Tree Inventory, Assessment, and Protection Report

3315 Sierra Road
San Jose, CA 95132

Prepared for:

Robson Homes, LLC

February 17, 2023
Revised January 16, 2025

Prepared By:

Richard Gessner

ISA BCMA WE-4341B
ASCA RCA #496

Monarch Consulting Arborists

Richard Gessner
P.O. Box 1010 – Felton, CA 95018
1 831 331 8982
www.monarcharborists.com

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Summary

Revision includes the change of status of tree #634 which has died and removed from the report.

The plans are to divide the lot in to a twenty-three lot subdivision. Robson Homes, LLC asked me to asses the site and trees as part of a plan to construct new residences around the property. The assessment contains forty-six (46) trees comprised of seventeen different species including and twenty-six “Ordinance Size”. There are no “Street Trees” and twenty-eight trees are located on the adjacent properties. Fifteen trees are in good condition, twelve fair, thirteen poor, five very poor, and one is dead. Many redwoods are in poor shape but originate on the adjacent site. The large pepper tree #664 fell over in recent storms and although still had green leaves will require removal. None of the trees on the site have good suitability for retention. All nineteen trees located on the site are expected to be removed while the remainder could be moderately impacted in some way while only three are not expected to be affected. Trees could meet the findings for removal as stated in 13.32.100 - Permit findings. Subsections 2 and 3 due to proximity to improvements and the condition and suitability of the trees. Tree protection will be required primarily for the adjacent coast redwoods within the Ivalynn Circle area. Many of these trees are growing along the neighbor fence in a small strip with no discernible root area on the opposite side, and many are in poor condition. It may not be possible to obtain distances of 12 to 25 feet which would be a typical tree protection radius for these specimens. Some of these trees should be removed due to poor condition but are not under the control of the applicant.

Introduction

Background

Robson Homes, LLC asked me to asses the site and trees as part of a plan to construct new residences around the property. I agreed to assess the trees and provide a report with my findings and recommendations.

Assignment

1. Provide an arborist’s report including an assessment of the carobs within the project area that could be affected. The assessment is to include the species, size (trunk diameter), condition (health, structure, form), and suitability for preservation ratings.
2. Provide tree protection guidelines, specifications, and expected impact ratings for those affected by the project.

Limits of Assignment

1. The information in this report is limited to the condition of the trees during my inspection on January 20, 2023.
2. The plans reviewed for this assignment were as follows in Table 1 below.

Table 1: Plans Reviewed Checklist

Plan	Date	Sheet	Reviewed	Source
Existing Site Topographic Map or A.L.T.A with tree locations			Yes	
Proposed Site Plan	02/03/2023	Site Plan	Yes	Civil Engineering & Associates
Demolition Plan			No	
Construction Staging			No	
Grading and Drainage			No	
Utility Plan and Hook-up locations			No	
Exterior Elevations			No	
Landscape Plan				
Irrigation Plan			No	
T-1 Tree Protection Plan			No	

Purpose and Use of the Report

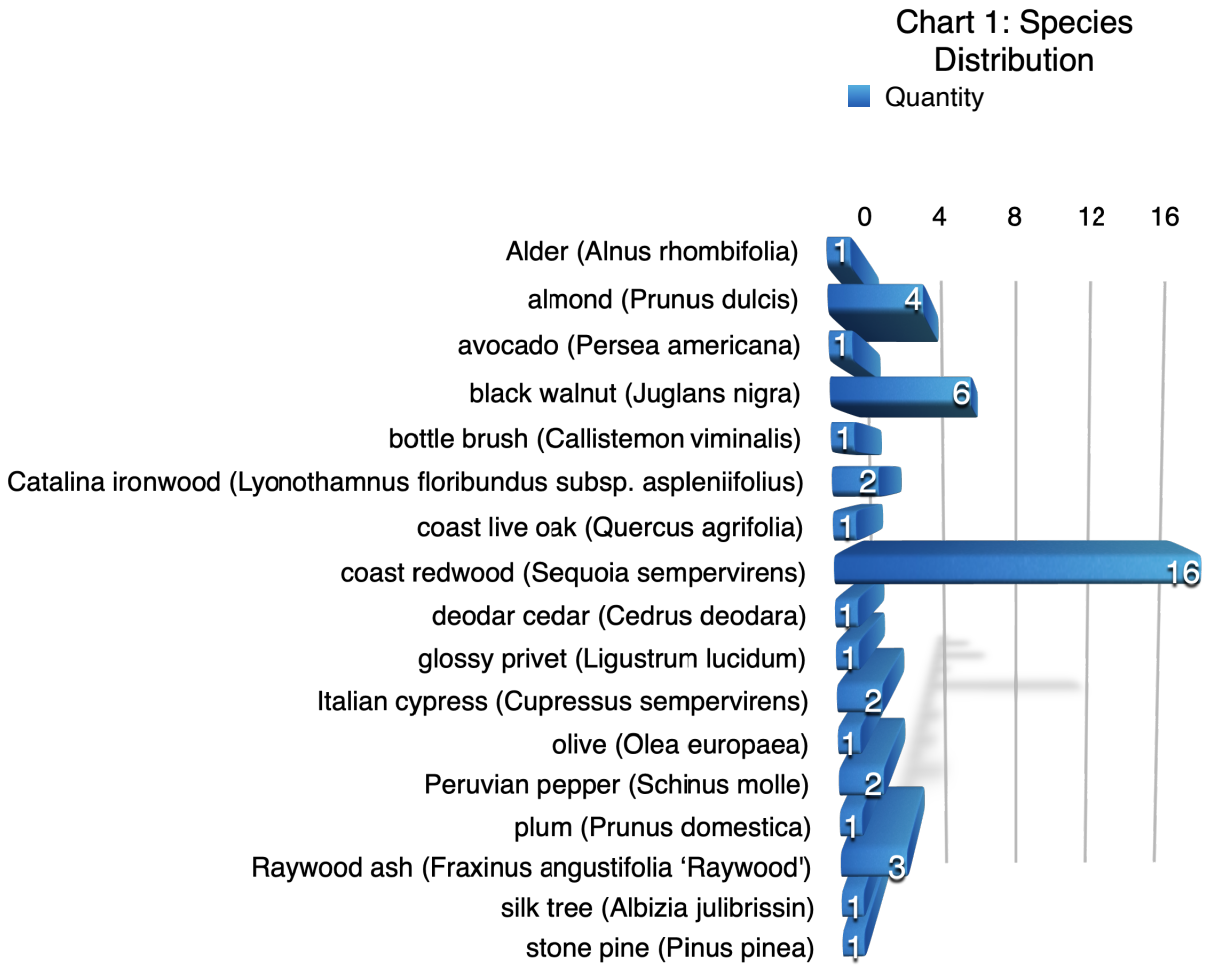
The report is intended to assess the carob trees within the plan area that could be affected by a project. The report is to be used by the property owners, owner's agents, and the City of San Jose as a reference for existing tree conditions to help satisfy planning requirements.

Observations

The plans are to demolish the existing structures and create a twenty-three lot subdivision.

Chapter 13.32.020 defines an “Ordinance tree” size tree as follows: *”Tree” means any live or dead woody perennial plant characterized by having a main stem or trunk which measures thirty-eight (38) inches or more in circumference at a height of fifty-four (54) inches above natural grade slope. For purposes of this Chapter, a multi-trunk tree shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of fifty-four inches above natural grade slope. "Tree" shall include the plural of that term*.” A “Street tree” is defined as follows: *"Street tree" shall mean any tree that is planted on a street.”*

The assessment contains forty-seven (46) trees comprised of seventeen different species including and twenty-six “Ordinance Size” (Table 2). There are no “Street Trees” and twenty-eight (28) trees are located on the adjacent properties and nineteen (19) on the subject site.



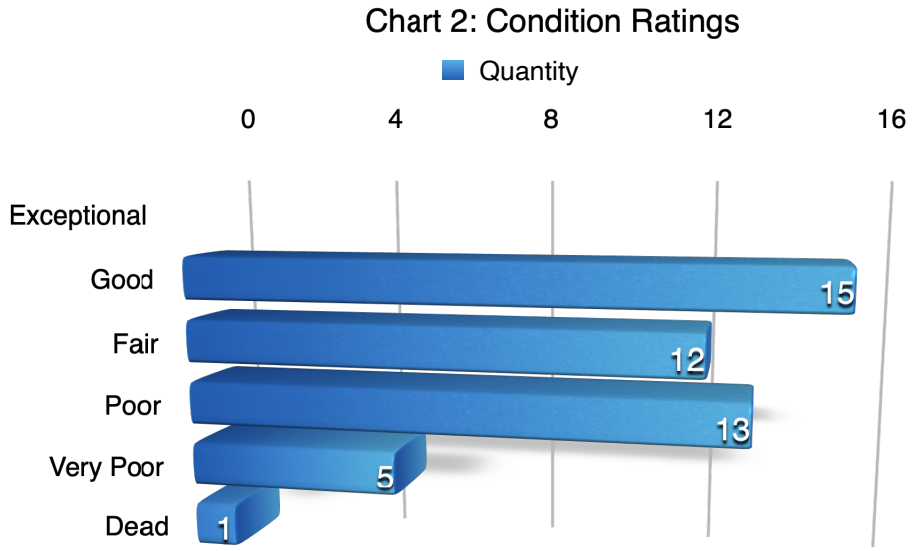
Discussion

Condition Rating

A tree's condition is a determination of its overall health, structure, and form. The assessment considered both the health and structure for a combined condition rating.

- 100% - Exceptional = Good health and structure with significant size, location or quality.
- 61-80% - Good = Normal vigor, well-developed structure, function and aesthetics not compromised with good longevity for the site.
- 41-60 % - Fair = Reduced vigor, damage, dieback, or pest problems, at least one significant structural problem or multiple moderate defects requiring treatment. Major asymmetry or deviation from the species normal habit, function and aesthetics compromised.
- 21-40% - Poor = Unhealthy and declining appearance with poor vigor, abnormal foliar color, size or density with potential irreversible decline. One serious structural defect or multiple significant defects that cannot be corrected and failure may occur at any time. Significant asymmetry and compromised aesthetics and intended use.
- 6-20% - Very Poor = Poor vigor and dying with little foliage in irreversible decline. Severe defects with the likelihood of failure being probable or imminent. Aesthetically poor with little or no function in the landscape.
- 0-5% - Dead/Unstable = Dead or imminently ready to fail.

Fifteen trees are in good condition, twelve fair, thirteen poor, five very poor, and one is dead (Chart 2). Many redwoods are in poor shape but originate on the adjacent site. The large pepper tree #664 fell over in recent storms and although still had green leaves will require removal.

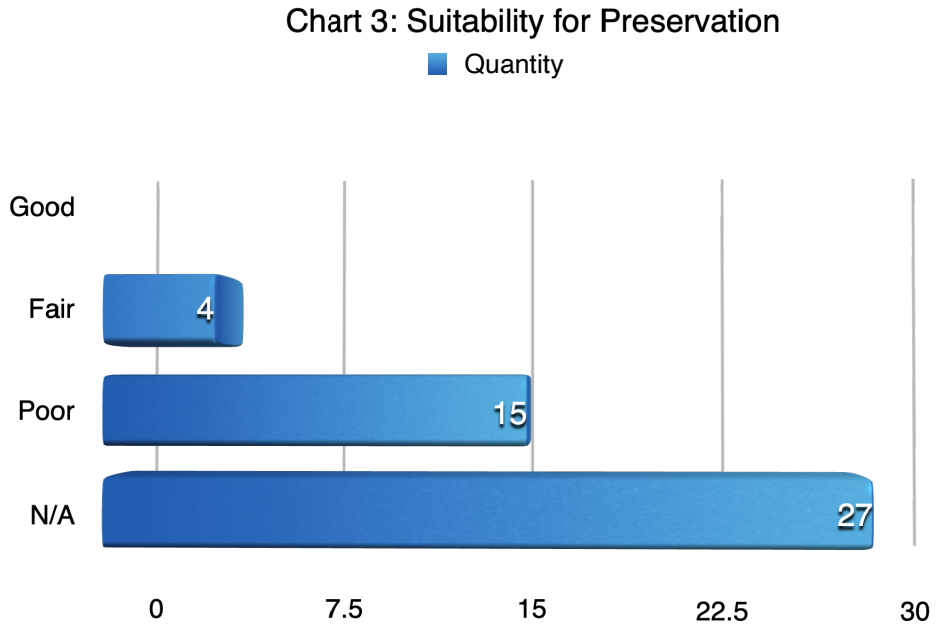


Suitability for Preservation

A tree's suitability for preservation is determined based on Functional and External Limitations[1] (ISA, 2019).

- Good = Trees with good health, structural stability and longevity.
- Fair = Trees with fair health and/or structural defects that may be mitigated through treatment. These trees require more intense management and monitoring, and may have shorter life spans than those in the good category.
- Poor = Trees in poor health with significant structural defects that cannot be mitigated and will continue to decline regardless of treatment. The species or individual may possess characteristics that are incompatible or undesirable in landscape settings or unsuited for the intended use of the site.

None of the trees on the site have good suitability for retention. Four trees have fair suitability, fifteen poor, and twenty-seven originated on the adjacent sites. Many trees on the adjacent site are in poor condition but their suitability is irrelevant because they are under control of their owners and not the applicant (Chart 3).



