residential	R-1:8

PREPARED BY: RYAN SAFTY
Associate Planner

Reviewed by: Planning Manager and Community Development Director

CEQA:

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

FINDINGS:

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

ACTION:

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

BACKGROUND:

On June 22, 2020, the Parks and Public Works Department received a Tree Removal Permit application (page 17 of Exhibit 6) to remove one Black Locust tree located at 205 Lester Lane (Exhibit 1). The tree was roughly 30 feet in height with a 25-foot canopy (Exhibit 5). The tree is considered a protected tree per Town Code Section 29.10.0960, thus requiring approval of a Tree Removal Permit prior to removal. The property owner requested removal of the tree based on safety concerns as the tree had been dropping limbs. The Town Arborist, Rob Moulden, conducted an inspection of the tree and approved and issued Tree Removal Permit T-20-074 including the tree replacement requirement (Exhibit 4) on June 29, 2020, based on the following findings in Town Code Section 29.10.0992:

....

- 4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternative to preserve the tree; and*
- 5) The tree has, or will imminently, interfere with utility services where such interference cannot be controlled or remedied through reasonable modification, relocation or repair of the utility service or the pruning of the root or branch structure of the tree; or where removal or pruning is required by a public utility to comply with California Public Utility Commission (CPUC) or Federal Energy Regulatory Commission (FERC) rules or regulations.*

....

BACKGROUND (continued):

The approved Tree Removal Permit (Exhibit 4) specifies a tree replacement requirement of three 15-gallon trees to off-set the removal. The owner also has the option of paying in-lieu fees in the amount of \$250.00 per replacement tree (\$750.00 total). The Tree Removal Permit application (page 17 of Exhibit 6), which was signed and submitted by the property owner on June 22, 2020, specifies in the Notes section that, "Replacement Trees are not required if the tree being removed is dead or has a tree Risk Rating of Extreme or High, as determined by the Town Arborist." The Town arborist did not determine that the tree was dead, and no Tree Risk Rating assessment was conducted by the Town Arborist or the owner.

On June 29, 2020, following issuance of the Tree Removal Permit, the Black Locust tree was removed. On July 1, 2020, the owner contacted the Town Arborist to request the replacement tree requirement be waived, stating that the tree was dead and severely rotted. The Town Arborist denied the request, stating that the tree was not dead and that the Tree Removal Permit was issued because the tree was severely rotted. On July 7, 2020, the owner appealed the replacement tree requirement associated with Tree Removal Permit T-20-074.

DISCUSSION:

A. Appeal Analysis

The property owner appealed the replacement tree requirement of the approved Tree Removal Permit due to assertions that the tree was already dead. Per Town Code Section 29.10.0985, "[...] The Director or the deciding body shall impose, except when removal is permitted if the tree is dead or a Tree Risk Rating of Extreme or High is present, as a condition on which a protected tree removal permit is granted that two or more replacement trees of a species and a size designated by the Director or designee, shall be planted [...]."

As detailed above, the Town Arborist visited the site and made the required findings for approval of the Tree Removal Permit. Following the removal of the tree, the owner contacted the Town Arborist to request the replacement tree requirement be waived. The Town Arborist denied this request as he determined that the tree was not dead. A Tree Risk Rating assessment was not conducted by the Town Arborist, and the owner did not provide one to counter the decision of the Town Arborist.

The owner has provided a letter (Exhibit 7) with additional information on the tree, as well as the other trees on the subject property. The tree service company contracted to remove the tree (PMC Tree Service Inc.) also provided a letter (Exhibit 8) describing the status of the tree and work conducted; however, no Tree Risk Rating assessment was provided.

DISCUSSION (continued):

B. Environmental Review

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

PUBLIC COMMENTS:

Written notice was sent to property owners and tenants within 300 feet of the subject property. At the time of this report's preparation, the Town has not received any public comment.

CONCLUSION:

A. Summary

The Town Arborist has determined that the tree was not dead prior to removal and the property owner must meet the tree replacement requirement included in the Tree Removal Permit.

B. Recommendation

Staff recommends that the Planning Commission take the following actions to deny the appeal of the tree replacement requirement for the Tree Removal Permit:

1. Find that the proposed project is categorically exempt pursuant to the adopted Guidelines for the implementation of the California Environmental Quality Act, Section 15304: Minor Alterations of Land (Exhibit 2); and
2. Deny the appeal of the tree replacement requirement for the Tree Removal Permit.

C. Alternatives

Alternatively, the Commission can:

1. Continue the matter to a date certain with specific direction;
2. Deny the appeal and modify the tree replacement requirement for the Tree Removal Permit; or
3. Grant the appeal and waive the tree replacement requirement for the Tree Removal Permit.

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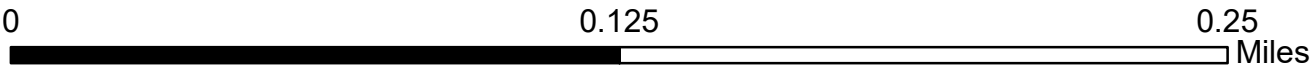
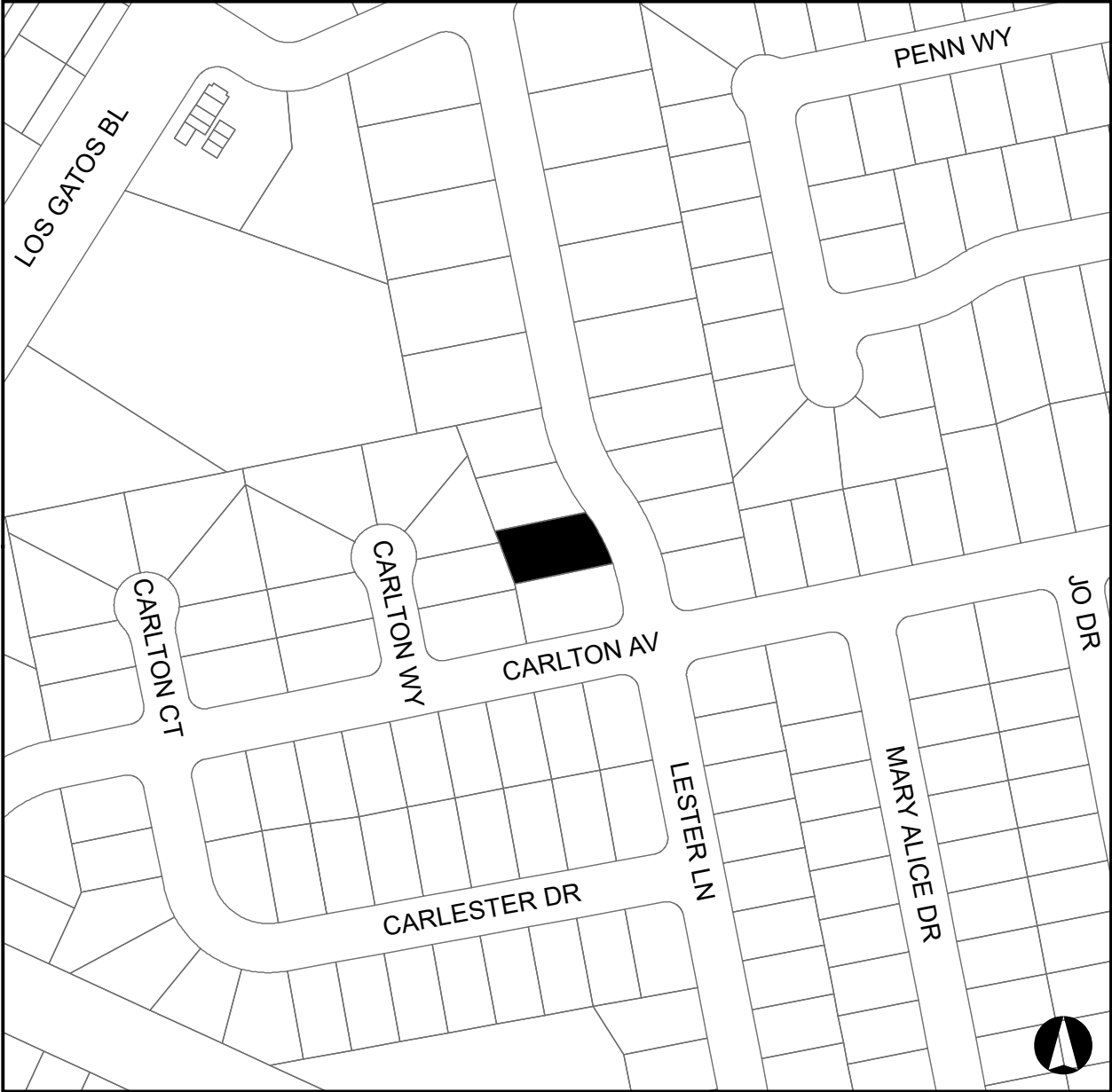
SUBJECT: 205 Lester Lane/T-20-074

