

**FILING FEES**  
**\$523.00 (PLAPPEAL) Residential**  
**\$2,102.00 (PLAPPEAL), per**  
**Commercial, Multi-family, or**  
**Tentative Map Appeal**  
**TRANSCRIPTION \$500 (PLTRANS)**

**Town of Los Gatos**  
**Office of the Town Clerk**  
**110 E. Main Street**

**APPEAL OF PLANNING COMMISSION DECISION**

I, the undersigned, do hereby certify that the following information is true and correct to the best of my knowledge and belief.  
 follows: (PLEASE TYPE OR PRINT)

DATE OF PLANNING COMMISSION DECISION 01/08/25  
 PROJECT / APPLICATION NO: S-22-048  
 ADDRESS LOCATION: 45 Reservoir Road

Pursuant to the Town Code, any interested person as defined in Section 29.10.01 of the Town Code shall file an appeal with the Planning Commission.

Interested person means:

1. Residential projects. Any person or persons or entity or entities who own or control property for which a decision has been rendered, and can demonstrate that their interests will be injured by the decision.
2. Non-residential and mixed-use projects. Any person or persons or entity or entities who own or control property for which a decision has been rendered, and can demonstrate that their interests will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed that the decision of the Planning Commission or wherein its decision is not supported by substantial evidence in the record.

1. There was an error or abuse of discretion by the Planning Commission: R:20 Zoning side & rear setbacks have been violated. East side 12' 1 1/2" vs 15' West side 12'6" vs 15' R
2. The Planning Commission's decision is not supported by substantial evidence: see Exhibits A-E

Abuse - too many trees being destroyed. 12" - 39" diameters

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

Oaks

**IMPORTANT:**

1. Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10<sup>th</sup> day following the decision. If the 10<sup>th</sup> day is a Friday, the appeal must be filed by 1:00 P.M. If the 10<sup>th</sup> day a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10<sup>th</sup> day, usually a Monday.
3. The Town Clerk will set the hearing within 56 days of the date of the Planning Commission Decision (Town Ordinance No. 1967).
4. Once filed, the appeal will be heard by the Town Council.
5. If the basis for granting the appeal is, in whole or in part, information not presented to or considered by the Planning Commission, the matter shall be returned to the Planning Commission for review.

PRINT NAME: Mary J. Vidovich SIGNATURE: [Signature]  
 DATE: 01/16/25 ADDRESS: 47 Reservoir Road  
 PHONE: (408) 386-6444 EMAIL: MJVidovich@hotmail.com

\*\*\* OFFICIAL USE ONLY \*\*\*

DATE OF PUBLIC HEARING: \_\_\_\_\_  
**Pending Planning Department Confirmation**

DATE TO SEND PUBLICATION: \_\_\_\_\_ DATE OF PUBLICATION: \_\_\_\_\_



**FILING FEES**  
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**TRANSCRIPTION \$500 (PLTRANS)**

**Town of Los Gatos**  
**Office of the Town Clerk**  
**110 E. Main St., Los Gatos CA 95030**

**APPEAL OF PLANNING COMMISSION DECISION**

I, the undersigned, do hereby appeal a decision of the Planning Commission as follows: (PLEASE TYPE OR PRINT NEATLY)

DATE OF PLANNING COMMISSION DECISION 01/08/25

PROJECT / APPLICATION NO: S-22-048

ADDRESS LOCATION: 45 Reservoir Road

Pursuant to the Town Code, any interested person as defined in Section 29.10.020 may appeal to the Council any decision of the Planning Commission.

*Interested person means:*

1. *Residential projects.* Any person or persons or entity or entities who own property or reside within 1,000 feet of a property for which a decision has been rendered, and can demonstrate that their property will be injured by the decision.
2. *Non-residential and mixed-use projects.* Any person or persons or entity or entities who can demonstrate that their property will be injured by the decision.

Section 29.20.275 The notice of appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Commission or wherein its decision is not supported by substantial evidence in the record.


1. There was an error or abuse of discretion by the Planning Commission:  
R:20 Zoning side & rear setbacks have been violated. See attached. Protected Mature Oaks  
East side 12' 1½" vs 15' West side 12'6" vs 15' Rear 19'7½" vs 25' Fire Hazard, OR  
plants. See attached.
2. The Planning Commission's decision is not supported by substantial evidence in the record:

*see Exhibits A-E*  
Abuse - too many trees being destroyed. 12" - 39" diameter  
Oaks

IF MORE SPACE IS NEEDED, PLEASE ATTACH ADDITIONAL SHEETS.

**IMPORTANT:**

1. **Appellant is responsible for fees for transcription of minutes. A \$500.00 deposit is required at the time of filing.**
2. Appeal must be filed within ten (10) calendar days of Planning Commission Decision accompanied by the required filing fee. Deadline is 4:00 p.m. on the 10<sup>th</sup> day following the decision. If the 10<sup>th</sup> day is a Friday, the appeal must be filed by 1:00 P.M. If the 10<sup>th</sup> day a Saturday, Sunday, or Town holiday, then it may be filed on the workday immediately following the 10<sup>th</sup> day, usually a Monday.
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4. Once filed, the appeal will be heard by the Town Council.
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PRINT NAME: Mary J. Vidovich SIGNATURE:   
DATE: 01/16/25 ADDRESS: 47 Reservoir Road  
PHONE: (408) 386-6444 EMAIL: MJVidovich@hotmail.com

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## "Exhibit A" Zoning Law

### **R-1 ZONE**

#### **R-1 or Single-Family Residential Zone**

A low density residential zone that provides a means to create the best possible location and development standards for single-family dwellings.

#### **Find Zoning Requirements**

Go to Chapter 29, Article IV, Division 4 of the Town Code to check the Zoning Requirements for R-1 Zone or Single-Family Residential Zone, or you may contact the Town of Los Gatos Community Development Department. Please supply

- Street Address
- Nearest Cross Street
- Assessor's Parcel Number (APN) if available

#### **Lot Size Requirements**

R-1 Zones are categorized into the following six minimum lot areas:

- R-1:8 ... 8,000 S.F.
- R-1:10 ... 10,000 S.F.
- R-1:12 ... 12,000 S.F.
- R-1:15 ... 15,000 S.F.

- o R-1:20 ... 20,000 S.F.
- o R-1:30 ... 30,000 S.F.

## Permitted Uses In R-1 Zones

The following uses are permitted in a R-1 Zone:

- o Single-family dwelling
- o Non-commercial raising of trees, vegetables and horticulture specialties (commercial uses not permitted)
- o Small family day care home
- o Residential care facility, small family home
- o \*\* Additional uses may be allowed if a Conditional Use Permit (CUP) is approved. Please contact the Planning Department for further information

## Minimum Lot Frontage and Depth Requirements

R-1 Zone	Frontage (Interior lot/Corner)	Depth
R-1:8	60' / 80'	90'
R-1:10	80' / 90'	100'
R-1:12	90' / 95'	100'
R-1:15	100' / 100'	100'
R-1:20	100' / 115'	140'
R-1:30	100' / 120'	145'

## Notes

1. The minimum frontage for a lot on a cul-de-sac bulb is 30' with a 60' minimum width;
2. The minimum depth of lots facing or backing freeways, arterials, railroad rights-of-ways, schools, or parks is 125';
3. The frontage for lots on the outside of a street curve with a deflection angle of 75 degrees or more may be reduced to 30' depending on the radius of the curve.

## Minimum Setback Requirements for Principle Buildings

R-1 Zone	Front	Side	Rear	Street
R-1:8	25'	8'	20'	15'
R-1:10	25'	10'	20'	15'
R-1:12	25'	10'	20'	15'
R-1:15	25'	12'	25'	15'
R-1:20	30'	15'	25'	20'
R-1:30	30'	16'	25'	20'

## Height Requirements

The maximum height of any principle building in the R-1 Zone is 30' from the natural or finished grade, whichever is lower and creates a lower profile, to the uppermost point of the roof edge, wall, parapet, mansard, or other point directly above that grade.

