

TREE REMOVAL PERMIT

FILE NO. TR10-116
LOCATION OF PROPERTY 235 feet southerly of E. St. John Street extending from N. 12th Street to N. 13th Street (75 N 13TH ST)
ZONING DISTRICT CO Office Commercial
ENVIRONMENTAL STATUS Exempt
OWNER/ADDRESS 75 NORTH 13TH ST LLC
14735 Poway Mesa Drive
Poway, CA 92064, and
THERESA G. MAXIE
425 Royce Drive
San Jose, CA 95133

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 both trees are species that are non-native and their locations are such that they are causing property damage and have the potential to interrupt emergency generator function at a care facility.**

Based upon the above-stated finding, the Director of Planning **approves** the subject **Permit to remove one (1) Ailanthus Tree measuring approximately 69 inches in circumference and one (1) Palm Tree measuring approximately 126 inches in circumference located at the rear of an existing residential care facility.** subject to the following conditions:

Replacement Tree(s). Within 30 days of removal of the tree(s), the applicant shall replace the tree with two (2) 15-gallon trees planted on the same property as the trees that are removed. 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 **TR10-116** 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., August 02, 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 23, 2010.**

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy

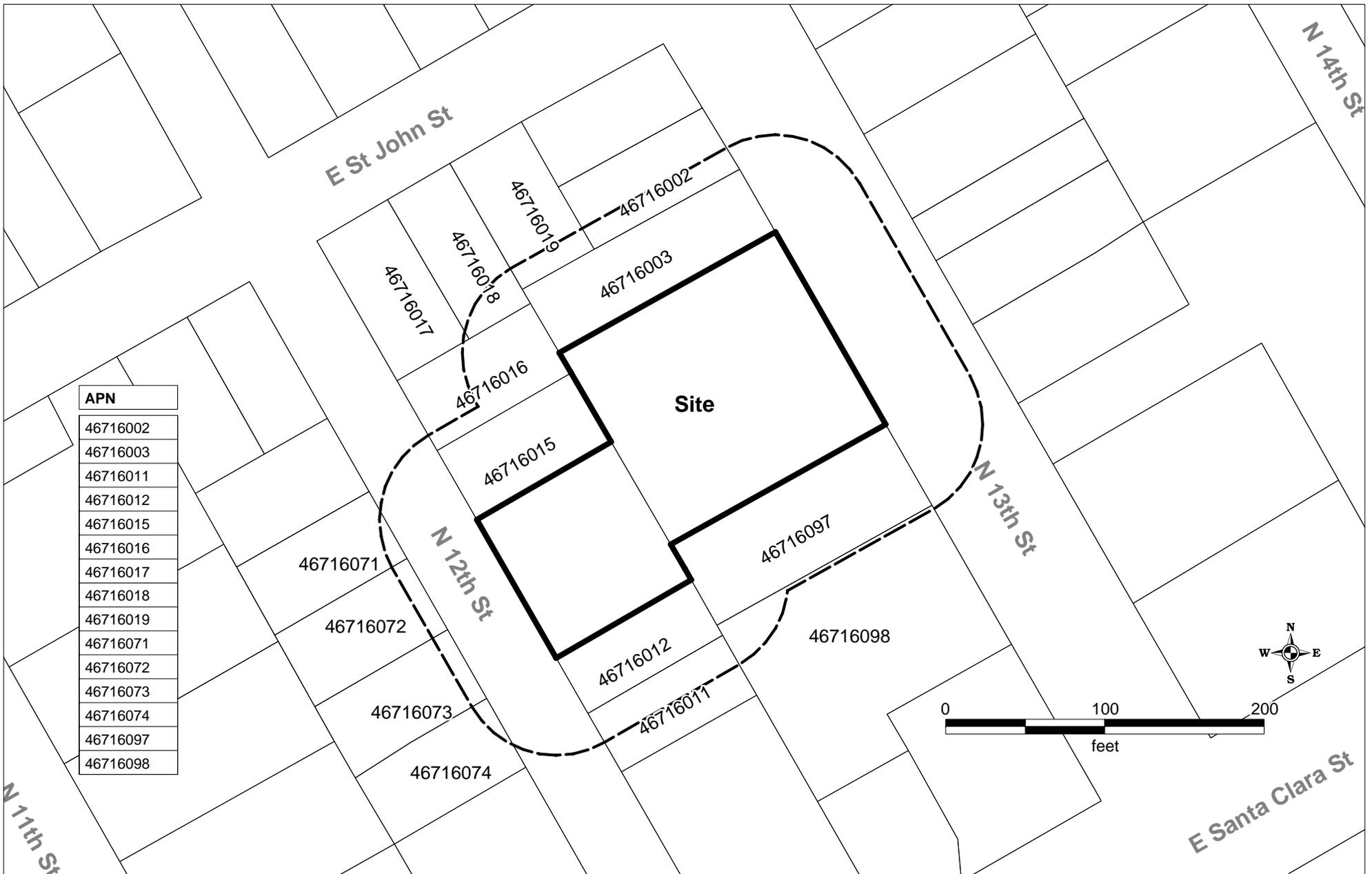
PLEASE NOTE: Permit not valid for tree removal until after **August 02, 2010** and until countersigned below:

PERMIT VALID ON _____.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Deputy

cc: [Jesse Gomez](#)



APN
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File No: TR10-116
 District: 3

Noticing Radius: 61 Feet



Prepared by the Department of Planning,
 Building, and Code Enforcement
 6/16/2010