DATE: October 5, 2020

EXHIBITS:

1. Location Map
2. Required Findings and Considerations
3. Recommended Conditions of Approval
4. Tree Removal Permit, received June 29, 2020
5. Tree Photographs
6. Appeal Packet, received July 7, 2020
7. Letter from Owner, received September 18, 2020
8. Letter from Tree Service Company, received September 18, 2020

205 Lester Lane



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PLANNING COMMISSION –October 14, 2020
REQUIRED FINDINGS FOR:

205 Lester Lane

Tree Removal Permit T-20-074

Consider an appeal of the replacement tree requirement for a Tree Removal Permit on property zoned R-1:8 located at 205 Lester Lane. APN 424-17-015.
PROPERTY OWNER/APPLICANT/APPELLANT: Cynthia Jaen

Required finding for CEQA:

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

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PLANNING COMMISSION – October 14, 2020
CONDITIONS OF APPROVAL

205 Lester Lane

Tree Removal Permit T-20-074

**Consider an appeal of the replacement tree requirement for a Tree Removal Permit on property zoned R-1:8 located at 205 Lester Lane. APN 424-17-015.
PROPERTY OWNER/APPLICANT/APPELLANT: Cynthia Jaen**

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below.
2. EXPIRATION: The Tree Removal Permit approval will expire two years from the approval date pursuant to Section 29.20.320 of the Town Code, unless the approval has been vested.
3. REPLACEMENT TREES: Replacement trees or in-lieu fees are required for the tree that has been removed. The number and size of new trees shall be determined by the Town Arborist using the canopy replacement table in the Town’s Tree Protection Ordinance. Required trees shall be planted within 60 days of tree removal, or date of appeal hearing, whichever is later.
4. TREE STAKING: All newly planted trees shall be double-staked using rubber tree ties.
5. TOWN INDEMNITY: Applicants are notified that Town Code Section 1.10.115 requires that any applicant who receives a permit or entitlement from the Town shall defend, indemnify, and hold harmless the Town and its officials in any action brought by a third party to overturn, set aside, or void the permit or entitlement. This requirement is a condition of approval of all such permits and entitlements whether or not expressly set forth in the approval and may be secured to the satisfaction of the Town Attorney.

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TOWN OF LOS GATOS

PARKS & PUBLIC WORKS
SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030
(408) 399-5771

TREE REMOVAL AND/OR PRUNING PERMIT

Application Number: T20-074 Approved: [check] Denied: [] Permit Number: T20-074 Expires: 9-29-20

Permit for (check all that apply): [X] Protected Tree Removal [] Protected Tree Pruning (more than 25% in a 3 year period)
[] Heritage or Large Protected Tree Removal [] Heritage or Large Protected Tree Pruning

Property Owner Name: Cynthia Jaen Phone: 408-202-8292
Property Location/Address: 205 Lester Lane, Los Gatos, CA 95032 E-Mail: cynthiamjaen@gmail.com
Mailing Address (if different from above)
Applicant Name (if different from above) Phone:

Table with 7 columns: Tree #, Approved, Required Finding(s), Denied, Reason for Denial, Replacement Requirement, In Lieu Fee. Row 1: 1, Yes, 4,5, [], [], 3-15 gallon trees, [].

[] All or some of the required replacement trees cannot be reasonably replanted on site and payment of the in-lieu fee as indicated above has been approved. Permit will not be issued until all in-lieu fees are paid in full.

General Permit Conditions

- 1. Notify the Town of Los Gatos Parks and Public Works Department at 408-399-5770 48 hours before work begins.
2. All underground utilities shall be located and protected from damage due to removal, stump grinding, or root pruning activities.
3. Inspect trees prior to removal or major pruning to confirm the absence of active bird nests, particularly during the spring/summer nesting season (February 1 through August 31).
4. The use of gas-powered leaf blowers is prohibited in the Town of Los Gatos. Use of electric powered leaf blowers is permitted.
5. Approved pedestrian and vehicular traffic control shall be used and maintained at all times.
6. All contractors performing tree work in the Town of Los Gatos are required to have a Town Business License.
7. The permit must be posted on site at all times while tree removal or pruning is taking place.
8. Permit holder is required to submit photographs of replacement trees along with replanting date to the Town of Los Gatos Parks and Public Works Department prior to permit expiration date.

Special Permit Conditions

Blank lines for special permit conditions.

Rob Moulden, Town Arborist Date: 6-29-20

Revised April 17, 2020

**TOWN OF LOS GATOS
TREE REMOVAL AND/OR PRUNING PERMIT**

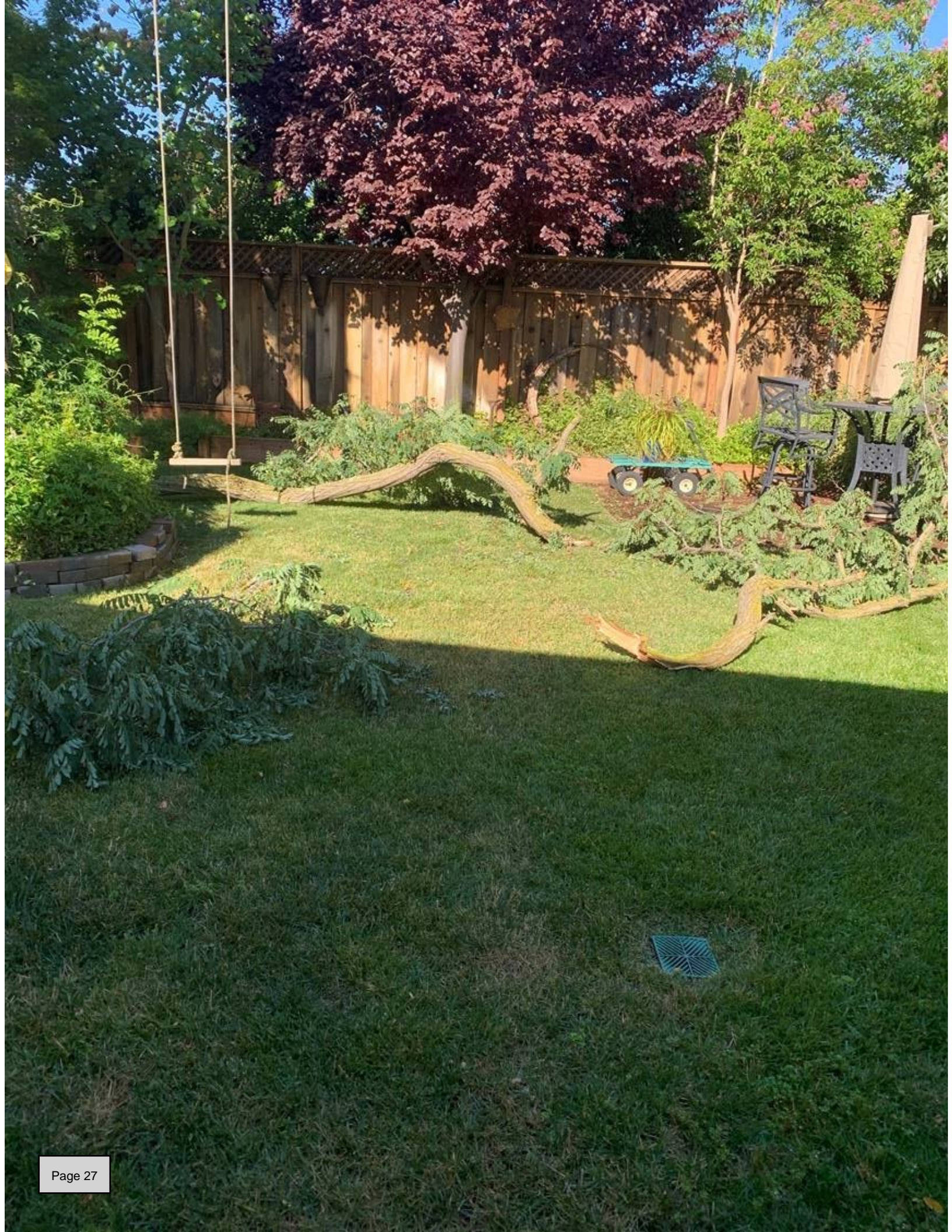
Required Findings for Tree Removal and/or Pruning Permit (*Los Gatos Town Code Section 29.10.0992*)