**Note:** The maximum height for accessory buildings is 15', measured from natural of finished grade, whichever is lower and creates a lower profile. Please contact the Planning Department for further questions.

## Lot Coverage

The maximum building coverage, including any type of accessory buildings, is 40%.

## Other Requirements

For Development Standards, see the [Town of Los Gatos Residential Design Guidelines](#) for all Single-Family and Two-Family Dwellings in all zones except the Resources Conservation and Hillside Residential Zones.

"Exhibit B"  
Fire Hazard Junipers



**Riparian Habitats**

Gaultheria shallon	Salal
Mahonia pinnata	California Holly Grape
Myrica californica	Pacific wax myrtle
Ribes aureum	Golden currant
Ribes sanguineum	Pink winter currant

**Recommended Native Groundcovers, Low Growing Shrubs, and Perennials**

**Chaparral and Oak Woodland Habitats**

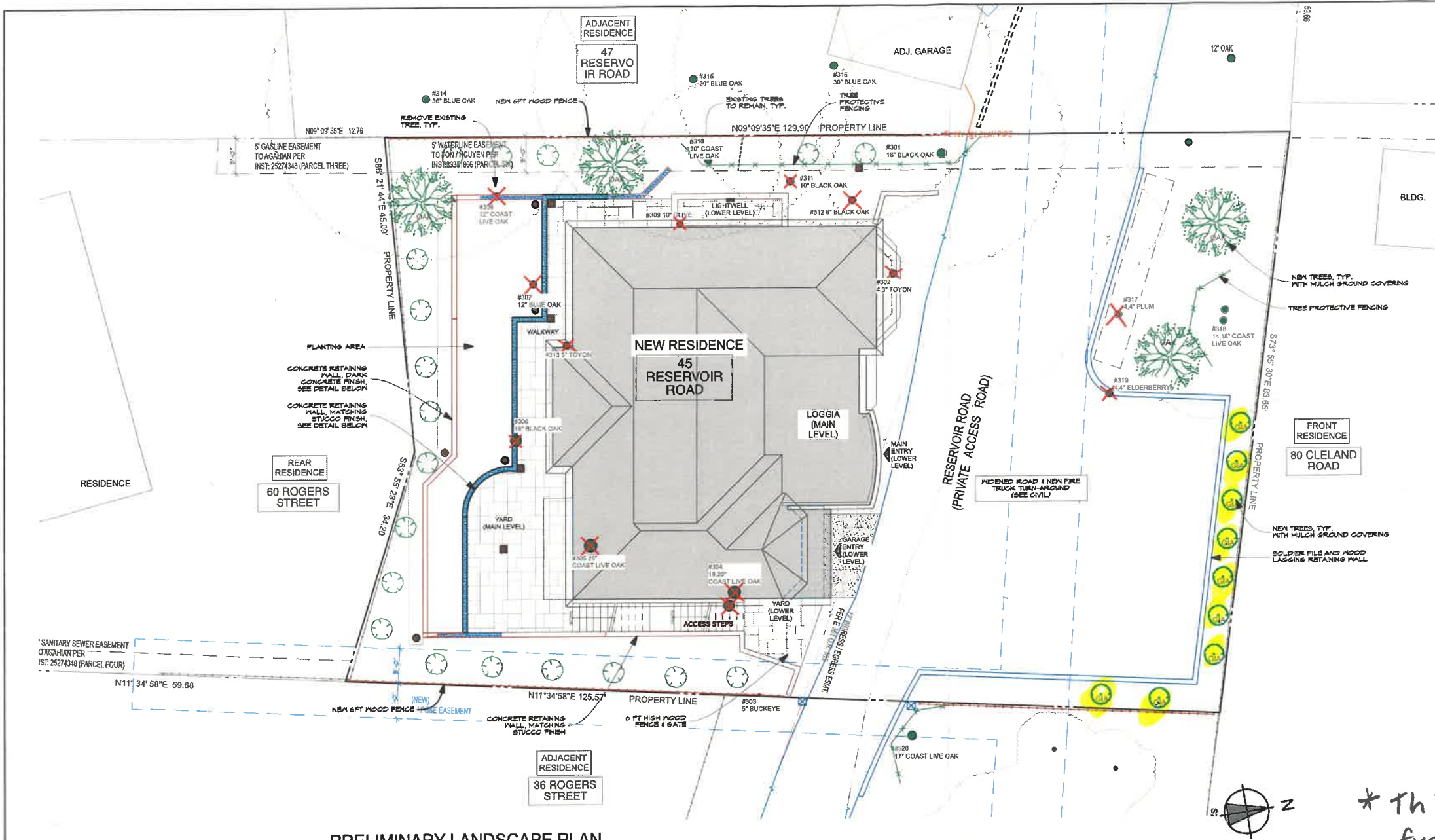
Achillea millefolium	Common yarrow
Arctostaphylos species	(low-growing species or cultivars)
Ceanothus gloriosus	(and other low-growing Ceanothus species)

**Riparian Habitats**

Mahonia repens	Creeping Mahonia
Ferns:	
• Adiantum aleuticum	Five-finger fern
• Blechnum spicant	Deer fern
• Dryopteris expansa	Spreading wood fern
• Polystichum munitum	Sword fern
Aquilegia Formosa	Western columbine
Iris	Pacific Coast hybrids
Asarum caudatum	Wild ginger

**Plants to avoid due to fire hazard**

- Acacia (most species)
- Conifers (most, especially pine, Pinus species - particularly P. radiata, Monterey pine).
- Incense cedar (Calocedrus decurrens).
- Junipers (Juniperus species, particularly tall-growing types)
- Eriogonum species
- Wild buckwheat
- Eucalyptus (most species, definitely E. globulus)
- Greasewood (also called chamise), Adenostoma fasciculatum
- Hall's honeysuckle (Lonicera japonica "Halliana")
- Species with shedding bark and heavy litter drop (e.g., Eucalyptus species)



**LEGEND**

- DRIVEWAY: STONE PAVEMENT / CONCRETE SLAB
- WALKWAY, YARD, SITE STAIR: STONE PAVEMENT / CONCRETE SLAB
- ROAD: ASPHALT PAVING
- LANDSCAPE AREA W/ MULCH COVER
- CONCRETE RETAINING WALLS FINISH TO BE SANDBLASTED WITH STAINED CONCRETE, OR SMOOTH STUCCO FINISH, BOTH TO HAVE LRV OF 90 OR LESS.
- EXISTING TREE (AND DRIB LINE) TO REMAIN
- EXISTING TREE TO BE REMOVED
- (4) OAK
- (19) BAY LAUREL, PODOCARPUS, OR PITTOSPORUM (WITHIN 50' FROM RESIDENCE)
- (4) 24 BOX THUJA GREEN GIANT (Juniper)

