

TREE REMOVAL PERMIT

FILE NO.	PDA70-034-02
LOCATION OF PROPERTY	North and West west sides of Hyde Avenue from 160 feet southerly of Bollinger Road clockwise to 160 feet easterly of Miller Avenue (Regency Park Townhouses) (6120 EDENHALL DR)
ZONING DISTRICT	R-1-8(PD) Planned Development
ENVIRONMENTAL STATUS	Exempt
OWNER/ADDRESS	Regency Park Townhouse Association c/o Blake Freeman P.O. Box 477 Campbell, CA 95009

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

With Respect to **Tree No. 3** as identified in the application, a **Red Bark Eucalyptus**, this tree was the subject of a previous removal request which was denied on July 18, 2008, PDA70-034-01, where the City Arborist did not observe any condition concerning the tree which would demand its removal, and since there has been no evidence provided at this time suggesting any change in its condition, the Director of Planning find:

1. That the tree affected is of a size, type and condition, and is in such a location in such surroundings, that its removal would significantly frustrate the purposes of this chapter as set forth in Section [13.32.010](#); and
2. That the location of the tree with respect to a proposed improvement does not unreasonably restricts the economic development of the parcel in question; and
3. 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 does not requires its removal.

With respect to ordinance size trees, **Tree No. 1, 5, and 10**, that:

1. **The affected tree(s) is/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 Tree No. 1 is in a state of declining health, and Trees No. 5 and 10 have incurred structural damage caused by recent storms which has affected the structural integrity of the trees and should be replaced.**

With respect to **all other non-ordinance size trees** that:

1. **The affected trees have outgrown their constrained planting area and should be replaced with more appropriately sized landscape trees.**

Based upon the above-stated finding, the Director of Planning **approves** the subject **Tree Removal Permit to allow removal of three (3) ordinance size trees, including one (1) Redwood tree measuring 90 inches, one (1) Liquid Amber tree measuring 60 inches in circumference, and one (1) Ash tree measuring 72 inches; as well as six (6) non-ordinance size trees including, one (1) Podocarpus tree measuring 50 inches in circumference, three (3) Carob trees measuring 50 inches in circumference, one (1) Tallow tree measuring 50 inches in circumference, one (1) Camphor tree measuring 50 inches in circumference, located in the common areas of a multifamily townhouse complex** 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 three (3) 24-inch box trees and six (6) 15-gallon trees planted on the same property as the trees that are removed **per the plan submitted and approved by the Director or Planning**. 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 **PDA70-034-02** 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., April 26, 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.

With Respect to Tree No. 3, Eucalyptus:

DENIED by the Director of Planning on this day, **April 16, 2010**.

With Respect to Tree No. 1, 2, 4, 5, 6, 7, 8, 9, and 10:

APPROVED and issued by the Director of Planning on this day, **April 16, 2010**.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy

PLEASE NOTE: Permit not valid for tree removal until after
April 26, 2010 and until countersigned below:

PERMIT VALID ON _____.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy

cc:

