

SANTA CLARA COUNTY PLANNING DEVELOPMENT APPLICATION

PROPERTY OWNER'S NAME <u>County of Santa Clara</u>	Phone	Email	Prefer correspondence: Email <input checked="" type="checkbox"/> Mail <input type="checkbox"/>
Mailing Address <u>70 W. Hedding Street</u>	City <u>San Jose</u>	Zip <u>95110</u>	
APPLICANT OR APPELLANT NAME <u>Ruben Castro</u>	Phone <u>408-918-2771</u>	Email <u>ruben.castro@faf.sccgov.org</u>	Prefer correspondence: Email <input type="checkbox"/> Mail <input type="checkbox"/>
Mailing Address <u>1555 Berger Dr.</u>	City <u>San Jose</u>	Zip <u>Ca. 95112</u>	
ADDRESS OF SUBJECT PROPERTY: <u>344 Tully Rd.</u>		APN: <u>366764</u>	
EXISTING USE OF PROPERTY: <u>Fairgrounds</u>		ACCESS RESTRICTIONS (gate, dog, etc.): <u>Gates</u>	
The ACKNOWLEDGEMENTS AND AGREEMENTS FORM on the reverse side of this application must be completed and signed by the property owner(s).			

FOR DEPARTMENT USE ONLY

FILE NUMBER: _____ - _____

PROJECT DESCRIPTION: _____

APPLICATION TYPES	FEE(S)	COMMENTS / SUBMITTAL MATERIALS
Architecture and Site Approval / ASX		
Building Site Approval / BA (Urban / Rural)		
Certificate of Compliance		
Design Review / DRX		
CEQA (EA / Cat Ex / Prior CEQA / EIR)		
Compatible Use Determination (WA / OSE)		
Geologic Report / Letter		
Grading Approval / Abatement		
Lot Line Adjustment / Lot Merger		
Pre-Screening		
Special Permit		
Subdivision		
Use Permit		
Variance		
Other		
TOTAL FEES		

Application fees are not refundable.

Submittal reviewed
and received by: _____
Date: _____

Coordinates: X _____ Y _____
Zoning: _____
General Plan: _____
Parcel Size: _____

USA / SOI _____
WA / OSE / HCP _____
Early Outreach: L1 / L2 _____
Previous Files: _____

ACKNOWLEDGEMENTS AND AGREEMENTS

FILE NUMBER: _____

I. INDEMNITY

Applies to all Planning applications.

As it relates to the above referenced application, pursuant to County of Santa Clara Ordinance Code Section A33-6, except where otherwise expressly prohibited by state or federal law, I hereby agree to defend, indemnify and hold harmless the County and its officers, agents, employees, boards and commissions from any claim, action or proceeding brought by any person or entity other than the applicant ("third party") against the County or its officers, agents, employees, boards and commissions that arises from or is in any way related to the approval of this application, including but not limited to claims, actions or proceedings to attack, set aside, void or annul the approval. If a third party claim, action or proceeding is filed, the County will promptly notify the applicant of the claim, action or proceeding and will cooperate fully in the defense. Notwithstanding the above, the County has the right to participate in the defense of any claim, action or proceeding provided the County bears its own costs and attorney fees directly associated with such participation and defend the action in good faith. The applicant will not be required to pay or perform any settlement unless the applicant agrees to the settlement.

II. FEES

Applies to hourly billable application types. Refer to Department of Planning and Development fee schedule.

- a. I/We the Owner(s) of the subject property, understand that my/our application requires payment of a minimum non-refundable fee, plus additional funds when staff hours devoted to the application exhaust the initial payment. Staff hours are billed at the hourly rate in effect at the time the staff hours are accrued.
- b. Typical tasks charged to an application include, but are not limited to, the following: intake and distribution of application, staff review of plans and other relevant materials; correspondence; discussions/ meetings with owner, applicant and/or other interested parties; visits to the project site by authorized agency staff; file maintenance; environmental assessment; staff report preparation; agenda and meeting preparation; meeting attendance; presentations to boards, commissions, and community groups; contract administration.
- c. The minimum nonrefundable fees for development applications are based on staff billing rates and staff hours needed to process a typical application. Staff hours may exceed a base application fee (requiring additional billing) due to project complexity and public interest on a project. This could include the need to review technical reports, conduct several meetings with the owner / applicant, and respond to public inquiries.
- d. Invoiced fees are due within 30 days of the date on the billing letter. **Fees not paid within 30 days are considered late and are subject to collection at the expense of the Owner.** While such fees are outstanding, the Planning Office reserves the right to cease all work on a project until said fees are paid in full.
- e. Any fees not paid within 45 days of invoicing shall be subject to interest charged at a rate equal to that earned by the County Treasury investment pool for that period.
- f. The owner and applicant are encouraged to periodically check on the status of their projects and fees. Questions regarding the status of hours charged to an application may be addressed to the planner assigned to the project.
- g. For more information on Planning Office application fees and how they are calculated, visit the County Planning Office web site at www.sccplanning.org.

III. APPLICATION AUTHORIZATION AND AGREEMENT TO PAY

I (We), the Owner(s) of the subject property, hereby authorize(s) the filing of this application and on-site visit by authorized staff. In addition I (We) acknowledge and understand the information above related to fees and agree to pay all application fees. I (We) certify and accept the terms and conditions as described above.

OWNER'S NAME(S) (Please Print)

Ruben Castro

OWNER'S SIGNATURE(S)

Ruben Castro

DATE

2-21-24

APPLICATION FOR TREE REMOVAL PERMIT

Owner: County of Santa Clara Address: 70 W. Hedding St.

City: San Jose Phone: _____

Applicant: Ruben Castro Address: 1555 Berger Dr. Bld #3

City: San Jose Phone: 408-918-2771

Address of tree(s) to be removed: 344 Tully Rd.

Assessor's Parcel Number: 49738016 Nearest cross street: Monterey Hwy.

Company/Individual to remove tree(s): West Coast Arborists

Address: 390 Martin Ave Business License No.: 366764

Number of Trees to be removed: 1 Species: Quercus agrifolia

Size of trees (circumference, measured 4.5' above ground): 29.5" DBH, 50" Height

Specific Reasons for removal of trees: High likelihood of failure. High likelihood of impacting targets. The consequences of the likely failure would be significant. Targets include a restroom building, storage shed.

Statement from licensed Arborist or Forester? If yes, attach to application.

Location of Tree(s) on property: Provide a site plan (see reverse for requirements)

Include photos of all trees.

OFFICE USE ONLY

Permit #: _____

Zoning District: _____ Parcel Size: _____ 500' Scale Map #: _____

Heritage Tree on Historic Inventory List? Yes No If yes, project must be referred to the HHC and Board of Supervisors.

Located w/in County Road Right-of-Way? Yes No If yes, applicant must obtain encroachment permit from Roads & Airports and approval from Board of Supervisors.

Located w/in Los Gatos Specific Plan area? Yes No If yes, refer to Town of Los Gatos.

Previous CPO file #? _____ If yes, any previous conditions of approval to retain certain tree(s)? _____

PURSUANT TO SECTION C16 OF THE COUNTY ORDINANCE CODE, REMOVAL OF TREE(S) IS:

APPROVED: DENIED:

By: _____

COUNTY OF SANTA CLARA – PLANNING OFFICE
70 W. HEDDING ST., SAN JOSE, CA 95110
(408) 299-5770 www.sccplanning.org

REASON FOR APPROVAL/DENIAL: _____



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Toll Free 1-800-828-8312
Fax: 330-673-0860

Northern California Office
PO Box 5321
Larkspur, CA 94977
831-291-2245
Sabrina.huey@davey.com

Tree Risk Assessment Summary Report

377 Tully Rd., San Jose

February 2024



Prepared For:

Ruben Castro
751 S Bascom Ave.
San Jose 95128

Prepared By:

Davey Resource Group
6005 Capistrano Unit A
Atascadero, CA, 93422

Contact: Sabrina Huey
831-291-2245
ISA #WE-14060A, TRAQ



Sabrina.huey@Davey.com

Notice of Disclaimer

Assessment data provided by Davey Resource Group is based on visual recording at the time of inspection. Visual records do not include testing or analysis and do not include aerial or subterranean inspection unless indicated. Davey Resource Group is not responsible for discovery or identification of hidden or otherwise non-observable risks. Records may not remain accurate after inspection due to variable deterioration of surveyed material. Risk ratings are based on observable defects and mitigation recommendations do not reduce potential liability to the City. Davey Resource Group provides no warranty with respect to the fitness of the trees for any use or purpose whatsoever

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Summary

In February 2024, Davey Resource Group (DRG) was contracted by Ruben Castro to conduct a basic tree risk assessment (Level 2) for one (1) tree that was indicated by the client on the property at 344 Tully Rd. in San Jose, CA.

An International Society of Arboriculture (ISA) Certified Arborist and Certified Tree Risk Assessor from Davey Resource Group conducted the assessment of the tree on February 8, 2024. The tree was assessed by location, size, current condition, and overall health. The data were then used to determine a risk rating. The current edition of the Tree Risk Assessment in Urban Areas and the Urban/Rural Interface (version 1.5) was used to guide the risk rating of the tree as well as the potential strategies for care and risk abatement. There are many factors that can limit specific and accurate data when performing evaluations of trees, their conditions, and their values. The determinations and recommendations presented here are based on current data and conditions that existed at the time of the evaluation and cannot be a predictor of the ultimate outcomes for the tree.

The assessment was requested by Mr. Ruben Castro to conduct an assessment of the tree based on its condition and to determine if any mitigation measures were required. The assessment determined the following:

- One (1) tree was assessed, consisting of one (1) species: Coast live oak (*Quercus agrifolia*).
- The assessment encompasses only the specified tree on the property identified by Mr. Castro.
- The subject tree was determined to be in overall poor condition with a high-risk rating.
- The tree height was fifty (50) feet.
- Tree diameter at four and a half feet above grade/breast height (DBH) was 29.5 inches.
- The tree is recommended for removal due to imminent root plate failure.

Introduction

Background

Mr. Ruben Castro contacted DRG to conduct an assessment of one specific tree at the Santa Clara County Fairgrounds located at 344 Tully Rd. in San Jose. There is concern with the stability of the tree due to the recent storm. One (1) tree that was indicated by the client was assessed using a Basic Tree Risk Assessment (Level 2).

Assignment

The arborist visually assessed the specified tree on the site, and the required tree data were collected using a portable tablet device. The tree was visually assessed from the ground. The tree was photo-documented so that changes in condition can be evaluated if needed.

Limits of the Assignment

Many factors can limit specific and accurate data when performing evaluations of trees, their conditions, and the potential for failure or response to site disturbances. No soil or tissue testing was performed. All observations were made from the ground on February 8, 2024, and no soil excavation to expose roots was performed. The determinations and recommendations presented here are based on current data and conditions that existed at the time of the evaluation and cannot be a predictor of the ultimate outcome for

the evaluated tree in the future. No physical inspection of the upper canopy, resistance drilling, or other technologies were used in the evaluation of the tree.

Purpose and Use of Report

The purpose of this report is to provide a risk assessment of the specified oak tree identified by the client within the area of risk, including an assessment of the current condition and health. The findings in this report can be used to make informed decisions on the long-term guided care of the tree.

Observations

Methods

A visual inspection was used to develop the findings, conclusions, and recommendations found in this report. Data collection included measuring the diameter of the oak tree at approximately 54 inches above grade (DBH), height estimation, a visual assessment of tree condition, structure, and health, and a photographic record. A rating percentage (0-100%) was assigned for the tree's health, structure, and form, and the lowest percentage was used as the overall tree condition.

Site Observations

The site is located in the City of San Jose at the Santa Clara County Fairgrounds. The tree stands in a small planting well. Decorative rock covered the bare soil within the tree well. Soil disturbance/separation was observed near the base of the assessed tree and the tree is leaning on two (2) adjacent trees. Most of the trees nearby were in small planting wells also surrounded by existing pavement. There is high foot traffic during the summer season due to the site being at a fairground.

Tree Observations

One (1) tree was assessed within the area, comprising of one (1) species: Coast live oak (*Quercus agrifolia*). The tree is mature and fairly vigorous although the condition rating is poor due to unstable roots. The tree diameter was 29.5 inches and tree height was 50 feet.