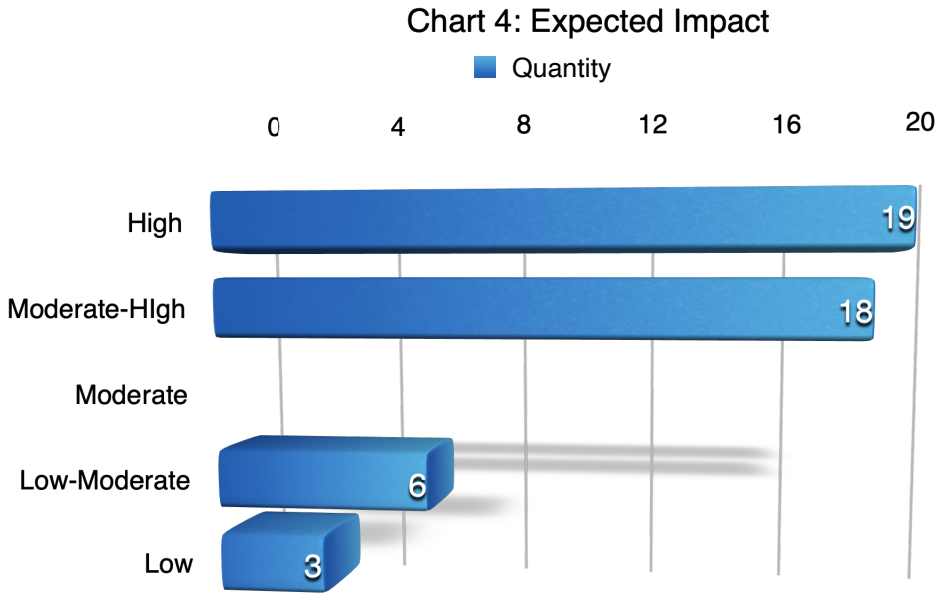
[1] Functional Limitations are based on factors associated with the tree's interaction to its planting site affecting plant condition, limiting plant development, or reducing the utility in the future and include genetics, placement, and site conditions for the individual tree (ISA, 2019). External Limitations are outside the property, out of control of the owner and also affect plant condition, limit plant development, or reduce the utility in the future (i.e power lines, municipal restrictions, drought adaptations, or species susceptibility to pests) (ISA, 2019).

Expected Impact Level

Impact level defines how a tree may be affected by construction activity and is described as low, moderate, or high. The following scale defines the impact rating:

- Low = The construction activity will have little influence on the tree.
- Moderate = The construction may cause future health or structural problems, and steps must be taken to protect the tree to reduce future problems.
- High = Tree structure and health will be compromised and removal is recommended, or other actions must be taken for the tree to remain. The tree is located in the building envelope.

All nineteen trees located on the site are expected to be removed while the remainder could be moderately impacted in some way while only three are not expected to be affected (Chart 4).



Justification of Removal

Trees could meet the findings for removal as stated in 13.32.100 - Permit findings. Subsections 2 and 3 (Appendix D) due to proximity to improvements and the condition and suitability of the trees.

Tree Protection

Tree protection focuses on avoiding damage to the roots, trunk, or scaffold branches (Appendix D). The most current accepted method for determining the TPZ is to use a formula based on species tolerance, tree age/vigor, and trunk diameter (Matheny, N. and Clark, J. 1998) (Fite, K, and Smiley, E. T., 2016). Preventing mechanical damage to the trunk from equipment or hand tools can be accomplished by wrapping the main stem with straw wattle or using vertical timbers (Appendix D).

Tree protection will be required primarily for the adjacent coast redwoods within the Ivalynn Circle area. Many of these trees are growing along the neighbor fence in a small strip with no discernible root area on the opposite side, and many are in poor condition. It may not be possible to obtain distances of 12 to 25 feet which would be a typical tree protection radius for these specimens. Some of these trees should be removed due to poor condition but are not under the control of the applicant.

Due to the size of the trees and the close proximity it is not possible to obtain the typical tree protection zones of six to ten times the trunk diameter distances or more in radius. The ANSI A300 Part 5, 2019 Standard Practices (*Management of Trees and Shrubs During Site Planning, Site Development, and Construction)* states the following:

> **Section 55.1.3**
>
> The (Tree Protection Zone) TPZ radius should be 6-18 times the trunk diameter (DBH)
>
> **Section 55.1.4**
>
> When the minimum TPZ radius cannot be achieved, appropriate mitigation shall be recommended.

In accordance with the ANSI Standard mitigation for this project could include monitoring activity, exploratory trenching, and selective root removal if necessary. Design considerations should account for the location improvements in the least impactful manner.

Conclusion

Robson Homes, LLC asked me to asses the site and trees as part of a plan to construct new residences around the property and to divide the lot into twenty-three. The assessment contains forty-six (46) trees comprised of seventeen different species including and twenty-six "Ordinance Size". There are no "Street Trees" and twenty-seven trees are located on the adjacent properties. Fifteen trees are in good condition, twelve fair, thirteen poor, five very poor, and one is dead. Many redwoods are in poor shape but originate on the adjacent site. The large pepper tree #664 fell over in recent storms and although still had green leaves will require removal. None of the trees on the site have good suitability for retention. Four trees have fair suitability, fifteen poor, and twenty-seven originated on the adjacent sites. Many trees on the adjacent site are in poor condition but their suitability is irrelevant because they are under control of their owners and not the applicant. All nineteen trees located on the site are expected to be removed while the remainder could be moderately impacted in some way while only three are not expected to be affected. Trees could meet the findings for removal as stated in 13.32.100 - Permit findings. Subsections 2 and 3 due to proximity to improvements and the condition and suitability of the trees. Tree protection will be required primarily for the adjacent coast redwoods within the Ivalynn Circle area. Many of these trees are growing along the neighbor fence in a small strip with no discernible root area on the opposite side, and many are in poor condition. It may not be possible to obtain distances of 12 to 25 feet which would be a typical tree protection radius for these specimens. Some of these trees should be removed due to poor condition but are not under the control of the applicant.

Recommendations

1. Apply for a tree removal permit and provide a landscape plan to account for the lost "Ordinance Size" trees to be removed. Determine which trees on the adjacent parcels will be retained and develop tree protection based on those to be preserved. This could include fence, pruning, and construction monitoring.

2. Place tree numbers and tree protection fence locations and guidelines on the plans including the grading, drainage, and utility plans. Create a separate plan sheet that includes all protection measures labeled "T-1 Tree Protection Plan.".

3. Install temporary irrigation or soaker hoses in the TPZs and provide supplemental watering during construction. Monitor watering times or amounts to ensure adequate soil saturation. (A 5/8" soaker hose requires about 200 minutes to deliver one inch of water to a garden. This number is affected by the length of the hose and the overall rate of flow from the faucet. A good rule of thumb is to expect about ½ GPM as a standard faucet flow rate.). Infrequent deeper watering is preferred.0

4. All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices.

5. Provide a copy of this report to all contractors and project managers, including the architect, civil engineer, and landscape designer or architect. It is the responsibility of the owner to ensure all parties are familiar with this document.