- (1) The tree is dead, severely diseased, decayed or disfigured to such an extent that the tree is unable to recover or return to a healthy and structurally sound condition.
- (2) The tree has a tree risk rating of Extreme or High on the ISA Tree Risk Rating Matrix as set forth in the ISA Tree Risk Assessment Best Management Practices, or successor publication. (Town Arborist Discretion)
- (3) The tree is crowding other protected trees to the extent that removal or severe pruning is necessary to ensure the long-term viability of adjacent and more significant trees.
- (4) The retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly situated properties, and the applicant has demonstrated to the satisfaction of the Director or deciding body that there are no reasonable alternatives to preserve the tree.
- (5) The tree has, or will imminently, interfere with utility services where such interference cannot be controlled or remedied through reasonable modification, relocation or repair of the utility service or the pruning of the root or branch structure of the tree; or where removal or pruning is required by a public utility to comply with California Public Utility Commission (CPUC) or Federal Energy Regulatory Commission (FERC) rules or regulations.
- (6) The tree has caused or may imminently cause significant damage to an existing structure that cannot be controlled or remedied through reasonable modification of the root or branch structure of the tree.
- (7) Except for properties within the hillsides, the retention of the protected tree would result in reduction of the otherwise-permissible building envelope by more than twenty-five (25) percent.
- (8) The removal of the tree is unavoidable due to restricted access to the property.
- (9) The removal of the tree is necessary to repair a geologic hazard.
- (10) The removal of the tree and replacement with a more appropriate tree species will enhance the Town's urban forest.

Inspection Notes

Additional Information Requested











**TOWN OF LOS GATOS
COMMUNITY DEVELOPMENT DEPARTMENT
110 E. Main Street
Los Gatos, CA 95030**

APPEAL OF TREE REMOVAL OR PRUNING PERMIT DECISION

PLEASE TYPE or PRINT NEATLY

I, the undersigned, do hereby appeal a decision of the Town of Los Gatos regarding the following tree removal or pruning permit:

DATE OF DECISION: 6/29/2020

APPLICATION NUMBER: T 20 - 074

LOCATION: 205 Lester Ln
Los Gatos Ca 95032

LIST REASONS WHY THE APPEAL SHOULD BE GRANTED Tree was dropping large branches on property
(If more space is needed, attach additional sheets.)
Per Town of Los Gatos Q & A, Page 3 attached, tree was rotted, dead, see my attached email to town arborist. Tree replacement not required. Tree has been removed on 6/29/2020.

IMPORTANT: should be Would like to remove requirement to plant 3 trees.

1. APPEAL MUST BE FILED WITHIN TEN (10) DAYS AFTER THE DATE OF MAILING OF WRITTEN NOTIFICATION OF THE DECISION.
2. THE APPEAL SHALL BE SET FOR THE FIRST REGULAR MEETING OF THE PLANNING COMMISSION WHICH THE BUSINESS OF THE PLANNING COMMISSION WILL PERMIT, MORE THAN FIVE (5) DAYS AFTER THE DATE OF THE FILING OF THE APPEAL. THE PLANNING COMMISSION MAY HEAR THE MATTER ANEW AND RENDER A NEW DECISION IN THE MATTER.
3. YOU WILL BE NOTIFIED, IN WRITING, OF THE APPEAL DATE.
4. YOU WILL BE CONTACTED BY THE PROJECT PLANNER IF ADDITIONAL MATERIAL IS REQUIRED TO BE SUBMITTED FOR THE PUBLIC HEARING.

RETURN APPEAL FORM TO COMMUNITY DEVELOPMENT DEPARTMENT

PRINT NAME Cynthia Isen SIGNATURE Cynthia Isen
DATE 7/7/2020 ADDRESS 205 Lester Ln
PHONE 408 202 8292 Los Gatos Ca 95032

OFFICE USE ONLY

DATE OF PLANNING COMMISSION HEARING: _____

COMMISSION ACTION: 1. _____ DATE: _____
2. _____ DATE: _____
3. _____ DATE: _____

PLAPPEAL \$ 90.00 Tree Appeal



Town of Los Gatos - Parks & Public Works Department

TREE REMOVAL AND PRUNING PERMIT

Frequently Asked Questions

When do I need to apply for a tree removal or pruning permit?

The Los Gatos Town Code requires a tree removal permit in order to remove any tree designated as a Protected Tree under the Town Code. The Town Code also requires a permit to prune more than 25% of a Protected Tree within a 3-year period, or to remove or cut any branch or root greater than 4 inches in diameter of any Large Protected Tree or Heritage Tree (see definitions below).

Property owners may be subject to significant fines and civil actions by the Town if removal or pruning requiring a permit is done without first obtaining a permit.

What is a Protected Tree?

Protected Trees are defined in the Town Code as any of the following:

1. All trees which have a 12 inch or greater diameter on developed residential property.
2. All trees which have an 8 inch or greater diameter on developed Hillside residential property (see Hillside Area Map <http://www.losgatosca.gov/DocumentCenter/View/176>)
3. All trees of the following species which have an 8 inch or greater diameter located on any developed residential property:
 - a. Blue Oak (*Quercus douglasii*)
 - b. Black Oak (*Quercus kelloggii*)
 - c. California Buckeye (*Aesculus californica*)
 - d. Pacific Madrone (*Arbutus menziesii*)
4. All trees which have a 4 inch or greater diameter on vacant or non-residential property.
5. All trees which have a 4 inch or greater diameter when removal relates to any development review.
6. Any tree that was required to be planted or retained by the terms and conditions of a development approval, building permit, tree removal permit or code enforcement action.

What is a Large Protected Tree or a Heritage Tree?

A Large Protected Tree is any tree with a diameter of 48 inches or more. In addition, all Oak, California Buckeye, and Pacific Madrone with a diameter of 24 inches or more are considered Large Protected Trees.

A Heritage Tree is a tree specifically designated by action of the Town Council which possesses exceptional aesthetic, biological, cultural, or historic value to the community.

How is the diameter of a tree measured?

Diameter is measured at a height of 4.5 feet above the average natural grade. For multi-trunked trees, diameter is the sum of all trunk diameters measured at 4.5 feet above the average natural grade.

Parks and Public Works Department (Engineering Department)

41 Miles Avenue, Los Gatos, CA 95030

408-399-5771

www.losgatosca.gov

Are there any trees which do not require a permit for removal?

A permit is not required for removal or major pruning of any of the following trees:

1. A fruit or nut tree less than 18 inches in diameter.
2. Any of the following trees that are less than 24 inches in diameter:
 - a. Black Acacia (*Acacia melanoxylon*)
 - b. Tulip Tree (*Liriodendron tulipifera*)
 - c. Tree of Heaven (*Ailanthus altissima*)
 - d. Blue Gum Eucalyptus (*E. globulus*)
 - e. Red Gum Eucalyptus (*E. camaldulensis*)
 - f. Other Eucalyptus (*E. spp.*)—**Hillsides only**
 - g. Palm (except Phoenix *canariensis*)
 - h. Privet (*Ligustrum lucidum*)

What about dangerous trees?

A tree may be removed or severely pruned without a permit when there is an imminent danger to life, property, utilities or essential transportation facilities. Property owners are still required to notify the Town prior to any removal or pruning and must receive approval from the Town before taking any emergency action. Contact the Parks and Public Works Department at (408) 399-5771 Monday through Friday between 8:00 a.m. to 4:00 p.m. or the Police Department at (408) 354-8600 after hours or on weekends to report a dangerous tree and request approval for removal or pruning without a permit. Within 72 hours following removal or pruning, photos and a description of the emergency action taken must be submitted to the Department of Parks and Public Works.

Can the Town Arborist come out and take a look at my private tree before I apply for a permit?

No. The arborist will evaluate your tree after the application has been submitted.

Can the Town recommend a certified arborist?

No, the Town cannot recommend an arborist. It is suggested that you research online to look for "ISA Certified" arborists. The tree company should also have a business license with the Town before performing any work.

What is required to apply for a removal or pruning permit?

The following items are required to apply for a tree removal or pruning permit:

1. A completed application signed by the property owner. Applications are available online [here](#) or at the office of the Parks and Public Works Engineering Department, Monday through Friday, between the hours of 8:00 a.m. and 1:00 p.m.
2. Photos and/or a site plan of the tree(s) proposed for removal or pruning (for pruning, proposed cuts should be indicated on photo).
3. A completed tree replacement worksheet (located on the reverse side of the application).
4. Inspect trees prior to removal or major pruning to confirm the absence of active bird nests, particularly during the spring/summer nesting season (February 1 through August 31).
5. If required by the Town Arborist following initial inspection, a certified or consulting arborist's written report.

6. If part of a development application, a copy of the associated tree report.
7. If structural damage to a building, major landscape feature or utilities is the basis for the request, a report from a licensed architect or engineer may be required describing what modifications to buildings, structures, improvements or utilities would be necessary to mitigate the damages caused by the tree.
8. For Large Protected Tree or Heritage Tree removal or pruning permits, notification will be sent to neighboring residents and property owners prior to issuance by the Parks and Public Works Department (more information on noticing is provided on page 4 of this FAQ).
9. Payment of a permit fees, as established by Town resolution. The current fee is \$250 for one tree, plus \$125 for each additional tree included in the same application.

How long do I have to wait after submitting my application before I can prune or remove a tree?

Generally, a decision is made by the Town Arborist within 10-15 business days following the submittal of a completed application and all supplemental material. If notification of adjacent property owners and residents is required, then additional time will be needed before a permit decision is rendered. Please also note that the permit must be posted on site at all times while tree removal or pruning is taking place.

What if my application is denied? Can I appeal a decision?

If your application is denied, the Town will issue a partial refund of your application fee. If the entire permit is denied, the refund will be 50% of the total application fee. If only a portion of the permit is denied, the refund will be \$62.50 for each tree denied (50% of the current \$125 "additional tree" fee).

Should you wish to appeal a decision of the Town Arborist to the Planning Commission, you may do so by filing an appeal not more than 10 days after the date of mailing of written notification of the Town Arborist's decision. Appeals should be submitted to the Community Development Department on a *Tree Appeal Form* available from the Community Development Department or online [here](#). An appeal fee must be submitted in conjunction with the appeal.

Am I required to plant a replacement tree?

Yes, two or more replacement trees of a size set forth in the Town Code and of a species approved by the Town Arborist are required to be planted on site except when removal is permitted if the tree is dead or at high or extreme risk of failure. Specific replacement tree provisions are outlined on the Tree Removal Permit application. Replacement with native species is strongly encouraged. Most fruit and nut trees, palm trees, or "nuisance" species (see section 29.10.0970(2) of the Town Code) are generally not considered suitable replacement trees.

If a tree or trees cannot be reasonably replanted on the subject property, the Town Arborist may approve an in-lieu fee payment. Where the payment of in-lieu fees are approved, permits will not be issued until all in-lieu fees are paid in full.

Fwd: FW: Large dangerous tree 205 Lester Ln - Replacement requirements

Cynthia Jaen <cynthiamjaen@gmail.com>

Tue 7/7/2020 2:37 PM

To: Cynthia Jaen <cynthia.jaen@mojo.vision>

----- Forwarded message -----

From: **Cynthia Jaen** <cynthiamjaen@gmail.com>

Date: Tue, Jul 7, 2020 at 2:24 PM

Subject: Re: FW: Large dangerous tree 205 Lester Ln - Replacement requirements

To: Rob Moulden <rmoulden@losgatosca.gov>

CC: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>

Rob,

I understand that when you issued the permit you indicated the replacement was necessary. The permit does not indicate anything about the rot. I did not contest it then because I wasn't aware that the tree was diseased so much as it was although I suspected it and most of the branches were dead. They would have eventually fallen on my and the neighbor property.

The regulation I read on your website see in the Q&A web link below it indicates that if a tree is dead or is dangerous and poses a risk, which mine did it does not require the replacement. The tree was rotted and it was dangerous as confirmed by the arborist that removed it. I was liable if those branches landed on the neighbor house, adults and children or my own

<https://www.losgatosca.gov/DocumentCenter/View/14937/FAQs-Removal-and--Pruning-Permit-Final?bidId=>

The branches were dead the arborist that cut it indicated

You only saw the tree from the street and did not come into the property to see it even tho I was in my house waiting you, my dog did not either announce that the door bell rang. You indicated that you rang the door bell but I did not hear it and you didn't call me that you were outside, you had my phone number as I had previously called you. Even if you came to see the tree I don't know how you would have been able to know the extent of the disease of the tree by just looking at it. Perhaps you would have since you are also an arborist I just don't know.

I seriously think you could consider this due to the regulation. There are power lines where the tree was it is not practical or safe to plant 3 large trees there or anywhere else in my property.

Thanks!

Cynthia

On Tue, Jul 7, 2020 at 12:59 PM Rob Moulden <rmoulden@losgatosca.gov> wrote:

Cynthia,

I looked at this tree when you applied for permit. It was not dead. I do understand that it had rot but that does not supersede the replacement requirement. The permit was issued because of the rot issues.

Thank you,

Rob

From: Cynthia Jaen <cynthiamjaen@gmail.com>
Sent: Tuesday, July 07, 2020 12:28 PM
To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>
Cc: Rob Moulden <rmoulden@losgatosca.gov>
Subject: Re: FW: Large dangerous tree [205 Lester Ln](#) - Replacement requirements

Tammy and Rob,

I could have the arborist that cut the tree witness that the tree was diseased/rotted/ dead. Please let me know when I would hear an answer for his from Rob

Cynthia

On Mon, Jul 6, 2020 at 3:19 PM Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov> wrote:

Rob, please advise if you will be removing the replacement requirement trees from this permit, due to her email below. She noted the tree was dead,

Please advise.