A map of the tree location can be found in Appendix A below. A complete Tree Inventory and Condition Assessment can be found in Appendix B. Risk Rating and Likelihood can be found in Appendix C. Tree photographs can be found in Appendix D.

Risk Assessment Methodology

This evaluation follows the tree risk assessment methods developed by the International Society of Arboriculture. It consists of an inspection of the visible tree parts including surface roots, trunk, scaffold limbs, and canopy. Hazard and risk assessments result in a risk rating for each individual tree to help quantify the level of risk accepted by the tree's owner. This rating is obtained by assessing and assigning a value to the failure potential, identifying the size of the tree part most likely to fail (e.g., branch, stem, or whole tree), and determining the site use around the evaluated tree. Each of these three characteristics is assessed as follows:

Conditions of Concern – Describes the part most likely to fail. The larger the tree part, the greater the potential for damage; therefore, the size of the failure part affects the overall hazard potential, and is described according to:

- Part Size - Typically the diameter of the limb or tree part
- Fall Distance - The distance of the part from the ground

- Target - The presence of any target(s) that could be impacted by failure

Likelihood of Failure – Identifies the most likely point of failure and rates the likelihood that the observed defect(s) will result in part failure. Failure potential is rated as:

- Improbable (defects are minor and unlikely to result in failure)
- Possible (defects are present and of concern)
- Probable (compounding and/or significant defects present)
- Imminent (defects are serious and imminent failure is likely)

Likelihood of Impact – Identifies the most likely point of failure and rates the likelihood that the structural defect(s) will impact the potential targets. Likelihood of impact is rated as:

- Very Low (Occasional use, as in a forest landscape)
- Low (e.g., tree lawn, sidewalk, park path)
- Medium (buildings or people within striking range more than 50% of the time)
- High (Constant and frequent use of the area within striking distance)

Consequences of Failure – Rates the level of damage caused by the defective part in the event of failure. The consequences of failure are rated as:

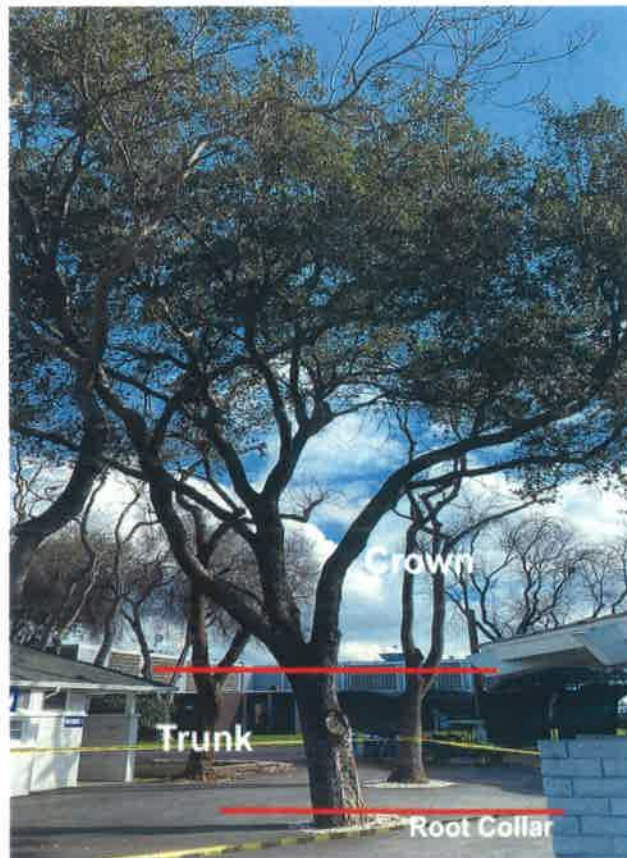
- Negligible (typically small branches <1" diameter, unlikely to cause damage)
- Minor (branches 1-2" diameter, may cause damage)
- Significant (damage would occur)
- Severe (failure would result in major damage)

Overall Risk Rating - The values assigned to condition, likelihood and consequences are summarized into an overall risk rating of Low to Extreme for each tree:

- Low (risk is present, mitigation measures may not be required)
- Moderate (mitigation advised within normal maintenance cycle)
- High (mitigation advised within the year)
- Extreme (mitigation necessary as soon as practical)

In addition to a risk rating, the trees were also prescribed maintenance recommendations based on general tree health and visual observations. A high-risk rating alone does not necessarily result in a removal recommendation. Conversely, trees with a lower rating may be prescribed for removal based on other factors such as location and species compatibility and/or the severity of specific defects. Whenever recommended tree maintenance would mitigate risk, the residual risk was also noted.