**TREE INVENTORY**

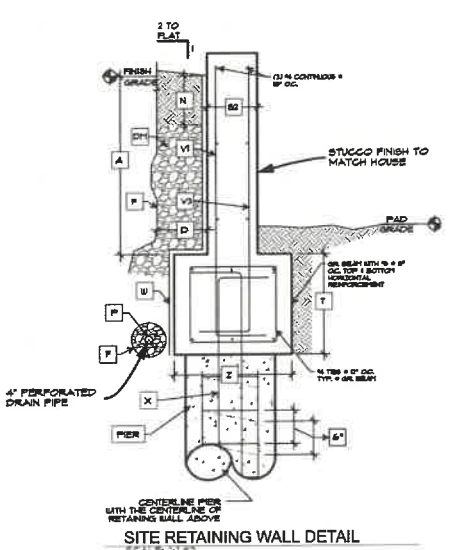
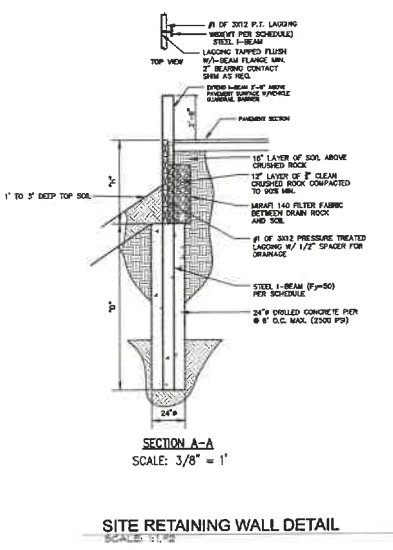
ID	SPECIES	CANOPY	STATUS	REPLACEMENT
301	BLACK OAK	35'	REMAIN	
302	TOYON	8'	REMOVE	(2) 15 GAL.
303	BUCKEYE	10'	REMAIN	
304	LIVE OAK	35'	REMOVE	(4) 15 GAL.
305	LIVE OAK	35'	REMOVE	(4) 15 GAL.
306	BLACK OAK	25'	REMOVE	(3) 15 GAL.
307	BLUE OAK	20'	REMOVE	(3) 15 GAL.
308	LIVE OAK	20'	REMOVE	(3) 15 GAL.
309	OLIVE	20'	REMOVE	EXEMPT
310	LIVE OAK	20'	REMAIN	
311	BLACK OAK	10'	REMOVE	(2) 15 GAL.
312	BLACK OAK	10'	REMOVE	(2) 15 GAL.
313	TOYON	10'	REMOVE	(2) 15 GAL.
314	BLUE OAK	45'	REMAIN*	
315	BLUE OAK	45'	REMAIN*	
316	BLUE OAK	45'	REMAIN*	
317	PLUM	15'	REMOVE	EXEMPT
318	LIVE OAK	35'	REMAIN	
319	ELDERBERRY	15'	REMOVE	EXEMPT (neighbor's property)
320	LIVE OAK	35'	REMAIN*	

TOTAL REPLACEMENT TREES = (25) 24" BOX.

\* INDICATES TREES LOCATED ON ADJACENT PROPERTIES.

PRELIMINARY LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"

\* Thuja is a Greek name for a type of juniper.



**REVISIONS**

REV.	DATE
7.30.24	
9.25.24	
10.29.24	

**KOHLSAAT & ASSOCIATES**  
51 UNIVERSITY AVE., 11 - LOS GATOS, CA - 95030 • (408) 395-2555

ARCHITECTURE AND SITE APPLICATION FOR  
**THE AGAHIAN RESIDENCE**  
LOS GATOS, CA 95030  
45 RESERVOIR ROAD

PRELIMINARY LANDSCAPE PLAN  
DATE: 11/08/22  
SCALE: AS SHOWN  
SHEET  
**A-5**  
5 OF 5

(a) A tree survey shall be conducted prior to submittal of any development application proposing the removal of or impact to one (1) or more protected trees. The development application shall include a Tree Survey Plan and Tree Preservation Report based on this survey. The tree survey inventory numbers shall correspond to a numbered metal tag placed on each tree on site during the tree survey. Tree survey inventory number tags in place from previous tree surveys, if easily visible, shall be retained and used in any new tree survey report. The tree survey plan shall be prepared by a certified or consulting arborist, and shall include the following information:

- (1) Location of all existing trees on the property as described in section 29.10.0995;
- (2) Identify all trees that could potentially be affected by the project (directly or indirectly- immediately or in long term), such as upslope grading or compaction outside of the dripline;
- (3) Notation of all trees classified as protected trees;
- (4) In addition, for trees four (4) inches in diameter or larger, the plan shall specify the precise location of the trunk and crown spread, and the species, size (diameter, height, crown spread) and condition of the tree.

(b) The tree survey plan shall be reviewed by the Town's consulting arborist who shall, after making a field visit to the property, indicate in writing or as shown on approved plans, which trees are recommended for preservation (based on a retention rating of high/moderate/low) using, as a minimum, the Standards of Review set forth in section 29.10.0990. This plan shall be made part of the staff report to the Town reviewing body upon its consideration of the application for new property development;

(c) When development impacts are within the dripline of or will affect any protected tree, the applicant shall provide a tree preservation report prepared by a certified or consulting arborist. The report, based on the findings of the tree survey plan and other relevant information, shall be used to determine the health and structure of existing trees, the effects of the proposed development and vegetation removal upon the trees, recommendations for specific precautions necessary for their preservation during all phases of development (demolition, grading, during construction, landscaping); and shall also indicate which trees are proposed for removal. The tree preservation report shall stipulate a required tree protection zone (TPZ) for trees to be retained, including street trees, protected trees and trees whose canopies are hanging over the project site from adjacent properties. The TPZ shall be fenced as specified in section 29.10.1005:

- (1)



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

- (2) The Town reviewing body through its site and design plan review shall endeavor to protect all trees recommended for preservation by the Town's consulting arborist. The Town reviewing body may determine if any of the trees recommended for preservation should be removed, if based upon the evidence submitted the reviewing body determines that due to special site grading or other unusual characteristics associated with the property, the preservation of the tree(s) would significantly preclude feasible development of the property as described in section 29.10.0990;
- (3) Approval of final site or landscape plans by the appropriate Town reviewing body shall comply with the following requirements and conditions of approval:
  - a. The applicant shall, within ninety (90) days of final approval or prior to issuance of a grading or building permit, whichever occurs first, secure an appraisal of the condition and value of all trees included in the tree report affected by the development that are required to remain within the development using the Tree Value Standard methodology as set forth in this Chapter. The appraisal of each tree shall recognize the location of the tree in the proposed development. The appraisal shall be performed in accordance with the current edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (CTLA) and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture. The appraisal shall be performed at the applicant's expense, and the appraisal shall be subject to the Director's approval.
  - 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 division.
- (d) Prior to acceptance of proposed development or subdivision improvements, the developer shall submit to the Director a final tree preservation report prepared by a certified or consulting arborist. This report shall consider all trees that were to remain within the development. The report shall note the trees' health in relation to the initially reported condition of the trees and shall note any changes in the trees' numbers or physical conditions. The applicant, or <sup>Xu's successor</sup> their successors, will then be responsible for the removal or loss of any tree at any time during development that was not previously approved for removal. For protected trees which were removed, the developer shall pay a penalty in the amount of the appraised

value of such tree in addition to replacement requirements contained in section 29.10.0985 of this Code. The applicant shall remain responsible for the health and survival of all trees within the development for a period of five (5) years following acceptance of the public improvements of the development or certificate of occupancy.

- (e) Prior to issuance of any demolition, grading or building permit, the applicant or contractor shall submit to the Building Department a written statement and photographs verifying that the required tree protection fence is installed around street trees and protected trees in accordance with the tree preservation report.
- (f) If required by the Director and conditioned as part of a discretionary approval, a security guarantee shall be provided to the Town. Prior to the issuance of any permit allowing construction to begin, the applicant shall post cash, bond or other security satisfactory to the Director, in the penal sum of five thousand dollars (\$5,000.00) for each tree required to be preserved, or twenty-five thousand dollars (\$25,000.00), whichever is less. The cash, bond or other security shall be retained for a period of one (1) year following acceptance of the public improvements for the development and shall be forfeited in an amount equal to five thousand dollars (\$5,000.00) per tree as a civil penalty in the event that a tree or trees required to be preserved are removed, destroyed or severely damaged.
- (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.
- (h) It shall be a violation of this division for any property owner or agent of the owner to fail to comply with any development approval condition concerning preservation, protection, and maintenance of any protected tree.