Thank you~



Tammy Robnett-Illges • Administrative Assistant

Parks & Public Works • [41 Miles Avenue, Los Gatos CA 95030](#)

Ph: 408.399.5771 • TRobnett-Illges@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Cynthia Jaen <cynthiamjaen@gmail.com>
Sent: Wednesday, July 01, 2020 6:04 PM
To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>
Cc: Rob Moulden <rmoulden@losgatosca.gov>
Subject: Re: FW: Large dangerous tree [205 Lester Ln](#)

Tammy and Robert,

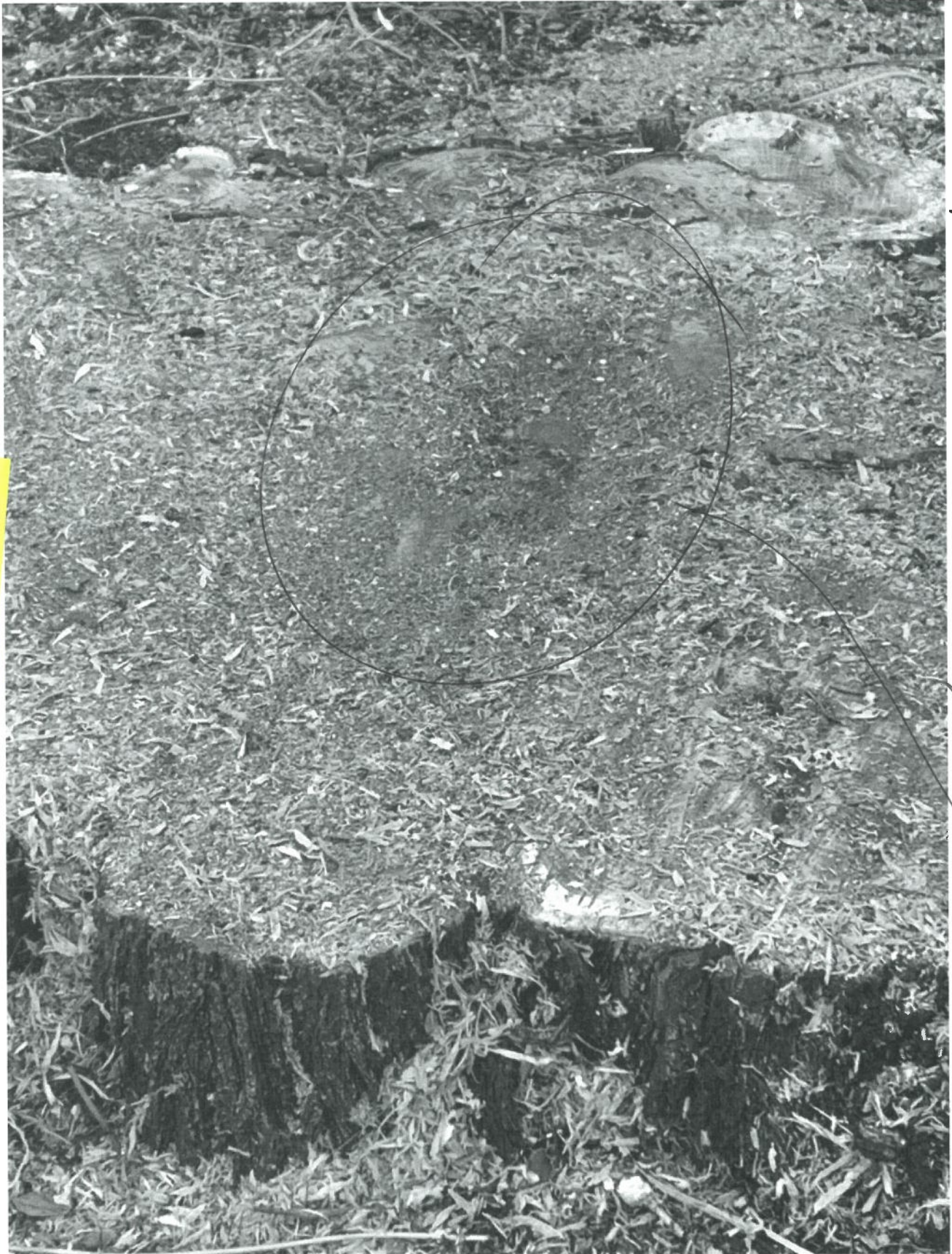
I know the permit was issued w 3 replacement trees but when it was taken down it was discovered the tree was dead with extreme rot inside and the branches at top most were dead. See attached picture you can see water damage in the center.

I have the attached picture, in reviewing the town policy I wouldn't need to replace it with the 3 trees.

Please advise!

Thank you!

Cynthia



Boxed/boxed tree / noticed after removal.
 Tree was dripping large branches on property

On Mon, Jun 29, 2020 at 3:08 PM Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov> wrote:

Rob, please advise if these are acceptable replacement trees.

Thank you~_😊



Tammy Robnett-Illges • Administrative Assistant

Parks & Public Works • [41 Miles Avenue, Los Gatos CA 95030](#)

Ph: 408.399.5771 • TRobnett-Illges@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Cynthia Jaen <cynthiamjaen@gmail.com>
Sent: Monday, June 29, 2020 1:38 PM
To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>
Cc: Rob Moulden <rmoulden@losgatosca.gov>
Subject: Re: FW: Large dangerous tree [205 Lester Ln](#)

How about these 17 gallons banana trees as replacement



On Mon, Jun 29, 2020 at 12:29 PM Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov> wrote:

Hi Cynthia,

I have attached a copy of your tree removal permit. Please note that this permit will have a replacement requirement of 3 - 15gallon trees. I will go ahead and mail out the original.

Take care~ 😊



Tammy Robnett-Illges • Administrative Assistant

Parks & Public Works • [41 Miles Avenue, Los Gatos CA 95030](https://www.cityoflosgatos.com/41-Miles-Avenue)

Ph: 408.399.5771 • TRobnett-Illges@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Cynthia Jaen <cynthiamjaen@gmail.com>
Sent: Friday, June 26, 2020 12:46 PM
To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>
Cc: Rob Moulden <rmoulden@losgatosca.gov>
Subject: Re: FW: Large dangerous tree [205 Lester Ln](#)

Tammy,

Rob looked at the tree and said that I should receive the permit to remove the tree this coming Monday 6/29.

Thanks!

Cynthia

On Fri, Jun 26, 2020 at 11:43 AM Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov> wrote:

Oh good, ok, please let me know what his outcome is.

Thanks Rob~ 😊



Tammy

From: Cynthia Jaen <cynthiamjaen@gmail.com>
Sent: Friday, June 26, 2020 8:41 AM
To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>
Cc: Rob Moulden <rmoulden@losgatosca.gov>
Subject: Re: FW: Large dangerous tree 205 Lester Ln

Tammy,

Rob Moulden is coming to my property to see the tree and tell me if it has to be removed or not today.

Cynthia

On Fri, Jun 26, 2020 at 8:17 AM Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov> wrote:

Hi Cynthia,

Please see attached and let me know if you would like for me to submit your application with the "trim" box checked. I highlighted the area, which is at top of page. This way you are submitting for a tree trim, rather than a tree removal.

I look forward to your reply.