A visual inspection was the primary method used to develop the findings, conclusions, and recommendations found in this report. Data collection included measuring the diameter of the tree at 4.5 feet above grade, height estimation, canopy radius estimation, a visual assessment of tree condition, structure and health, trunk sounding with a mallet, and a photographic record. Qualitative value assessments grade the attributes of the tree, including structure and canopy health, to obtain an overall condition rating. No physical inspection of the upper canopy, root crown excavation, resistance drilling, or other technologies were used in the evaluation of the tree. ISA has advised that risk forms are considered "work product" and are no longer provided.



Tree defects and conditions affecting the likelihood of failure were assessed around the Root Collar, the Trunk and the Crown.

Conclusion and Recommendations

A Basic Tree Risk Assessment (Level 2) was performed on one (1) tree as indicated by the client, Ruben Castro. The assessed tree is in poor overall condition. There is evidence of recent changes around the trunk, such as soil cracking or roots lifting. The final findings for the tree are:

- Tree #1 had a risk rating of high for root plate failure. The whole tree is in the process of failing, the tree is currently being upheld by two other trees, and the whole tree should be removed for safety. This tree does fall under protected tree status. This tree qualifies for an exception falling under Santa Clara County Municipal Codes Division Sec. C16-4 section b. Once the tree is removed there will be no remaining risk.
- Target ratings (occupancy rate) were constant with a high or high likelihood of impacting the targets.
- Completely removing the tree is the only way to eliminate all risk. Ultimately, the acceptable tolerance of risk is set by the tree managers.

Appendix A – Location Map



Aerial view of the site and tree location.

Appendix B – Tables

Table 1. Summary Tree Risk Assessment Results

Tree #	Species	Maintenance Action	Maintenance Priority	Defects
1	<i>Quercus agrifolia</i>	Removal	As soon as possible	Root uplifting the soil, the tree is leaning on 2 other trees, small deadwood.

Table 2. Tree Inventory and Condition Assessment - February 2024

Tree #	DBH (in.)	Common Name	Botanical Name	Ht (ft)	Health (%)	Structure (%)	Form (%)	Condition
1	29.5	Coast live oak	<i>Quercus agrifolia</i>	50	85	20	85	Poor

80-100% - Good; 51-79% - Fair; 30-50% - Poor; 1-29% - Critical; 0 - Dead



Summary Tree Risk Assessment Results

Tree #1

Species: Coast live oak, *Quercus agrifolia*

DBH: 29.5"

Height: 50'

Vigor: Fair

Tree Defect Observations

The roots are uplifting. Small deadwood < 2" in diameter within the canopy.

Risk Categorization

The likelihood of root collar failure is imminent with a high likelihood of impacting the restroom in the area within 1 year. The consequences of the likely failure would be significant. The risk rating is High.

Overall tree risk rating: **High**

Mitigation Options

Whole tree removal.

Remaining risk after mitigation: **None**

Appendix C – Risk Rating and Likelihood

The technique used to define the risk of failure and likelihood of failure involves solving for these values within two matrices. These matrices are reproduced here from the International Society of Arboriculture data sheets for Tree Risk Assessment, 2015.

http://www.isa-arbor.com/education/resources/basicreeriskassessmentform_firstedition.pdf

Matrix I. Likelihood Matrix

Likelihood Of Failure	Likelihood of Impacting Target			
	Very Low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix II. Risk Rating Matrix

Likelihood Of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Appendix D – Tree Photos Additional photos available upon request



Photo 1. Tree #1 is located in between other trees and buildings, in a planting well.



Photo 2. Soil separation and root destabilization were observed, the tree is leaning on other trees near by.



