

## **PUBLIC HEARING NOTICE**

The Planning Director of the City of San José will consider a **Tree Removal Permit** at a public hearing in accordance with the San José Municipal Code on:

**Wednesday, February 10, 2010**

**9:00 a.m.**

**City Council Chambers**

**City Hall**

**200 East Santa Clara Street**

**San Jose, CA 95113**

The project being considered is:

**TR09-316. Tree Removal Permit to allow the removal of one previously removed and two (2) additional Olive trees measuring approximately 58- to 60-inches in circumference located in the side yard of a single family residence. in the R-1-8 Single-Family Residence Zoning District, located at/on the North terminus of Lux Court (3914 LUX CT) (Silvia Pajuelo, Owner). Council District 10. CEQA: Exempt.**

Reports, drawings, and documents are available for review from 9:00 a.m. to 5:00 p.m., Monday through Friday, and a draft permit and recommendations will be available for review seven calendar days prior to the public hearing at:

Department of Planning, Building and Code Enforcement  
200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower  
San José, CA 95113  
(408) 535-7800

[www.sanjoseca.gov/planning/hearings/](http://www.sanjoseca.gov/planning/hearings/)

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 535-7800 (Voice)/TTY# (408) 294-9337 at least 48 hours before the meeting. **Muốn biết tin tức bằng tiếng Việt Nam về tờ thông tin này, xin quý vị liên lạc Trung Nguyen ở số (408) 535-7883 và đọc số dự án TR09-316. Para información en Español acerca de esta solicitud, comuníquese con Juan Borrelli al (408) 535-7709, e indique el número de proyecto TR09-316.** The decision of the Director may be appealed in accordance with the requirements of the San José Municipal Code. Instructions for filing a permit appeal are available from the Department of Planning, Building and Code Enforcement.

*\* If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Jeannie Hamilton**, at e-mail address: [jeannie.hamilton@sanjoseca.gov](mailto:jeannie.hamilton@sanjoseca.gov) in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.

Dated: **January 06, 2010**

Noticing Radius: **adjacent**

## TREE REMOVAL PERMIT

**FILE NO.** TR09-316  
**LOCATION OF PROPERTY** 3914 LUX CT  
**ZONING DISTRICT** R-1-8 Single-Family Residence  
**ENVIRONMENTAL STATUS** Exempt  
**OWNER/ADDRESS** SILVIA PAJUELO

After investigation and hearing held pursuant to Chapter 13.32 of the San José Municipal Code, the Director of City Planning finds:

1. **The affected trees are of a size, type and condition, and in such a location and in such surroundings that removal would not significantly frustrate the purposes of the Chapter as set forth in Section 13.32.010 of the San Jose Municipal Code in that the litter (including fruit) from the trees are an attractive nuisance to rodents and that the location of the trees causes much of this litter to be deposited on the adjacent properties.**

Based upon the above-stated finding, the Director of Planning **approves** the subject **Tree Removal Permit to allow the removal of one previously removed and two (2) additional Olive trees measuring approximately 58- to 60-inches in circumference located in the side yard of a single family residence.** subject to the following conditions:

**Replacement Tree(s).** Within 30 days of removal of the trees, the applicant shall replace the trees with one (1) 15-gallon tree planted on the same property as the tree that is removed. The replacement tree may be a street tree planted in the public right-of-way along the project frontage, if street trees do not currently exist. (Contact the City Arborist at 408-277-2756 for the designated street tree). Alternatively, the replacement tree requirement may be satisfied by donation of \$300.00 to the “Our City Forest” non-profit organization, (408) 998-7337 or [www.ourcityforest.org](http://www.ourcityforest.org). The applicant shall provide appropriate evidence such as, but not limited to, photographs and/or receipts to the Planning Project Manager, to verify compliance with the mitigation requirements. Such evidence should be labeled **TR09-316** and sent to the Planning Project Manager, within 30 days of the replacement of the subject tree(s). A donation receipt to “Our City Forest” for offsite tree planting shall be provided to the Planning Project Manager prior to removal of the subject tree(s).”

2. **Permit Posting.** Prior to commencement of and during removal of any ordinance-size tree pursuant to this Permit, the applicant shall post on the site, or cause to be posted, a copy of this validated Permit in conformance with the following:
  - a. The copy of the permit shall be a minimum size of 8.5 by 11.0 inches; shall be posted at each public street frontage within 2 feet of the public sidewalk or right-of-way; and shall be posted in such a manner that the permit is readable from the public sidewalk or right-of-way; or
  - b. If the site does not have a public street frontage, a copy of the permit shall be posted at a location where the permit is readable from a common access driveway or roadway.
3. **Presentation of Permit.** During removal of any ordinance-size tree pursuant to this permit, the applicant shall maintain the validated permit on the site and present it immediately upon request by the Director of Planning, Building and Code Enforcement, Police Officers or their designee.

4. **Permit Expiration.** This Tree Removal Permit shall automatically expire two years from and after the date of issuance hereof by said Director if within such two-year period removal of said tree(s) has not commenced, pursuant to and in accordance with the provisions of this Tree Removal Permit. The date of issuance is the date this Permit is approved by the Director of Planning.

The Director's decision may be appealed to the Planning Commission by submitting a completed Notice of Appeal on the form available in the Department of City Planning and Building and a \$2,232.00 fee. The appeal must be delivered in person and received on or before **5:00 p.m., February 22, 2010.**

If the Director's decision is not appealed, this Permit may be executed and the tree(s) removed the day following this appeal period. A copy of the Validated Permit will be mailed to you, and available in the Planning Department located on the 3<sup>rd</sup> Floor Tower of City Hall. If the decision is appealed, your Project Manager will notify you; you may not execute the Permit or remove the tree(s) until after the Planning Commission makes a decision on the appeal.

**APPROVED** and issued by the Director of Planning on this day, **February 12, 2010.**

JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

\_\_\_\_\_  
Deputy

PLEASE NOTE: Permit not valid for tree removal until after **February 22, 2010** and until countersigned below:

PERMIT VALID ON \_\_\_\_\_.

JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

\_\_\_\_\_  
Deputy

cc: