

TREE REMOVAL PERMIT

FILE NO. TR09-282
LOCATION OF PROPERTY West side of N. 4th Street 340 feet southerly of Hensley Street, just northerly of Union Pacific Right-of-Way (405 N 4TH ST)
ZONING DISTRICT LI Light Industrial, R-M Multiple Residence
ENVIRONMENTAL STATUS Exempt
OWNER/ADDRESS SALVATION ARMY

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

1. **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 as evidenced through the assessment of the City's Arborist. The City's Arborist observed extensive decay on the whole north side of the tree which is compounded by additional large areas of decay elsewhere on the perimeter of the trunk. With this extensive decay and the location of the tree in an area where there are large assemblies of people, the safety of such people is a concern.**

Based upon the above-stated finding, the Director of Planning **approves** the subject **Live Tree Removal Permit to allow the removal of one Laurel tree, City Heritage Tree HT03-002), approximately 217 inches in circumference from an existing social service/ men's shelter facility site** subject to the following conditions:

1. **Replacement Tree(s).** Within 30 days of removal of the tree, the applicant shall replace the tree with one 24"-36"-box *Quercus Lobata* tree planted near the middle of the turf area between the building and the railroad tracks. Additionally, the applicant shall plant along the edge of the site along the railroad tracks, 3-5 trees of a narrow-upright nature to provide additional landscaping yet preserve the need to observe the track area. The applicant shall coordinate species selection with the City Arborist. 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 **TR09-282** and sent to the Planning Project Manager, within 30 days of the replacement 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., March 15, 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 3rd 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, **March 05, 2010.**

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy

PLEASE NOTE: Permit not valid for tree removal until after **March 15, 2010** and until countersigned below:

PERMIT VALID ON _____.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy

cc:



APN
24946002
24946014
24946015
24946016
24946017
24946018
24946019
24946020
24946021
24946079
24946087
24946088

File No: TR09-282
 District: 3

Noticing Radius: 61 Feet



Prepared by the Department of Planning,
 Building, and Code Enforcement
 2/12/2010