

## **INSTRUCTIONS FOR FILING A LIVE TREE REMOVAL APPLICATION**

### **PURPOSE**

The purpose of this process is to promote the health, safety, and welfare of the city by controlling the removal of trees in the city, as trees enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased storm water quality, reduce flood hazards and risks of landslides, increase property values, reduce the cost of construction and maintenance of draining systems through the reduction of flow and the need to divert surface waters, contribute to energy efficiency and the reduction of urban temperatures, serve as windbreaks and are prime oxygen producers and air purification systems.

### **Trees in the Public Right-of-Way:**

- The Tree Removal Application only applies to trees on private property. If the problem tree is located on public property, please contact the City Arborist at (408) 794-1901 or [arborist@sanjoseca.gov](mailto:arborist@sanjoseca.gov). A common example of a tree on public property is a street tree that is located within the parkstrip or the area between the curb and the sidewalk.

### **DEFINITION**

A “tree” shall mean any live or dead woody perennial plant characterized by having a main stem or trunk which measures fifty-six (56) inches or more in circumference at a height of twenty-four (24) inches above natural grade slope.

A multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four (24) inches above natural grade slope. (Per Chapter 13.32 of Title 13 of the San Jose Municipal Code.)

### **INSTRUCTIONS**

Please complete the attached application and **mail it to the address listed at the top of the page or submit it in the drop-off box located at the planning information counter (near window #33)** at the Development Services Center, 1st floor, along with:

1. **Plot Plan/Photographs.** One (1 ) copy of a legible plot plan of the property drawn to scale with the following: *Please see sample plot plan on page 5*
  - Location of existing buildings, driveways and accessory structures, powerlines, with dimensions.
  - The type, size, and condition of trees to be removed, with accurate dimensions showing the location of these trees. “Size” means the trunk circumference measured at two (2) feet above natural grade level.
  - **Replacement tree(s)** are required and must be shown on the Plot Plan. Show the location and size of the replacement tree(s).
    - a. **Single-family residences**, for each tree removed, one (1) 15-gallon replacement tree must be planted on the site and shown on the plan.
    - b. **For all other non-single-family uses**, for each tree removed, four (4) 15-gallon replacement tree must be planted on the site and shown on the plan. Final determination will be made by the Director of Planning.
  - Show any other trees on the property that are to remain.
  - Provide **photographs** (printed on 8 1/2” x 11” sheets of paper) which show the entire tree(s).2.
  - Attach any evidence explaining why the tree(s) should be removed based on the following:
    - a. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would not significantly frustrate the purposes of this chapter as set forth in Section 13.32.010; or
    - b. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or
    - c. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal.

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- 2. **Certified Arborist’s Report.** In addition to the items required in Step 1, a report prepared by a Certified Arborist maybe necessary.
- 3. **Noticing the Neighborhood.** Public Hearing Notices are prepared by the Department of Planning, Building and Code Enforcement. Public Hearing notices will be mailed for development proposals at least 10 calendar days before the date set for hearing for a project. Notices will be sent to all property owners and residents (adjacent for single family residences and 300 feet for all others).
- 4. Please indicate if the tree(s) to be removed are being used for nesting by birds or other animal species.

**5. FEES.**

- Single-family or Two-family lots (Public Noticing Fee Only)      **\$200.00**
  
- Stand alone application for Multiple Family, Commercial or Industrial Properties (include Public Noticing and General Plan Update Fees):
  - 1 Tree      **\$1,197.00**
  - 2-5 Trees      **\$1,602.00**
  - 6 or more Trees      **\$1,602.00 plus \$50 per tree over 5**
  
- Heritage Tree Surcharge for existing Single-family Development, Two-family or included within Development Permit Application or common area of a Single-family development (include Public Noticing and General Plan Update Fees) **\$1,270.00 above and beyond the above reference base fees.**

Please refer to the FEE SCHEDULE for details regarding the break down of applicable filing and public noticing fees.

**PROCESSING and SCHEDULING**

**Planning Staff:**

- Reviews application (please note incomplete applications will be returned)
- Processes applications in order received
- Prepares a recommendation to the Director of Planning based on the Mandatory Findings. (City of San Jose Municipal Code, Title 13, Section 13.32.100)

**Director of Planning:**

- Reviews the recommendation and approves or denies the request.
- Will notify the Applicant of the Director’s determination by mail.