Tammy Robnett-Illges • Administrative Assistant

Parks & Public Works • 41 Miles Avenue, Los Gatos CA 95030

Ph: 408.399.5771 • TRobnett-Illges@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Cynthia Jaen <cynthiamjaen@gmail.com>
Sent: Thursday, June 25, 2020 3:09 PM
To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>
Cc: Rob Moulden <rmoulden@losgatosca.gov>
Subject: Re: FW: Large dangerous tree 205 Lester Ln

Where does any payment get sent to?

On Thu, Jun 25, 2020 at 2:19 PM Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov> wrote:

Hi Cynthia,

Please advise if you would like to submit for a Town tree removal permit. If so, I have all of your paperwork ready, we would just need the payment of \$250 for processing.

I look forward to your reply.

Best regards,



Tammy Robnett-Illges • Administrative Assistant

Parks & Public Works • [41 Miles Avenue, Los Gatos CA 95030](#)

Ph: 408.399.5771 • TRobnett-Illges@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Cynthia Jaen <cynthiamjaen@gmail.com>

Sent: Wednesday, June 24, 2020 8:15 PM

To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>

Subject: Re: FW: Large dangerous tree [205 Lester Ln](#)

Hi Tammy,

It is actually a Locust tree. I cannot wait 15 days for a permit to prune the tree. It won't be severely pruned but it is a danger right now to people and property and so it has to be done without a permit as it won't be severely pruned.

Cynthia

On Mon, Jun 22, 2020 at 3:59 PM Cynthia Jaen <cynthiamjaen@gmail.com> wrote:

Tammy,

I am not certain it is a black ash but I guessed and put that in the form I sent you a few minutes ago as an attachment, here is a pic of the leaves



On Mon, Jun 22, 2020 at 3:53 PM Cynthia Jaen <cynthiamjaen@gmail.com> wrote:

Hi Tammy,

1. Attached is the pdf with answers to your questions.

Thanks

Cynthia

On Mon, Jun 22, 2020 at 2:50 PM Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov> wrote:

Hi again, also, are you looking to trim or remove the tree? The items that still need to be completed are:

- *The type/species of this tree
- *The tree size in diameter (you can measure this with a tape measure)
- *Are you removing or trimming
- *\$250.00 submitted with the application for processing

I will be able to print out the photos you sent in and I will attach it to the paperwork once it is received. We have a lockbox outside of our Engineering Dept. front door that you can submit the application and payment into. (or just payment if you want to pdf me the application)

Please let me know which you will be doing.

Take care~ 😊



Tammy Robnett-Illges • Administrative Assistant

Parks & Public Works • [41 Miles Avenue, Los Gatos CA 95030](https://www.losgatosca.gov)

Ph: 408.399.5771 • TRobnett-Illges@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Cynthia Jaen <cynthiamjaen@gmail.com>
Sent: Monday, June 22, 2020 9:45 AM
To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>
Subject: Re: FW: Large dangerous tree [205 Lester Ln](#)

Hi Tammy,

Attached is the form with what I can complete.

Many of the check boxes are not applicable.

Please let me know if there is anything else I must complete. The arborist should know the info missing when he comes onsite.

TOWN OF LOS GATOS PARKS AND PUBLIC WORKS DEPARTMENT
REPLACEMENT CANOPY WORKSHEET

Tree Replacement Requirements

Canopy Size of Removed Tree ¹	Replacement Requirement ^{2A}	Single Family Residential Replacement Option ^{3A}
10 feet or less	Two 24 inch box trees	Two 15 gallon trees
More than 10 feet to 25 feet	Three 24 inch box trees	Three 15 gallon trees
More than 25 feet to 40 feet	Four 24 inch box trees; or Two 36 inch box trees	Four 15 gallon trees
More than 40 feet to 55 feet	Six 24 inch box trees; or Three 36 inch box trees	Not Available
Greater than 55 feet	Ten 24 inch box trees; or Five 36 inch box trees	Not Available

¹The widest measurement shall be used to determine canopy size.

²If approved by the Town Arborist, in-lieu fees are as follows:

24" Box Tree	\$250
36" Box Tree	\$500

³Single Family Residential Replacement Option is only available for developed single family residential lots under 10,000 square feet that are not subject to the Town's Hillside Development Standards and Guidelines. All 15 gallon trees must be planted on-site. Any approved in-lieu fee for single family residential shall be based on the 24" Box Tree fee above.

⁴Replacement Trees shall be approved by the Town Arborist and shall be of a species suited to the available planting location, proximity to structures, overhead clearances, soil type, compatibility with surrounding canopy and other relevant factors. Replacement with native species shall be strongly encouraged. See attached FAQs for replacement requirements in designated Hillside Areas, which shall comply with Appendix A of the Town's Hillside Development Standards and Guidelines.

Tree #	Canopy Feet	Required Replacement	Proposed Size and Species of Replacement	Proposed In-Lieu Fee
Total Fee				

Town arborist approval is required for all in lieu fee payment options

TOWN OF LOS GATOS

PARKS & PUBLIC WORKS
SERVICE CENTER
41 MILLS AVENUE
LOS GATOS, CA 95030
(408) 399-3770

APPLICATION FOR TREE REMOVAL AND/OR PRUNING PERMIT

Purpose of Application (check all that apply): Protected Tree Removal Protected Tree Pruning (more than 25% in a 3 year period)
 Heritage or Large Protected Tree Removal Heritage or Large Protected Tree Pruning

Check here if removal or pruning is in compliance with an approved development application. Photos and site plan required.
 Name of CDD Planner: _____ Project Application #: _____ Date of Approval: _____

Check here if removal or pruning deviates in some way from an approved development application (describe on separate sheet if needed)

Check here if property is located within the designated Town of Los Gatos Hillside Area (See FAQ sheet for additional provisions)

Property Owner Name: Cynthia Jaen Phone: 408 202 8292
 Property Location/Address: 205 Lester Ln, Los Gatos Email: _____
 Mailing Address (if different from above): _____
 Applicant Name (if different from above): Cynthia Jaen Phone: _____

I hereby certify that I am the owner of record of the property described above, and that I approve of the action(s) requested herein. I also hereby grant the Town or the Town's agent permission to visit the property to inspect the tree(s) that are covered by this application.

Property Owner's Signature (required): Cynthia Jaen Date: 6/22/2020

Tree #	List of species of all trees. Show corresponding # on Site Plan	Diameter Inches	Canopy Feet	List birds living in tree if any	Remove or Prune	DESCRIBE REASON FOR REMOVAL AND/OR PRUNING

Copy to another sheet if more than 10 trees.

Notes:

- Tree numbers should match those in arborist report where applicable.
- Diameter is measured at a height of 4.5' above the average grade.
- Canopy measurement is the widest dimension of the canopy spread.
- Inspect trees prior to removal or major pruning to confirm the absence of active bird nests, particularly during the spring/summer nesting season (February 1 through August 31).
- Replacement Trees are not required if the tree being removed is dead or has a Tree Risk Rating of Extreme or High, as determined by the Town Arborist.
- Fee is \$250 for first tree, and \$125 for each additional tree.

Check here if replacement trees cannot be reasonably replanted on site and payment of an in-lieu fee is requested. Town arborist approval is required for all in-lieu fee payment options. See reverse for more information on replacement requirements.

For Office Use Only

Application Number: _____
 Total Number Tree(s): _____
 Payment Amount Received: _____ [TREEREM]
 Check Number: _____
 Credit Card Auth.: _____
 Inspection Date: _____ Approved _____ Denied _____ Initials _____

IMPORTANT: Be sure to provide the following required documents when submitting the application:

- Photos and site plan of tree(s) proposed for removal or pruning. For pruning, proposed cuts should be indicated on photo.
- Completed Tree Replacement Worksheet. See reverse for replacement tree requirements and worksheet.
- Fee payment made using cash, check or credit card (VISA/MasterCard only).
- Notification required for Heritage and Large Protected Tree Permits only. See attached FAQs for guidelines.