6. Arrange a pre-construction meeting with the project arborist or landscape architect to verify tree protection is in place, with the correct materials, and at the proper distances.

7. All tree maintenance and care shall be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree maintenance and care shall be specified in writing according to American National Standard for Tree Care Operations: *Tree, Shrub and Other Woody Plant Management: Standard Practices* parts 1 through 10 and adhere to ANSI Z133.1 safety standards and local regulations. All maintenance is to be performed according to ISA Best Management Practices.

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Glossary of Terms

Defect: An imperfection, weakness, or lack of something necessary. In trees defects are injuries, growth patterns, decay, or other conditions that reduce the tree's structural strength.

Diameter at breast height (DBH): Measures at 1.4 meters (4.5 feet) above ground in the United States, Australia (arboriculture), New Zealand, and when using the Guide for Plant Appraisal, 9th edition; at 1.3 meters (4.3 feet) above ground in Australia (forestry), Canada, the European Union, and in UK forestry; and at 1.5 meters (5 feet) above ground in UK arboriculture.

Drip Line: Imaginary line defined by the branch spread or a single plant or group of plants.

Mechanical damage: Physical damage caused by outside forces such as cutting, chopping or any mechanized device that may strike the tree trunk, roots or branches.

Scaffold branches: Permanent or structural branches that for the scaffold architecture or structure of a tree.

Straw wattle: also known as straw worms, bio-logs, straw noodles, or straw tubes are man made cylinders of compressed, weed free straw (wheat or rice), 8 to 12 inches in diameter and 20 to 25 feet long. They are encased in jute, nylon, or other photo degradable materials, and have an average weight of 35 pounds.

Tree Protection Zone (TPZ): Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

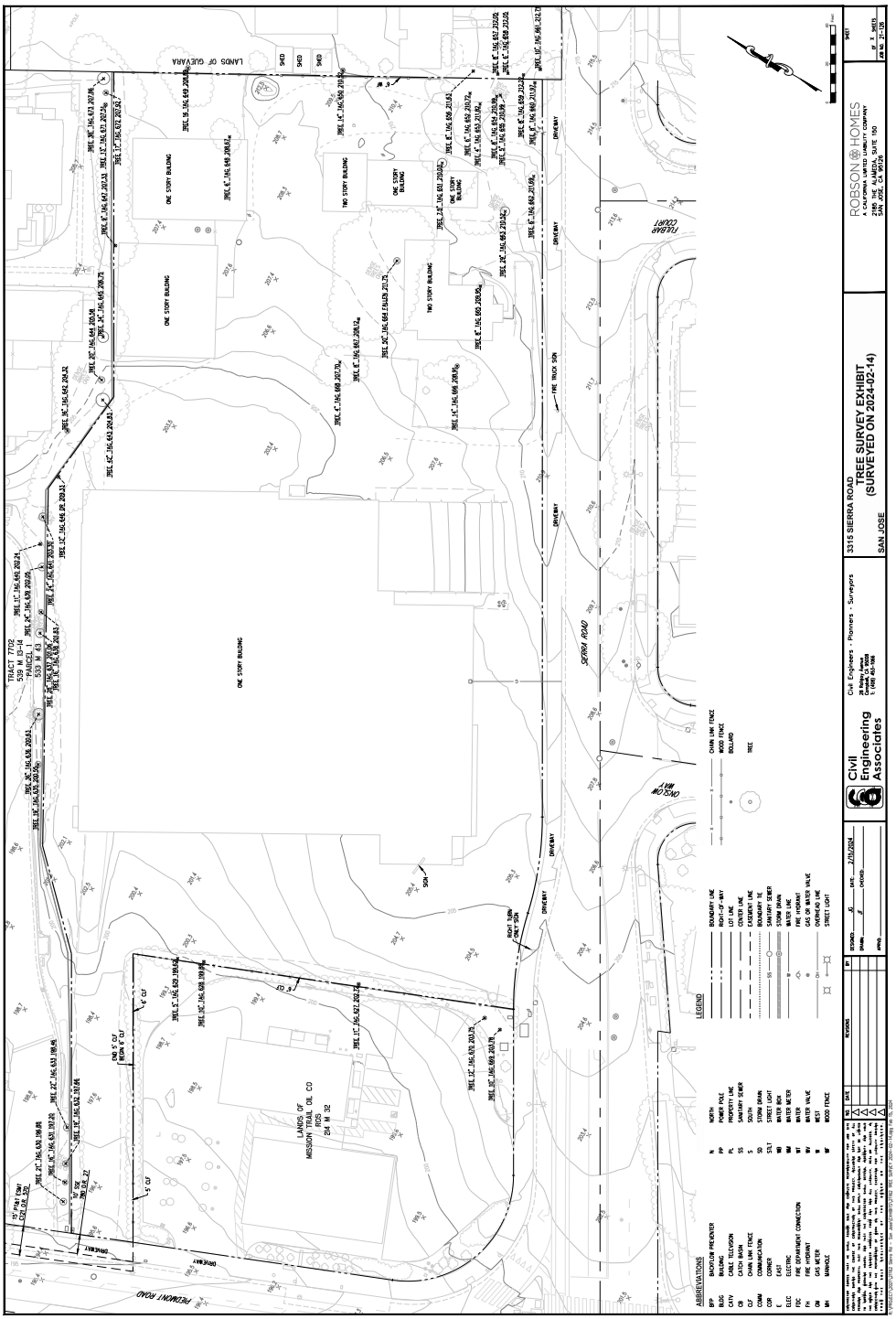
Tree Risk Assessment: Process of evaluating what unexpected things could happen, how likely it is, and what the likely outcomes are. In tree management, the systematic process to determine the level of risk posed by a tree, tree part, or group of trees.

Trunk: Stem of a tree.