**Appeal:**

- The appeal process only applies to live trees. Any action by the Director may be appealed by the applicant, the property owners or adjacent property owners to the Planning Commission within ten (10) days after said notice is mailed to the Applicant.

**ADDITIONAL INFORMATION**

**Director’s Hearing:**

- Notice of the time and place of the Director’s Hearing will be mailed to the Applicant. These hearings are held on Wednesday mornings at 9 a.m. in the Council Chambers.

**Heritage Trees:**

- On June 14, 1986, the City Council created the Heritage Tree List. The Heritage Tree List provides for the official recognition and protection of trees on both private and public property that are of special significance to the community because of their history, girth, height, species or unique quality. To find out if the tree(s) you want to remove is a Heritage Tree, please go to this link: [http://www.sanjoseca.gov/tree/trees\\_heritage.asp](http://www.sanjoseca.gov/tree/trees_heritage.asp) or contact the City Arborist at (408) 794-1901 or [arborist@sanjoseca.gov](mailto:arborist@sanjoseca.gov)

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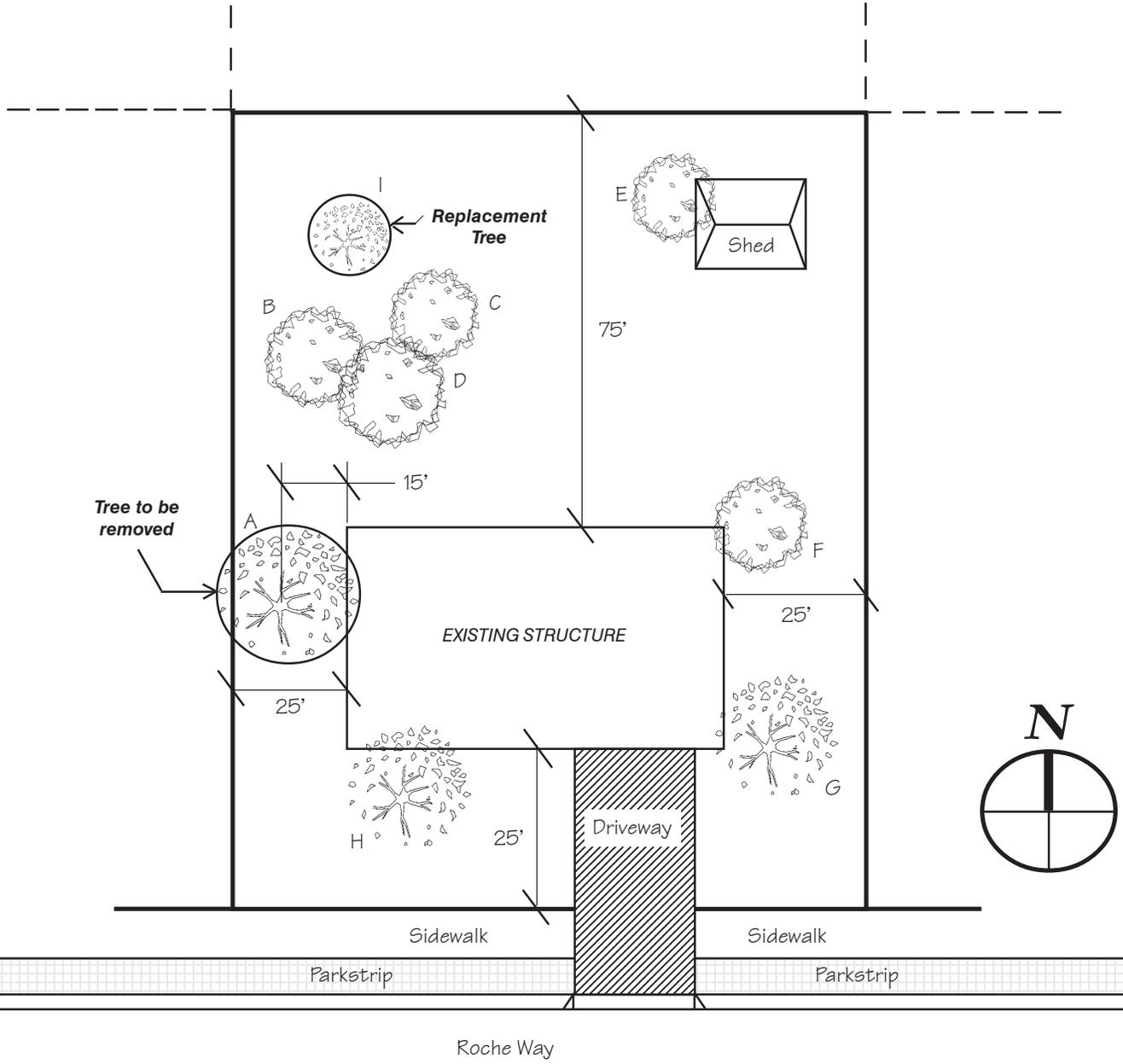
## LIVE TREE REMOVAL APPLICATION

TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)															
SITE ADDRESS OR LOCATION DESCRIPTION ASSESSOR'S PARCEL NUMBER(S) (Found on your tax bill or garbage bill)	<b>STAFF USE ONLY</b>  FILE No: _____ FEE(S): _____ RECEIPT #: _____ DATE: _____ BY: _____														
CHECK EXISTING LAND USE: <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> RESIDENTIAL: <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> SINGLE-FAMILY LOT <input type="checkbox"/> MIXED USE <input type="checkbox"/> TWO-FAMILY LOT <input type="checkbox"/> MULTI-FAMILY LOT	TREE LOCATION:  <input type="checkbox"/> PRIVATE LOT <input type="checkbox"/> IN COMMON AREA														
GROSS ACRES OF THE SITE: _____	<b>Minimum Submittal Requirements:</b>  1. Explain the reasons why the tree(s) should be removed on Page 2. 2. Attach <b>ONE (1)</b> copy of the <b>PLOT PLAN</b> . 3. Submit <b>PHOTO(S)</b> of <b>TREE(S)</b> , printed in 8 1/2" x 11" sheets of paper. 4. <b>FEES</b> .														
NUMBER OF TREES TO BE REMOVED _____  <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; text-align: center;">TREE TYPE</th> <th style="width: 30%; text-align: center;">CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL</th> <th style="width: 40%;"></th> </tr> </thead> <tbody> <tr> <td>TREE A _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>TREE B _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>TREE C _____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> ATTACH A SEPARATE SHEET OF PAPER TO DESCRIBE ADDITIONAL TREES.	TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL		TREE A _____	_____	_____	TREE B _____	_____	_____	TREE C _____	_____	_____			
TREE TYPE	CIRCUMFERENCE AT 2 FT. ABOVE GRADE LEVEL														
TREE A _____	_____	_____													
TREE B _____	_____	_____													
TREE C _____	_____	_____													
PRINT NAME OF PROPERTY OWNER(S) _____															
MAILING ADDRESS _____		CITY _____	STATE _____												
DAYTIME TELEPHONE # _____ (      )		FAX # _____ (      )	E-MAIL ADDRESS _____												
SIGNATURE (AND PRINT NAME IF DIFFERENT THAN THE ABOVE PROPERTY OWNER) _____															
If signing with Power of Attorney, a copy of the document giving you Power of Attorney must be attached to this application. If there are additional property owners, please attach a separate sheet to provide the above information.															
TO BE COMPLETED BY PLANNING STAFF															
PREVIOUS PERMIT FILE: _____	COUNCIL DISTRICT _____	QUAD NO. _____	ZONING _____												

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# SAMPLE PLOT PLAN



	TYPE	Circumference in inches/replacement size	CONDITION	STATUS
A	Ash	62	diseased	to be removed
B	Oak	26	healthy	to remain
C	Oak	22	"	"
D	Oak	30	"	"
E	Juniper	20	"	"
F	Juniper	20	"	"
G	Ash	50	"	"
H	Ash	52	"	"
I	Ash	115-gallon	healthy	replacement for tree 'A'

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Tree Removal.pm65/Applications  
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