

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 10/13/04 Item #: 4.a.

File Number
PDA 84-046-01

Application Type
Appeal of the Approval of a
Planned Development Permit Amendment

Council District
2

Planning Area
Edenvale

Assessor's Parcel Number(s)
N/A (Common Area)

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Jeff Roche

Location: Southerly side of Via Primavera Court, approximately 250 feet easterly of Via Primavera Drive

Gross Acreage: 23 acres

Net Acreage: 23 acres

Net Density: n/a

Existing Zoning: R-1-8 (PD) Planned Development District

Existing Use: single-family detached residential

Proposed Zoning: No change

Proposed Use: Removal of one, approximately 76-inch in circumference Aleppo Pine tree from the common area of a single-family detached residential project

GENERAL PLAN

Completed by: JR

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8 DU/AC)

Project Conformance:
 Yes No

SURROUNDING LAND USES AND ZONING

Completed by: JR

North: Single-Family Residential

R-1-8 (PD) Planned Development District

East: Single-Family Residential

R-1-8 (PD) Planned Development District

South: Single-Family Residential

R-1-8 (PD) Planned Development District

West: Single-Family Residential

R-1-8 (PD) Planned Development District

ENVIRONMENTAL STATUS

Completed by: JR

Environmental Impact Report found complete
 Negative Declaration circulated on

Exempt
 Environmental Review Incomplete

FILE HISTORY

Completed by: JR

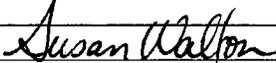
Annexation Title: Monterey Park No. 36

Date: January 22, 1960

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Approval
 Approval with Conditions
 Uphold Director's Decision

Date: October 7, 2004

Approved by: 
 Action
 Recommendation

APPLICANT/OWNER/DEVELOPER

APPELLANT

Via Primavera Homeowner's Association
C/o Professional Association Services, Inc.
Attn: Christine Franceschi
39899 Balentine Drive, Suite 102
Newark, CA 94560

Kern Bhugra
598 Via Primavera Court
San Jose, CA 95111

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Jeff Roche

Department of Public Works

None received.

Other Departments and Agencies

None received.

GENERAL CORRESPONDENCE

See attached Notice of Permit Appeal filed by Kern Bhugra on June 28, 2004; and letter from Christine Franceschi, dated August 2, 2004.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

This is an appeal of the Planning Director's decision to approve a Planned Development Permit Amendment (File No. PDA 84-046-01) to allow the removal of one Aleppo Pine tree, approximately 76-inches in circumference, from the common area of an approximately 23-acre, single-family detached residential condominium project built in the mid-1980's. The tree in question was planted as part of the landscaping required under the original Planned Development Permit (File No. PD 84-04-046) (See attached portion of the approved Landscape Plan).

The tree is located on a sloped area, between the backyards of several residential units. A large branch/portion of the tree has broken or been cut from the uphill side of the tree, leaving it with an unbalanced appearance and a canopy disproportionately weighted on the downhill side.

The site and surrounding properties are zoned R-1-8 (PD) Planned Development District. The site is surrounded by single-family residential uses.

The Planned Development Permit Amendment was scheduled to be heard at the June 9, 2004, Director's Hearing with a recommendation for approval. That morning, staff learned that the adjoining neighbor was not properly notified of the hearing. Staff deferred the project to the hearing of June 16, 2004 to allow the neighbor (who is now the appellant) time to review the file. Staff provided both the neighbor and the applicant with a copy of the Draft Permit with findings for approval of the tree removal prior to the public hearing. The neighbor spoke in favor of preservation of the tree at the public hearing and submitted an arborist report recommending its preservation. Based on careful consideration of the information submitted by both the applicant and the neighbor, staff recommended approval of the tree removal. The Permit Amendment was approved by the Director of Planning, on June 18, 2004.

On June 28, 2004, Kern Bhugra, who owns property adjacent to the common area where the tree is located, filed a Notice of Appeal of the Director's decision to approve the subject Planned Development Permit Amendment (see attached Notice of Appeal and associated *Reasons for Appeal*). A response to the appeal is provided in the *Analysis* section below.

ENVIRONMENTAL REVIEW

This project has been determined to be exempt from environmental review under Section 15304 of the California Environmental Quality Act. The exemption under "Minor Alterations to Land" applies to this project because it involves a minor alteration of vegetation.

GENERAL PLAN CONFORMANCE

The project site has a designation of Medium Low Density Residential (8 DU/AC) on the General Plan Land Use/Transportation Diagram. The existing single-family residential use of the site is consistent with this designation.

COMMUNITY OUTREACH

Public Hearing notices of this appeal of a Planned Development Permit were mailed to property owners and tenants within 300 feet of the subject site, including both the appellant and the representative of the Via Primavera Homeowner's Association. The subject Planned Development Permit Amendment was considered at a public Director's Hearing conducted on June 16, 2004. Staff has been available to discuss the project with interested members of the public.

ANALYSIS

The Appeal

The appeal raises concerns regarding the process by which this Permit was approved and the appropriateness of the Director's decision to approve removal of the tree. These issues are address below:

Procedural Issues

Mr. Bhugra expresses concern that he was not notified of the Director's hearing for this Permit and that staff has been unresponsive to phone calls and requests for information.

Mr. Bhugra did not receive a notice of the originally scheduled Director's Hearing on the Permit. As one of the most affected property owners, he clearly should have been notified of the hearing. The common parcel on which the tree is located does not have an Assessor Parcel Number (APN), which is usually used in developing the computer-generated mailing list. Staff's alternative approach to developing the mailing list resulted in a list of approximately 700 notices; however, it did not include all of the affected property owners. Staff has taken steps to ensure that appropriate care is taken in the future in cases where unique circumstances require an adjustment to the normal mailing list procedure.

Staff has made a good faith effort to respond to all phone calls and requests for information from the appellant regarding this proposal. This has been difficult as the option to leave a message has not consistently been available for the phone number provided by the appellant, faxes that staff has sent to the number provided by the appellant have not been received, and staff is unsure whether emails have reached Mr. Bhugra, as there has been no response.

Concern Regarding Proposed Tree Removal

Mr. Bhugra expresses concern that the Homeowner's Association attempted to remove the tree without permits. He points to the benefits of the tree in providing beauty, screening, privacy and slope stability for the area adjacent to his residence. He requests the preparation of a geologic report to ensure the stability of the slope.

Staff has no way to verify whether the loss of a portion of the tree or subsequent trimming were due to an attempt to remove the tree, as indicated by the appellant. Christine Franceschi, the Homeowner Association's property manager indicates in the attached letter, dated August 2, 2004, that the trunk failure was due to natural causes. Code Enforcement was called to the site to investigate a tree removal in progress, but concluded that the tree was being trimmed rather than removed. The Homeowner's Association subsequently filed the current Planned Development Permit Amendment to allow removal of the tree.

The applicant submitted evaluations of the tree prepared by two different arborists (see attached reports by Lucy Leeburg, dated February 18, 2004 and Deborah Ellis, dated February 27, 2004). Both of these reports indicate that the tree is in good health, but recommend its removal based on concern that the tree presents a hazard to an adjacent residence. The reports note the tree's location on a steep slope with a house on its downhill side and the loss of a large leader/portion of the trunk resulting in an imbalanced tree heavily weighted on the downhill side. An arborist report prepared by Greta Complin, dated June 16, 2004, (see attached) concludes that the tree is in good health, that it need not be removed, and that the current imbalance can be corrected by crown thinning and restoration techniques.

Staff concurs with the appellant that the tree offers benefits of beauty, shade and privacy in the common area between these residences and carefully considered whether removal of the tree was appropriate. Ultimately, staff, concluded that it was prudent to err on the side of caution to ensure that the tree did not represent a hazard to the adjacent residence and approved the tree removal. The City Arborist has inspected the tree and agrees that its removal is appropriate. He has indicated that Allepo Pines are prone to poor structure and limb failure and that given the size and location of the tree, its removal is prudent. With the concurrence of the City Arborist, staff has included a condition in the Permit requiring that four replacement trees be planted in the general area of the existing pine and that these trees be provided with appropriate irrigation to ensure their survival. The consulting project arborist has recommended Saratoga Laurel as a suitable replacement species.

Based on a recommendation by the City Arborist, staff has included a condition in the Permit requiring the applicant to leave the stump and roots of the tree in place to minimize soil erosion. Public Works staff have indicated that the issue of slope stability was addressed at the time of development and is not dependent on a single landscape tree.

Conclusion

After careful consideration of all of the information submitted regarding this tree removal application, and based on consultation with the City Arborist, staff concludes that the tree presents a potential hazard and should be removed.

RECOMMENDATION

Planning staff recommends that the Planning Commission uphold the Director's decision to approve the proposed Planned Development Permit and include the following facts and findings in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding the proposed project.

1. This site has a designation of Medium Low Density Residential (8 DU/AC) on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site and surrounding properties are in the R-1-8 (PD) Planned Development Zoning District.
3. The tree in question is located in a portion of the common area for a single-family detached residential condominium project.
4. The project is exempt from environmental review under the California Environmental Quality Act, Section 15301, pertaining to minor alteration of vegetation.
5. The Permit would allow the removal of one, approximately 76-inch circumference Aleppo Pine tree.
6. A large leader/portion of the trunk broke off or was removed from the tree.
7. The applicant submitted evaluations of the tree prepared by two different arborists (Lucy Leeburg, dated February 18, 2004 and Deborah Ellis, dated February 27, 2004). Both of these reports indicate that the tree is in good health, but recommend its removal based on concern that the tree presents a hazard to an adjacent residence. The reports note the tree's location on a steep slope with a house on its downhill side and the loss of a large leader/portion of the trunk resulting in an imbalanced tree heavily weighted on the downhill side. An arborist report prepared by Greta Complin, dated June 16, 2004 concludes that the tree is in good health, that it need not be removed, and that the current imbalance can be corrected by crown thinning and restoration techniques.
8. The City Arborist inspected the tree and recommended its removal based on the fact that Aleppo Pines are prone to poor structure and limb failure and that the size and location of the tree represent a potential hazard to the adjacent residence.
9. The Permit includes conditions requiring that the stump and roots of the tree be left in place to minimize erosion and that four replacement trees be planted in the same general area as the tree proposed for removal for removal.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

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 not significantly frustrate the purposes of this chapter as set forth in Section 13.32.010.
2. The project is consistent with the site's designation of Medium Low Density Residential (8 DU/AC) on the San Jose 2020 General Plan Land Use/Transportation Diagram.

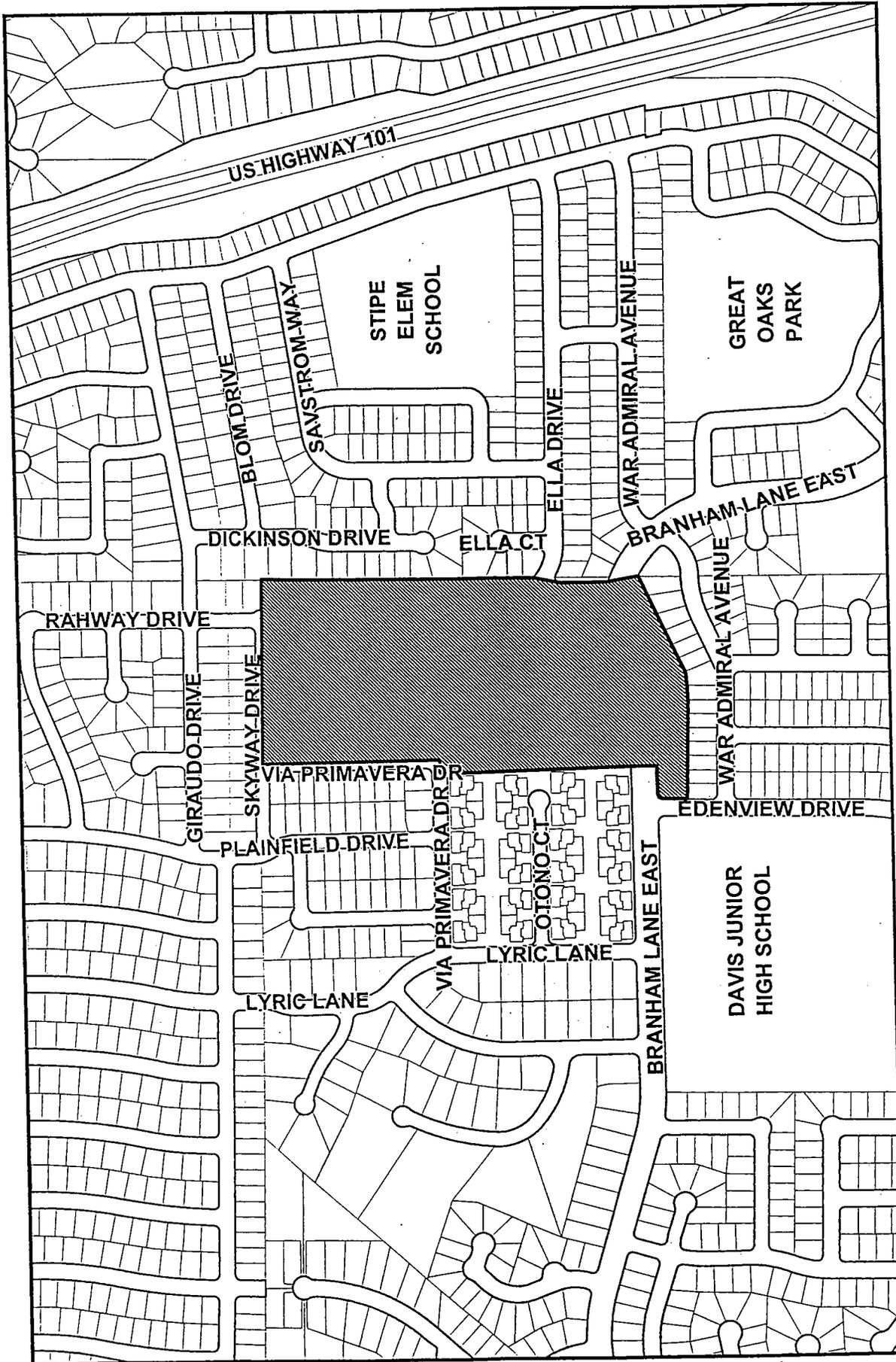
3. The proposed project is in conformance with the requirements of the California Environmental Quality Act.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Permit Expiration.** This Planned Development Permit Amendment shall automatically expire two years from and after the date of issuance hereof by said Director, if within such two-year period, the proposed use of this site or construction of buildings is not commenced, pursuant to and in accordance with the provisions of this Planned Development Permit Amendment. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Conformance with Plans.** Construction and development shall conform to approved Planned Development plans entitled, "Pine Tree Behind 596 & 598 Via Primavera Court – San José," dated March 3, 2004, on file with the Department of City Planning and Building and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
3. **Revocation.** This Planned Development Permit Amendment is subject to revocation for violation of any of its provisions or conditions.
4. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
5. **Acceptance.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning and Building within **60 days** from the date of issuance of permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.*
6. **Approved PD Permit.** This Planned Development Permit Amendment can only be implemented in conjunction with the full and complete implementation of the previously approved Planned Development Permit, File No. PD 84-046.
7. **Replacement Tree.** Within 30 days of removal of the tree, the applicant shall replace the tree with (4) four 24-inch box specimen trees (appropriate for the soil type and condition, such as Saratoga Laurel) planted in the same general location as the tree that is removed. They must also submit a revised Landscape Plan, showing the location of the new replacement trees, within 30 days of the removal of the Aleppo Pine tree. When the Pine tree is removed, the stump and roots shall be left in place to minimize erosion.
8. **Previous Conditions.** All of the conditions of the previously approved Planned Development Permit Amendment shall remain unchanged and in full force and effect unless such conditions are specifically modified or deleted by this Amendment.

Attachments

cc: Ralph Mize, City Arborist, City of San Jose, Dept of Transportation., 1404 Mabury Road, San Jose, CA 95133
Gary McCloud, Code Enforcement
Beck Property Services, 2324 Highway 49 South, Mariposa, CA 95338
Lucy Leeburg, Saratoga Tree Service, 13745 Skyline Boulevard, Los Gatos, CA 95033
Deborah Ellis, P.O. Box 3714, Saratoga, CA 95050



File No: PDA84-046-01

District: 02

Quad No: 115

Scale: 1"=500'

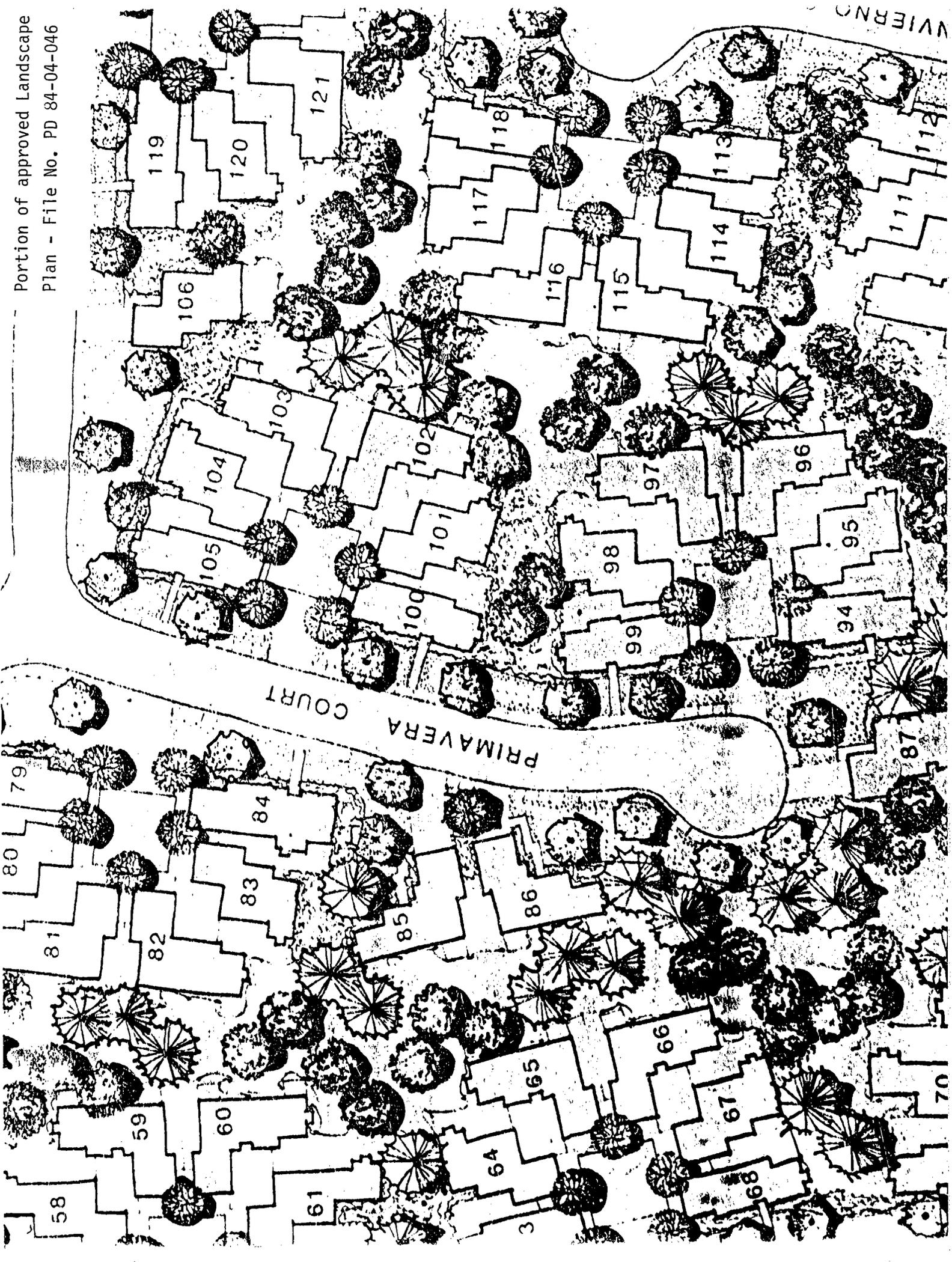
Created on 03/03/04



PDA84-046-01 (Appeal)