(Ord. No. 2240, § 1(Exh. B), 6-2-15; Ord. No. 2331, § 1, 5-3-22)

*Print Man*

*Just FOIA Notification*

Sec. 29.10.1025. - Enforcement—Remedies for violation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the Town for violation of this division. While these remedies can be levied against any person, property owner, firm or corporation who intentionally or negligently violates any of the provisions of this chapter or any permit issued pursuant to it, or who fails to comply with any condition of any discretionary permit which relates to protected tree preservation, it is not the Town's intention to pursue such remedies against homeowners who unintentionally have minor violations of this chapter. These remedies are reserved for those entities who should have knowledge of such regulations from previous interactions or activity with the Town, such as information given during a previous or current application, and have nevertheless intentionally violated this chapter:

(1) *Tree removals in absence of or in anticipation of development.*

- a. If a violation occurs in the absence of or prior to proposed development, then discretionary applications and/or building permit applications will not be accepted or processed by the Town until the violation has been remedied to the reasonable satisfaction of the Director. Mitigation measures as determined by the Director may be imposed as a condition of any subsequent application approval or permit for development on the subject property. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed or damaged illegally with a new tree(s) in the same location(s) as those illegally removed or damaged tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town. For those trees on public property, replacement is to be determined by the Director of Community Development or by the Director of Parks and Public Works.
- b. The second violation of any provisions in this division during the conduct by any person or business of a tree removal, landscaping, construction, or other business in the Town shall constitute grounds for a one (1) year suspension of any business license issued to such entity. The Town shall require the property owner to disclose the name and address of the violating business as a necessary condition for removal of any Stop Work Order issued by the Town.

(2) *Pending development applications.*

- a.

Incomplete applications will not be processed further until the violation has been remedied. If an application has been deemed complete, it may be denied by the Director or forwarded to the Planning Commission with a recommendation for denial at the Director's discretion. Mitigation measures as determined by the director may be imposed as a condition of approval. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed or damaged illegally with a new tree(s) in the same location(s) as those illegally removed tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town. For those trees on public property, replacement is to be determined by the Director of Community Development or by the Director of Parks and Public Works.

- b. The second violation of any provisions in this division during the conduct by any person or company of a tree removal, landscaping, construction, or other business in the Town shall constitute grounds for a one (1) year suspension of any business license issued to such entity. The Town shall require the property owner to disclose the name and address of the violating business as a necessary condition for removal of any Stop Work Order issued by the Town.

(3) *Projects under construction.*

- a. If a violation occurs during construction, the Town may issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the Director, agreed to in writing by the property owner(s) or the applicant(s) or both, and either implemented or guaranteed by the posting of adequate security in the discretion of the Director. A mitigation plan shall include specific measures for the protection of any remaining trees on the property, and shall provide for the replacement of each hillside tree that was removed illegally with a new tree(s) in the same location(s) as those illegally removed tree(s). In-lieu fees shall not be an option for this violation. The replacement ratio shall be at a greater ratio than that required in accordance with the standards set forth in section 29.10.0985 of this division. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance

agreement with the Town. For those trees on public property, replacement is to be determined by the Director of Community Development or by the Director of Parks and Public Works.

- b. The second violation of any provisions in this division during the conduct by any person or company of a tree removal, landscaping, construction, or other business in the Town shall constitute grounds for a one (1) year suspension of any business license issued to such entity. The Town shall require the property owner to disclose the name and address of the violating business as a necessary condition for removal of any Stop Work Order issued by the Town
- (4) *Criminal penalties.* Notwithstanding section 29.20.950 relating to criminal penalty, any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment of not more than six (6) months or by both such fine and imprisonment. Each person convicted may be deemed guilty of a separate offense for every day and for every violation, as defined in Sec. 29.10.1031, during any portion of which any violation is committed.
  - (5) *Civil penalties.* Notwithstanding section 29.20.950 and Section (4) above, relating to criminal penalty, any person, property owner, firm, or corporation who intentionally or negligently violates any of the provisions of this chapter or any permit issued pursuant to it, or who fails to comply with any condition of any discretionary permit which relates to protected tree preservation, shall be liable to pay the Town a civil penalty as prescribed in subsections a. through d.
    - a. As part of any administrative and/or civil action brought by the Town, a hearing officer and/or court may assess against any person who commits, allows, or maintains a violation of any provision of this division an administrative and/or civil penalty in an amount not to exceed five thousand dollars (\$5,000.00) per violation. For damaged trees, in addition to civil penalties, the property owner will be required to obtain the services of an ISA certified arborist to determine the future viability of the tree and if salvageable, create a maintenance plan to restore the tree.
    - b. Where the violation has resulted in removal of a protected tree, the civil penalty shall be in an amount not to exceed five thousand dollars (\$5,000.00) per tree unlawfully removed, or the replacement value of each such tree, whichever amount is higher. If the tree removal is related to any development or subdivision then the civil penalties shall be the value of the tree times four, plus all related staff costs. Such amount shall be payable to the Town and deposited into the Tree Replacement Fund. Replacement value for the purposes of this section shall be determined utilizing the most recent

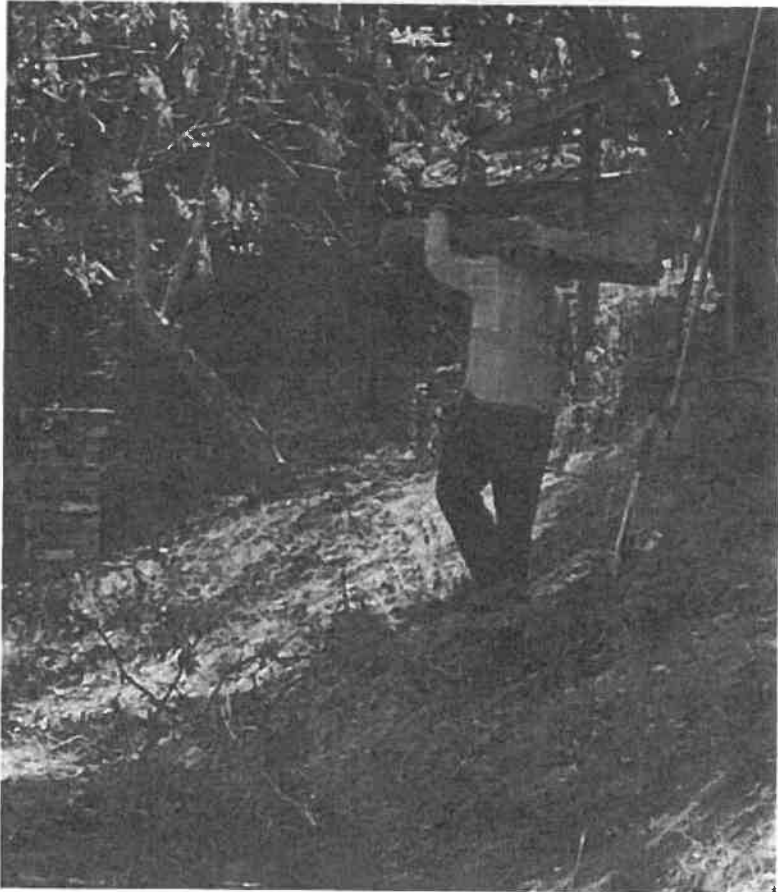
edition of the Guide for Plant Appraisal, as prepared by the Council of Tree and Landscape Appraisers and the Species and Group Classification Guide published by the Western Chapter of the International Society of Arboriculture.

- c. If the court or the Director directs a replacement tree or trees to be planted as part of the remedy for the violation, the trees shall be permanently maintained in a good and healthy condition. The property owner shall execute a five-year written maintenance agreement with the Town.
  - d. The cost of enforcing this division, which shall include all costs, staff time, and attorneys' fees.
- (6) *Injunctive relief.* A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.
  - (7) *Costs.* In any civil action brought pursuant to this division in which the Town prevails, the court shall award to the Town all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.
  - (8) *Remedies not exclusive.* To the maximum extent permitted by law, administrative remedies specified in this chapter are in addition to and do not supersede or limit any and all other provided for herein shall be cumulative and not exclusive.