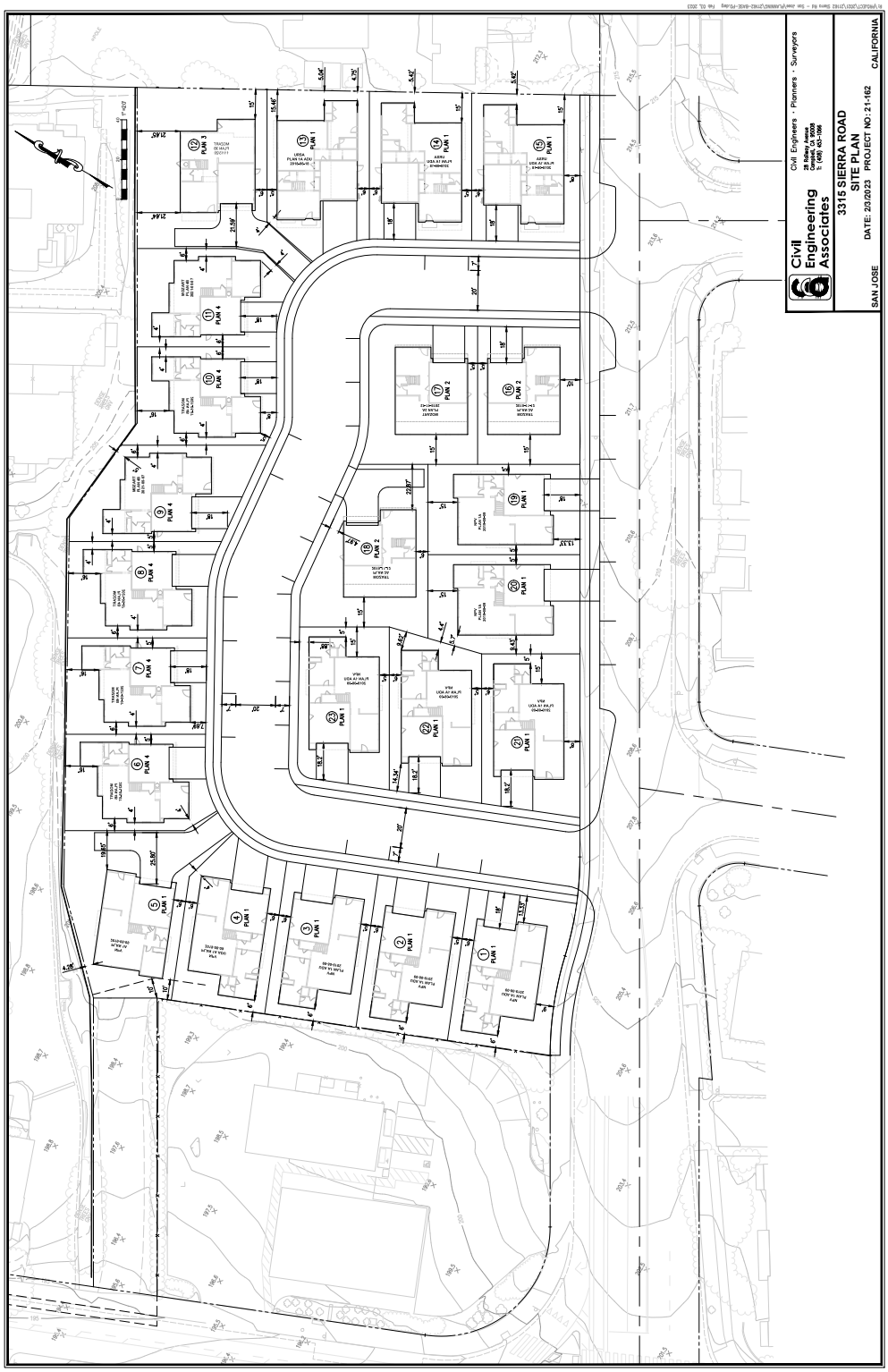
Volunteer: A tree, not planted by human hands, that begins to grow on residential or commercial property. Unlike trees that are brought in and installed on property, volunteer trees usually spring up on their own from seeds placed onto the ground by natural causes or accidental transport by people. Normally, volunteer trees are considered weeds and removed, but many desirable and attractive specimens have gone on to become permanent residents on many public and private grounds.

Appendix A: Tree Locations and Proposed Plans

A1: Tree Locations



A2: Proposed Site Plan



Appendix B: Tree Inventory and Assessment Tables

Table 3: Inventory and Assessment Summary

Tree Species	I.D. #	Trunk Diameter	Trunk Circumference	Overall Condition	Suitability	Expected Impact	Status
Raywood ash (*Fraxinus angustifolia* 'Raywood')	627	11	35	Good	Fair	High/ Remove	
Raywood ash (*Fraxinus angustifolia* 'Raywood')	628	9, 7	28, 22	Fair	Fair	High/ Remove	Ordinance Size
Raywood ash (*Fraxinus angustifolia* 'Raywood')	629	5	16	Good	Fair	High/ Remove	
coast redwood (*Sequoia sempervirens*)	630	21	66	Very poor	N/A	Moderate -high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	631	16	50	Very poor	N/A	Moderate -high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	632	19	60	Very poor	N/A	Moderate -high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	633	22	69	Very poor	N/A	Moderate -high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	635	19	60	Fair	N/A	Moderate -high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	636	36	113	Fair	N/A	Moderate -high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	637	28	88	Fair	N/A	Moderate -high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	638	16	50	Fair	N/A	Moderate -high	Ordinance Size

Tree Species	I.D. #	Trunk Diameter	Trunk Circumference	Overall Condition	Suitability	Expected Impact	Status
coast redwood (*Sequoia sempervirens*)	639	24	75	Poor	N/A	Moderate-high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	640	11	35	Fair	N/A	Moderate-high	
coast redwood (*Sequoia sempervirens*)	641	24	75	Fair	N/A	Moderate-high	Ordinance Size
Alder (*Alnus rhombifolia*)	642	16	50	Poor	N/A	Low	Ordinance Size
coast redwood (*Sequoia sempervirens*)	643	42	132	Good	N/A	Moderate-high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	644	20	63	Good	N/A	Moderate-high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	645	34	107	Good	N/A	Moderate-high	Ordinance Size
glossy privet (*Ligustrum lucidum*)	646	7, 6, 5, 12	22, 19, 16, 38	Fair	Poor	High/ Remove	Ordinance Size
black walnut (*Juglans nigra*)	647	9, 8	28, 25	Poor	Poor	High/ Remove	Ordinance Size
plum (*Prunus domestica*)	648	Multi 6	19, 19, 19, 19	Poor	Poor	High/ Remove	
stone pine (*Pinus pinea*)	649	16	50	Poor	N/A	Low-moderate	Ordinance Size
black walnut (*Juglans nigra*)	650	12, 10, 12, 14	38, 31, 38, 44	Poor	N/A	High/ Remove	Ordinance Size
black walnut (*Juglans nigra*)	651	7.5	24	Fair	Poor	High/ Remove	
almond (*Prunus dulcis*)	652	6	19	Poor	Poor	High/ Remove	
almond (*Prunus dulcis*)	653	4	13	Poor	Poor	High/ Remove	
almond (*Prunus dulcis*)	654	Multi 4	13, 13, 13, 13	Poor	Poor	High/ Remove	