Thanks
Cynthia

On Mon, Jun 22, 2020 at 9:34 AM Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov> wrote:

Good morning,

I have attached the Town's tree removal/trimming application for you to fill out. Once we receive this back, the Town arborist will review and we will process the permit. I will attach the photos below to your paperwork once it's received.

If any questions, please feel free to get back in touch.

Best regards,



Tammy Robnett-Illges • Administrative Assistant

Parks & Public Works • [41 Miles Avenue, Los Gatos CA 95030](https://www.losgatosca.gov)

Ph: 408.399.5771 • TRobnett-Illges@losgatosca.gov

www.losgatosca.gov • <https://www.facebook.com/losgatosca>

From: Town PPW <ppw@losgatosca.gov>
Sent: Monday, June 22, 2020 8:59 AM
To: Tammy Robnett-Illges <TRobnett-Illges@losgatosca.gov>
Cc: Town PPW <ppw@losgatosca.gov>
Subject: FW: Large dangerous tree [205 Lester Ln](#)

Good morning Tammy,

Please see the email below.

Meredith Johnston

From: Cynthia Jaen <cynthiamjaen@gmail.com>
Sent: Monday, June 22, 2020 8:56 AM
To: Town PPW <ppw@losgatosca.gov>
Subject: Large dangerous tree [205 Lester Ln](#)

Hi Sir or Madam,

I need help to evaluate the tree in my backyard for urgent significant trimming or removal.
Need a permit from town?

9/18/2020

Dear Town of Los Gatos representative,

Re: Application and Appeal: T20-074

The first set of pictures below show how many trees and their names that I have in my property, the second set of pictures show the power lines that the tree that was removed was leaning towards and the rot that the tree had

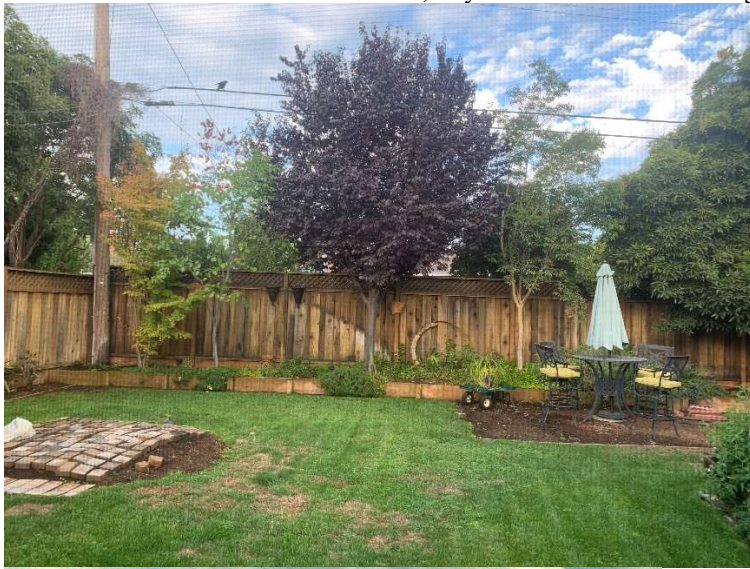
Front lawn, tree name is unknown to me:



Front lawn: 2 italian cyprus



backyard: crate myrtle, plum(not a fruit tree), maple, tula, olive, 1 more unknown name of tree. Where the bricks are is where the tree that was removed was, as you can see it was touching the power lines



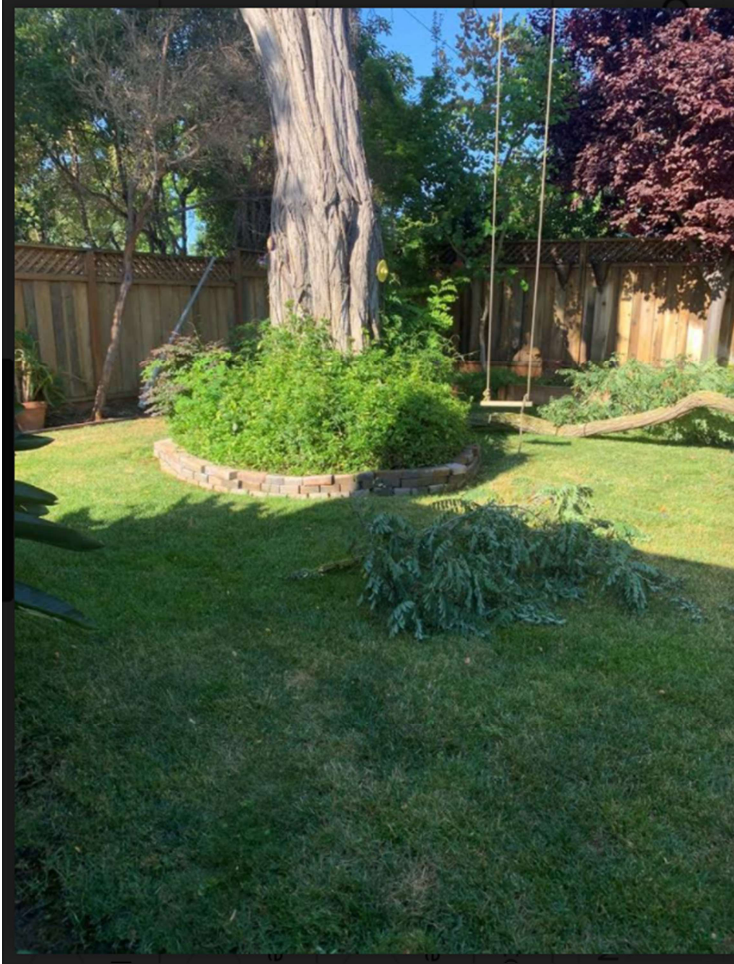
these are the power lines the removed tree was touching, also the fence with the neighbor house at 201 Lester that the removed tree was leaning towards, the angle was considerable.