(Ord. No. 2240, § 1(Exh. B), 6-2-15; Ord. No. 2331, § 1, 5-3-22)

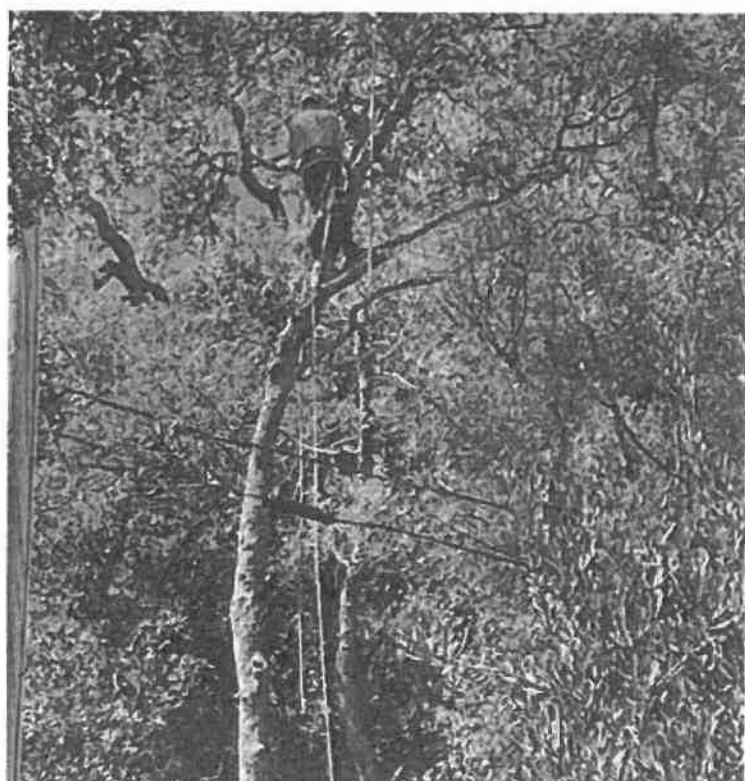
45 Reservoir Rd, tree removal without permit on July 24, 2021, New Sky Tree Service Inc.











45 Reservoir Rd, Story poles and unpermitted tree removal







Town of Los Gatos

Administrative Warning/Citation

BP32413 PAID SEP 24 2021 TOWN OF LOS GATOS

Code Compliance 110 E. Main Street Los Gatos, CA 95030 (408) 399-5746 PLADMICIT

Date Issued: July 28, 2021 Time: \_\_\_\_\_

Code Compliance Violation NO. VL- 21-255 Zone: \_\_\_\_\_

Violation Address: 45 Reservoir Road Town: Los Gatos State: CA Zip: 95030

Name (Responsible person/business): \_\_\_\_\_ GC §7922.000

Mailing Address: \_\_\_\_\_ GC §7922.000

Town/City: \_\_\_\_\_ GC §7922.000 Same as Violation Address

Document Issued: [ ] WARNING [ ] CORRECTION NOTICE [x] ADMINISTRATIVE CITE

Issuing Department: Community Development Dept. Compliance Date: Immediately Inspection Date: July 26, 2021

The total penalty is now due. Instructions for payment are listed on reverse page.

In order to comply with the Los Gatos Town Code, you will need to:

- Remove all story pole wires and netting from the property and dispose of them properly. Cease and desist removing/cutting down protected trees on the property. Obtain retroactive tree removal permits for the removal of tree #8 and #9 on Saturday July 24, 2021.

Table with 3 columns: Code Section, Description, Penalty Amount. Rows include 11.10.020 and 29.10.0960(7).

only

Photos Taken: (Circle one) YES / NO Quantity: 11 photos Total: \$10,250.00

Appeal of this Administrative Citation may be made by filling out a Hearing Request. Contact the Town of Los Gatos Community Development Department, 110 E. Main Street, Los Gatos, CA 95030 or by e-mail at CodeCompliance@LosGatosCA.gov for an application. Additional citations may be issued each day the violation exists.

NOTE: PERMIT(S) FROM THE PLANNING, BUILDING AND/OR PARKS AND PARKS AND PUBLIC WORKS DEPARTMENTS MAY ALSO BE REQUIRED FOR VIOLATIONS INVOLVING STRUCTURES, GRADING, ENCROACHMENTS AND TREE REMOVALS. WORK PERFORMED WITHOUT THE REQUIRED PERMIT(S) AND TOWN INSPECTION IS A VIOLATION OF THE TOWN OF LOS GATOS TOWN CODE AND WILL NOT QUALIFY AS COMPLIANCE.

Issuing Official: Allen Meyer Badge/Title NO.: Code Compliance Officer

Signature: [Signature] Date: July 28, 2021 Phone: 408-399-5746

Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

Proof of Service: Regular mail

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

**Tree Replacement Requirements**

<b>Canopy Size of Removed Tree <sup>1</sup></b>	<b>Replacement Requirement<sup>2,4</sup></b>	<b>Single Family Residential Replacement Option<sup>3,4</sup></b>
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

<sup>1</sup>The widest measurement shall be used to determine canopy size.

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

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

<sup>3</sup>Single 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.

<sup>4</sup>Replacement 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.

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

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



# TOWN OF LOS GATOS

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

## 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: \_\_\_\_\_

Property Location/Address \_\_\_\_\_

Mailing Address (if different from above) \_\_\_\_\_

Applicant Name (if different from above) \_\_\_\_\_

GC §7922.000

95030

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

GC §7922.000

45 Reservoir Road

GC §7922.000

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): \_\_\_\_\_

GC §7922.000

Date: \_\_\_\_\_

9/24/2021

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
# 8		8"				Tree is too high, reach wires
# 9		6"				Tree is too high, reach wires

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.  
Please make check payable to "Town of Los Gatos"

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: T21-138  
 Total Number Tree(s): 2  
 Payment Amount Received: \$375 [TREEREM]  
 Check Number: 1087  
 Credit Card Auth.:  
 Inspection Date 9-29-21 Approved  Denied  Initial RAM

#ETD3350

### 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. Please see next page 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.



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: T21-138 Approved: LOV Denied: \_\_\_\_\_ Permit Number: T21-138 Expires: 12-29-21

Permit for (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

Property Owner Name: GC §7922.000 Phone: \_\_\_\_\_  
Property Location/Address: 45 Reservoir Road, Los Gatos, CA 95030 E-Mail: GC §7922.000  
Mailing Address (if different from above): \_\_\_\_\_  
Applicant Name (if different from above): GC §7922.000 Phone: \_\_\_\_\_

Tree #	Approved	Required Finding(s)	Denied	Reason for Denial	Replacement Requirement	In Lieu Fee
8	Yes	Illegal			2-24" box trees	N/A
9	Yes	Illegal			2-24" box trees	N/A
					Total In-Lieu Fees	80

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 dialling 811 or 800-227-2600 or online at [www.usanorth.org](http://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.