Portion of approved Landscape
Plan - File No. PD 84-04-046



LEGEND

COURTYARD TREE: 15 GAL CAN
 - ALNUS RHEMBIFOLIA
 - PYRUS HAWAKAMII

STREET TREE: 15 GAL CAN
 - FRAXINUS O 'RAYWOODI'

SLOPE & SCREENING TREE:
 15 GAL CAN
 - EUCALYPTUS RUPESTRIS
 - SCHINUS MOLLE
 - EUCALYPTUS MACULATA

CONIFER: 15 GAL CAN
 - PINUS HALEPENSIS
 - PINUS FINEA

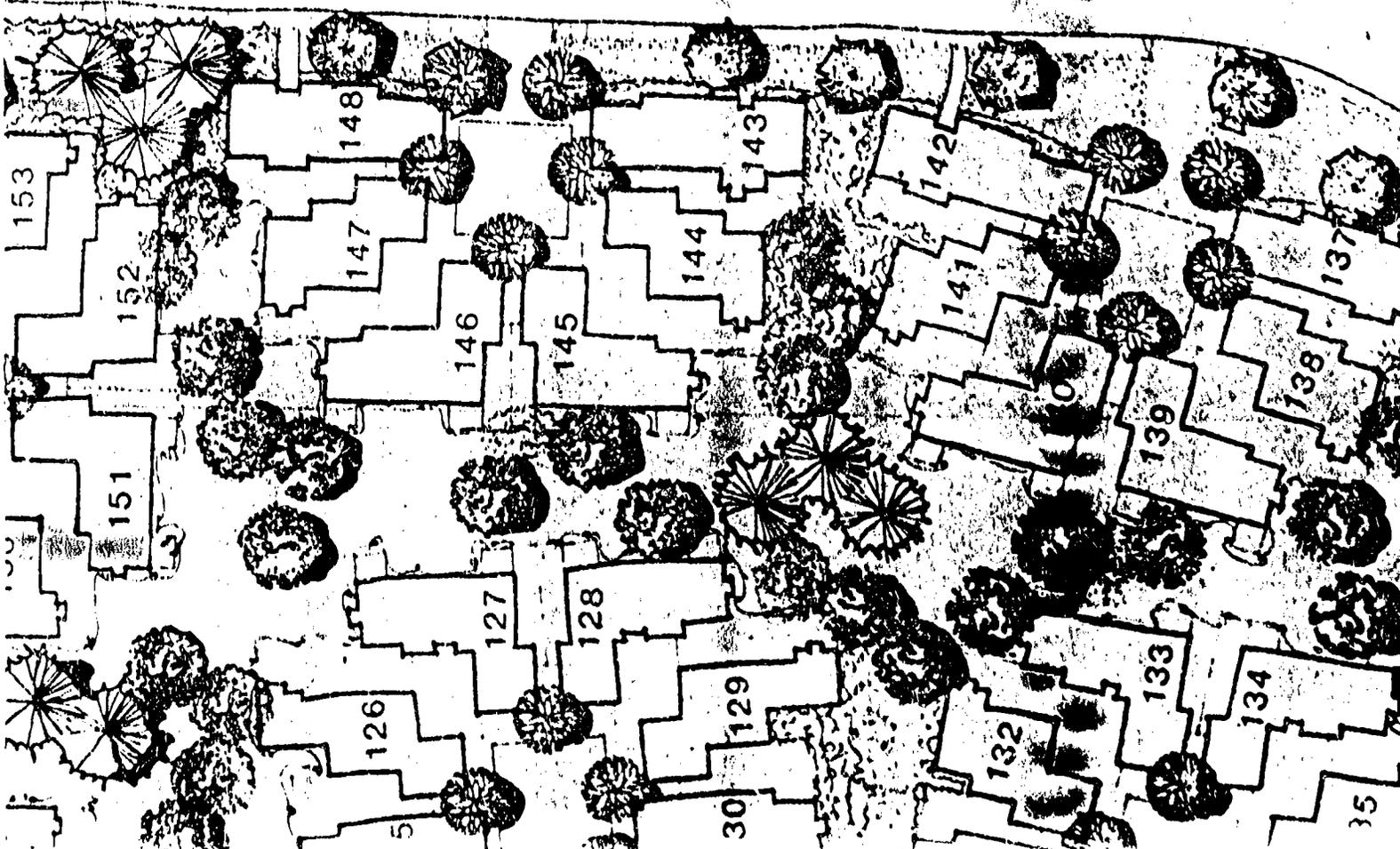
GROUND COVER: FROM FLATS AT 12-18" O.C.
 - HEDERA HELIX 'HARRIS'
 - HYPERICUM CALYCSINUM

HILLSIDE GROUND COVER: FROM FLATS AT 18-24" O.C.
 - CARPODIOTUS EDULIS
 - HEDERA CANARENSE

TURF - SEEDED

SPECIAL PAVING AT CLUSTER COURTYARD: INTERLOCKING PAVES OR EQUAL

NOTE: TREES ON SLOPE WILL BE INTERPLANTED WITH CEANOTHUS 'JULIA PHELPS', CEANOTHUS 'RAY HARTMAN', PISONIA V 'PURPUREA', FREMONTODENDRON CALIFORNICUM, & GARKYA ELLIPTICA. SEE 1'-20" O.C. SCALE LANDSCAPE PLANS FOR DETAILED PLANTING



Roche, Jeff

From: Mize, Ralph
Sent: Friday, August 27, 2004 2:53 PM
To: Roche, Jeff
Cc: Hansen, Russell
Subject: RE: Review of Arborist Information for PDA 84-046-01 - Via Primavera Court

Hi Jeff,

Yes, thanks for the reminder to get back to you with the info. Russ Hansen, our Assistant Arborist, did go by and take a look at the pine tree. His assessment is that the tree does not appear to be an imminent hazard that would warrant immediate removal, but that the tree is somewhat overgrown and could use some trimming. Please feel free to contract Russ by email or phone (x4559) if you have further questions.

Thanks,
Ralph

Ralph L. Mize
City Arborist
Department of Transportation
City of San Jose
Phone: (408) 277-2756
FAX: (408) 277-3621

-----Original Message-----

From: Roche, Jeff
Sent: Friday, August 27, 2004 2:42 PM
To: Mize, Ralph
Subject: Review of Arborist Information for PDA 84-046-01 - Via Primavera Court

August 27, 2004

Good Afternoon Ralph,

I wanted to follow-up to a fax that I sent over to you. I wanted to make sure that you received it, and to ask if you or your staff had time yet to review the information, visit the site, and give us a recommendation regarding the proposed tree removal.

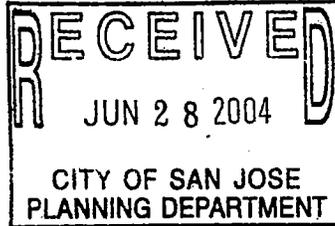
Please let me know.

Thank you,

Jeff Roche
Project Manager

Post-it [®] Fax Note	7671	Date	8/27	# of pages	1
To	Christine Franceschi	From	Jeff Roche		
Co./Dept.	PAS	Co.	City of SJ		
Phone #	(510) 663-8614	Phone #	(408) 277-4576		
Fax #	(510) 663-8994	Fax #	(408) 277-3250		

Post-it [®] Fax Note	7671	Date	8/27	# of pages	1
To	Kerw Bhugra	From			
Co./Dept.		Co.	See above		
Phone #	Via US	Phone #			
Fax #	Mail	Fax #			



CITY OF SAN JOSE
 Department of Planning, Building and Code Enforcement
 Planning Divisions, 801 North First Street, Rm 400
 San Jose, California 95110-1795
 (408) 277-4576
 Website: www.ci.san-jose.ca.us/planning/sjplan

NOTICE OF PERMIT APPEAL

TO BE COMPLETED BY PLANNING STAFF

FILE NUMBER <u>PDA84-046-01</u>	RECEIPT # <u>329589</u>
PROJECT LOCATION <u>SE/c Via Primavera + Skyway Drives</u>	AMOUNT <u>\$100 -</u>
	DATE <u>6/28/04</u>
	BY <u>Lee B.</u>

TO BE COMPLETED BY PERSON FILING APPEAL

PLEASE REFER TO PERMIT APPEAL INSTRUCTIONS BEFORE COMPLETING THIS PAGE.

THE UNDERSIGNED RESPECTFULLY REQUESTS AN APPEAL FOR THE PROPERTY WHICH IS LOCATED AT:

REASON(S) FOR APPEAL (For additional comments, please attach a separate sheet.):

Tree is healthy and is approximately 20 yrs old and we have watched it grow for the last 13 years. Removing the tree would cause further soil erosion on the hillside - Geological evaluations + soil analysis

PERSON FILING APPEAL need to be done prior to ~~appeal~~ on any action regarding this tree

NAME <u>K Bhugra</u>	DAYTIME TELEPHONE <u>(408) 629-6924</u>
ADDRESS <u>598 Via Primavera Ct.</u>	CITY <u>San Jose</u> STATE <u>Calif</u> ZIP CODE <u>95111</u>
SIGNATURE <u>[Signature]</u>	DATE <u>6-28-04</u>
RELATIONSHIP TO SUBJECT SITE: (e.g., adjacent property owner, property owner within one thousand (1,000) feet) <u>Adjacent Property owner</u>	

CONTACT PERSON (IF DIFFERENT FROM PERSON FILING APPEAL)

NAME <u>K Bhugra</u>	STATE <u>Calif</u> ZIP CODE <u>95111</u>
ADDRESS <u>598 Via Primavera Ct.</u>	CITY <u>San Jose</u>
DAYTIME TELEPHONE <u>(408) 629-6924</u>	FAX NUMBER <u>()</u> E-MAIL ADDRESS <u>gessiansk2000@yahoo.com</u>

PROPERTY OWNER

NAME <u>Kern Bhugra</u>	DATE <u>6-28-04</u>
ADDRESS <u>598 Via Primavera</u>	CITY <u>San Jose</u> STATE <u>Calif</u> ZIP CODE <u>95111</u>

PLEASE NOTE: THIS APPLIC. ON MUST BE HAND-DELIVERED TO ROOM 400, CITY HALL ANNEX.
 Mondays, Wednesdays, Fridays from 9:00 a.m. to 5:00 p.m. or Tuesdays, Thursdays from 10:00 a.m. - 5:00 p.m.

REASONS FOR APPEAL PDA 84-046-01

1. No notice whatsoever was sent for hearing to owners immediately affected by PDA 84-046-01. Notice was sent to more than 600 addresses but NOT to the property within ten feet of the tree. (see attached list) in spite of the fact that Via Primavera Association consists of approximately 76 members. This is clearly a great waste of tax payers resources and city employees time and money for notifying residencies not affected by the PDA in question.
2. Addresses contiguous to the tree affected by PDA 84-046-01 are NOT on the list of the mailing sent out on May 28, 2004 (San Jose Municipal Code 13.32.090)
3. On June 9th, 2004, Vittorio Scarnecchia, Via Primavera Housing Association officer was noted to be ~~absent~~^{Present} at approximately 9:30 AM. at the property within ten feet of the tree and contiguous to the tree proposed to be removed.
4. Upon questioning, Mr. Scarnecchia stated he was enroute to a permit hearing scheduled for 10:00 AM.
5. The property owner then immediately called the city and spoke to Mr. Jeff Roche who confirmed indeed no notice had been sent to property adjacent to tree in question.
6. Mr. Roche then stated he would fax all materials to the property owner immediately and defer all decisions until the public hearing on June 16, 2004.
7. On June 10th and on June 11th, multiple requests were made to have the documents faxed as promised, to no avail.
8. On Monday June 14th, still no documents had been sent as promised on June 9th, 2004 at approximately 9:45 am.

9. Numerous voice mail messages were also not returned.
10. Finally on the afternoon of the 14th under great duress and personal inconvenience and expense, the documents were picked up personally at approximately 4:45 pm.
11. Review of the documents revealed an already approved order issued three days prior on June 11th, 2004, for the tree to be removed. This is two days after the assurance that no decisions would be made until the public hearing on June 16th, 2004.
12. With only one business day (less than eight hours) left to secure an independent arborist report, the property owner underwent great inconvenience and expense to do so for the public hearing on June 16th, 2004.
13. Under continued duress and even greater personal inconvenience and expense an arborist was emergently called to evaluate and prepare a report for the City Planning Commission hearing on June 16th, 2004 at 10:00 AM.
14. At the public hearing on June 16th, at 10:00 AM no time was allowed to discuss and address the issues raised and no consideration given to the concerns raised in the presentation given by the property owner within ten feet of the tree and immediately affected by the tree removal.
15. These concerns continue to pose a significant danger and hazard to life and property should the tree be removed as requested by the applicant for PDA 84-046-01.
16. The concerns are:

- A. The applicant's own arborist states the tree is healthy with normal foliage and color, foliage density is normal and annual shoot growth is excellent, and there are NO pests or diseases. Hence there is no need to remove the tree.
- B. The tree is ~~20~~^{almost} 20 years old and is located in a fenced and restricted area.
- C. The tree provides privacy and beauty to the area in which it is placed. Its use is restricted simply to provide shade, screen, privacy and beauty to the backyard of the property contiguous to the tree. It is NOT accessible to others from outside the gated area as indicated by the applicant.
- D. The tree is thriving.
- E. The tree and its massive roots are protecting neighbors from mudslides as the tree sits on an incline. Significant soil erosion has already occurred due to negligence on the part of the applicant HOA.
- F. It is unlikely that any tree would survive upon removal of this tree as evidenced by the two large (>15 years old) removed by HOA without permits in the past and noted in the presentation at the hearing on June 16th, 2004 thus further endangering life and property.
- G. The applicant's own arborist has also suggested a geologist report and analysis be done. To date, there have been no arrangements to do so by HOA/applicant.

- H. The crack referred to in the application is man-made in an attempt by HOA and its agents to cut the tree down on February 2, 2004 without permit and without an application for a permit to the city for removal of the tree, pursuant to SJMC 13.32.030, and 13.32.070.
- I. A permit for removal of said tree was not applied for until 30 days after removal of more than half of the tree and damage to the trunk as noted by HOA and its agents, i.e, March 3, 2004.
- J. The site map submitted by HOA is inaccurate and misleading. Please find enclosed the corrected map.
- K. The current tree removal application by Via Primavera HOA/POA and its agents is an attempt to cover up its negligent maintenance of the facilities, the failure of adequately maintaining the tree and failure to follow SJMC as required by law.

In conclusion, the tree is a common area tree and protects the hillside from mudslides. The soil erosion will further escalate exponentially with the removal of this healthy tree. Therefore, a geological survey and a soil analysis is critical to life and property contiguous to the tree and must be done prior to any action being taken on this tree.