Tree Species	I.D. #	Trunk Diameter	Trunk Circumference	Overall Condition	Suitability	Expected Impact	Status
almond (*Prunus dulcis*)	655	Multi 4	16, 16, 16, 16	Poor	Poor	High/ Remove	
silk tree (*Albizia julibrissin*)	656	8	25	Fair	N/A	Low-moderate	
Italian cypress (*Cupressus sempervirens*)	657	8	25	Good	N/A	Low-moderate	
Italian cypress (*Cupressus sempervirens*)	658	6	19	Good	N/A	Low-moderate	
bottle brush (*Callistemon viminalis*)	659	8	25	Good	Poor	Low-moderate	
coast live oak (*Quercus agrifolia*)	660	8	25	Fair	Fair	High/ Remove	
deodar cedar (*Cedrus deodara*)	661	10	31	Good	N/A	Low-moderate	
black walnut (*Juglans nigra*)	662	Multi 6	19, 19, 19, 19	Dead	Poor	High/ Remove	
black walnut (*Juglans nigra*)	663	29	91	Poor	Poor	High/ Remove	Ordinance Size
Peruvian pepper (*Schinus molle*)	664	50	157	Very poor	Poor	High/ Remove	Ordinance Size
avocado (*Persea americana*)	665	8	25	Poor	Poor	High/ Remove	
black walnut (*Juglans nigra*)	666	14, 10	44, 31	Fair	Poor	High/ Remove	Ordinance Size
Peruvian pepper (*Schinus molle*)	667	8	25	Poor	Poor	High/ Remove	
olive (*Olea europaea*)	668	Multi 4	13, 13, 13, 13	Good	Poor	High/ Remove	
Catalina ironwood (L*yonothamnus floribundus subsp. aspleniifolius*)	669	10	31	Good	N/A	Low	

Tree Species	I.D. #	Trunk Diameter	Trunk Circumference	Overall Condition	Suitability	Expected Impact	Status
Catalina ironwood (L*yonothamnus floribundus subsp. aspleniifolius*)	670	12	38	Good	N/A	Low	Ordinance Size
coast redwood (*Sequoia sempervirens*)	671	13	41	Good	N/A	Moderate-high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	672	17	53	Good	N/A	Moderate-high	Ordinance Size
coast redwood (*Sequoia sempervirens*)	673	38	119	Good	N/A	Moderate-high	Ordinance Size

Appendix C: Photographs

C1: Failed Pepper #654

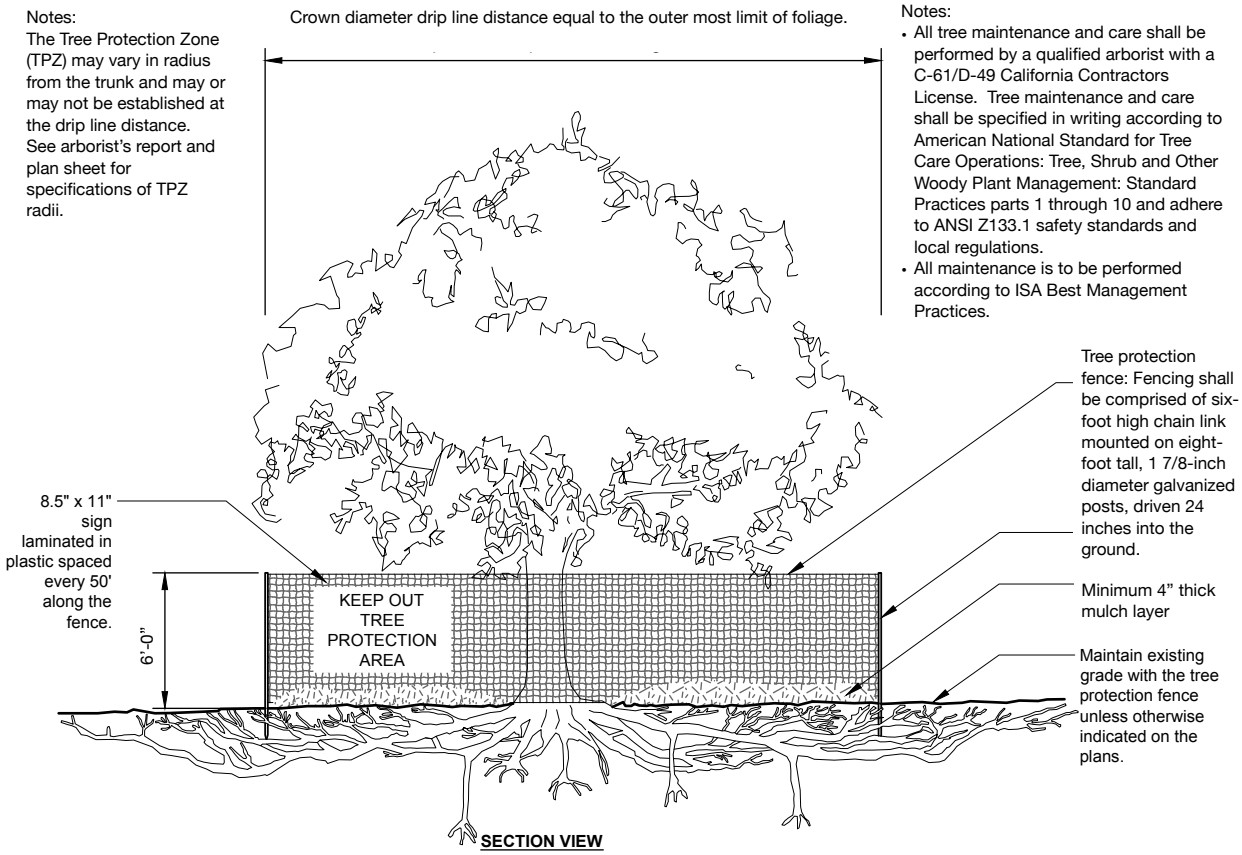
C2: Declining Redwoods #630-#633 on adjacent site

C3: Redwoods #634 to #641 on adjacent site

C4: Black Walnut #666

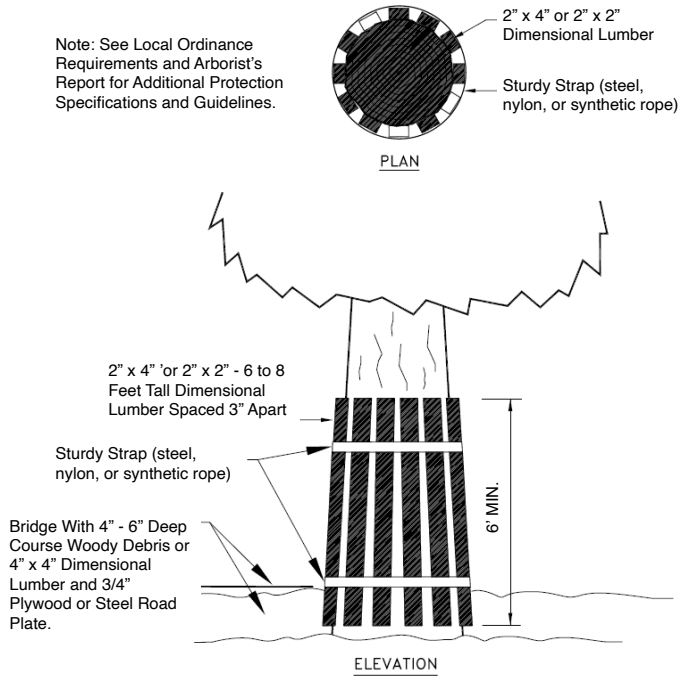
Appendix D: Tree Protection Guidelines

Plan Sheet Detail S-X (Type I)



