TREE REMOVAL PERMIT

FILE NO.	**TR10-110**
LOCATION OF PROPERTY	**1750 LINCOLN AV**
ZONING DISTRICT	**R-2 Two-Family Residence**
ENVIRONMENTAL STATUS	**Exempt**
OWNER/ADDRESS	**NICHOLAS GARZINI**

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 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 the subject Cedar Tree tree is located immediately adjacent to the primary structure causing foundation damage currently and needs to be removed in order for the property owner to fix the foundation and prevent damage in the future. The subject Pine tree has been affected by a beetle infestation affecting the health of the tree.**

Based upon the above-stated finding, the Director of Planning **approves** the subject **Permit to remove one(1) Pine tree (133 inches in circumference) and one (1) cedar tree (90 inches in circumference) located in the rear yeard of a single family 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 two (2) 15-gallon tree planted on the same property as the tree that is removed. The replacement trees may be street trees 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 per replacement tree 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 **TR10-110** 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.

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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., July 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.

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

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

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Deputy

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

PERMIT VALID ON _____.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

_____
Deputy

cc:

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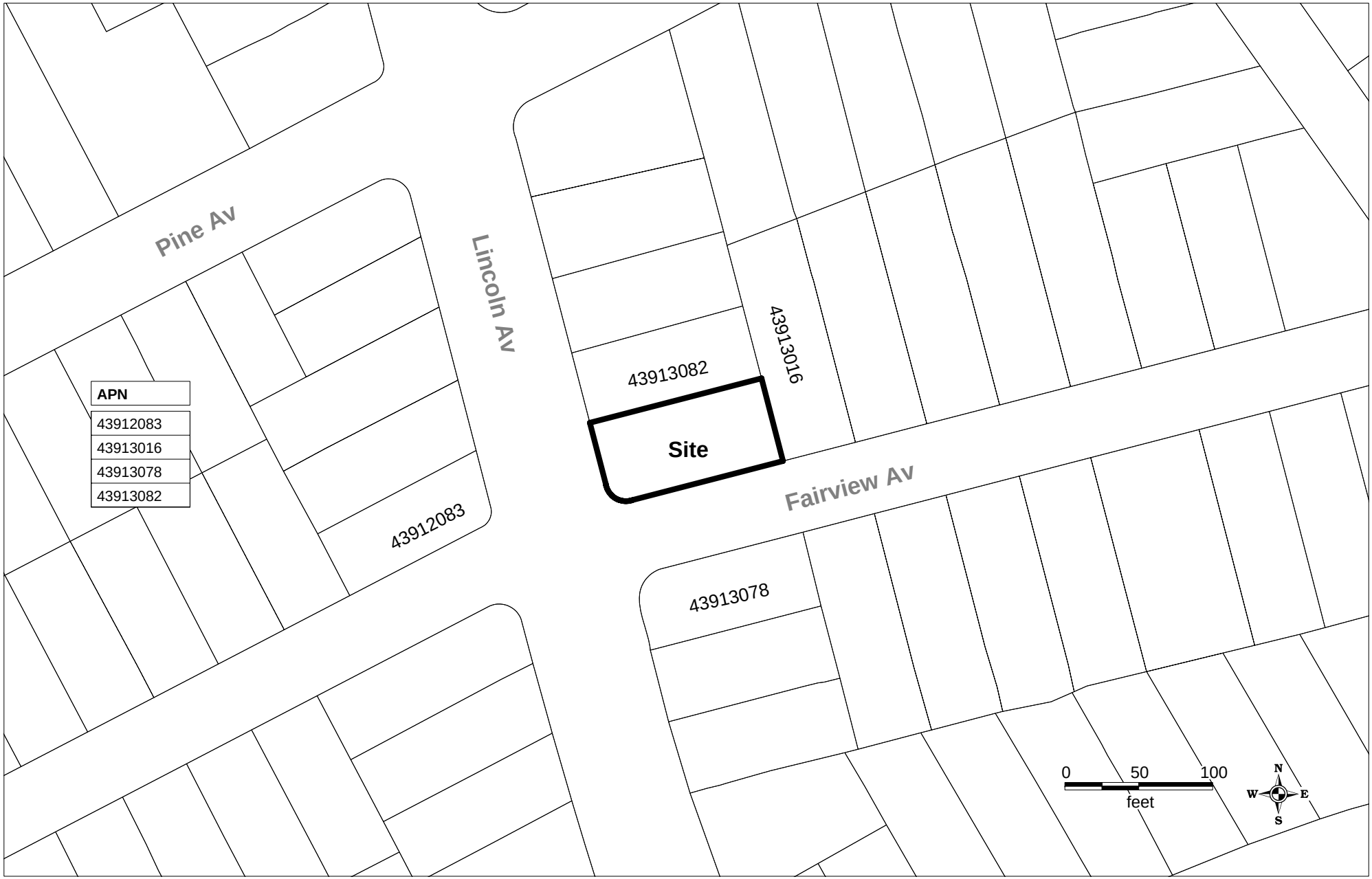

APN
43912083
43913016
43913078
43913082

File No: TR10-110
District: 6

Noticing: Adjacent Parcels

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Prepared by the Department of Planning, Building, and Code Enforcement
5/17/2010