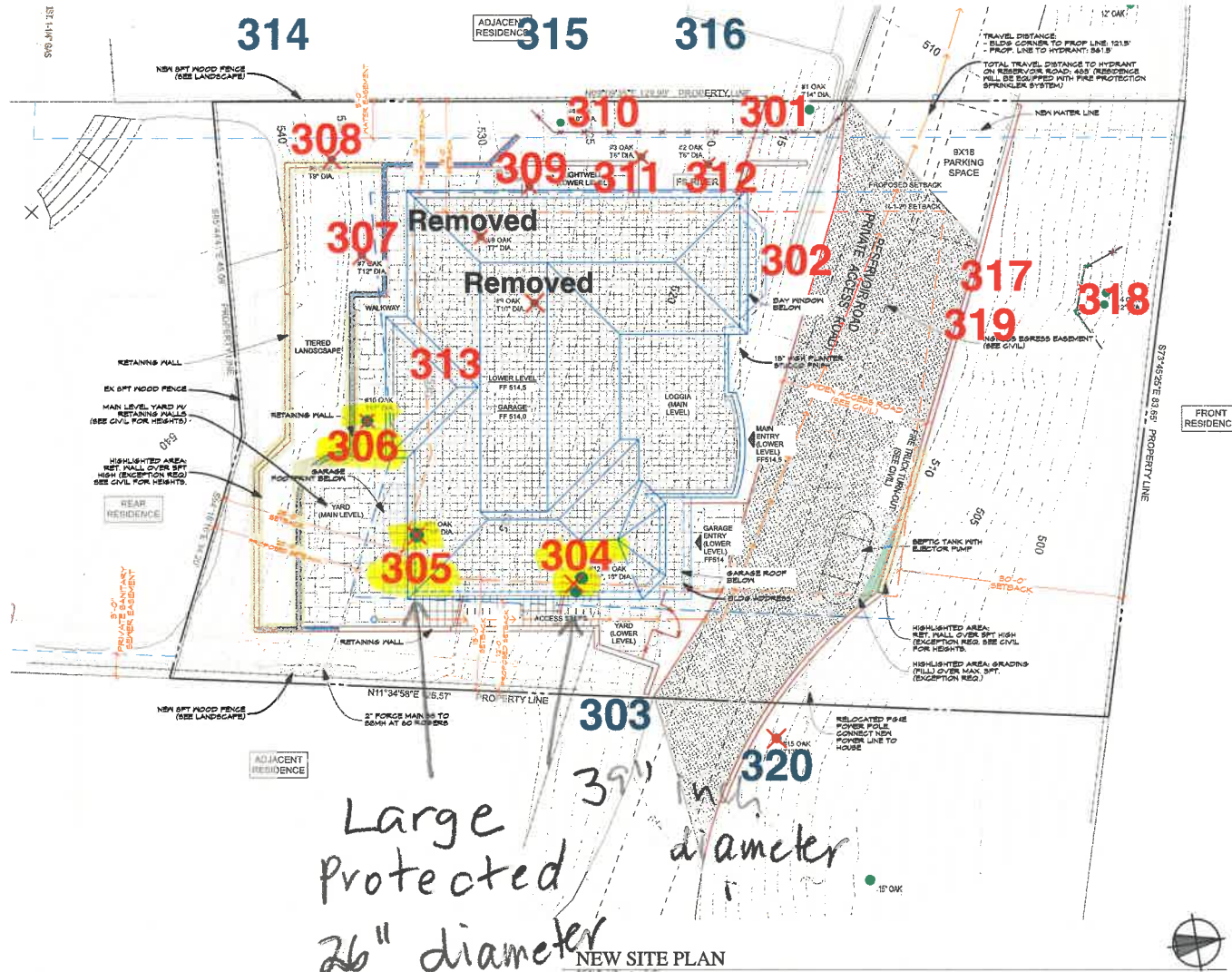
Special Permit Conditions

OIL REM  
4-19-21  
**COMPLETED**

Rob Moulden  
Rob Moulden, Town Arborist Date: 9-29-21



# Appendix A: Tree Inventory Map and Proposed Site Plan



Large Protected  
26" diameter

35" diameter

Exhibit D

Too Many Trees Being Removed

Environmental Impact & Changes

Rural Character of the Neighborhood



**Structural evaluation:** focused on the crown, trunk, trunk flare, above ground roots and the site conditions contributing to conditions and/or defects that may contribute to failure.

**Tree Protection Zone (TPZ):** Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

**Tree Risk Assessment:** Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.











**Trunk:** Stem of a tree.

**Trunk Formula Technique:** Method to appraise the monetary value of trees considered too large to be replaced with nursery or field grown stock. Based on developing a representative unit cost for replacement with the same or comparable species of the same size and in the same place, subject to depreciation for various factors. Contrast with replacement cost method.

**Volunteer:** A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.



**LEGEND**

-  EXISTING PROPERTY LINE
-  EXISTING CONSTRUCTION TO BE DEMOLISHED
-  EXISTING LANDSCAPE RETAINING WALLS
-  EXISTING WOOD FENCE
-  TREE PROTECTION FENCE
-  ELECTRICAL METER
-  EXISTING TREE TO REMAIN
-  EXISTING TREE TO BE REMOVED
-  EXISTING ASPHALT PAVED PRIVATE ROAD
-  LEAST RESTRICTIVE DEVELOPMENT AREA

**REVISIONS**

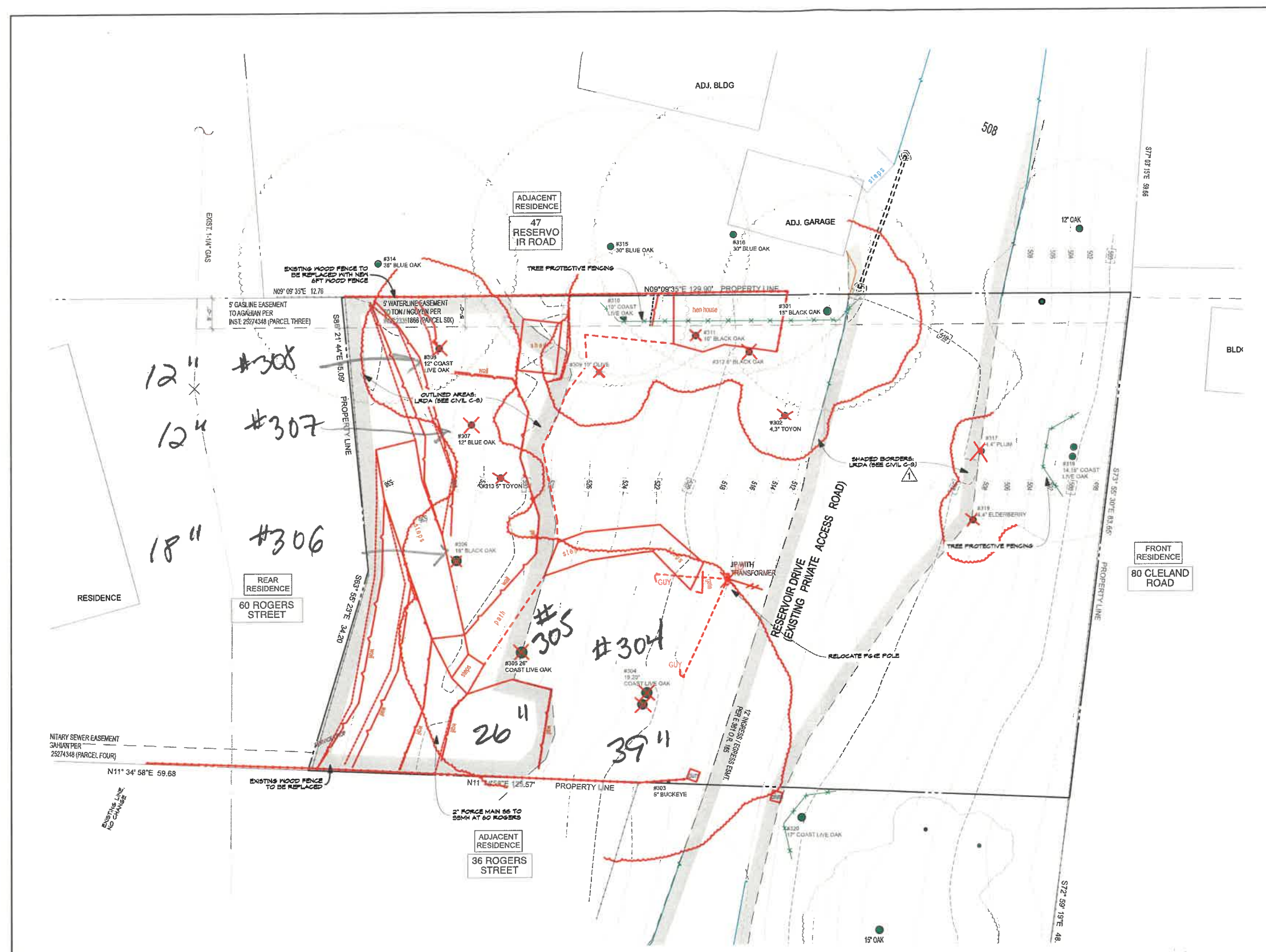
REV.	7.30.24
REV.	9.25.24
REV.	10.29.24

**KOHLSAAT & ASSOCIATES**  
51 UNIVERSITY AVE. • LOS GATOS, CA • 95030 • (408) 385-2555

ARCHITECTURE AND SITE APPLICATION FOR  
**THE AGAHIAN RESIDENCE**  
 45 RESERVOIR ROAD  
 LOS GATOS, CA 95030

**DEMO/  
 EXISTING  
 SITE PLAN**

DATE: 11/08/22  
 SCALE: AS SHOWN  
 SHEET  
**A-3**  
 3 OF -



**EXISTING SITE PLAN**  
SCALE 1/8" = 1'-0"



## Appendix B: Tree Inventory and Assessment Tables

Table 3: Inventory and Assessment Summary

Tree Species	I.D. #	Trunk Diameter (in.)	~ Canopy Diameter (ft.)	Condition/ Percent	Expected Impact	Protection Status	Rounded Depreciated Value	Tree Protection Radial (8X DBH ft.)
black oak ( <i>Quercus kelloggii</i> )	301	18	35	Fair/50%	High	Protected	\$10,900.00	12
toyon ( <i>Heteromeles arbutifolia</i> )	302	4, 3	8	Good/70%	High	Protected	\$1,270.00	3
buckeye ( <i>Aesculus californica</i> )	303	5	10	Good/70%	Moderate-High	Protected	\$670.00	3
coast live oak ( <i>Quercus agrifolia</i> )	304	19, 20	35	Poor/30%	High	Large Protected	\$9,400.00	19
coast live oak ( <i>Quercus agrifolia</i> )	305	26	35	Fair/50%	High	Large Protected	\$13,400.00	17
black oak ( <i>Quercus kelloggii</i> )	306	18	25	Good/70%	High	Protected	\$15,300.00	12
blue oak ( <i>Quercus douglasii</i> )	307	12	20	Fair/50%	High	Protected	\$4,860.00	8
coast live oak ( <i>Quercus agrifolia</i> )	308	12	20	Very poor	High	Protected	\$860.00	8
olive ( <i>Olea europaea</i> )	309	10	20	Good/70%	High	Exempt	\$2,790.00	7
coast live oak ( <i>Quercus agrifolia</i> )	310	10	20	Poor/30%	High	Protected	\$1,190.00	7
black oak ( <i>Quercus kelloggii</i> )	311	10	10	Poor/30%	High	Protected	\$2,020.00	7



Tree Species	I.D. #	Trunk Diameter (in.)	~ Canopy Diameter (ft.)	Condition/Percent	Expected Impact	Protection Status	Rounded Depreciated Value	Tree Protection Radii (8X DBH ft.)
black oak ( <i>Quercus kelloggii</i> )	312	6	10	Poor/30%	High	Protected	\$730.00	4
toyon ( <i>Heteromeles arbutifolia</i> )	313	5	10	Good/70%	High	Protected	\$1,270.00	3
blue oak ( <i>Quercus douglasii</i> )	314	36	45	Good/70%	Moderate-High	Large Protected	\$61,200.00	24
blue oak ( <i>Quercus douglasii</i> )	315	30	45	Good/70%	Moderate-High	Large Protected	\$42,500.00	20
blue oak ( <i>Quercus douglasii</i> )	316	30	45	Good/70%	Moderate-High	Large Protected	\$42,500.00	20
plum ( <i>Prunus domestica</i> )	317	4, 4	15	Good/70%	High	Exempt	\$940.00	4
coast live oak ( <i>Quercus agrifolia</i> )	318	14, 18	35	Good/70%	High	Large Protected	\$14,700.00	15
elderberry ( <i>Sambucus canadensis</i> )	319	4, 4	15	Good/70%	High	Protected	\$940.00	4
coast live oak ( <i>Quercus agrifolia</i> )	320	17	35	Good/70%	Moderate-High	Protected	\$8,000.00	11