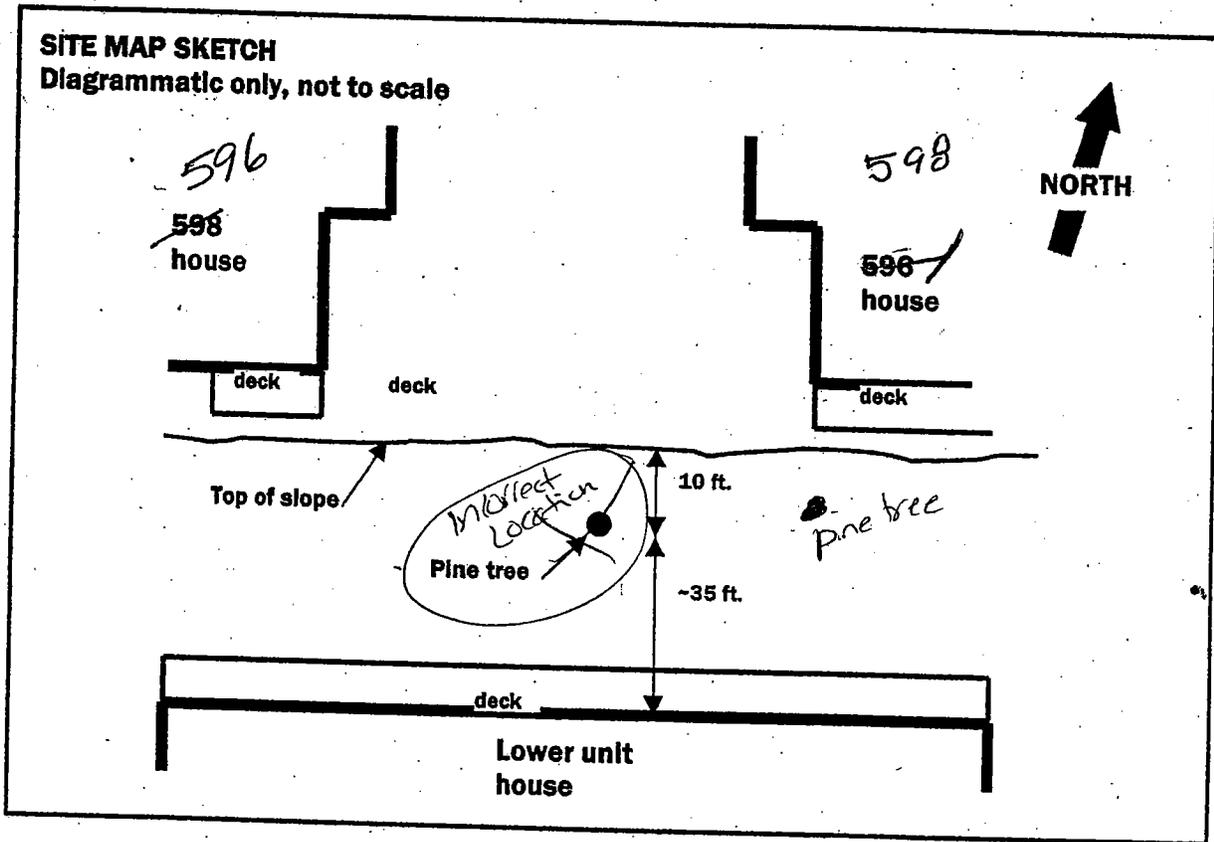
No notice of hearing sent to

PINE TREE BEHIND 596 + 598 VIA PRIMAVERA COURT

SAN JOSE, CA 95111

RECEIVED
MAR 03 2004
CITY OF SAN JOSE
PLANNING DEPARTMENT

PDA 84-046-01

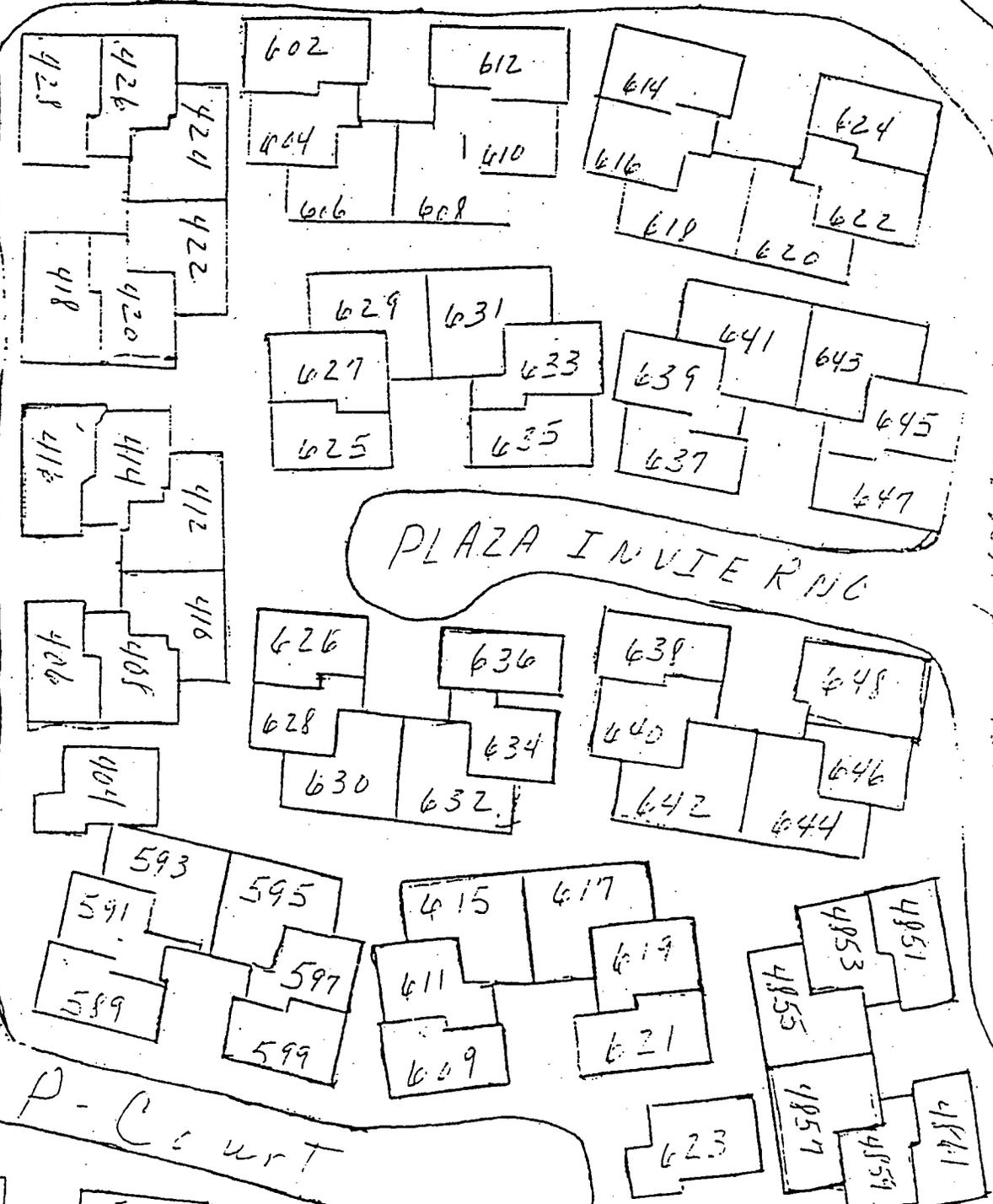


PDA 811-046-01

SKYWAY DR

PRIMAVERA DR

YAHAWAY DR

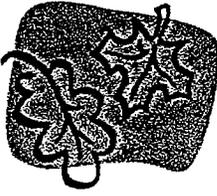


P-Court

Properties do not have adjoining walls!



RECEIVED
 MAR 03 2004
 CITY OF SAN JOSE
 PLANNING DEPARTMENT



Greta Complin
Certified Arborist

Lisa Bhugra
598 Via Primavera Court
San Jose, CA 95111

The pine tree located on the slope behind 598 Via Primavera Court shows no indication of pests, disease or root problems. The tree, with a circumference of 79 inches at 39 inches above grade (there is a branch at 48 inches above grade), serves as a privacy barrier between residences, control for soil erosion and an esthetical enhancement to the neighborhood. There appears to have been a significant amount of branches and foliage pruned from the uphill side of the tree recently. Upon my inspection, the tree's condition did not seem to warrant this liberal and unbalanced reduction. It is my opinion the tree not be removed but instead restored. With the proper canopy thinning and crown restoration techniques the tree can be rebalanced and reshaped to allow it to go on serving in its above mentioned capacities.

Greta Complin
WC-5399

06/15/04

598 Via Primavera Court



598 Via Primavera Court





City of San Jose

Department of City Planning, Building and Code Enforcement

801 North First Street, Room 400
San Jose, CA 95110
(408)277-4578 (408)277-3250 Fax

File Number PDA84-046-01 Council District 2 Planning Area Edenvale

Filing Date 3/3/2004 Project Manager JROCHE Tech Dave Tymn

Initial Envir Clearance App. Paperless Exemption

Annexation Monterey Park No 36

Description Planned Development Permit Amendment for tree removal of one Pine Tree 76 inches in circumference on a 23 gross acre site

Location southeast corner of Via Primavera Drive and ~~Sigawa Drive~~ Incorrect Location
Primavera et. => Correct Location

Owner

Previous Files:

APN	68461028	Census Tract	
Existing GP	MLDR (8.0)	Existing Zoning	R-1-8(PD)
Gross Acres	0	Planned Community	No

(PDC 73-09-128)

Existing Use Single Family Attached Residential (Tw Proposed Use

No. of Existing Lots No of Lots Proposed

Est. Occupancy Date Initial Processing Fee \$1,237.00

Elem. School District

Environmental Checklist:

Historic:	No	GeoHazard Zone:	Yes
Historic Conservation Area:	No	Near a Waterway:	No
Archeology:	No		

TRACT - NO. HILLVIEW UNIT NO. 1

CONSISTING OF TWO SHEETS BEING A PORTION OF LOT 9 OF THE PARTITION OF THE SAN J LYNING WITHIN THE CITY OF SAN J SCALE 1" = 60' JULY,

BASIS OF BEARINGS

The bearing N89°45'56" E of the monument line of the as shown on that certain map entitled Tract No. 511 Highlands - Unit No. 5 and recorded in Book 300 e Pages 36, 37, 38 & 39 Santa Clara County Records on the basis of bearings as shown on this map

NOTES AND LEGEND

- All distances and dimensions are shown in feet
- indicates Standard City Monument found
- indicates Standard City Monument to be set
- indicates 1" Iron Pipe set unless noted
- () indicates Record Data

The distinctive border-line indicates the box included within this map = 11.901± Acres.

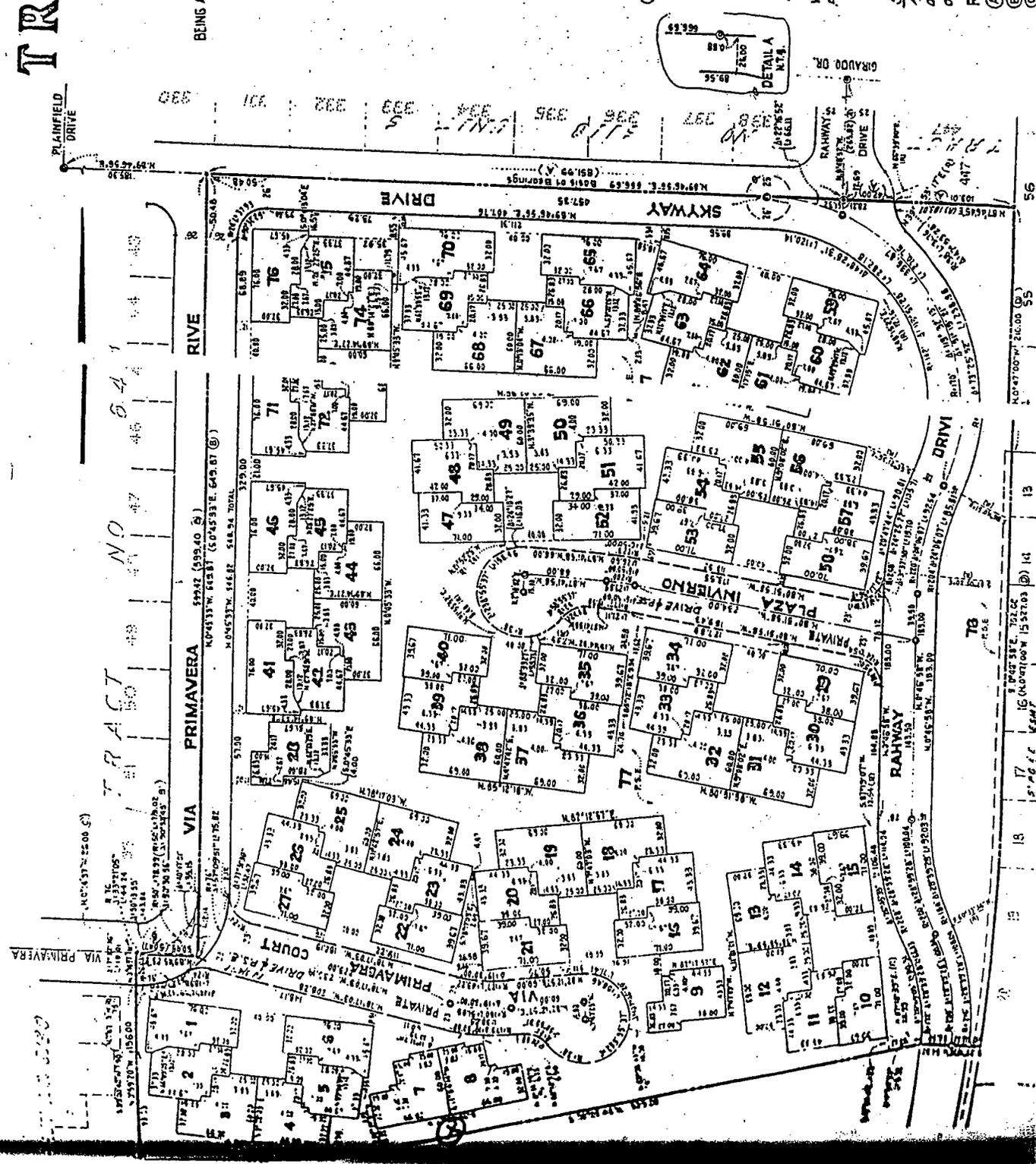
All of Lots 71 & 78 are covered by a Plan Via Primavera Court and Plaza Inverno part of Lot 77.

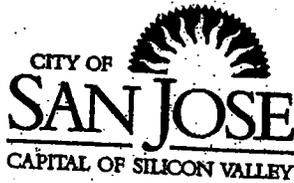
SPECIAL NOTE

All bearings not shown are parallel angles to the given bearings of each of lots.

RECORD DATA

- Ⓐ Tract No. 511B Book 300 of Maps
- Ⓑ Tract No. 517B Book 433 of Maps
- Ⓒ Tract No. 6190 Book 466 of Maps





Department of Planning, Building and Code Enforcement
STEPHEN M. HAASE, AICP, DIRECTOR

File No. PDA84-046-01

DECLARATION OF MAILING

I certify that the attached Public Hearing Notice was mailed to the project applicant(s) and the owners of parcels of land that are within 300 feet of the subject project as shown on the project mailing list, or as otherwise required by the San Jose Municipal Code. This notice was mailed on the date noted below.

Date Mailed: MAY 28, 2004


Signature

• No Notice Sent to 598 Via Privava ct.
Property with in loft of tree.

HOUSE_A	C_DIR_STR	C_CITY_STA	MAIL_OWNE	MAILING_A	C_CITYST	IRIS_LAND	APN
4429	PLAINFIELD DR	SAN JOSE CA 95111-3820	DONALD S. & CYNTHIA M. LUDWIG	4808 PLAINFIELD DR	SAN JOSE CA 95111-3820	SFR	684-14-001
4430	ADAGIO WAY	SAN JOSE CA 95111-2502	ROBERT D. & DOROTHY A. SCHMITTGRUND	651 ADAGIO WAY	SAN JOSE CA 95111-2502	SFR	684-14-005
4431	ADAGIO WAY	SAN JOSE CA 95111-2501	TIMOTHY C. & MARGARET N. GRAY	682 ADAGIO WAY	SAN JOSE CA 95111-2501	SFR	684-14-030
4432	ADAGIO WAY	SAN JOSE CA 95111-2504	ELIAS & MARIA GARCIA	721 ADAGIO WAY	SAN JOSE CA 95111-2504	SFR	684-14-018
4433	ADAGIO WAY	SAN JOSE CA 95111-2503	EDDIE C. & DIANA E. DAVIS	724 ADAGIO WAY	SAN JOSE CA 95111-2503	SFR	684-14-024
4434	ADAGIO WAY	SAN JOSE CA 95111-2504	TIMOTHY W. & JENNIFER K. GRANT	747 ADAGIO WAY	SAN JOSE CA 95111-2504	SFR	684-14-021
4435	ADAGIO WAY	SAN JOSE CA 95111-2503	YEMESERATCH G. & SEVESERA & FREHWOT AYELE	707 ADAGIO WAY	SAN JOSE CA 95111-2503	SFR	684-14-016
4436	ADAGIO WAY	SAN JOSE CA 95111-2503	SABAS R. PEREZ	702 ADAGIO WAY	SAN JOSE CA 95111-2504	SFR	684-14-026
4437	ADAGIO WAY	SAN JOSE CA 95111-2503	RIGOBERTO C. & CONSUELO S. RAMIREZ	735 ADAGIO WAY	SAN JOSE CA 95111-2503	SFR	684-14-019
4438	ADAGIO WAY	SAN JOSE CA 95111-2503	ANGELICA CORTEZ-SMITH	712 ADAGIO WAY	SAN JOSE CA 95111-2504	SFR	684-14-025
4439	ADAGIO WAY	SAN JOSE CA 95111-2504	MARCO A. & LUCIANA MARTINEZ	713 ADAGIO WAY	SAN JOSE CA 95111-2503	SFR	684-14-017
4440	ADAGIO WAY	SAN JOSE CA 95111-2503	VICTOR M. & TERESITA CRUZ	743 ADAGIO WAY	SAN JOSE CA 95111-2504	SFR	684-14-023
4441	ADAGIO WAY	SAN JOSE CA 95111-2504	JESUS ESPARZA	736 ADAGIO WAY	SAN JOSE CA 95111-2503	SFR	684-14-020
4442	ADAGIO WAY	SAN JOSE CA 95111-2503	HIEN S. NGUYEN	748 ADAGIO WAY	SAN JOSE CA 95111-2504	SFR	684-14-022
4443	ALLEGRO LN	SAN JOSE CA 95111-2602	MARY D. ZUBILLAGA	743 ADAGIO WAY	SAN JOSE CA 95111-2503	SFR	684-14-010
4444	ALLEGRO LN	SAN JOSE CA 95111-2602	FLOYD & MARIE MCCOY	748 ADAGIO WAY	SAN JOSE CA 95111-2504	SFR	684-14-011
4445	ALLEGRO LN	SAN JOSE CA 95111-2602	Q. TRAN	748 ADAGIO WAY	SAN JOSE CA 95111-2503	SFR	684-14-001
4446	ALLEGRO LN	SAN JOSE CA 95111-2601	JUAN A. & SHARYN J. SERRANO	4791 ALLEGRO LN	SAN JOSE CA 95111-2602	SFR	684-14-025
4447	ALLEGRO LN	SAN JOSE CA 95111-2601	SERVANDO PONCE	4795 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-024
4448	ALLEGRO LN	SAN JOSE CA 95111-2602	SANDRA D. & SONIA L. MCCANTS	4753 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-003
4449	ALLEGRO LN	SAN JOSE CA 95111-2602	COMMICCIOTTO FRANK P & LINDA C	4756 ALLEGRO LN	SAN JOSE CA 95111-2602	SFR	684-14-004
4450	ALLEGRO LN	SAN JOSE CA 95111-2601	JOSEPH A. & EMERALD A. PERLAS	4760 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-022
4451	ALLEGRO LN	SAN JOSE CA 95111-2602	CLARENCE A. & LINDA L. SACKETT	4761 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-007
4452	ALLEGRO LN	SAN JOSE CA 95111-2602	CHARLES & MARCELLA L. KING	4765 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-008
4453	ALLEGRO LN	SAN JOSE CA 95111-2601	ANTONIA SAPIEN	4768 ALLEGRO LN	SAN JOSE CA 95111-2602	SFR	684-14-018
4454	ALLEGRO LN	SAN JOSE CA 95111-2601	JUDITH J. LEACH	4773 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-016
4455	ALLEGRO LN	SAN JOSE CA 95111-2602	JOY L. & THOMAS J. & BARBARA E. WOOD	4773 ALLEGRO LN	SAN JOSE CA 95111-2602	SFR	684-14-008
4456	ALLEGRO LN	SAN JOSE CA 95111-2601	ALEX L. & DELLA MARTINEZ	4782 ALLEGRO LN	SAN JOSE CA 95111-2602	SFR	684-14-009
4457	ALLEGRO LN	SAN JOSE CA 95111-2601	JESUS & VERONICA SANDOVAL	4784 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-026
4458	ALLEGRO LN	SAN JOSE CA 95111-2601	SURJIT S. & KAUR MOHINDER KOR	4772 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-021
4459	ALLEGRO LN	SAN JOSE CA 95111-2602	DREXTUL & CYNTHIA LINDSEY	4773 ALLEGRO LN	SAN JOSE CA 95111-2602	SFR	684-14-006
4460	ALLEGRO LN	SAN JOSE CA 95111-2601	MUSSA KHAR	2811 RUBINO CIR # CL	SAN JOSE CA 95125-6309	SFR	684-14-002
4461	ALLEGRO LN	SAN JOSE CA 95111-2601	PATRICK M. SCHWARTZ	4780 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-019
4462	ALLEGRO LN	SAN JOSE CA 95111-2601	QUEDA JESUS	4788 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-14-017
4463	ALLEGRO LN	SAN JOSE CA 95111-2601	PETER V. NGUYEN	4776 ALLEGRO LN	SAN JOSE CA 95111-2601	SFR	684-15-007
4464	ALLEGRO LN	SAN JOSE CA 95111-2602	EDUARDO & MARIA FUENTES	4817 ASHMONT DR	SAN JOSE CA 95111-2608	SFR	684-15-008
4465	ALLEGRO LN	SAN JOSE CA 95111-2608	KEN & PAULA KORPI	4829 ASHMONT DR	SAN JOSE CA 95111-2608	SFR	684-15-008
4466	ALLEGRO LN	SAN JOSE CA 95111-2608	DAVID T. FINN	4821 ASHMONT DR	SAN JOSE CA 95111-2608	SFR	684-15-008
4467	ALLEGRO LN	SAN JOSE CA 95111-2617	GURDARSHAN S. & GURJINDER S. GHUMAN	4825 ASHMONT DR	SAN JOSE CA 95111-2608	SFR	684-15-008
4468	ALLEGRO LN	SAN JOSE CA 95111-2618	IRENE L. FREEMAN	689 BRAXTON DR	SAN JOSE CA 95111-2618	SFR	684-15-047
4469	ALLEGRO LN	SAN JOSE CA 95111-2618	JOSEPH E. TALAMO	5690 MAKATI CIR APT C	SAN JOSE CA 95123-6215	SFR	684-15-010
4470	ALLEGRO LN	SAN JOSE CA 95111-2619	JOHN F. & DELIA C. SOKOL	693 BRAXTON DR	SAN JOSE CA 95111-2618	SFR	684-15-049
4471	ALLEGRO LN	SAN JOSE CA 95111-2619	AMY J. NEWMAN	741 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-15-087
4472	ALLEGRO LN	SAN JOSE CA 95111-2619	FRANCIS J. & MARY C. DUTRA	717 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-15-052
4473	ALLEGRO LN	SAN JOSE CA 95111-2620	PHILIP L. KLADKO	717 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-15-053
4474	ALLEGRO LN	SAN JOSE CA 95111-2620	RODNEY C. & GEORGE A. JR TORRES	725 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-15-084
4475	ALLEGRO LN	SAN JOSE CA 95111-2620	CHUN Y. & YUK L. CHU	733 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-15-083
4476	ALLEGRO LN	SAN JOSE CA 95111-2619	PO H. & TSUI C. WONG	736 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-15-082
4477	ALLEGRO LN	SAN JOSE CA 95111-2620	FRANCIS J. & MARY C. DUTRA	741 BRAXTON DR	SAN JOSE CA 95111-2619	SFR	684-15-055
4478	ALLEGRO LN	SAN JOSE CA 95111-2620	M. K. M. TTEE & LIFE EST & MILDRED HEIMLICH	749 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-15-081
4479	ALLEGRO LN	SAN JOSE CA 95111-2620	HECTOR G. & ILDEFONSA R. SIANEZ	658 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-15-046
4480	ALLEGRO LN	SAN JOSE CA 95111-2620	CHARLIE SMITH	701 BRAXTON DR	SAN JOSE CA 95111-2617	SFR	684-15-086
4481	ALLEGRO LN	SAN JOSE CA 95111-2617	TOM V. & LILIA B. VIELGO	686 BRAXTON DR	SAN JOSE CA 95111-2617	SFR	684-15-048
4482	ALLEGRO LN	SAN JOSE CA 95111-2617	OSCAR A. & CRISTETA B. SARMIENTO	694 BRAXTON DR	SAN JOSE CA 95111-2617	SFR	684-15-050
4483	ALLEGRO LN	SAN JOSE CA 95111-2617	SCOTT W. EBERHARDT			SFR	684-15-051

