

TREE REMOVAL PERMIT

FILE NO.	TR10-017
LOCATION OF PROPERTY	1345 KIMBERLY DR
ZONING DISTRICT	R-1-8 Single-Family Residence
ENVIRONMENTAL STATUS	Exempt
OWNER/ADDRESS	Christopher M Palmer and Ann C Sjolander 1345 Kimberly Drive San Jose CA 95118

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

- 1. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interferes with utility services, is such that preservation of the public health or safety requires its removal in that, as evidenced by an arborist report, over 80% of the tree's basal roots have a large amount of decay and is in danger of falling onto the public sidewalk.**

Based upon the above-stated finding, the Director of Planning **approves** the subject **Tree Removal Permit to allow the removal of one (1) Mulberry tree, approximately 61 1/2 inches in circumference, from the front yard of an existing single-family detached residence** subject to the following conditions:

- 1. Replacement Tree(s).** Within 30 days of removal of the tree(s), the applicant shall replace the tree 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. 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 **TR10-017** 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:
 - 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.
- 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 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 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 12, 2010.**

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy

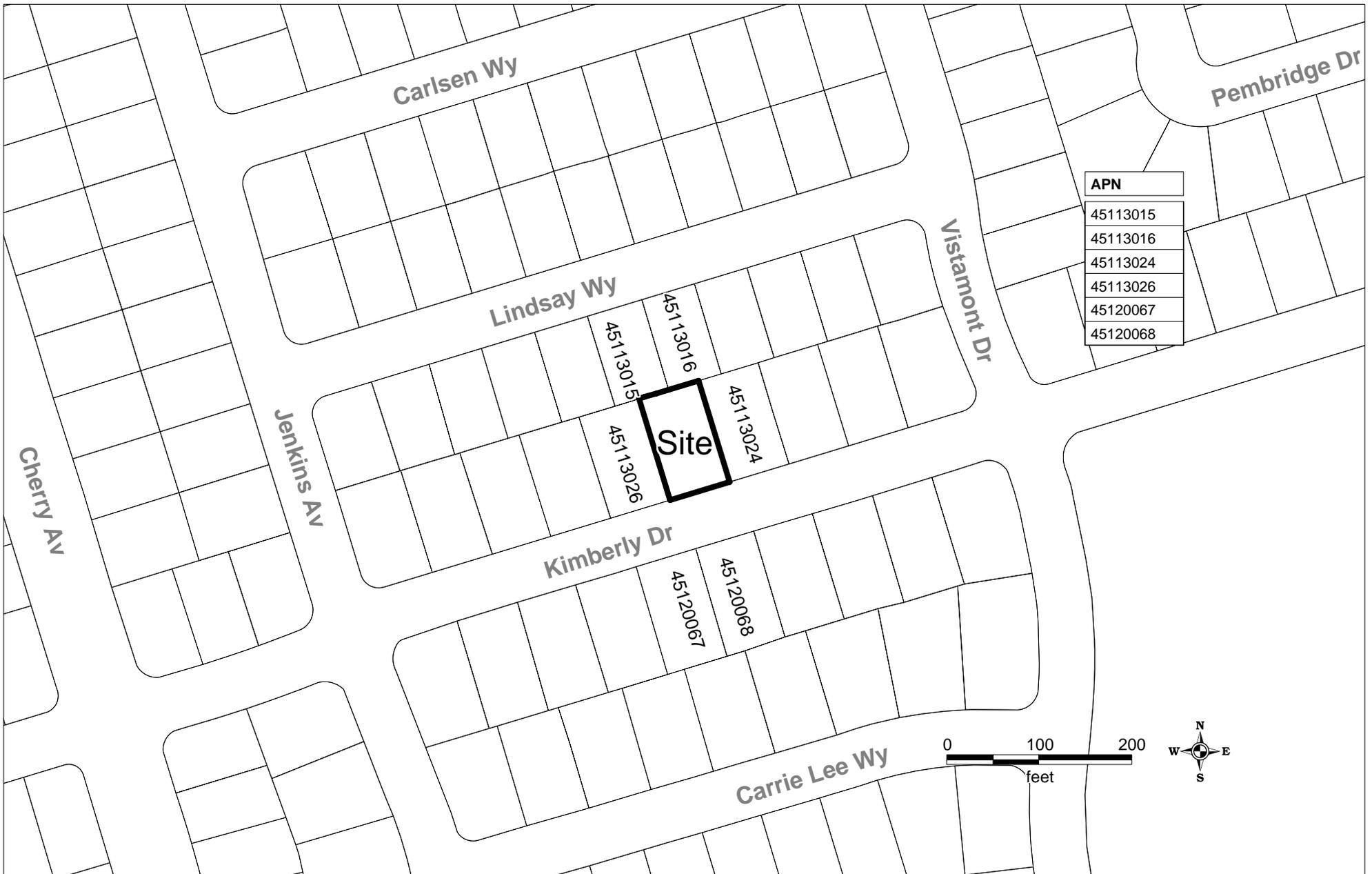
PLEASE NOTE: Permit not valid for tree removal until after
March 22, 2010 and until countersigned below:

PERMIT VALID ON _____.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy

cc:



APN
45113015
45113016
45113024
45113026
45120067
45120068

File No: TR10-017
 District: 9

Noticing: Adjacent Parcels



Prepared by the Department of Planning,
 Building, and Code Enforcement
 1/29/2010