S-X TREE PROTECTION

Plan sheet detail for trunk protection



Trunk Protection Vertical Timber Detail

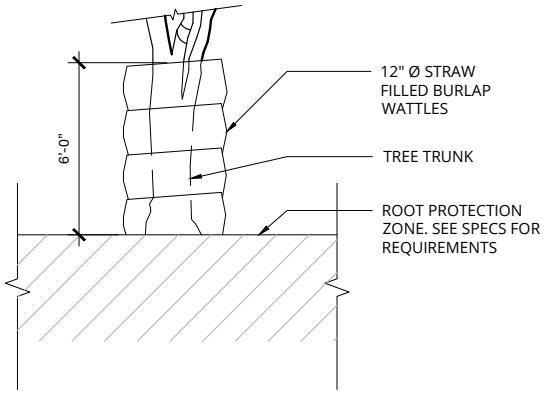


IMAGE 3: WRAPPING WITH STRAW WATTLE

13.32.130 - Safeguarding trees during construction.

For the purpose of safeguarding trees during construction, all of the following conditions shall apply to all such trees except for trees for which a tree removal permit has been issued or which are required to be removed pursuant to Chapter 13.28:

A. Prior to the issuance of any approval or permit for the construction of any improvement on the building site, all trees on the site shall be inventoried by the owner or contractor as to size, species and location on the lot and the inventory shall be submitted on a topographical map to the director; and
B. Damage to any tree during construction shall be immediately reported by a person causing the damage, the responsible contractor, or the owner to the director, and the contractor and/or owner shall treat the tree for damage in the manner specified by the city arborist; and
C. No construction equipment, vehicles or materials shall be stored, parked or standing within the tree dripline; and”
D. Drains shall be installed according to city specifications so as to avoid harm to trees due to excess watering; and
E. Wires, signs and other similar items shall not be attached to trees; and
F. Cutting and filling around the base of trees shall be done only after consultation with the city arborist and then only to the extent authorized by the city arborist; and
G. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or wastewater shall be dumped on the ground or into any grate between the dripline and the base of the tree or uphill from any tree where certain substances might reach the roots through a leaching process; and
H. Fencing shall be installed outside the canopy of the tree to the dripline unless otherwise directed by the certified arborist to prevent injury to trees making them susceptible to disease causing organisms; and
I. Wherever cuts or soil disturbances are made in the ground near the roots of trees, appropriate measures shall be taken to prevent exposed soil from drying out and causing damage to tree roots as prescribed in a certified arborist report.

(Ords. 21362, 26595.)

Pre-Construction Meeting with the Project Arborist

Prior to beginning work, all contractors involved with the project should attend a pre construction meeting with the project arborist to review the tree protection guidelines. Access routes, storage areas, and work procedures will be discussed. Tree protection locations should be marked before any fencing contractor arrives.

Tree Protection Zones and Fence Specifications

Tree protection fence should be established prior to the arrival of construction equipment or materials on site. Fence should be comprised of six-foot high chain link fence mounted on eight-foot tall, 1 7/8-inch diameter galvanized posts, driven 24 inches into the ground and spaced no more than 10 feet apart. Once established, the fence must remain undisturbed and be maintained throughout the construction process until final inspection.

The fence should be maintained throughout the site during the construction period and should be inspected periodically for damage and proper functions.

Fence should be repaired, as necessary, to provide a physical barrier from construction activities.

A final inspection by the city arborist at the end of the project will be required prior to removing any tree protection fence and replacement tree shall be planted at this time.

Monitoring

Any trenching, construction or demolition that is expected to damage or encounter tree roots should be monitored by the project arborist or a qualified ISA Certified Arborist and should be documented.

The site should be evaluated by the project arborist or a qualified ISA Certified Arborist after construction is complete, and any necessary remedial work that needs to be performed should be noted.

Restrictions Within the Tree Protection Zone

No storage of construction materials, debris, or excess soil will be allowed within the Tree Protection Zone. Spoils from the trenching shall not be placed within the tree protection zone either temporarily or permanently. Construction personnel and equipment shall be routed outside the tree protection zone of 39 feet from the trunk.

Root Pruning

Root pruning shall be supervised by the project arborist. When roots over two inches in diameter are encountered they should be pruned by hand with loppers, handsaw, reciprocating saw, or chain saw rather than left crushed or torn. Roots should be cut beyond sinker roots or outside root branch junctions and be supervised by the project arborist. When completed, exposed roots should be kept moist with burlap or backfilled within one hour.

Boring or Tunneling

Boring machines should be set up outside the drip line or established Tree Protection Zone. Boring may also be performed by digging a trench on both sides of the tree until roots one inch in diameter are encountered and then hand dug or excavated with an Air Spade® or similar air or water excavation tool. Bore holes should be adjacent to the trunk and never go directly under the main stem to avoid oblique (heart) roots. Bore holes should be a minimum of three feet deep.

Timing

If the construction is to occur during the summer months supplemental watering and bark beetle treatments should be applied to help ensure survival during and after construction.

Tree Pruning and Removal Operations

All tree pruning or removals should be performed by a qualified arborist with a C-61/D-49 California Contractors License. Tree pruning should be specified according to ANSI A-300A pruning standards and adhere to ANSI Z133.1 safety standards. Trees that need to be removed or pruned should be identified in the pre-construction walk through.

Tree Protection Signs

All sections of fencing should be clearly marked with signs stating that all areas within the fencing are Tree Protection Zones and that disturbance is prohibited. Text on the signs should be in both English and Spanish (Appendix E).

Signage stating, “Warning-This fencing shall not be removed without permission from the City of San Jose Planning Office (408) 535-3555”. Shall be placed on all tree protection fencing and remain until final occupancy.

13.32.100 - Permit findings.

A. Neither the director nor the planning commission on appeal shall issue a permit for the removal of any tree, other than an unsuitable tree, on any private parcel of land in the city unless the director or the commission on appeal makes at least one of the following findings:

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. That the location of the tree with respect to a proposed improvement unreasonably restricts the economic development of the parcel in question; or

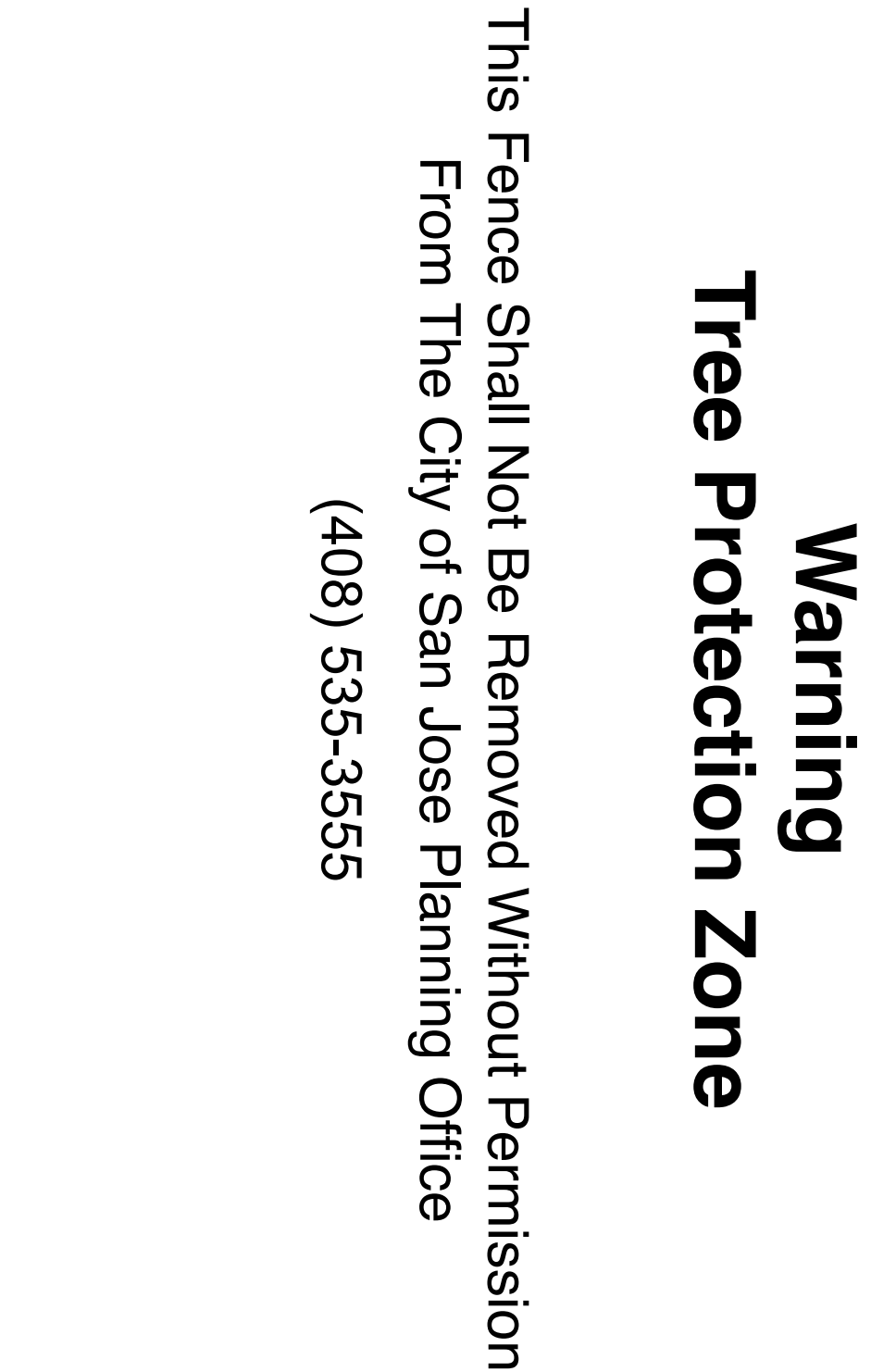
3. That the condition of the tree with respect to disease, danger of falling, proximity to an existing or proposed structure, and/or interference with utility services, is such that preservation of the public health or safety requires its removal; or.

In connection with an application to remove a dead tree, the director or the planning commission on appeal shall consider whether the subject tree was in any way injured, removed or caused to be injured or removed by the applicant, in addition to the findings required to be set forth pursuant to the provisions herein above. C.

The planning director shall not issue a permit for the removal of an unsuitable tree on any private parcel of land in the city unless the director finds that the tree is an unsuitable tree as defined in Section 13.32.020.(Prior code § 8935; Ords. 21363, 26595, 29195.)

Appendix E: Tree Protection Signs

E1: English



E2: Spanish

Cuidado
Zona De Arbol Pretejido

Este cercado no será eliminado sin permiso de la City of San Jose Planning Office

(408) 535-3555

Qualifications, Assumptions, and Limiting Conditions

Any legal description provided to the consultant is assumed to be correct. Any titles or ownership of properties are assumed to be good and marketable. All property is appraised or evaluated as though free and clear, under responsible ownership and competent management.

All property is presumed to be in conformance with applicable codes, ordinances, statutes, or other regulations.

Care has been taken to obtain information from reliable sources. However, the consultant cannot be responsible for the accuracy of information provided by others.

The consultant shall not be required to give testimony or attend meetings, hearings, conferences, mediations, arbitration, or trials by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services.

This report and any appraisal value expressed herein represent the opinion of the consultant, and the consultant's fee is not contingent upon the reporting of a specified appraisal value, a stipulated result, or the occurrence of a subsequent event.

Sketches, drawings, and photographs in this report are intended for use as visual aids, are not necessarily to scale, and should not be construed as engineering or architectural reports or surveys. The reproduction of information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is only for coordination and ease of reference. Inclusion of said information with any drawings or other documents does not constitute a representation as to the sufficiency or accuracy of said information.

Unless otherwise expressed: a) this report covers only examined items and their condition at the time of inspection; and b) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that structural problems or deficiencies of plants or property may not arise in the future.

Certification of Performance

I Richard Gessner, Certify:

That I have personally inspected the tree(s) and/or the property referred to in this report, and have stated my findings accurately. The extent of the evaluation and/or appraisal is stated in the attached report and Terms of Assignment;

That I have no current or prospective interest in the vegetation or the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

That the analysis, opinions and conclusions stated herein are my own;

That my analysis, opinions, and conclusions were developed and this report has been prepared according to commonly accepted Arboricultural practices;

That no one provided significant professional assistance to the consultant, except as indicated within the report.

That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party, nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any other subsequent events;

I further certify that I am a Registered Consulting Arborist® with the American Society of Consulting Arborists, and that I acknowledge, accept and adhere to the ASCA Standards of Professional Practice. I am an International Society of Arboriculture Board Certified Master Arborist®. I have been involved with the practice of Arboriculture and the care and study of trees since 1998.

Richard J. Gessner

ASCA Registered Consulting Arborist® #496
ISA Board Certified Master Arborist® WE-4341B

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