BRAXTON DR	SAN JOSE CA 95111-2618	AMANCIO VILCHIS	677 BRAXTON DR	SAN JOSE CA 95111-2618	SFR	684-45-089
BRAXTON DR	SAN JOSE CA 95111-2618	CLAUDIA LOPEZ	685 BRAXTON DR	SAN JOSE CA 95111-2618	SFR	684-45-088
BRAXTON DR	SAN JOSE CA 95111-2620	TERRANCE PATTERSON	709 BRAXTON DR	SAN JOSE CA 95111-2620	SFR	684-45-085
DICKINSON DR	SAN JOSE CA 95111-2619	TAI HUYNH	726 BRAXTON DR	SAN JOSE CA 95111-2619	SFR	684-45-084
DICKINSON DR	SAN JOSE CA 95111-2708	MARJORIE K. SIMPSON	4877 DICKINSON DR	SAN JOSE CA 95111-2708	SFR	684-21-063
DOTY CT	SAN JOSE CA 95111-2706	TIEN D. TRAN	4871 DICKINSON DR	SAN JOSE CA 95111-2706	SFR	684-21-062
DOTY CT	SAN JOSE CA 95111-2630	LOC & TRAN YEN HO	680 DOTY CT	SAN JOSE CA 95111-2630	SFR	684-45-082
DOTY CT	SAN JOSE CA 95111-2630	VJAY & UMA W. LAL	684 DOTY CT	SAN JOSE CA 95111-2630	SFR	684-45-063
DOTY CT	SAN JOSE CA 95111-2630	KIM W. MAY	685 DOTY CT	SAN JOSE CA 95111-2630	SFR	684-45-060
DOTY CT	SAN JOSE CA 95111-2630	TERRY A. & DONNA M. HOLBROOK	5261 REMUDA CT	SHINGLE SPRINGS CA 95682-5130	SFR	684-45-058
DOTY CT	SAN JOSE CA 95111-2630	KHAI QUANG DO	9504 BRIDGEFORD RD	FORT SMITH AR 72908-9290	SFR	684-45-061
DOTY CT	SAN JOSE CA 95111-2630	SUKHJIT S. & GIAN K. NAHAL	688 DOTY CT	SAN JOSE CA 95111-2630	SFR	684-45-064
DOTY CT	SAN JOSE CA 95111-2630	JANE K. SO	689 DOTY CT	SAN JOSE CA 95111-2630	SFR	684-45-059
DOTY CT	SAN JOSE CA 95111-2630	GILBERT & DEBORAH D. HERENA	449 CENTURY OAKS WAY	SAN JOSE CA 95111-1812	SFR	684-45-065
GIRAUDO DR	SAN JOSE CA 95111-2633	VALLEY CHRISTIAN SCS & SCHOOLS	PO BOX 18820	SAN JOSE CA 95158-8820	SFR	VACANT LAND (NEC)
GIRAUDO DR	SAN JOSE CA 95111-2634	RICHARD J. & PATRICIA A. COGLIANDRO	625 GIRAUDO DR	SAN JOSE CA 95111-2634	SFR	684-45-021
GIRAUDO DR	SAN JOSE CA 95111-2632	CONNIE R. SHOALS	555 GIRAUDO DR	SAN JOSE CA 95111-2632	SFR	684-45-041
GIRAUDO DR	SAN JOSE CA 95111-2631	ABHAY & SHEHANA D. NARAYAN	563 GIRAUDO DR	SAN JOSE CA 95111-2632	SFR	684-45-040
GIRAUDO DR	SAN JOSE CA 95111-2631	DONALD S. & SUSAN F. ROGERS	568 GIRAUDO DR	SAN JOSE CA 95111-2632	SFR	684-45-039
GIRAUDO DR	SAN JOSE CA 95111-2632	DUC QUACH	4819 PLAINFIELD DR	SAN JOSE CA 95111-2631	SFR	684-45-038
GIRAUDO DR	SAN JOSE CA 95111-2632	MANUEL D. & OLGA MORA	579 GIRAUDO DR	SAN JOSE CA 95111-2632	SFR	684-45-018
GIRAUDO DR	SAN JOSE CA 95111-2631	NANCY J. BRADY	584 GIRAUDO DR	SAN JOSE CA 95111-2631	SFR	684-45-019
GIRAUDO DR	SAN JOSE CA 95111-2631	FRED P. & LOIS E. KOSLOWSKI	4910 WELLINGTON PARK DR	SAN JOSE CA 95111-2631	SFR	684-45-020
GIRAUDO DR	SAN JOSE CA 95111-2633	JAMES A. & GLADYS FESTA	121 STRILING DR	SAN JOSE CA 95136-2949	SFR	684-45-108
GIRAUDO DR	SAN JOSE CA 95111-2633	MICHAEL B. & SUSAN E. GILMARTIN	608 GIRAUDO DR	VACAVILLE CA 95687-5116	SFR	684-45-029
GIRAUDO DR	SAN JOSE CA 95111-2634	KENNETH C. & MARLENE A. OBRIEN	4077 GOLF DR	SAN JOSE CA 95127-1214	SFR	684-45-107
GIRAUDO DR	SAN JOSE CA 95111-2634	DEBORAH A. KELLOGG	617 GIRAUDO DR	SAN JOSE CA 95111-2634	SFR	684-15-021
GIRAUDO DR	SAN JOSE CA 95111-2633	RANDOLPH M. & KAREN R. CASANAVE	624 GIRAUDO DR	SAN JOSE CA 95111-2633	SFR	684-15-022
GIRAUDO DR	SAN JOSE CA 95111-2635	CARLYLE & LANA TERRY	649 GIRAUDO DR	SAN JOSE CA 95111-2635	SFR	684-15-019
GIRAUDO DR	SAN JOSE CA 95111-2680	JOHN J. & ARLENE G. ANDREWS	656 GIRAUDO DR	SAN JOSE CA 95111-2680	SFR	684-45-030
GIRAUDO DR	SAN JOSE CA 95111-2635	ION W. HENDERSON	657 GIRAUDO DR	SAN JOSE CA 95111-2635	SFR	684-45-024
GIRAUDO DR	SAN JOSE CA 95111-2634	LI-YU & LEE C. CHANG	661 GIRAUDO DR	SAN JOSE CA 95111-2635	SFR	684-45-025
GIRAUDO DR	SAN JOSE CA 95111-2634	ALBENZ & MARIA F. CRESCO	609 GIRAUDO DR	SAN JOSE CA 95111-2634	SFR	684-45-014
GIRAUDO DR	SAN JOSE CA 95111-2633	HECTOR & MARIA S. VALDEZ	632 GIRAUDO DR	SAN JOSE CA 95111-2633	SFR	684-45-017
GIRAUDO DR	SAN JOSE CA 95111-2633	FRANK G. & ANITA GARCIA	640 GIRAUDO DR	SAN JOSE CA 95111-2633	SFR	684-45-026
GIRAUDO DR	SAN JOSE CA 95111-2635	MY NGUYEN	3444 HOSTETTER RD	SAN JOSE CA 95132-2039	SFR	684-45-015
GIRAUDO DR	SAN JOSE CA 95111-2631	CARLOS & MARIA ROSALES	522 GIRAUDO DR	SAN JOSE CA 95111-2631	SFR	684-45-008
GIRAUDO DR	SAN JOSE CA 95111-2634	KALDEEP & KAPAMJIT S. DEOL	576 GIRAUDO DR	SAN JOSE CA 95111-2631	SFR	684-45-004
GIRAUDO DR	SAN JOSE CA 95111-2633	BRADLEY E. & SHIRLEY D. WEISBERG	648 GIRAUDO DR	SAN JOSE CA 95111-2634	SFR	684-45-010
GIRAUDO DR	SAN JOSE CA 95111-2631	TRUC & KHANH NGUYEN	560 GIRAUDO DR	SAN JOSE CA 95111-2631	SFR	684-45-007
HINES CT	SAN JOSE CA 95111-3819	VICTOR K. & MARTHA H. DUNN	372 HINES CT	SAN JOSE CA 95111-3819	SFR	684-45-005
HINES CT	SAN JOSE CA 95111-3819	LULA E. & RICHARD MARTINEZ	363 HINES CT	SAN JOSE CA 95111-3819	SFR	684-45-003
HINES CT	SAN JOSE CA 95111-3819	UPENDRA H. & REKHA U. CHOWLERA	364 HINES CT	SAN JOSE CA 95111-3819	SFR	684-45-006
HINES CT	SAN JOSE CA 95111-3819	STEVEN & BARBARA NORMAN	379 HINES CT	SAN JOSE CA 95111-3819	SFR	684-12-023
HINES CT	SAN JOSE CA 95111-3819	MAMENTA TRUST	380 HINES CT	SAN JOSE CA 95111-3819	SFR	684-12-028
LYRIC LN	SAN JOSE CA 95111-2641	YACCOUB J. & THERESE JARROUCHE	355 HINES CT	SAN JOSE CA 95111-3819	SFR	684-13-030
LYRIC LN	SAN JOSE CA 95111-2640	IBANEZ EDUARDO & A TRUST	PO BOX 3017	GRASS VALLEY CA 95945-3017	SFR	684-13-025
LYRIC LN	SAN JOSE CA 95111-2641	MICHEL HEIBERGER	248 MANCHESTER AVE	CAMPBELL CA 95008-0825	SFR	684-12-027
LYRIC LN	SAN JOSE CA 95111-2641	GORDON R. & DONNA B. DE LEON	1823 WYNDFAIR DR	TURLOCK CA 95382-9231	SFR	684-12-028
LYRIC LN	SAN JOSE CA 95111-2641	MARIA GALLEGOS	4759 LYRIC LN	SAN JOSE CA 95111-2641	SFR	684-13-028
LYRIC LN	SAN JOSE CA 95111-2642	RICHARD E. & MARY D. CONRAD	4764 LYRIC LN	SAN JOSE CA 95111-2642	SFR	684-13-026
LYRIC LN	SAN JOSE CA 95111-2643	CAROLE J. HOWERTON	4767 LYRIC LN	SAN JOSE CA 95111-2643	SFR	684-13-025
LYRIC LN	SAN JOSE CA 95111-2643	GILBERT L. & PAMELA T. PEARSON	4772 LYRIC LN	SAN JOSE CA 95111-2643	SFR	684-13-033
LYRIC LN	SAN JOSE CA 95111-2643	MARIA-ELENA LAMBERT	4774 LYRIC LN	SAN JOSE CA 95111-2643	SFR	
LYRIC LN	SAN JOSE CA 95111-2642	GUERRERO TRUST	4779 LYRIC LN	SAN JOSE CA 95111-2642	SFR	

91	PLAINFIELD DR	SAN JOSE CA 95111-2649	WEEKS ALAN & CYNTHIA TRUST	4791 PLAINFIELD DR	SFR	684-44-037
92	PLAINFIELD DR	SAN JOSE CA 95111-3820	DONALD S. & CYNTHIA M. LUDWIG	4806 PLAINFIELD DR	SFR	684-61-001
93	PLAINFIELD DR	SAN JOSE CA 95111-3820	THAO H. DO	4814 PLAINFIELD DR	SFR	684-61-003
94	PLAINFIELD DR	SAN JOSE CA 95111-3821	EWERT SHARYL K TRUST	4815 PLAINFIELD DR	SFR	684-57-046
95	PLAINFIELD DR	SAN JOSE CA 95111-3820	HELEN V. & VICTORIANO L. TORIO	4822 PLAINFIELD DR	SFR	684-61-005
96	PLAINFIELD DR	SAN JOSE CA 95111-3821	RICHARD V. NGUYEN	4823 PLAINFIELD DR	SFR	684-57-048
97	PLAINFIELD DR	SAN JOSE CA 95111-3820	BENJAMIN M. & AMADORA P. CALPO	4826 PLAINFIELD DR	SFR	684-61-006
98	PLAINFIELD DR	SAN JOSE CA 95111-3821	LOUIS S. & MARIAN M. WONG	4827 PLAINFIELD DR	SFR	684-57-049
99	PLAINFIELD DR	SAN JOSE CA 95111-3821	IKE A. & MARJORIE M. FUJISHIN	707 COTTON TAIL AVE	SFR	684-57-051
100	PLAINFIELD DR	SAN JOSE CA 95111-3820	NANCY J. DURAN	4838 PLAINFIELD DR	SFR	684-61-009
101	PLAINFIELD DR	SAN JOSE CA 95111-2648	WALTER ZYGMUNT	4756 PLAINFIELD DR	SFR	684-45-092
102	PLAINFIELD DR	SAN JOSE CA 95111-2649	LANG C. TRAN	4763 PLAINFIELD DR	SFR	684-44-030
103	PLAINFIELD DR	SAN JOSE CA 95111-2650	RORY M. FUKUDA	4778 PLAINFIELD DR	SFR	684-45-042
104	PLAINFIELD DR	SAN JOSE CA 95111-3820	VALBUENA RENEE & EVANGELINE	4830 PLAINFIELD DR	SFR	684-61-007
105	PLAINFIELD DR	SAN JOSE CA 95111-2649	BAO DOAN	4751 PLAINFIELD DR	SFR	684-44-027
106	PLAINFIELD DR	SAN JOSE CA 95111-2650	NAKASORA 1992 TRUST	7629 PEACH BLOSSOM DR	SFR	684-45-044
107	PLAINFIELD DR	SAN JOSE CA 95111-2649	HERON W. & CHRISTINA E. LAUMEISTER	4771 PLAINFIELD DR	SFR	684-44-032
108	PLAINFIELD DR	SAN JOSE CA 95111-2650	NORMAN & CAROLINE TOOMA	4774 PLAINFIELD DR	SFR	684-45-043
109	PLAINFIELD DR	SAN JOSE CA 95111-2649	MINHNGOC & LAN THANH PHAN	4775 PLAINFIELD DR	SFR	684-44-033
110	PLAINFIELD DR	SAN JOSE CA 95111-3820	PHUONG & JUSTIN Q. LIEN	4810 PLAINFIELD DR	SFR	684-61-002
111	PLAINFIELD DR	SAN JOSE CA 95111-3821	DUC DI QUACH	4819 PLAINFIELD DR	SFR	684-57-047
112	PLAINFIELD DR	SAN JOSE CA 95111-3821	HIEN T. NGUYEN	4831 PLAINFIELD DR	SFR	684-61-008
113	PLAINFIELD DR	SAN JOSE CA 95111-3820	NESTOR D. & MARIJU ZUBIZARRETA	4834 PLAINFIELD DR	SFR	684-57-050
114	PLAINFIELD DR	SAN JOSE CA 95111-3821	STEVEN & BACHYEN VU	4839 PLAINFIELD DR	SFR	684-57-052
115	PLAINFIELD DR	SAN JOSE CA 95111-3821	PIERRE T. V. LUU	4843 PLAINFIELD DR	SFR	684-57-053
116	PLAINFIELD DR	SAN JOSE CA 95111-2649	ERASMO NEVAREZ	4755 PLAINFIELD DR	SFR	684-44-028
117	PLAINFIELD DR	SAN JOSE CA 95111-2648	HIEP MINH PHAM	4760 PLAINFIELD DR	SFR	684-45-091
118	PLAINFIELD DR	SAN JOSE CA 95111-3820	EDISON & VIOLET EBRAHIMI-MEHR	4818 PLAINFIELD DR	SFR	684-61-004
119	PLAINFIELD DR	SAN JOSE CA 95111-3835	SCOTT Y. CHU	638 PLAZA INVIERNO	SFR	684-61-086
120	PLAZA INVIERNO	SAN JOSE CA 95111-3837	ALAMEDA SALLY TRUST	1634 ANNING DR	CONDOMINIUM	684-61-087
121	PLAZA INVIERNO	SAN JOSE CA 95111-3838	PHU HOA TRAN	643 PLAZA INVIERNO	CONDOMINIUM	684-61-070
122	PLAZA INVIERNO	SAN JOSE CA 95111-3837	BE V. & KIM H. HO	648 PLAZA INVIERNO	CONDOMINIUM	684-61-081
123	PLAZA INVIERNO	SAN JOSE CA 95111-3835	DUNG X. NGUYEN	628 PLAZA INVIERNO	SFR	684-61-084
124	PLAZA INVIERNO	SAN JOSE CA 95111-3836	JUANITO P. MARA	1193 MOONBEAM WAY	CONDOMINIUM	684-61-084
125	PLAZA INVIERNO	SAN JOSE CA 95111-3836	LUCILA V. COSME	639 PLAZA INVIERNO	CONDOMINIUM	684-61-072
126	PLAZA INVIERNO	SAN JOSE CA 95111-3838	BERNARD & RHONDA SPROCH	641 PLAZA INVIERNO	CONDOMINIUM	684-61-071
127	PLAZA INVIERNO	SAN JOSE CA 95111-3837	HARRISON J. & KATHLEEN G. BEAVERS	3398 THOMPSON AVE	CONDOMINIUM	684-61-089
128	PLAZA INVIERNO	SAN JOSE CA 95111-3837	ANGELO C. FORLENZA	670 POWDER HORN CT	CONDOMINIUM	684-61-089
129	PLAZA INVIERNO	SAN JOSE CA 95111-3836	LUIS A. CARMEN G. MORENO	632 PLAZA INVIERNO	CONDOMINIUM	684-61-078
130	PLAZA INVIERNO	SAN JOSE CA 95111-3836	SMILEY T. & JANET KAI	633 PLAZA INVIERNO	CONDOMINIUM	684-61-083
131	PLAZA INVIERNO	SAN JOSE CA 95111-3836	YSAMEL LARRY	636 PLAZA INVIERNO	CONDOMINIUM	684-61-075
132	PLAZA INVIERNO	SAN JOSE CA 95111-3835	FRANK J. & DENISE A. PADRES	637 PLAZA INVIERNO	CONDOMINIUM	684-61-085
133	PLAZA INVIERNO	SAN JOSE CA 95111-3836	GARY J. VATOVEC	642 PLAZA INVIERNO	CONDOMINIUM	684-61-073
134	PLAZA INVIERNO	SAN JOSE CA 95111-3837	RICHARD T. & TOMMY TAM HA	1646 MORNING STAR DR	CONDOMINIUM	684-61-088
135	PLAZA INVIERNO	SAN JOSE CA 95111-3838	MY-LE JACQUI DUONG	629 PLAZA INVIERNO	CONDOMINIUM	684-61-077
136	PLAZA INVIERNO	SAN JOSE CA 95111-3836	LONG THANH & KIMY NGUYEN	PO BOX 2473	CONDOMINIUM	684-61-074
137	PLAZA INVIERNO	SAN JOSE CA 95111-3836	HSU RAYMOND T. & VIVIAN W	645 PLAZA INVIERNO	CONDOMINIUM	684-61-069
138	PLAZA INVIERNO	SAN JOSE CA 95111-3838	TRAC & MAI LE	625 PLAZA INVIERNO	CONDOMINIUM	684-61-079
139	PLAZA INVIERNO	SAN JOSE CA 95111-3836	VITTORIO & JILL SCARNECCHIA	626 PLAZA INVIERNO	CONDOMINIUM	684-61-080
140	PLAZA INVIERNO	SAN JOSE CA 95111-3835	DIONEL RODRIGUEZ	630 PLAZA INVIERNO	CONDOMINIUM	684-61-082
141	PLAZA INVIERNO	SAN JOSE CA 95111-3835	GERALD H. & MELISSA Y. WARMAN	631 PLAZA INVIERNO	CONDOMINIUM	684-61-076
142	PLAZA INVIERNO	SAN JOSE CA 95111-3836	LEO & JOANNE MENESSE	4761 RAHWAY DR	SFR	684-45-056
143	RAHWAY DR	SAN JOSE CA 95111-2652	BONG & DELBERT D. CROWELL	354 CALLE BURRO	SFR	684-45-073
144	RAHWAY DR	SAN JOSE CA 95111-2651	PHILLIP L. & N. D. WOOLLEY	4775 RAHWAY DR	SFR	684-45-067
145	RAHWAY DR	SAN JOSE CA 95111-2653	JAMES D. RUSTERMEIER	4778 RAHWAY DR	SFR	684-45-072
146	RAHWAY DR	SAN JOSE CA 95111-2651	MARGARET M. PARRAZ	5420 MOUNT LOOKOUT CT	SFR	684-45-068
147	RAHWAY DR	SAN JOSE CA 95111-2653	BRUCE A. & CHERYL F. PARK	4784 RAHWAY DR	SFR	684-45-071

670	RAHWAY DR	SAN JOSE CA 95111-2651	MIGUEL GUTIERREZ	4750 RAHWAY DR	SFR	684-45-079
671	RAHWAY DR	SAN JOSE CA 95111-2651	TODD S. & CARRI S. YARBROUGH	4770 RAHWAY DR	SFR	684-45-074
672	RAHWAY DR	SAN JOSE CA 95111-2653	ROGELJO & MAGDALENA L. CORDERO	4771 RAHWAY DR	SFR	684-45-068
673	RAHWAY DR	SAN JOSE CA 95111-2654	ELDA ROMERO	4788 RAHWAY DR	SFR	684-45-070
674	RAHWAY DR	SAN JOSE CA 95111-2651	VANG & SEE T. SAOVANG	4762 RAHWAY DR	SFR	684-45-076
675	RAHWAY DR	SAN JOSE CA 95111-2651	CONTRERAS ENRIQUE & EVANGELINA	4786 RAHWAY DR	SFR	684-45-075
676	RAHWAY DR	SAN JOSE CA 95111-2654	JABRA A. & CICILIA EISA	4752 RAHWAY DR	SFR	684-45-069
677	RAHWAY DR	SAN JOSE CA 95111-2651	SAM KHOUNPRASEUTH	4754 RAHWAY DR	SFR	684-45-077
678	RAHWAY DR	SAN JOSE CA 95111-2651	KINH V. BUI	4758 RAHWAY DR	SFR	684-45-057
679	RAHWAY DR	SAN JOSE CA 95111-2652	HOC & ANH DOAN	4765 RAHWAY DR	SFR	684-45-035
680	RENZO CT	SAN JOSE CA 95111-2655	SURINDER S. & SATWANT K. DHILLON	4761 RENZO CT	SFR	684-45-036
681	RENZO CT	SAN JOSE CA 95111-2655	JON A. & JO ANN H. TAMAKI	2839 ALHAMBRA DR	SFR	684-45-033
682	RENZO CT	SAN JOSE CA 95111-2655	WARREN WISE D & VIRGINIA TRUST	4766 RENZO CT	SFR	684-45-032
683	RENZO CT	SAN JOSE CA 95111-2655	CHARLES K. & CLAIRE L. STICE	4770 RENZO CT	SFR	684-45-037
684	RENZO CT	SAN JOSE CA 95111-2655	ROBERT L. MCCULLY	4789 RENZO CT	SFR	684-45-031
685	RENZO CT	SAN JOSE CA 95111-2655	RUSSELL R. & DEBBIE SHIPMAN	4774 RENZO CT	SFR	684-45-034
686	RENZO CT	SAN JOSE CA 95111-2655	ALI A. & YOLANDA V. ALATAS	4762 RENZO CT	SFR	684-14-042
687	RIVER VIEW DR	SAN JOSE CA 95111-2679	ANNE P. DONATI	553 RIVER VIEW DR	SFR	684-14-042
688	RIVER VIEW DR	SAN JOSE CA 95111-2679	MIGUEL R. & GUADALUPE & BELINDA CORTINAS	559 RIVER VIEW DR	SFR	684-14-039
689	RIVER VIEW DR	SAN JOSE CA 95111-2679	RICARDO A. & MARIA L. GOMEZ	589 PARK JOHNSON PL	SFR	684-14-061
690	RIVER VIEW DR	SAN JOSE CA 95111-2679	CARL V. & LAURA L. LEONARD	599 RIVER VIEW DR	SFR	684-14-058
691	RIVER VIEW DR	SAN JOSE CA 95111-2663	JOHN & ANNAMAE AVILA	635 RIVER VIEW DR	SFR	684-45-095
692	RIVER VIEW DR	SAN JOSE CA 95111-2662	CHANG S. & YOUNG B. PARK	640 RIVER VIEW DR	SFR	684-14-056
693	RIVER VIEW DR	SAN JOSE CA 95111-2663	JUN & GLORIA MAE SASAKI	659 RIVER VIEW DR	SFR	684-45-097
694	RIVER VIEW DR	SAN JOSE CA 95111-2662	VINH T. & THINH HONG	666 RIVER VIEW DR	SFR	684-14-055
695	RIVER VIEW DR	SAN JOSE CA 95111-2663	HASSAN NABULSI	671 RIVER VIEW DR	SFR	684-14-054
696	RIVER VIEW DR	SAN JOSE CA 95111-2663	JOHN V. & THERESA K. STRENGTH	22789 480TH AVE	SFR	684-14-053
697	RIVER VIEW DR	SAN JOSE CA 95111-2663	DOYLE R. MITCHELL	695 RIVER VIEW DR	SFR	684-45-099
698	RIVER VIEW DR	SAN JOSE CA 95111-2662	KECHUNG & JEANNIE CU	125 NORTHGATE ST	SFR	684-14-051
699	RIVER VIEW DR	SAN JOSE CA 95111-2665	JAN W. & LISA B. NYSEN	719 RIVER VIEW DR	SFR	684-45-101
700	RIVER VIEW DR	SAN JOSE CA 95111-2664	KRISHNA & JENNIFER W. BHOLA	712 RIVER VIEW DR	SFR	684-45-100
701	RIVER VIEW DR	SAN JOSE CA 95111-2664	LEONEL & ANNA R. GUZMAN	537 RIVER VIEW DR	SFR	684-12-030
702	RIVER VIEW DR	SAN JOSE CA 95111-2661	DONGSHENG LIU	589 RIVER VIEW DR	SFR	684-14-062
703	RIVER VIEW DR	SAN JOSE CA 95111-2662	MANUEL & SHELLEY I. VALDIVIA	684 RIVER VIEW DR	SFR	684-45-096
704	RIVER VIEW DR	SAN JOSE CA 95111-2665	CHARLES ALVAREZ	682 RIVER VIEW DR	SFR	684-45-098
705	RIVER VIEW DR	SAN JOSE CA 95111-2661	PATRICIA ALTON	731 RIVER VIEW DR	SFR	684-14-050
706	RIVER VIEW DR	SAN JOSE CA 95111-2679	BULMARO & ANGELINA CONTRERAS	543 RIVER VIEW DR	SFR	684-12-029
707	RIVER VIEW DR	SAN JOSE CA 95111-2663	CINDY L. MASTERS	623 RIVER VIEW DR	SFR	684-14-040
708	RIVER VIEW DR	SAN JOSE CA 95111-2662	DON M. MERSON	630 RIVER VIEW DR	SFR	684-45-094
709	RIVER VIEW DR	SAN JOSE CA 95111-2663	HERIBERTO GOMEZ	647 RIVER VIEW DR	SFR	684-14-057
710	RIVER VIEW DR	SAN JOSE CA 95111-2665	BRUCE MORTIMORE	707 RIVER VIEW DR	SFR	684-14-052
711	RIVER VIEW DR	SAN JOSE CA 95111-2664	THOMAS & CINDY TRAN	760 RIVER VIEW DR	SFR	684-45-103
712	RIVER VIEW DR	SAN JOSE CA 95111-2679	VICTOR JORGE	585 RIVER VIEW DR	SFR	684-14-041
713	RIVER VIEW DR	SAN JOSE CA 95111-2663	CATHERINE A. ONLY	611 RIVER VIEW DR	SFR	684-14-060
714	SKYWAY DR	SAN JOSE CA 95111-2664	JEFFREY P. & ANNE G. GALLO	744 RIVER VIEW DR	SFR	684-45-102
715	SKYWAY DR	SAN JOSE CA 95111-2669	RAMON S. SOTO	428 SKYWAY DR	SFR	684-13-009
716	SKYWAY DR	SAN JOSE CA 95111-2669	EDWARD J. & SHARON P. SULLIVAN	458 SKYWAY DR	SFR	684-13-014
717	SKYWAY DR	SAN JOSE CA 95111-2669	ROBERT H. & CHETNA JOYCE	488 SKYWAY DR	SFR	684-13-015
718	SKYWAY DR	SAN JOSE CA 95111-2670	LEE F. ESCHEN	5814 AVIGON CT	SFR	684-13-018
719	SKYWAY DR	SAN JOSE CA 95111-2670	GABRIEL COVARRUBIAS	484 SKYWAY DR	SFR	684-44-012
720	SKYWAY DR	SAN JOSE CA 95111-2671	DOMINGUEZ-RENTERIA TRUST	1248 D SAN PEDRO ST	SFR	684-44-015
721	SKYWAY DR	SAN JOSE CA 95111-2671	JERRY W. & LINDA M. POPE	518 SKYWAY DR	SFR	684-44-040
722	SKYWAY DR	SAN JOSE CA 95111-2672	FRED & SHIRLEY F. POOLE	1130 STRADA ALMADEN	SFR	684-45-012
723	SKYWAY DR	SAN JOSE CA 95111-2672	JOHN W. LEWELLEN	549 SKYWAY DR	SFR	684-45-010
724	SKYWAY DR	SAN JOSE CA 95111-2672	ANTHONY R. & ELEANOR SANFILIPPO	1408 TORRINGTON CT	SFR	684-45-009
725	SKYWAY DR	SAN JOSE CA 95111-2672	ROBERT A. ALLEN	597 SKYWAY DR	SFR	684-45-004

YAMATO DR
YAMATO DR
YAMATO DR

SAN JOSE CA 95111-3824 JEFF HOUSE
SAN JOSE CA 95111-3823 TAM M. DANG
SAN JOSE CA 95111-3824 STACEY BACH

4843 YAMATO DR
4838 YAMATO DR
4839 YAMATO DR

SAN JOSE CA 95111-3824
SAN JOSE CA 95111-3823
SAN JOSE CA 95111-3824

SFR
SFR
SFR

684-57-035
684-57-041
684-57-034



PROFESSIONAL
ASSOCIATION
SERVICES, INC.

FACSIMILE TRANSMITTAL SHEET

TO JEFF ROCHE	FROM CHRISTINE FRANCESCHI
COMPANY CITY OF SAN JOSE	DATE 8/2/04
FAX NUMBER (408) 277-3250	TOTAL NUMBER OF PAGES INCLUDING COVER 4
PHONE NUMBER	SENDER'S REFERENCE NUMBER
RE: VIA PRIMAVERA HOA - TREE	YOUR REFERENCE NUMBER

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS



PROFESSIONAL
ASSOCIATION
SERVICES, INC.

Community Association Manager

August 2, 2004

August 2, 2004

Via Facsimile

City of San Jose
Department of Planning, Building & Code Enforcement
Attn: Jeff Roche
801 N. First Street, Rm. 400
San Jose, CA 95110

Re: Via Primavera Homeowners Association
Aleppo Pine Tree

Dear Mr. Roche:

The Certified Arborist from Saratoga Tree Service has sent a reply addressing some of the issues from Mr. Bhugra's appeal dated June 28, 2004. See following letter.

To address other items starting with item "E", please note the Association is aware of the soil erosion problem and is looking into possible solutions as was stated at the Hearing.

Under item "J", it states the map submitted is inaccurate. The map submitted came from the County Recorders office as required when requesting a permit.

Under item "K", it states negligent maintenance by the Association. The Association has properly taken care of the landscaping and trees over the last 7 and 1/2 years that our company has been involved with them. The previous Board President and Landscape Chairperson always looked out for what was in the best interest of the Community whether it was finances, repairs, safety, etc. The current Board of Directors is representing the Community in the same manner.

The conclusion portion from Mr. Bhugra again addresses the erosion problem, which looks to be his main concern. As previously stated, this issue is being looked into.

The Board of Directors is requesting the permit for removal as originally granted by the City, it is a safety hazard as explained by the Arborist.

Thank you for the continued consideration in the Association's request. Should you have any questions, please contact our office at (510) 683-8614.

Sincerely,

Christine Franceschi

Christine Franceschi, CCAM
Community Association Manager

Cc: Board of Directors

SARATOGA TREE SERVICE

**13745 Skyline Blvd.
Los Gatos, CA 95033
408-866-7200 Fax 408-866-7205**

July 14th, 2004

Professional Association Services, Inc.
39899 Balentine Dr., Ste. 102
Newark, CA 94560

Attn: Christine F.

RE: Via Primavera HOA – Aleppo Pine behind 598/596 Via Primavera Ct.

Saratoga Tree Service was asked to respond to a letter that was sent to the City of San Jose regarding the removal of a large Aleppo Pine behind 598/596 Via Primavera Ct.. I would like to address some of the issues that were mentioned in the letter.

Under the title "A", it is stated that the Aleppo Pine in question is "healthy with normal foliage and color, foliage density is normal and there are no pests or diseases." This is true – the tree is healthy, but this is not the reason the tree is being recommended for removal. The basis for the recommendation for removal was based on 4 factors: 1) the Pine recently had a large limb split off at the soil level (this limb provided some weight on the uphill side of the tree). The large split compromised the soundness of the trunk and left the majority of the canopy weight of the tree on the downhill side of the bank. 2) the Pine is growing on a steep bank with a house directly below it should it fail. 3) the trunk leans on the downhill side at soil level and tends to taper in 4) there is a great amount of weight in the canopy because the tree is multi-trunked (thinning is an option, but it does not get rid of the wood weight in the tree and reducing the canopy is not a feasible option for a Pine). This Pine sits on the top of a hill where wind is a factor.

Under title "B", it states that the tree is in a "fenced and restricted area." The Aleppo Pine in question is growing on a steep hillside between two different Homeowner Associations. There is no fence dividing these two properties near the tree. The restrictions on property access would not prevent the unit below being damaged should the tree fail.

Title "D" states again that the tree "is thriving." I will state again that the external health of the tree is not the basis for the recommendation for removal.

Under title "H", it is stated that the large crack in the trunk of the tree at soil level was "man-made in an attempt to cut down the tree on February 2, 2004 without a permit." The crack in the trunk was caused by a large limb splitting off earlier in the year (the limb

landed on the deck of the applicant). This is the limb that was present on the uphill side of the Pine. The date of this limb failure was September 9th, 2003.

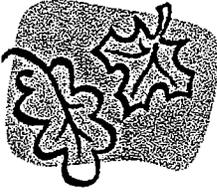
In conclusion, this tree was recommended for removal based solely on the concern for safety of the unit below the Pine. I have already stated the reasons why I first recommended the tree to be removed based on this premise.

Please feel free to contact me with any questions that you may have.

Respectfully submitted,



Lucy Leeburg
ISA Certified Arborist #427



Greta Complin
Certified Arborist

Lisa Bhugra
598 Via Primavera Court
San Jose, CA 95111

The pine tree located on the slope behind 598 Via Primavera Court shows no indication of pests, disease or root problems. The tree, with a circumference of 79 inches at 39 inches above grade (there is a branch at 48 inches above grade), serves as a privacy barrier between residences, control for soil erosion and an esthetical enhancement to the neighborhood. There appears to have been a significant amount of branches and foliage pruned from the uphill side of the tree recently. Upon my inspection, the tree's condition did not seem to warrant this liberal and unbalanced reduction. It is my opinion the tree not be removed but instead restored. With the proper canopy thinning and crown restoration techniques the tree can be rebalanced and reshaped to allow it to go on serving in its above mentioned capacities.

Greta Complin
WC-5399

06/15/04



598 Via Primavera Court



598 ViaPrimavera Court

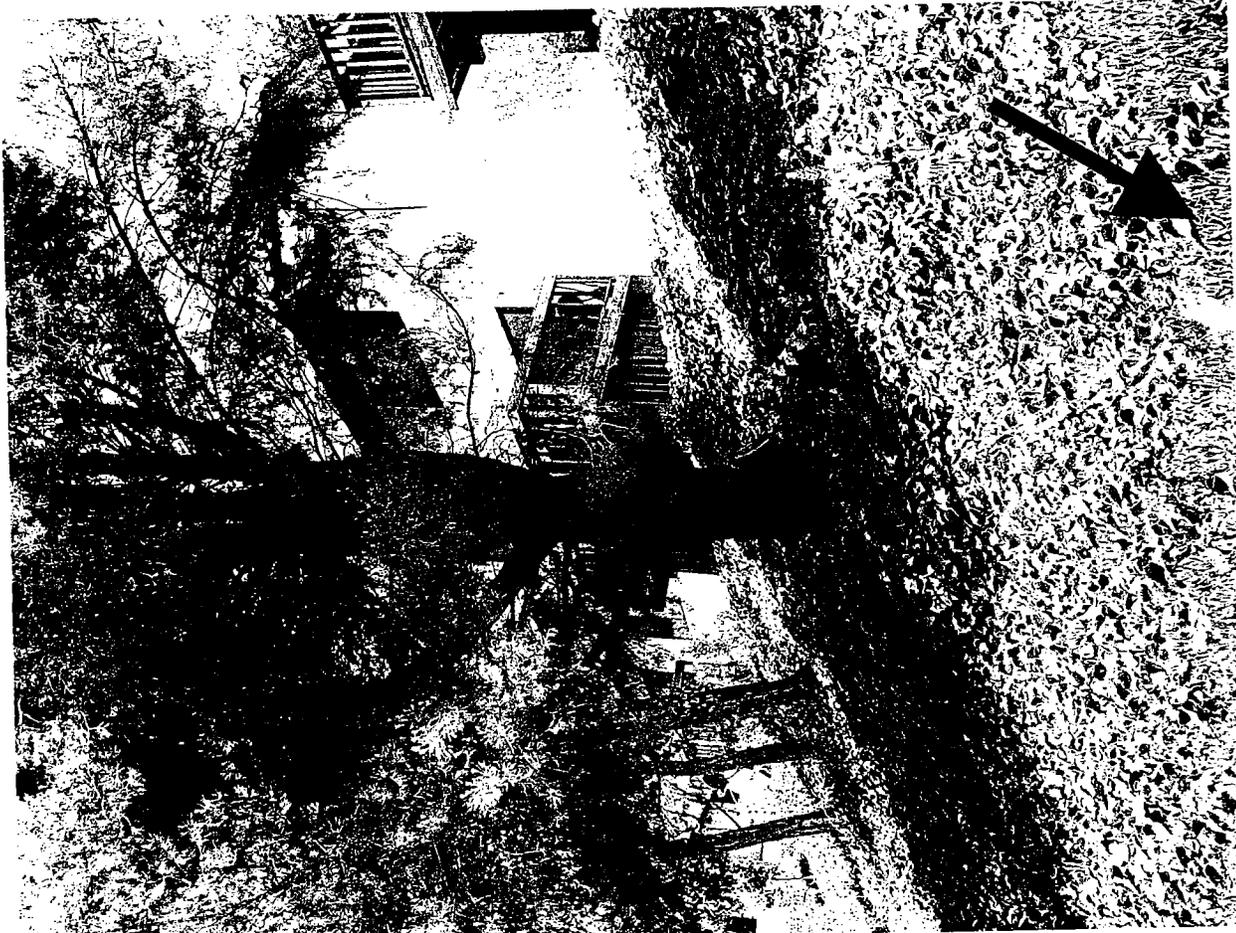
RECEIVED
JUN 16 2004
By _____



RECEIVED
JUN 16 2004
RV



Upper portion of tree looking toward Northwest direction

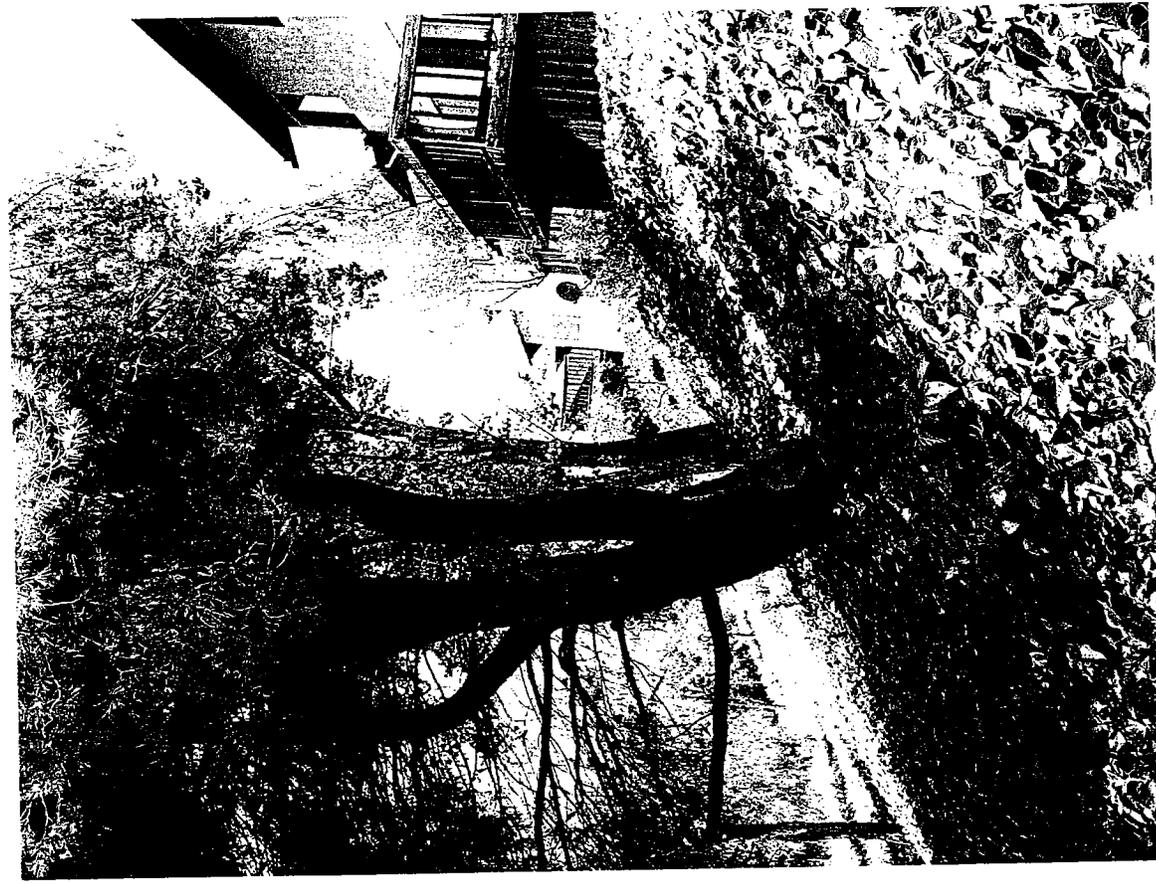


Lower portion of tree looking toward Northwest direction - soil erosion also apparent on hillside



**View looking uphill toward 598
Primavera Ct. (North)**

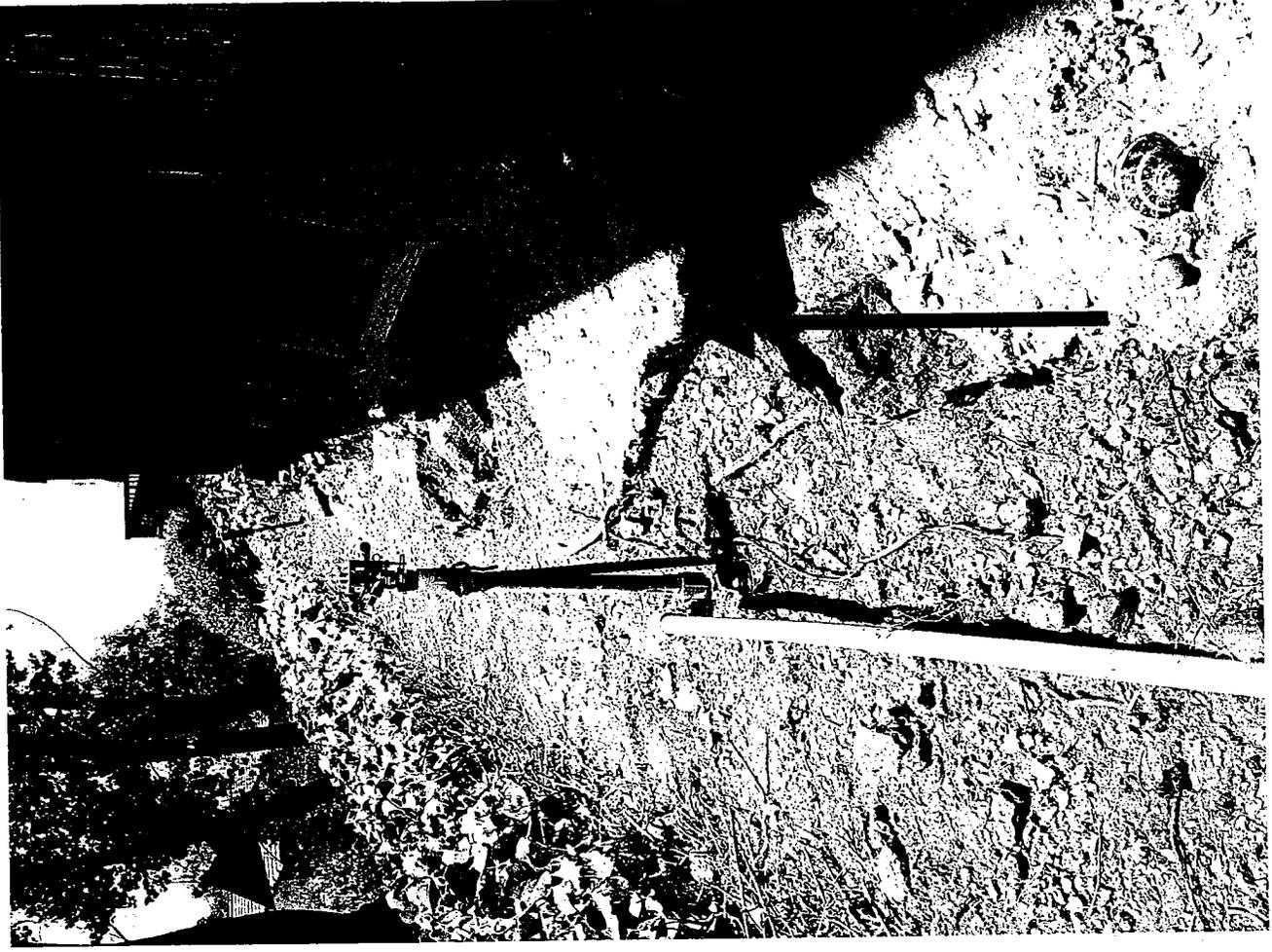
June 16, 2004 KB

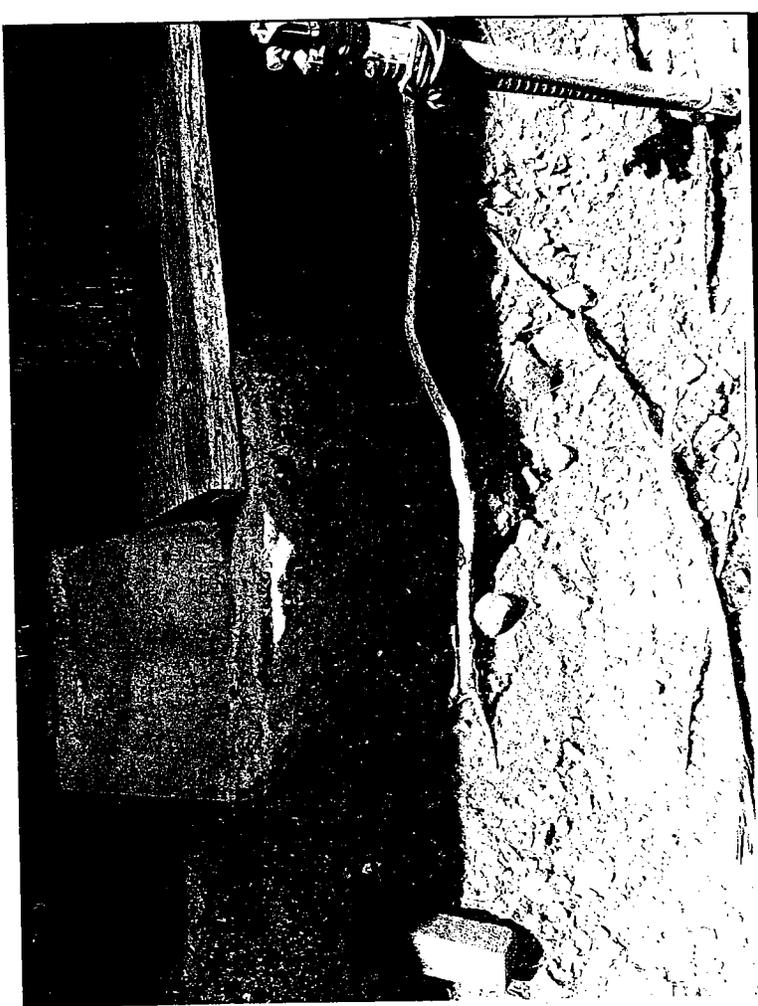


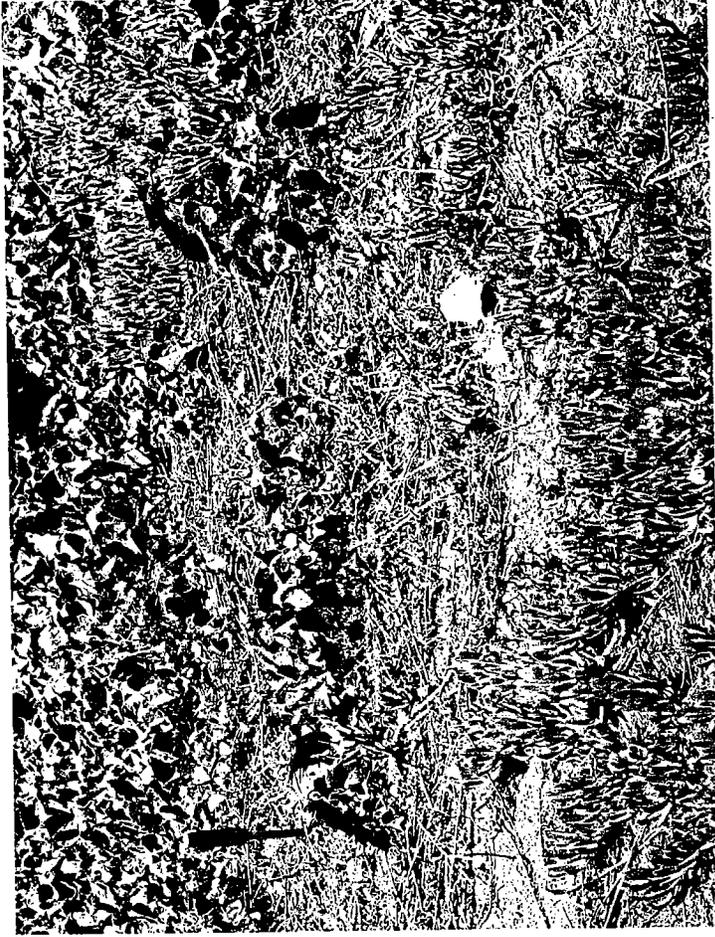
**View looking toward 6
Primavera Ct.
(West)**

10AM Hearing - SJ City Planning Office

Massive Soil Erosion







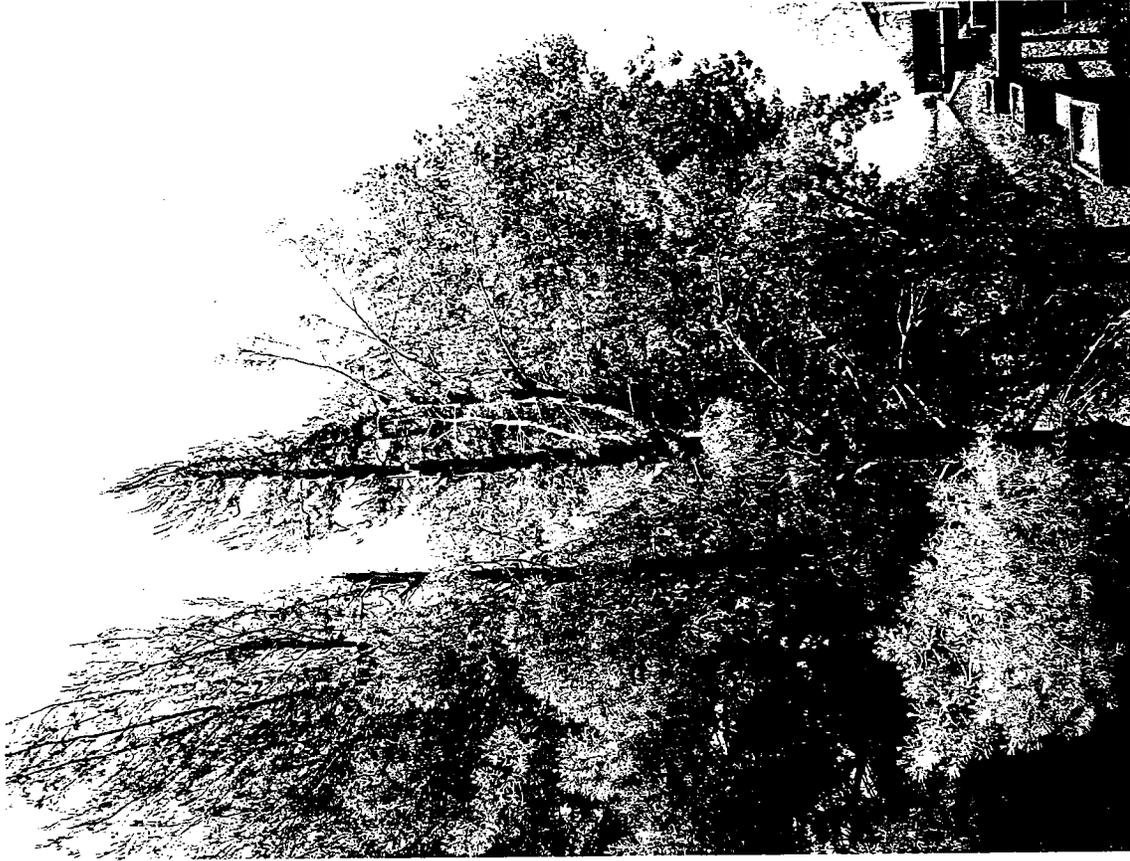
Poor care of vegetation and landscaping on the hillside contributing to soil erosion. Removal of the tree may have enormous impact on the integrity of the hillside.



Significant tree limbs cut without care or consideration – in attempt to remove the tree on 2/2/04.



View toward Southwest direction.



Tree views from deck of 598 Primavera Ct. and base of tree trunk.

Part of the tree was butchered in an attempt to cut it down on Feb 2, 2004, without permit, notification, or due process.





Much of the trunk to the upper side of the hill was essentially cut bare.



3-4 years ago, the same tree company cut down a tree with trunk circumference greater than 60" on the same hillside (again without permit, notification, or due process). In its place, a small tree (pictured) was planted. The replacement tree did not survive and was again replaced with a similar tree which is still struggling to grow. All this time soil erosion has continued on the hillside.

Requests for Consideration

- Tree is healthy and needs to be appropriately trimmed and maintained
- Geological survey is necessary and should be mandated if tree removal is considered
- A retaining wall may be required to shore up the hillside prior to removal of tree if it is deemed necessary
- 8-10 trees should be planted in place of the large, beautiful tree being removed

FROM:

01/05/1991 12:05

0520000000

FAX NO. :

0

Jan. 13 2001 02:31PM P1
PAGE 01

Fax

To: Jeff Roche	From: Kern Bluga
Fax: 277-3250	Fax: 408-904-7288
Phone: 277-4576	Phone: 408-398-7214

Date: 6/9/2004
 Subject: Tree Removal Near 598 Primavera Court

Comments:

Dear J

The you for me earlier today. Per our discussion, please find enclosed a copy of the report indicating it is a healthy tree in need of trimming. Also, enclosed are copies of correspondence with the Via Primavera Home Owners Association regarding the tree over the last several months. As mentioned earlier, removal of this tree will have significant impact to the soil erosion at the base of my house. Please let me know if you have questions/concerns.

Best regards,
 K. Bluga

P.S. WOULD APPRECIATE IT IF YOU COULD FAX THE
 FOLDER MATERIAL TO 408-904-7288. THANKS.

598 Via Primavera Ct
San Jose, CA 95111

February 3, 2004

Gary McCloud
Code Enforcement
City of San Jose
801 N 1st Street
San Jose, CA 95110

Dear Mr. McCloud:

This is regarding an unexpected and unauthorized tree removal noted to be in progress on Monday February 2, 2004 at 598 Via Primavera at approximately 11:15 am.

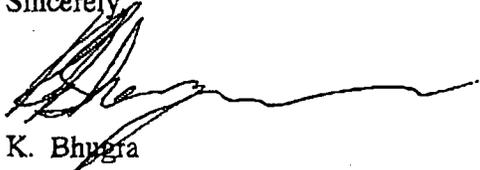
There was no notice provided by Via Primavera HOA for this tree to be removed. Fortunately the tree removal has been temporarily halted in midstream.

Kindly inspect the tree as soon as possible as Via Primavera HOA is insisting on completing tree removal by Friday February 6, 2004.

According to the San Jose City Planning Office, there have been no permits issued for tree removal at this property. Also, no notices have been posted anywhere indicating eminent demise of this tree.

If there are any questions, please contact me at 408-629-6924.

Sincerely,



K. Bhugra

598 Via Primavera Ct
San Jose, CA 95111

February 3, 2004

Gary McCloud
Code Enforcement
City of San Jose
801 N 1st Street
San Jose, CA 95110

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If there are any questions, please contact me at 408-629-6924.

Sincerely,



FROM :

FAX NO. :

Jan. 13 2001 02:32PM P3

Feb 04 04 06:34p

Kenette Beck

209-966-3755

p. 1

Beck's Property Services
#716391

2324 Highway 49 So.
Mariposa, CA. 95338



Phone (209) 966-3755

Fax (209) 966-3755

Lisa Bhugra
598 Via Primavera Ct.
San Jose, CA. 95111

1 Pine:

Due to the way this tree has been cut it is going to cause new growth to be produced. Thus causing excessive weight to branch tips, which are already over weight and causing tree to loose shape and place limbs at a high risk of failure. We strongly recommend this tree to be thinned for wind passage and end weight reduction, to preserve Pine tree for a long and healthy life.

This Pine tree appears stable and healthy. There are no signs of pest or root problems. This tree also adds privacy and beauty to the area in which it is placed. There is plenty of room for this tree to thrive.



BECK'S PROPERTY SERVICES



No 01213



PROFESSIONAL ASSOCIATION SERVICES, INC

FACSIMILE TRANSMITTAL SHEET

TO JEFF ROCHE		FROM CHRISTINE FRANCESCHI	
COMPANY CITY OF SAN JOSE		DATE MAY 20, 2004	
FAX NUMBER (408) 277-3250		TOTAL NUMBER OF PAGES INCLUDING COVER 2	
PHONE NUMBER		SENDER'S REFERENCE NUMBER	
RE VIA PRIMAUGRA PDA 84-046-01		YOUR REFERENCE NUMBER	
<input type="checkbox"/> URGENT <input type="checkbox"/> FOR REVIEW <input type="checkbox"/> PLEASE COMMENT <input type="checkbox"/> PLEASE REPLY <input type="checkbox"/> PLEASE RECYCLE			

NOTES/COMMENTS

PLEASE LET ME KNOW IF YOU NEED ANYTHING ELSE.

When Recorded Return To:

John Paul Hanna, Esq.
525 University Avenue, Suite 1400
Palo Alto, California 94301

MAR 25 1985

VIA PRIMAVERA

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION, made on the date hereinafter set forth, by ZERIMAR INVESTMENT COMPANY, a California corporation, hereinafter referred to as "Declarant," is made with reference to the following facts:

A. Declarant is the owner of certain property located in the City of San Jose ("City"), County of Santa Clara, State of California, more particularly described as all that land embraced within the boundaries of the subdivision shown on the Map entitled "Tract 6132", which Map was filed for record in the the Office of the Recorder of the County of Santa Clara, State of California, on June 13, 1985, in Book 544 of Maps, page(s) 45 & 46.

B. The development shall be referred to as the "project" as defined in Section 1.22. The project will be developed in four (4) phases, as provided in Exhibit "A" attached hereto.

Each lot shall have appurtenant to it a membership in the VIA PRIMAVERA HOMEOWNERS ASSOCIATION, a nonprofit mutual benefit corporation, which shall own the common area.

C. Declarant intends by this document to impose upon the property mutually beneficial restrictions under a general plan of improvement for the benefit of all owners of lots. Phase I of the project will be subjected to this Declaration upon recordation hereof. Phases I, III and IV will each subsequently be subjected to this Declaration upon recording of a Declaration of Annexation applicable to each such phase as provided in Section 2.8.

NOW, THEREFORE, Declarant hereby declares that all of the property described above shall be held, sold, leased, mortgaged, encumbered, rented, used, occupied, improved and conveyed subject to the following declarations, limitations, easements, restrictions, covenants, and conditions, which are imposed as equitable servitudes pursuant to a general plan for the development of the property for the purpose of enhancing and protecting the value and desirability of the property and every part thereof, and which shall run with the real property and be binding on Declarant and its successors and assigns, and on all parties having or acquiring any right, title or interest in or to the described property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

1.1 "Articles" shall mean and refer to the Articles of Incorporation of the Association, as amended from time to time.

John Paul Hanna
3/21/85
525 UNIVERSITY AVENUE SUITE 1400
PALO ALTO CA 94301
TELEPHONE 415 321-3100

SARATOGA TREE SERVICE

13745 Skyline Blvd.
Los Gatos, CA 95033
408-866-7200 - Fax 408-866-7205

February 18, 2004

Professional Association Services
39899 Balentine Dr., Ste. #102
Newark, CA 94560

Attn: Christine F.

RE: Via Primavera HOA - Aleppo Pine Removal

In an estimate dated 11/21/03, I had recommended the removal of a large, multi-trunked Aleppo Pine behind 598/596 Via Primavera Ct. I have recommended the removal due to several factors:

- 1) the tree is growing on a steep hillside with a house below it (the house is definitely within range should the tree fail)
- 2) the tree recently had a large leader split off from the trunk at the base, compromising the solidity of the trunk
- 3) the remaining canopy is all weighted on the downhill side of the tree (the large limb split off on the uphill side of the tree)
- 4) due to the type of tree, reducing the canopy was not presented as a feasible option (in my opinion)
- 5) the tree is healthy and can be trimmed to be thinned and deadwooded. My concern with this tree lies in the overall weight of which the majority lies on the downhill side. Thinning the tree would help with the windsail effect but the wood weight remains.

I would not recommend a tree to be removed unless there are what I believe to be solid reasons for removal. As an arborist, I feel it is my responsibility to inform the client of a tree I feel may present a hazard.

I am happy to answer any questions that you may have.

Respectfully submitted,



Lucy Leeburg
ISA Certified Arborist #427

SARATOGA TREE SERVICE

13745 Skyline Blvd.
 Los Gatos, CA 95033
 (408) 866-7200 - FAX (408) 866-7205
 Contractor License #652522

JOB 2/17-19

Estimate

Start 2/17
 end 2/19

ESTIMATE #
02-1487

DATE
11/21/2003

TO
 VIA PRIMAVERA HOA
 c/o Professional Association Services
 39899 Balentine Dr., Ste. #102
 Newark, CA 94560

RECEIVED
 JUN 16 2004
 By _____

CONTACT
 Christine F. 510-683-8614

NO.	DESCRIPTION	QTY	COST	TOTAL
	Property location: Via Primavera Dr., San Jose (x E. Branham Ln. x Skyway Dr.). Please note that Donna Altman had called (before the Altamans left Via Primavera) and we looked at several trees. Donna had advised me that the Ash were to be trimmed in 2004.			
1.	Behind 589 - trim Aleppo Pine from roof and back from patio	1	30.00	30.00
2.	Behind 596 - there is a group of 4 Cottonwoods here. Trim limbs back from roof (or remove whole limbs). Bring in longer limbs all around to balance, deadwood. Smallest tree leans towards neighbors house at bottom of hill - remove whole tree to grade at \$185 or trim back long limb on lower side of hill at \$105 (this \$105 is included in the total)		385.00	385.00
3.	Behind 598/596 - recommend removal of large, multi-trunked Aleppo Pine on hillside. This is a large tree with all weight on the downhill side. Should the tree fail, there is a clear target (neighbors house). A large limb split recently and now there is a crack in the trunk at the soil level. Remove to grade, haul wood. Leave stump	1	1,350.00	1,350.00
4.	623 - in Spring, look at Raywood Ash near here - looks poor at present		0.00	
5.	609/621 - clean up, light shape 2 B.pears	2	85.00	170.00
Estimate by: Lucy Leebug, ISA Cert. Arborist #427		TOTAL		

Behind 589 - Via Primavera

SARATOGA TREE SERVICE is covered for Public Liability, Property Damage, and Worker's Compensation Insurance for the complete protection of our customers. Most important is our quality of workmanship, training, and safety to insure you of a job well done, and free of any problems.

SARATOGA TREE SERVICE will not be responsible for damage to property not visible, especially underground, where not specifically mentioned herein. Stump grindings are not hauled away unless specified at additional cost. Removal permits are the responsibility of the property owner or management company.

APPROVED: (Please return copy.)

Signature _____ Date _____ Amount approved \$ _____

SARATOGA TREE SERVICE

13745 Skyline Blvd.
 Los Gatos, CA 95033
 (408) 866-7200 - FAX (408) 866-7205
 Contractor License #652522

Estimate

ESTIMATE #
02-1487

DATE
11/21/2003

TO
VIA PRIMAVERA HOA c/o Professional Association Services 39899 Balentine Dr., Ste. #102 Newark, CA 94560

CONTACT
Christine F. 510-683-8614

NO.	DESCRIPTION	QTY	COST	TOTAL
6.	4861 - trim Aleppo Pine limbs back from roof (multi-trunked tree needs trimming)	1	20.00	20.00
7.	4861 at street side - trim large Aleppo Pine to thin and deadwood	1	365.00	365.00
8.	636 - clear Acacia from roof	1	30.00	30.00
9.	638 - check Ash in Spring - looks poor		0.00	
10.	On Rahway across from "No Stopping" sign - trim Aleppo Pine to thin and deadwood (has 2 trunks of equal size - leans towards street)	1	265.00	265.00
11.	On Rahway Dr. - trim other multi-trunked Aleppo Pine to thin and deadwood	1	325.00	325.00
12.	614 - small Monterey Pine all over roof (is this a private tree?). Growing very close to roof edge - will need to be removed eventually		0.00	
13.	Behind 639 - Aleppo Pine is leaning heavily. Declining health.		0.00	
14.	Behind 608 Skyway - large C. Pepper - clear from roof and reduce end weight on about 2 limbs (on downhill side)	1	125.00	125.00
15.	Behind 606 - C. Pepper - clear roof	1	40.00	40.00
16.	For information only - Donna Altman and I had discussed 2 large Aleppo Pines on the hillside behind 412 and 422. Both of these large Pines lean and both have targets should they fail.		0.00	
Estimate by: Lucy Leeburg, ISA Cert. Arborist #427			TOTAL	\$3,105.00

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SARATOGA TREE SERVICE will not be responsible for damage to property not visible, especially underground, where not specifically mentioned herein. Stump grindings are not hauled away unless specified at additional cost. Removal permits are the responsibility of the property owner or management company.

APPROVED: (Please return copy.)

Signature _____ Date _____ Amount approved \$ _____



Service since 1984

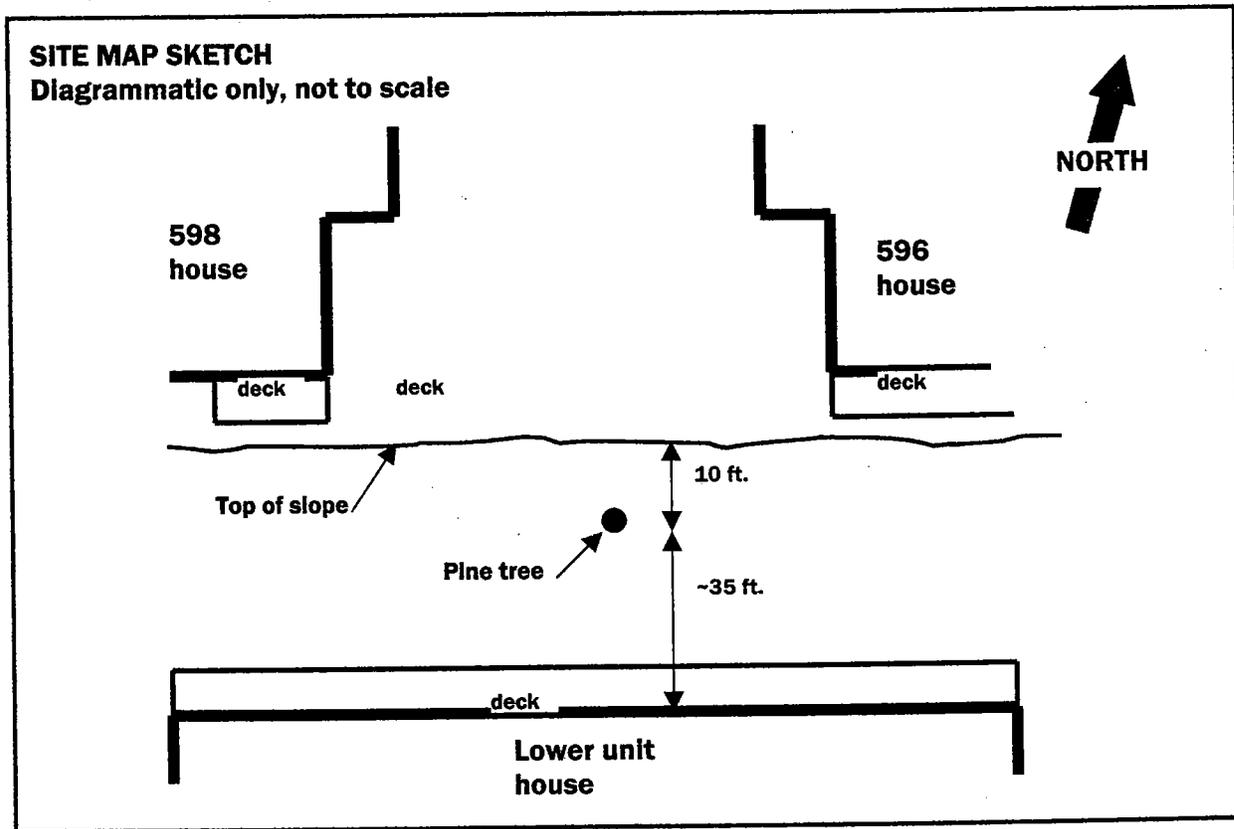
Christine Franceschi
Professional Association Services
38899 Balenting Drive, Suite 102
Newark, CA 94560

February 27, 2004

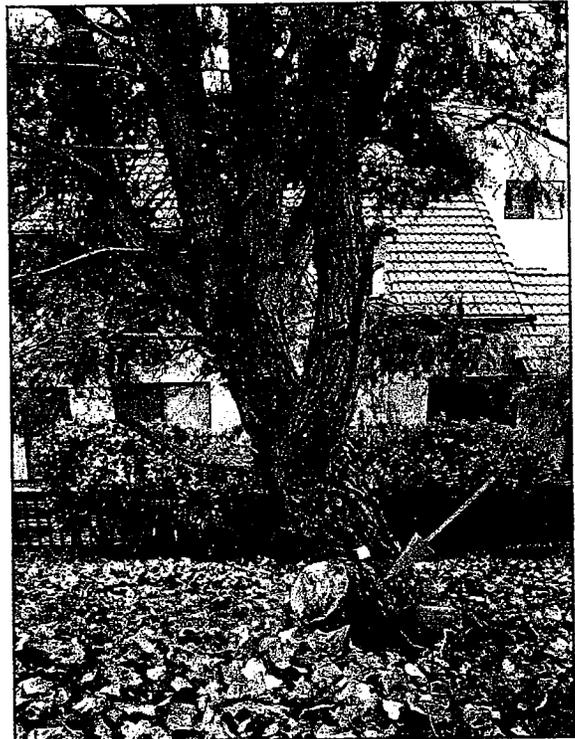
Re: Prima Vera, aleppo pine (*Pinus halepensis*) with large secondary trunk failure behind units 596 & 598

Dear Christine:

At your request I performed a hazard evaluation of the above tree today. In my opinion the tree presents a Moderate/Severe hazard to the residential unit on the slope below the tree. My recommendation is to remove the tree as soon as possible. Although the tree is vigorous and healthy, the recent secondary trunk failure has caused 90% of the canopy weight of the tree to be shifted to the South and downslope of the trunk. Additional compounding factors include the tree's location on a steep slope above another unit, the recent major weight shift in the canopy, and the shallow and compacted hillside soil.