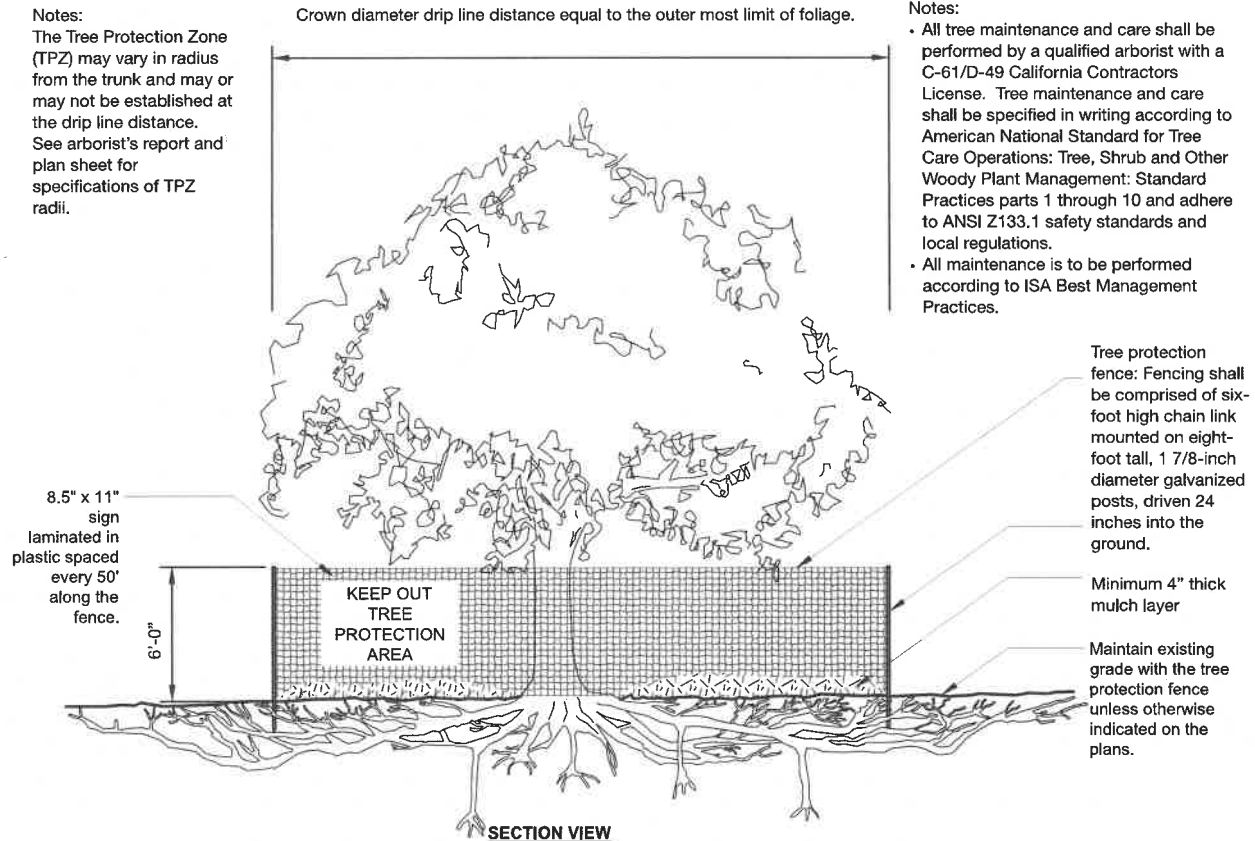


**C9: #305**



# Appendix D: Tree Protection Guidelines

## D1: Plan Sheet Detail S-X (Type I)



**C8: #304**





**C7: #306, #313, and #307**



**Appendix E: Tree Protection Signs**  
**E1: English**

# **Warning**

# **Tree Protection Zone**

**This Fence Shall Not Be Removed  
And Is Subject To Penalty According To  
Town Code 29.10.1025**



**E2: Spanish**

# **Cuidado Zona De Arbol Pretejido**

**Esta valla no podrán ser sacados  
Y está sujeta a sanción en función de  
Código Ciudad del 29.101025**



**C4: Trees #315 and #316 (Adjacent site)**



**C3: #318**



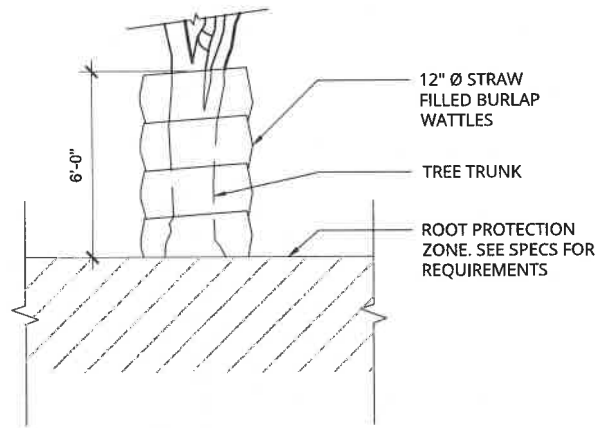
## D3: Section 29.10.1005. - Protection of Trees During Construction

### Tree Protection Zones and Fence Specifications

1. **Size and materials:** 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 ten-foot spacing. For paving area that will not be demolished and when stipulated in a tree preservation plan, posts may be supported by a concrete base.
2. **Area type to be fenced:** Type I: Enclosure with chain link fencing of either the entire dripline area or at the tree protection zone (TPZ), when specified by a certified or consulting arborist. Type II: Enclosure for street trees located in a planter strip: chain link fence around the entire planter strip to the outer branches. Type III: Protection for a tree located in a small planter cutout only (such as downtown): orange plastic fencing shall be wrapped around the trunk from the ground to the first branch with two-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 permits are issued and remain in place until the work is completed. 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 eight and one-half-inch by eleven-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." Text on the signs should be in both English and Spanish (Appendix E).



## D2: Plan Sheet Detail S-Y (Type III)

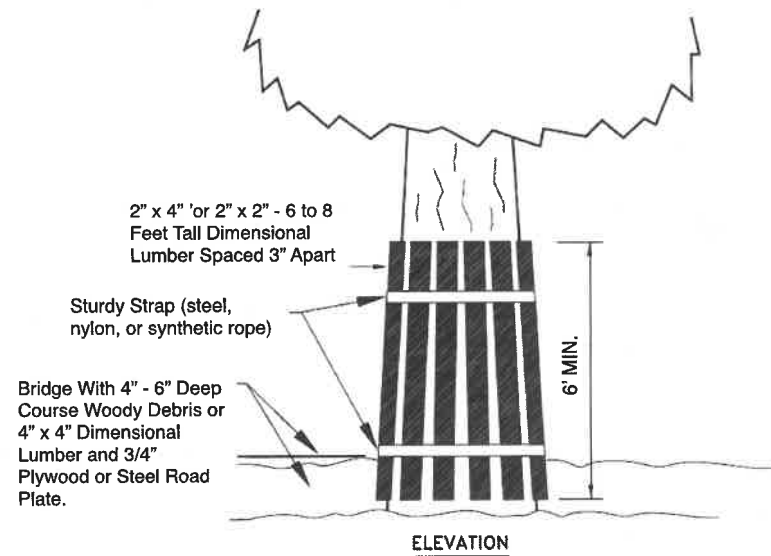
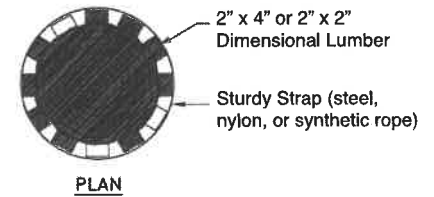


SECTION VIEW

S-Y

TRUNK PROTECTION WITH WATTLE

Note: See Local Ordinance Requirements and Arborist's Report for Additional Protection Specifications and Guidelines.



Trunk Protection Vertical Timber  
Detail



Sec. 24.10.080. - Town-initiated parcel merger.

"Exhibit E"  
"Legality of the lot"

- (a) The Town may initiate a merger of a parcel with a contiguous parcel held by the same owner if any one (1) of the contiguous parcels held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance applicable to the parcel and if, in accordance with Government Code Section 66451.11, all of the following requirements are satisfied:
- (1) At least one (1) of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel.
  - (2) With respect to any affected parcel, one (1) or more of the following conditions exists:
    - a. Comprises less than five thousand (5,000) square feet in area at the time of the determination of merger;
    - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
    - c. Does not meet current standards for sewage disposal and domestic water supply;
    - d. Does not meet slope stability standards;
    - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
    - f. Its development would create health or safety hazards; or
    - g. Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
- (b) Before initiating a parcel merger, the Town will notify the owner of the affected parcels and provide the owner with the opportunity for a public hearing. The public hearing will be conducted by the Planning Commission. The decision of the Planning Commission may be appealed to the Town Council within ten (10) days of the decision of the Planning Commission. The decision of the Town Council shall be final.

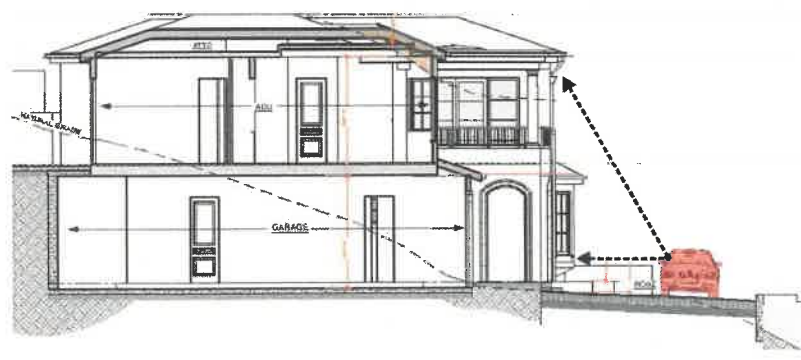
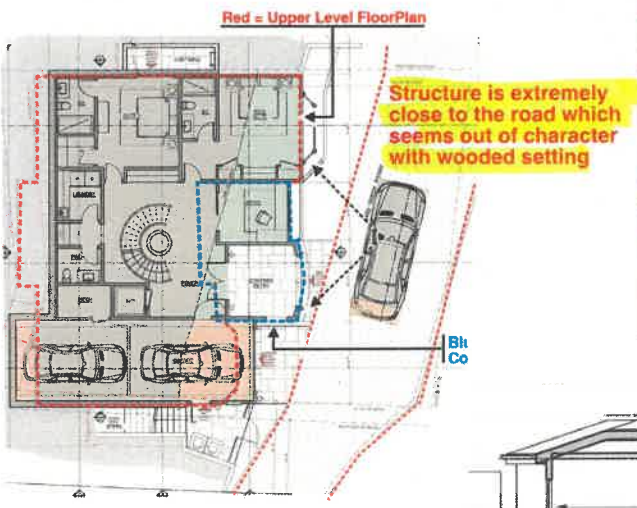
(Ord. No. 2337, § II, 2-22-23)

There was no public hearing on this lot. Was it created out of a merger?



A second issue is of **more concern** and may not have a viable **alternative** aside from a smaller **building footprint** and volume. However, I do feel it is important to identify the issue because of its potential **impact on the character** of the private drive.

The issue is that the proposed house is **quite close to the road** and appears to be **closer to the road than other nearby homes**. This may be acceptable given the private access road, but it seems **out of character** with its current **semi-rural, wooded environment** - see illustrations below.



Sean, please let me know if you have any questions, or if there are other issues that I did not address.

Sincerely,

CANNON DESIGN GROUP

A handwritten signature in black ink that reads "Larry L. Cannon".

Larry L. Cannon  
CANNON DESIGN GROUP

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