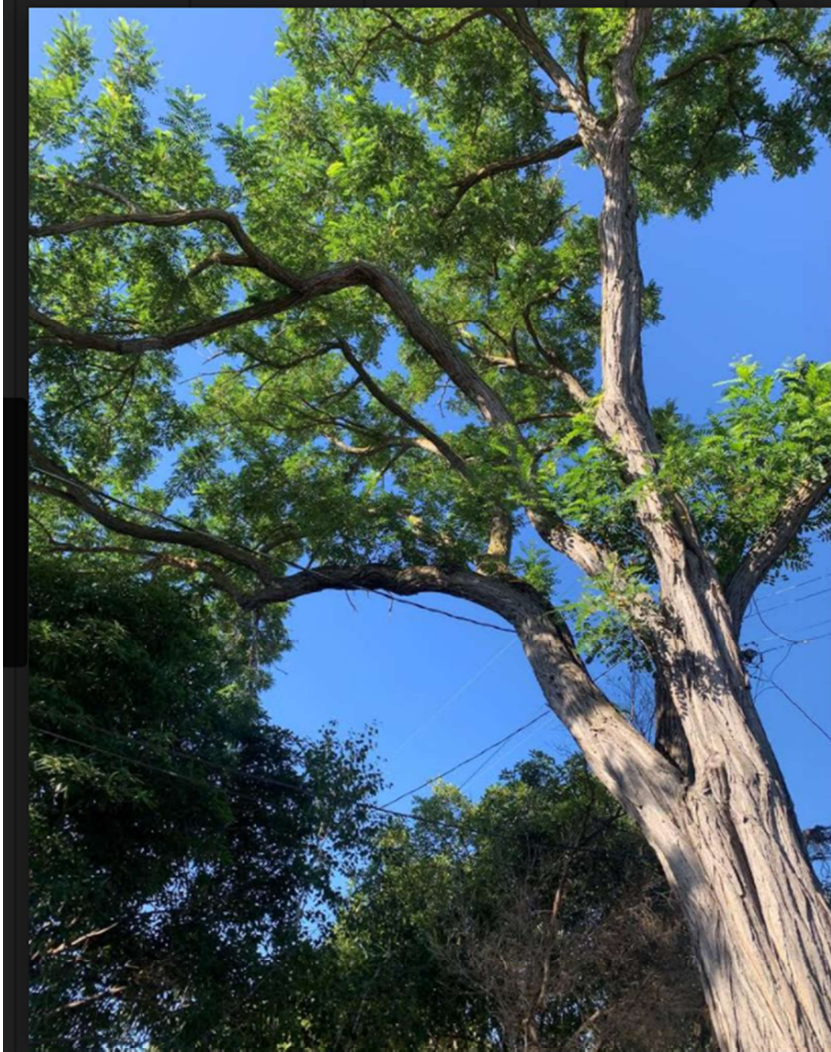


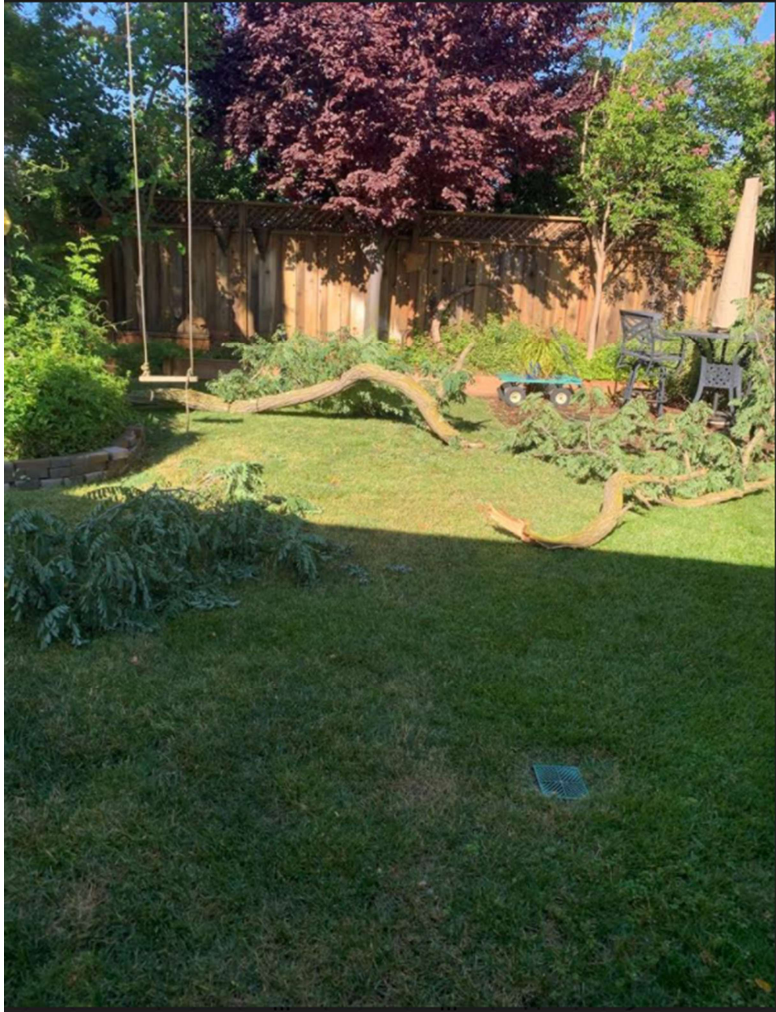


This is the tree that was removed, it was touching power lines and leaning towards neighboring fence









Martin Moncada, expert arborist that removed the tree, pointed in this picture the extensive rot the tree had.



Best Regards,

Cynthia Jaen

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Friday 9/18/2020

Dear Town of Los Gatos Representative,

Re: Application and Appeal: T20-074

I removed a Black Locust tree from 205 Lester Ln, Los Gatos, CA 95032 on 6/29/2020 as requested by Cynthia Jaen who had at that time a town permit number T20-074 issued 6/29/2020 for protected tree removal.

The tree had recently dropped 2 large heavy branches in her backyard which my crew had to cut in several sections to remove them because they were heavy and had caused indentations in the lawn from the fall.

The tree was leaning towards the power lines to the house from the utility post in the backyard, and was leaning in the direction of the neighboring house at 201 Lester Lane.

When my crew removed the tree, I noticed the tree had extensive rot in the trunk stemming from the main bifurcation at the top of the tree.

I have extensive experience in tree trimming and removal; PMC Tree Service, the company I work for has been in this service since 1970.

PMC Tree Service
Owner: Paul Musso
pmctreeservice@gmail.com
License: 718765
Insured

MARTIN MONCADA FOR PMC. 9-18-2020



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mmtreeservice66@gmail.com ✉

FULLY INSURED CONTRACTOR



TOWN OF LOS GATOS

PARKS & PUBLIC WORKS
SERVICE CENTER
41 MILES AVENUE
LOS GATOS, CA 95030
(408) 399-5771

TREE REMOVAL AND/OR PRUNING PERMIT

Application Number: T20-074 Approved: [check] Denied: Permit Number: T20-074 Expires: 9-29-20

Permit for (check all that apply):
[X] Protected Tree Removal [] Protected Tree Pruning (more than 25% in a 3 year period)
[] Heritage or Large Protected Tree Removal [] Heritage or Large Protected Tree Pruning

Property Owner Name: Cynthia Jaen Phone: 408-202-8292
Property Location/Address: 205 Lester Lane, Los Gatos, CA 95032 E-Mail: cynthiamjaen@gmail.com
Mailing Address (if different from above)
Applicant Name (if different from above) Phone:

Table with 7 columns: Tree #, Approved, Required Finding(s), Denied, Reason for Denial, Replacement Requirement, In Lieu Fee. Row 1: 1, Yes, 4,5, [], [], 3-15 gallon trees, []. Total In-Lieu Fees at bottom right.

[] All or some of the required replacement trees cannot be reasonably replanted on site and payment of the in-lieu fee as indicated above has been approved. Permit will not be issued until all in-lieu fees are paid in full.

General Permit Conditions

- 1. Notify the Town of Los Gatos Parks and Public Works Department at 408-399-5770 48 hours before work begins.
2. All underground utilities shall be located and protected from damage due to removal, stump grinding, or root pruning activities. Contact Underground Service Alert (USA) by dialing 811 or 800-227-2600 or online at www.usanorth.org at least 48 hours before tree removal activities.
3. Inspect trees prior to removal or major pruning to confirm the absence of active bird nests, particularly during the spring/summer nesting season (February 1 through August 31).
4. The use of gas-powered leaf blowers is prohibited in the Town of Los Gatos. Use of electric powered leaf blowers is permitted.
5. Approved pedestrian and vehicular traffic control shall be used and maintained at all times. Depending on the location of the work, time of day, and the required equipment, an encroachment permit may be required.
6. All contractors performing tree work in the Town of Los Gatos are required to have a Town Business License. Contractors performing work valued at more than \$500 must also hold a current, valid license from the Contractors State License Board (CSLB).
7. The permit must be posted on site at all times while tree removal or pruning is taking place.
8. Permit holder is required to submit photographs of replacement trees along with replanting date to the Town of Los Gatos Parks and Public Works Department prior to permit expiration date.

Special Permit Conditions

Blank lines for special permit conditions.

[Signature]
Rob Moulden, Town Arborist

6-29-20
Date

Revised April 17, 2020

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