This document was emailed from Deborah Ellis at decah@pacbell.net.
PO Box 3714, Saratoga, CA 95050. Phone & Fax: 408-725-1357. Web site: <http://www.decah.com/>



The upper left photo shows the pine from the east. The blue arrow points to the failed second trunk, where it was cut off from the rest of the tree after failing. Note that a great majority of the canopy is to the south and downslope of the remaining trunks.

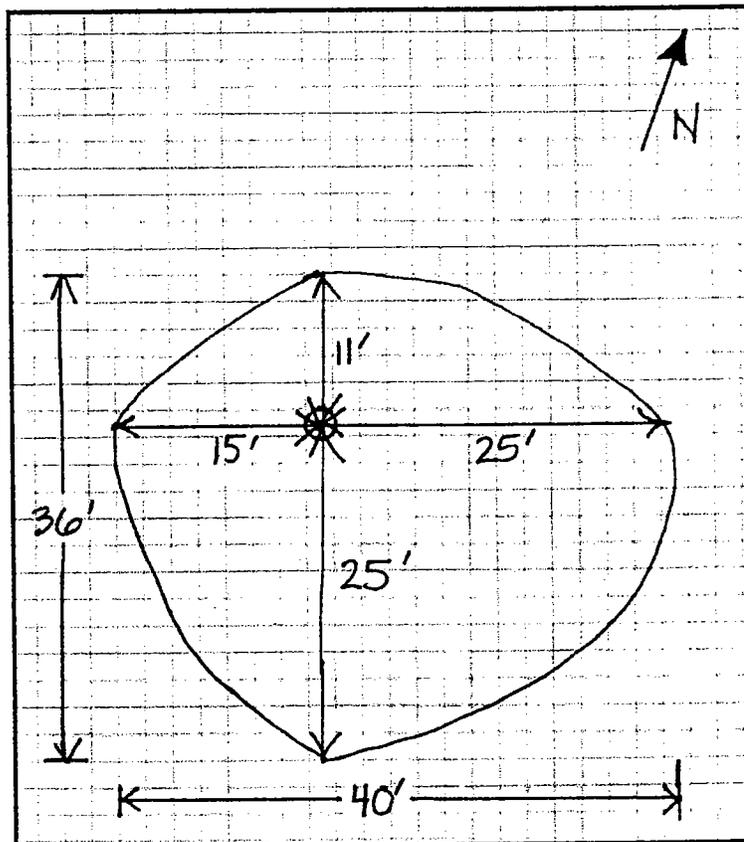
The upper right photo taken from the Northwest shows a closer look at this area. Above the failure point are multiple attachments of branches (explained on the next page).

The lower left photo shows the trunk failure point (Circled in blue). This crack extends from the ground to 19 inches up the still remaining trunk. The failure has left a large wound on the remaining trunk that will be susceptible to decay. Included bark (explained on the next page) plus a heavy, leaning trunk were the primary causes of this failure. The trunk that failed was 18.25 inches in diameter at the point where it was cut.



Multiple trunk (leaders) or branch attachments are a common structural defect in many tree species. In this condition, more than one branch or trunk originates at the same point. These attachments are not as strong as well-spaced branches or trunks, particularly if included bark between them prevents a solid wood connection.

Included bark is bark sandwiched between adjacent branches or a branch and the trunk, often appearing as a seam. In contrast, a normal attachment will have a ridge of bark protruding upwards and a continuous wood connection between adjacent members. The subject pine tree had 6 inches of included bark along its upper portion where the secondary trunk attached to the main trunk. As branches or other members with included bark grow, they expand in diameter, squeezing the bark along the seam. This may kill some portion of the included bark. When this occurs, a wound response is initiated. As a consequence, cracks can be generated, leading to breakage. Oftentimes included bark does not result in a failure, but it is a weak point in the tree. If the tree is already weakened, it may be more likely to fail at that point. If there is a pointed bulge around the included bark, or a definite crack in this area this may indicate an internal crack that is propagating, and the included bark would then be of more concern.



To-scale sketch of canopy distribution around trunk



The to-scale sketch on the previous page shows the canopy profile from plan view. Although in total the canopy is fairly equal (36 feet North to south and 40 feet east to west), the canopy is not distributed equally around the trunk. As you can see, there is only 11 feet of canopy on the North (upslope) side of the trunk, after the recent trunk failure. Downslope of the trunk the canopy extends 25 feet. Although we often do see more canopy growth on the south side of a tree versus the north side, I assume that the recent trunk failure did shift the great majority of the weight to the south (downslope) side of the trunk. Since this weight shift was immediate, this is of concern. Trees can often not adapt to a radical change in their weight balance. Trees develop supportive root, trunk and branch tissues in response to their environment over time. In addition, the tree is located on a steep slope with shallow soil above another unit.

TREE HAZARD EVALUATION & MANAGEMENT

All trees will fail given time. Hazard tree managers integrate all applicable information about the tree and the site, and make a judgment about the potential timing and consequence of a failure. Tree hazard management is an imperfect science. Risk assessment rates and sums the three factors below, each having a possible of 1 (low) to 4 (high):

- The **target**. This is the value of the structures or the percentage of occupancy of the area within the fall line of the tree. Frequently occupied areas present more liability. The target for the pine tree is the unit at the bottom of the slope, which is frequently occupied.
- The **size of the part(s) most likely to fail**. Will the whole tree fall over or just a branch. In this case, I must predict that the entire tree is likely to fall over. This tree is large, and so presents a significant hazard.
- The **potential for failure** of the various parts of the tree. (Likely, unlikely, etc.) I believe that it is likely that the pine tree will fall over due to the recent failure combined with the steep slope, uneven canopy weight distribution and other factors I have discussed.

Serious tree failures fall into two general classes -- large limbs, and that of the entire tree, either from the trunk or from the roots. The predicted failure pattern for the subject pine is the entire tree.

This methodology is taken from the industry standard text on hazard tree evaluation: A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas, 2nd ed. Matheny & Clark, 1994. International Society of Arboriculture. This form was used to evaluate the hazard potential of your tree and is included on the following two pages for your reference.



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas

TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 5916/1598 VIA PRIMA VERA CT., SAN JOSE
 Map/Location: behind units - see map
 Owner: public private unknown other
 Date: 2-27-04 Inspector: D. ELLIS
 Date of last inspection: recently

HAZARD RATING:						
<u>3</u>	+	<u>3</u>	+	<u>3</u>	=	<u>9</u>
Failure Potential		Size of part		Target Rating		Hazard Rating
<input type="checkbox"/> Immediate action needed <input type="checkbox"/> Needs further inspection <input type="checkbox"/> Dead tree						

TREE CHARACTERISTICS

Tree #: NONE Species: Pinus halepensis
 DBH: 26.1 # of trunks: 1 Height: 45' Spread: 30' N/S, 40' E/W at 2' 24.5"
 Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headed
 Crown class: dominant co-dominant intermediate suppressed
 Live crown ratio: 95 % Age class: young semi-mature mature over-mature/senescent
 Pruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: recently - after trunk failure
 Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency

TREE HEALTH

Foliage color: normal chlorotic necrotic Epicormics? Y N
 Foliage density: normal sparse Leaf size: normal small
 Annual shoot growth: excellent average poor Twig Dieback? Y N
 Woundwood development: excellent average poor none N/A
 Vigor class: excellent average fair poor
 Major pests/diseases: NONE

SITE CONDITIONS

Site Character: residence commercial industrial park open space natural woodland/forest hillside
 Landscape type: parkway raised bed container mound lawn sidewalk wind break
 Irrigation: none adequate inadequate excessive trunk wetted
 Recent site disturbance? Y N construction soil disturbance grade change line clearing site clearing
 % dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N
 % dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
 % dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
 Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fall
 clay expansive slope 40° aspect: SE-facing
 Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg.
 Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge area prone to windthrow
 Prevailing wind direction: NW Occurrence of snow/ice storms never seldom regularly

TARGET

Use Under Tree: building parking traffic pedestrian recreation landscape hardscape small features utility lines
 Can target be moved? Y N Can use be restricted? Y N
 Occupancy: occasional use intermittent use frequent use constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.



TREE DEFECTS

ROOT DEFECTS:
 Suspect root rot: Y (N) Mushroom/conk/bracket present: Y (N) ID: _____
 Exposed roots: severe moderate low Undersided: severe moderate low
 Root pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: (Y) (N) When: Recently - smaller trunk failure
 Restricted root area: severe moderate low Potential for root failure: severe moderate low
 LEAN: 10-15 deg. from vertical natural unnatural somewhat self-corrected Soil heaving: Y (N)
 Decay in plane of lean: Y (N) Roots broken: Y (N) Soil cracking: Y (N)
 Compounding factors: Failure of trunk to N shifts 90% of weight to S & down slope Lean severity: severe moderate low
CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks		AA S-failed AA		
Multiple attachments		AA S-trunk fail AA		
Included bark		S-trunk fail		
Excessive end weight				
Cracks/splits		S-failed		
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burls				
Previous failure		S - and trunk		

HAZARD RATING
 Tree part most likely to fail: Whole tree - fresh roots Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe
 Inspection period: _____ annual _____ biannual _____ other _____ Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);
 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)
 Failure Potential + Size of Part + Target Rating = Hazard Rating
3 + 3 + 3 = 9 Target rating: 1 - occasional use; 2 intermittent use; 3 - frequent use; 4 - constant use

HAZARD ABATEMENT
 Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape
 Cable/Brace: _____ Inspect further: root crown decay aerial monitor
 Remove tree: (Y) (N) Replace? Y (N) Move target: Y (N) Other: _____
 Effect on adjacent trees: none evaluate - Minimal - poplars to W - 1 small CA popper also
 Notification: owner manager governing agency Date: _____

COMMENTS
2nd trunk 20.5x16 at point of cut close to remaining trunk. Headed to NE. 4-6" of included bark at top of failure. Crack on N trunk from ground to 19" due to this failure.

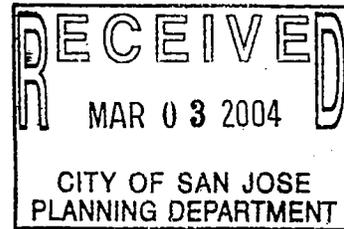
TREE REMOVAL APPLICATION

CONTACT PERSON		
PRINT NAME OF CONTACT PERSON CHRISTINE FRANCESCHI - PROFESSIONAL ASSOCIATION SERVICES		
MAILING ADDRESS 39899 BALENTINE DRIVE #102	CITY NENAWK,	STATE ZIP CODE CA 94560
DAYTIME TELEPHONE # (510) 683-8614	FAX # (510) 683-8994	E-MAIL ADDRESS CHRISTINE.FRANCESCHI
PLEASE USE THIS SPACE TO EXPLAIN THE REASONS WHY THE TREE(S) SHOULD BE REMOVED. ATTACH ADDITIONAL SHEETS IF NECESSARY. IF THE TREE IS DEAD, PLEASE PROVIDE SUPPORTING EVIDENCE AND/OR DOCUMENTATION.		
<p><u>THE TREE RECENTLY HAD A LARGE LEADER SPLIT OFF FROM THE</u></p> <p><u>TRUNK AT THE BASE, COMPROMISING THE SOLIDITY OF THE TRUNK.</u></p> <p><u>THE WEIGHT OF THE TREE IS ON THE DOWNHILL SIDE WHICH</u></p> <p><u>PRESENTS A HAZARD TO THE HOUSE ON THE SLOPE BELOW</u></p> <p><u>THE TREE.</u></p>		
PLEASE INDICATE IF THE TREE(S) TO BE REMOVED ARE BEING USED FOR NESTING BY BIRDS OR ANIMAL SPECIES. PLEASE LIST SPECIES, NAMES, IF KNOWN.		
<p><u>NONE KNOWN.</u></p>		

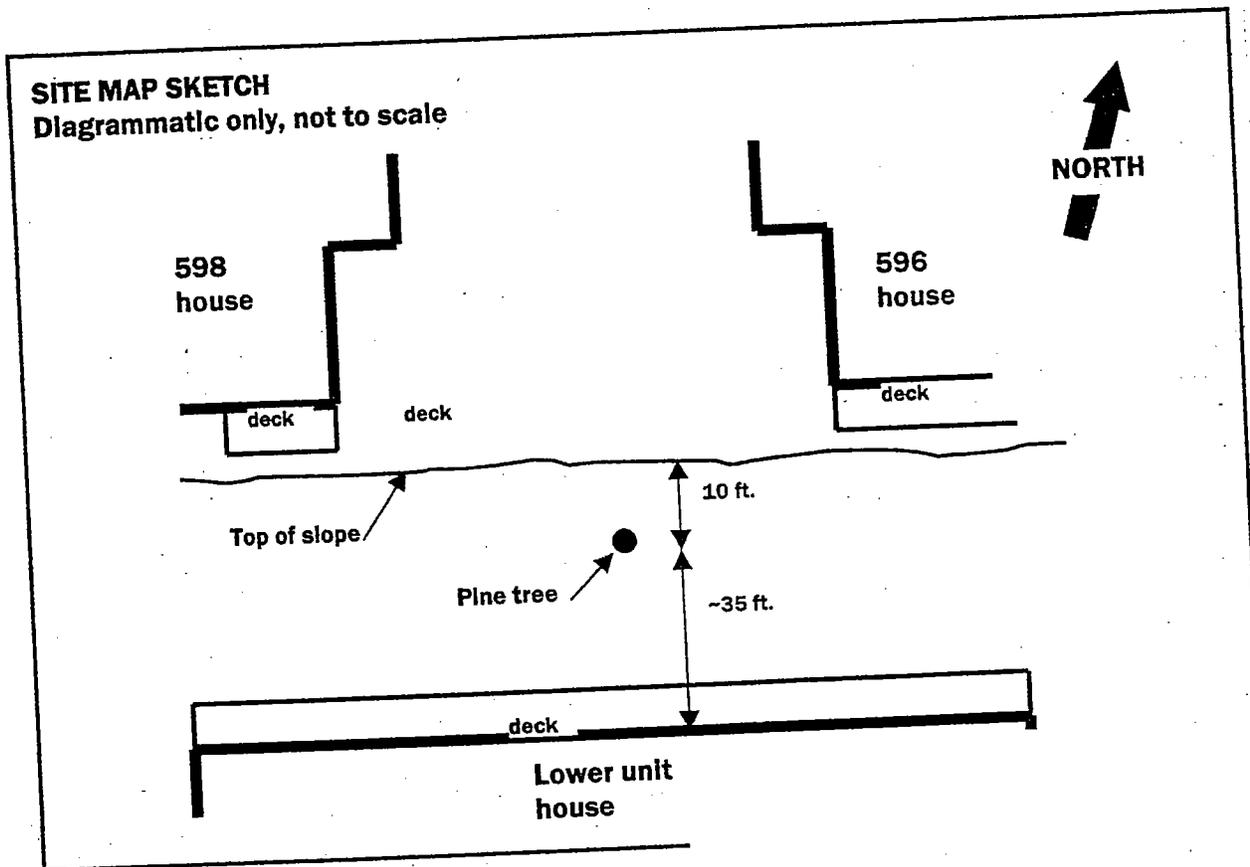
PLEASE SUBMIT THIS APPLICATION IN PERSON TO THE PLANNING DIVISIONS, CITY HALL, ROOM 400,
Mondays, Wednesdays, Fridays from 9:00 a.m. to 5:00 p.m. or Tuesdays, Thursdays from 10:00 a.m. - 5:00 p.m.

PINE TREE BEHIND 596 + 598 VIA PRIMAVERA COURT

SAN JOSE, CA 95111



PDA 84-046-01



RECEIVED
MAR 03 2004
CITY OF SAN JOSE
PLANNING DEPARTMENT

* PINE TREE

P - CURT

PRIMAVERA DR.

PAWWAY DR.

DR.



Deborah Ellis, MS

Consulting Arborist & Horticulturist



Service since 1984

In conclusion, the pine tree should be removed. If another tree is planted in its place, I recommend a smaller stature tree that will not present a great hazard to the units on the hillside below. For example, you might plant three *Laurus nobilis* 'Saratoga', Saratoga laurel, which can be pruned to any desired height and provide the dense screening your residents will probably request.

Sincerely,

Debbie

Deborah Ellis, MS.

Consulting Arborist & Horticulturist

Certified Professional Horticulturist #30022, ASCA Registered Consulting Arborist #305, W.C.I.S.A. Certified Arborist #457

PO Box 3714, Saratoga, CA 95050. Phone & Fax: 408-725-1357.
Email: decah@pacbell.net. Web site: <http://www.decah.com/>