Photo 3. Another view of the soil conditions, and the roots starting to uplift.

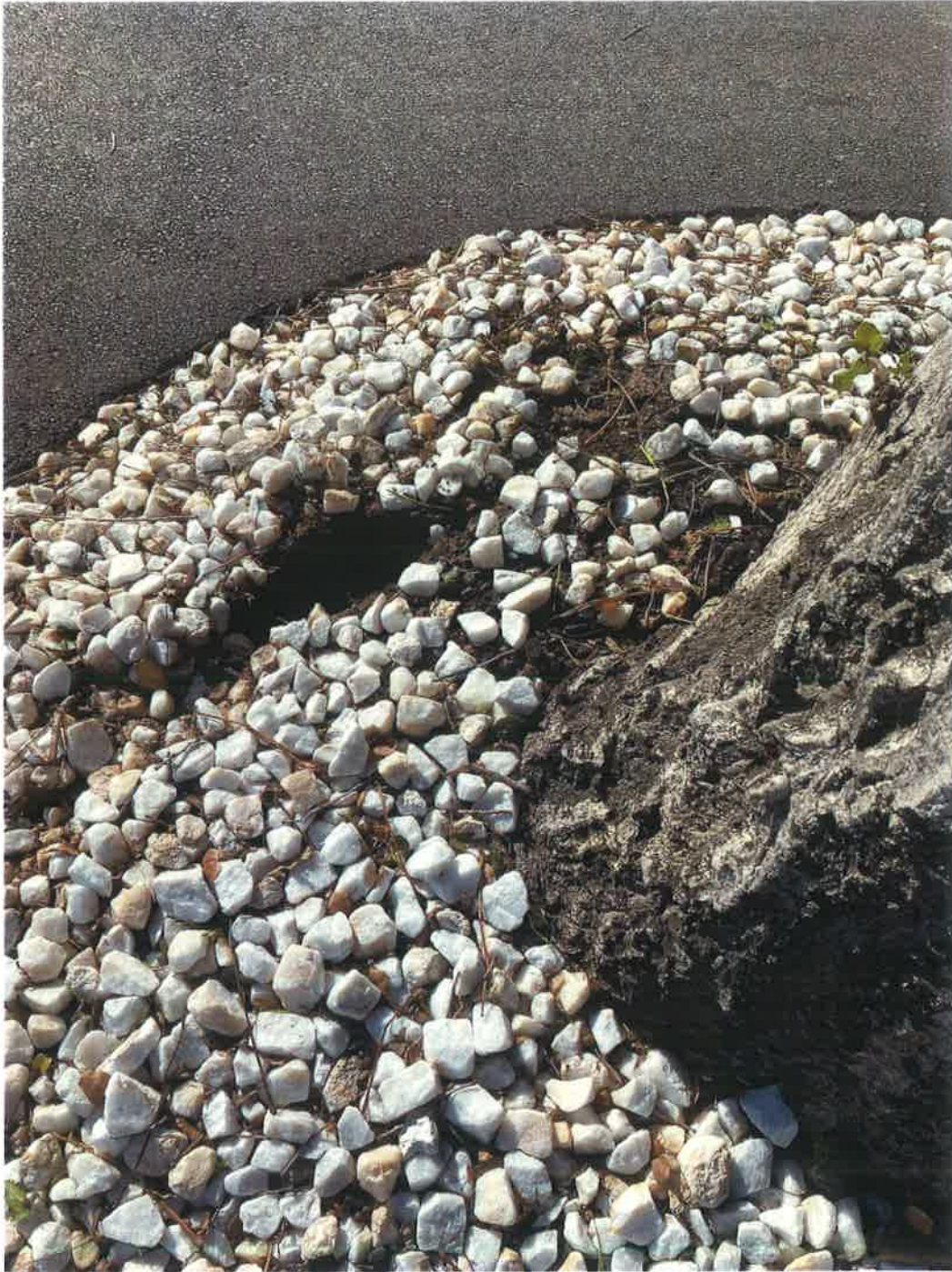


Photo 4. Close-up view of the soil change.



Photo 5. Tree #1 leaning on and supported by one of the nearby trees.



Photo 6. A nearby tree is supporting the subject oak.

