



APN
48433021
48433087
48433137

File No: TR10-008  
 District: 5

Noticing Radius: 61 Feet



Prepared by the Department of Planning,  
 Building, and Code Enforcement  
 1/13/2010

## TREE REMOVAL PERMIT

<b>FILE NO.</b>	<b>TR10-008</b>
<b>LOCATION OF PROPERTY</b>	<b>Northeast corner of Capitol Expressway and Story Road (2701 STORY RD)</b>
<b>ZONING DISTRICT</b>	<b>CN Neighborhood Commercial</b>
<b>ENVIRONMENTAL STATUS</b>	<b>Exempt</b>
<b>OWNER/ADDRESS</b>	<b>SELF-SERVE PETROLEUM INC</b>

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

- The affected tree(s) were removed without benefit of a permit per Chapter 13.32 of the San Jose Municipal Code yet are still subject to the requirement an any appropriate mitigation as determined by the Director of Planning.**

Based upon the above-stated finding, the Director of Planning **approves** the subject **Tree Removal Permit to approve the previous removal of three (3) Palm trees approximately 78, 88 and 89 inches in circumference from the landscape area of a gas station/car wash site. The tree were removed without the appropriate permit approval** subject to the following conditions:

- Replacement Tree(s).** Within 30 days of removal of the tree(s), the applicant shall replace the trees with three (3) 15-gallon trees planted in the same area as the trees that were removed. Such evidence should be labeled **TR10-008** and sent to the Planning Project Manager, within 30 days of the replacement of the subject tree(s).
- 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:
  - 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
  - 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.
- 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.
- 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., March 08, 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 26, 2010**.

JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

\_\_\_\_\_  
Deputy

PLEASE NOTE: Permit not valid for tree removal until after **March 08, 2010** *and* until countersigned below:

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

JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

\_\_\_\_\_  
Deputy

cc: **Andy's BP, Inc.**