
APPENDIX C

ARBORIST REPORT



Arborist Report
200 N. Bascom Avenue
San Jose, CA 95128

Prepared for:
Merrill-Morris Partners
100 Filbert Street,
Oakland, CA 94607

Submitted by: Tony Wayne Wolcott
Registered Consulting Arborist #685
BCMA – WE 3284B ISA
959 Cheyenne Drive,
Walnut Creek, CA, 94598

March 23, 2020

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Introduction

Manuel Quintero of Merrill-Morris Partners contacted me on Thursday, February 27, 2020. He sent an email about a project located at 200 N. Bascom Avenue in San Jose, California. An arborist report was required to evaluate the existing tree removal work and tree replacement requirements. The City of San Jose has requirements for trees in development projects. The city needs an arborist report with an application for tree removal. There are also San Jose requirements for planting trees as part of the development.

Through my conversations with Mr. Quintero, we settled on a fee for my services. We also discussed the scope of work and a timeline for completion. I was able to visit the site on two dates – March 1st and March 13, 2020. I photographed the existing site and the relevant trees.

Site Description

200 N. Bascom sits on the southwest corner of N. Bascom Avenue and Forest Avenue. The northern boundary separates the subject property and a fast-food restaurant to the north. Trees that grow in the north property overhang the 200 N. Bascom property. Street trees are absent on the sidewalks along Forest Avenue and Bascom Avenue. Google photos show the existing commercial enterprise was busy. Cars parked entirely around the existing structure. This building is U-shaped with the gated open end facing out to Bascom Avenue.

The only existing trees on the 200 N. Bascom property are in the courtyard bounded by the U-shape and the gate. Four trees were planted in the enclosure. Each tree has a square opening about a three-foot square. See the photo below.



Assignment

Through my conversations with Manuel Quintero, we reached an agreement on the following deliverables:

1. Provide an arborist report that assesses the four existing trees on the 200 N. Bascom property. The report includes species identification, diameter at 4.5 feet above grade, height, condition (health, structure, and form).
2. Provide a narrative in the above arborist report summarizing the following: City of San Jose development requirements regarding trees and street trees, processes in removing trees. Assess the effect that existing neighborhood trees have on the subject property, and soil recommendations.
3. Provide a City of San Jose Form #150, completed with a separate arborist report detailing the reasons for removal. Include in the submission – photographs of each tree, a tree description Table, and a Site Plan with corresponding tree numbers matched to the Tree Description Table. The application fee is not included. Provide the Permit Adjustment Application as a possible alternative.

Limits of Assignment

The arborist report is the initial step in satisfying San Jose requirements. Further work may be necessary to obtain the required permits and notices to proceed. This arborist report is for the use of Merrill-Morris partners

Discussion

The City of San Jose has several tree ordinances relating to tree removal, tree pruning, and tree planting (<https://www.sanjoseca.gov/home/showdocument?id=15395>). The 200 N. Bascom Avenue project is a commercial development. Form #175 (page 1) and Form #150 (page 2 – 4) spell out conditions for commercial property. “On these types of properties (i.e., commercial), a permit is required for the removal of trees of any size.” (Page 2)

Form 150 goes on to say on page 2: If not an ordinance-size tree complete a “Permit Adjustment Applications.” San Jose has several definitions of types of trees. The four trees on 200 N. Bascom are not Heritage Trees; they are not unsuitable species of trees. However, these four trees are diseased. The definition of a San Jose ordinance tree is any tree 38 inches in circumference measured at 4.5 feet above the ground.

Industry-standard uses diameter measured at 4.5 feet. Since $C = \pi D$, $D = C \div \pi$, the diameter is equivalent to 12.1 inches. These four trees have diameters of 10.75 inches or less. These trees are not Ordinance trees by San Jose standards. It follows that the property owner fills out the Permit Adjustable Application (<https://www.sanjoseca.gov/home/showdocument?id=15361>).

This arborist report should accompany the Permit Adjustable Application. This report will also include the standard Form 150 -- Tree Removal Permit Application Form (<https://www.sanjoseca.gov/home/showdocument?id=15395>) and a filled out Form 150 with site plan and tree legend.

The San Jose permit application fee is very much in question (see www.sanjose.gov/PlanningFees). Prices for unsuitable or dead trees = \$244 for one tree, \$33 for each additional tree. For a live tree removal permit, the cost is \$2,599. Even the adjustable application has a fee of \$325* (over the counter review), \$81* - per additional 1/4 hour, \$899* for major adjustment \$325* - per additional hour-- *includes Citywide Planning fee.

Clarification on which form to use and what the fee would be for applying is not possible at this time. The planning department hopes to resume telephone hours on Thursday, March 26, 2020.

Observations

There are several tree-related issues on the 200 N. Bascom Avenue property. To the north on the fast-food property, six trees overhang the subject property. These trees are London plane trees (*Platanus X hispanica*). The trees spread 18 feet into the North Bascom property. The property owners should agree on pruning these trees. Reduction pruning on overhanging branches can bring back branches a few feet from the fence-line. See the photo below.



Reducing the extent of overhanging branches is recommended. Three other trees are in the same location, closer to Bascom Avenue.

The same situation applies to the two avocado trees on the eastern backside. However, avocado trees do not respond well to significant reduction pruning. At most, these trees invade the subject property 13 feet. A pruning program that prevents any further expansion is all that is necessary.



Slight pruning is needed to keep the avocado trees in check.

There are no existing street trees on N. Bascom Avenue or Forest Avenue. The reason may be due to the corner intersection as well as infrastructure conflicts. It is

up to the San Jose city arborist to decide on any locations for street trees. The location of new street trees will be determined at the street improvement stage. The city has designated trees for certain streets. This portion of North Bascom Avenue has Tipuana trees (*Tipuana tipu*). Forest Avenue has Japanese zelkova (*Zelkova serrata* ‘Schmidtlow’) as their designated street tree.

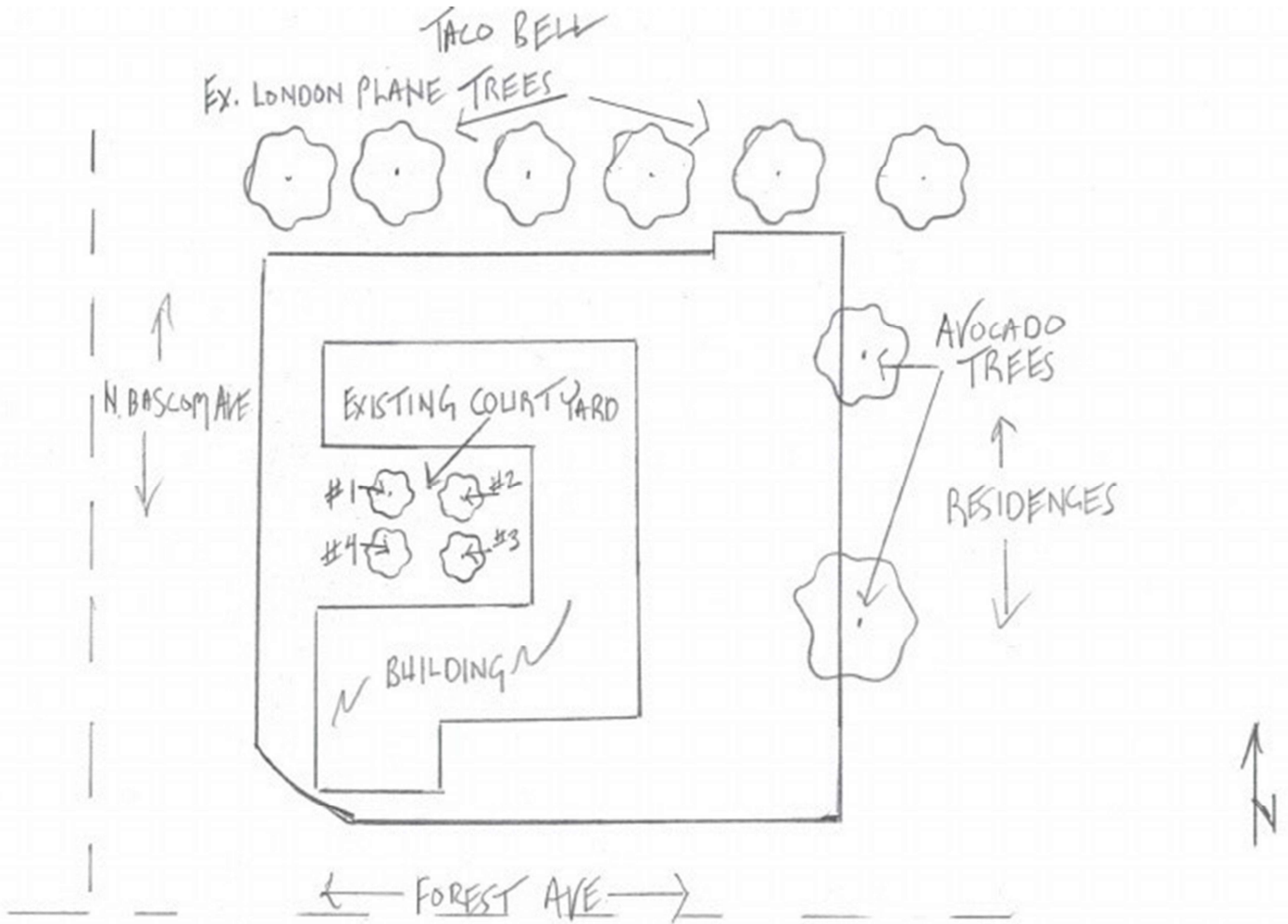
As a general observation, asphalt and concrete cover most of this property. The lone exception is the small squares for the courtyard trees. With planting new trees and further landscaping, the soil requires aeration. Remove any toxic dirt and provide planting soil with high organic matter (5%). I recommend a soil analysis to address deficiencies. The annual addition of organic mulch is accepted practice.

Only four trees exist on this property. These trees sit in the inner courtyard. See Table-1 for the tree analysis.

Table – 1 Tree Description Table

Tree Number	Remove	Describe Reasons for Removal of Tree	Circumference	Distance to trunk	Wild-life
Flowering Pear <i>Pyrus calleryana</i> ‘Var’	Remove	Not ordinance size trees, tree locations in new building footprint, trees are diseased with poor structure	In inches	In feet	
1. Flowering pear	Remove	Fire blight, the stem okay, suckers, water sprouts, poor condition	33.8	11	No
2. Flowering pear	Remove	Fire blight, suckers, water sprouts, stem decay	28.3	11.25	No
3. Flowering pear	Remove	Fire blight, the stem okay, suckers, water sprouts, stem decay	33	11.5	No
4. Flowering pear	Remove	Fire blight, the stem okay, suckers, water sprouts, poor health	32.2	11.5	No

Site Plan for Tree Locations



- #1 FLOWERING PEAR
- #2 FLOWERING PEAR
- #3 FLOWERING PEAR
- #4 FLOWERING PEAR

200 N. BASCOM AVE
SAN JOSE, CA
EXISTING TREES
NOT TO SCALE
DB: TONY WOLCOTT
03.22.2020



Tree #1 Flowering pear, note the fireblight damage on top.



Tree #2 Flowering pear, note the lean, poor condition, and fireblight damage.



Tree #3 Flowering pear, note the suckers and poor condition.



Tree #4 Flowering pear, note the suckers, poor condition, and fireblight.

The permit adjustment application is below. A better version can be downloaded at <https://www.sanjoseca.gov/home/showdocument?id=15361>



Planning, Building, and Code Enforcement
 200 E. Santa Clara St., San José, CA 95113
 408-535-3555 | www.sanjoseca.gov/planning

PERMIT/MAJOR PERMIT ADJUSTMENT APPLICATION

TO BE COMPLETED BY PLANNING COUNTER STAFF				
FILE NUMBER AD				RECEIPT # _____
QUAD:	ZONING:	GP:	COUNCIL DISTRICT:	DATE: _____
PD ZONING #		PREVIOUS PERMIT:		AMOUNT: _____
<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> INDUSTRIAL				
TO BE COMPLETED BY APPLICANT (PLEASE PRINT OR TYPE)				
PROPERTY LOCATION/ ADDRESS:				
ASSESSOR'S PARCEL NUMBER(S)				
DESCRIPTION OF PROPOSED MINOR CHANGE <i>(Approval is limited to description contained herein)*</i>				
DOES THE PROJECT INVOLVE HUD FEDERAL FUNDING/ASSISTANCE? <input type="checkbox"/> NO <input type="checkbox"/> YES If yes, please indicate type of funding and submit documentation (e.g. NEPA) to Planning Staff*				
<i>*Planning Staff: Please refer application and documentation to Environmental Team for further review.</i>				
SIGNATURE OF PROPERTY OWNER REQUIRED				
Check One: <input type="checkbox"/> I hereby certify that a Homeowner's Association/Architectural Review Committee does exist and have reviewed this project. Please include a copy of their letter and comments with the application. <input type="checkbox"/> I hereby certify that a Homeowner's Association does not exist to comment on the requested change to my property.				
PRINT NAME OF PROPERTY OWNER			DAYTIME TELEPHONE () ()	
ADDRESS		CITY	STATE	ZIP CODE
REQUIRED SIGNATURE OF PROPERTY OWNER <i>(see page 2)</i>				DATE

** Proposals that include changes to existing wireless facilities or new facilities require a submittal of a completed Environmental Exemption form or documentation of approved Environmental Clearance for the proposed project at application appointment.*

Please submit this application to the Planning Permit Center, 1st floor of City Hall. The Planning Permit Center Counter hours are posted on our website at <http://www.sanjoseca.gov/planning/>. For assistance, call (408) 535-3555.

Permit Adjustment and Applications Rev. 10/26/2019

PERMIT/MAJOR PERMIT ADJUSTMENT APPLICATION

CONTACT PERSON			
PRINT NAME/COMPANY			
ADDRESS		CITY	STATE ZIP CODE
PHONE # ()	EMAIL ADDRESS		
Please complete the FRONT Sheet of this application and provide the following. INCOMPLETE APPLICATION WILL NOT BE ACCEPTED.			
<input type="checkbox"/> FILING FEE: \$325* (over the counter review) - Checks made payable to "City of San Jose" \$81* - per additional ¼ hour \$899* for Major Adjustment \$325* - per additional hour <i>*Includes Citywide Planning fee</i>		<input type="checkbox"/> STORMWATER CONTROL PLAN. A Stormwater Control Plan is required for all projects creating, replacing or expanding impervious surface by 10,000 square feet or more.	
<input type="checkbox"/> PROPERTY OWNER SIGNATURE. Can be submitted as original wet signature, faxed copy signature or electronic signature or only the property owner or representative who has Power of Attorney(POA) can sign this application. A copy of the POA must be submitted with this application.		a. Complete the Pervious & Impervious Surfaces Comparison Table located on page 4. b. All existing natural hydrologic features (depressions, names of watercourses, etc.) and significant natural resources. c. Specify soil type(s). d. Specify depth to groundwater. e. 100-year flood elevation. f. All existing and proposed topographic contours with drainage areas and sub areas delineated and arrows showing flow direction. g. Separate drainage areas depending on complexity of drainage network. h. For each drainage areas, specify types of impervious area (roof, plaza, sidewalk, streets, parking, etc) and area of each. i. Show location, size, and identification (including description), of Source Control Measures (SCMs) and Water Quality Treatment Control Measures (TCMs) such as swales, detention basins, infiltration trenches, etc. j. Details of all proposed water quality treatment control measures. k. Location, size and identification of proposed landscaping/plant material. l. Ensure consistency with Grading and Drainage Plan and Landscape Plan. m. Supplemental Report:	
<input type="checkbox"/> ASSESSOR'S PARCEL MAP marked with the project location.		1. Calculations illustrating water quality treatment control measures meet numerical standards set forth in Post-Construction Urban Runoff Management Policy No. 6-29. 2. Name and location of receiving water body. 3. Identify pollutants and pollutant source areas, including loading docks, food service areas, refuse area, outdoor processes and storage, vehicle cleaning, repair or maintenance, fuel dispensing.	
<input type="checkbox"/> PHOTOGRAPHS of existing building or subject area.			
<input type="checkbox"/> Four (4) Copies of the development plans. An additional plan set is required if stormwater is required. The development plan should include:			
a. A SITE PLAN* DRAWN TO SCALE showing the location of the proposed changes on the subject property and b. A DRAWING TO SCALE of the proposed change (elevations, floor plans, construction, details, as appropriate). A Site Plan should contain the following basic information:			
<ul style="list-style-type: none"> • Dimensions of subject property, lot lines, and existing and proposed driveways • Streets adjoining the subject property • Existing and proposed buildings and structures, including proposed building removal • Dimensions of existing and proposed setbacks. • Existing and proposed off-street parking, loading, landscape and circulation areas. • Existing trees to be removed. Include circumference of tree at 2 feet above ground level as well as distances from existing and proposed structures and/or trees on the site. 			

Please submit this application to the Planning Permit Center, 1st floor of City Hall. The Planning Permit Center Counter hours are posted on our website at <http://www.sanjoseca.gov/planning/>. For assistance, call (408) 535-3555.

The tree removal permit application is below. A better copy can be downloaded at <https://www.sanjoseca.gov/home/showdocument?id=15395>

FORM #150 - Tree Removal on Private Property - Permit Application

PAGE 3 of 4

TREE REMOVAL PERMIT APPLICATION FORM

By Hand: Use INK and PRINT clearly. By Computer: Download a fillable form at www.sanjoseca.gov/PlanningApplications.

1. PROPERTY AND CONTACT INFORMATION

ASSESSOR'S PARCEL NUMBER: CLICK HYPERLINK OR SEE PROPERTY TAX BILL:

PROPERTY ADDRESS NUMBER: _____ STREET: _____ CITY: San Jose ZIP: _____

THE PROPERTY IS CHECK ALL THAT APPLY: SINGLE-FAMILY DUPLEX MULTIFAMILY
 COMMERCIAL or MIXED USE INDUSTRIAL PRIVATE LOT CORNER LOT

NAME	MAILING ADDRESS	EMAIL/PHONE
PROPERTY OWNER:		EMAIL: _____ PHONE: _____
CONTACT IF DIFFERENT FROM OWNER:		EMAIL: _____ PHONE: _____
= SIGNATURE of Property Owner:		DATE: _____

2. TREE EVALUATION

Answer	Question	FOR CITY USE ONLY
	a. How many trees in total are on the property?	<input type="checkbox"/> LIVE <input type="checkbox"/> DEAD <input type="checkbox"/> UNSUITABLE
	b. How many trees do you plan to remove?	File#:
<input type="checkbox"/> Yes <input type="checkbox"/> No	c. Is any tree proposed for removal on the City's Heritage Tree List? (page 1)	Prior File#:
	Of the trees you plan to remove:	District:
	d. How many present an imminent hazard or safety risk?	Gross Acres:
	e. How many are diseased?	By:
	f. How many are dead or dying?	Date:
	g. How many are 5 feet or less from a dwelling or building?	Notes:
	h. How many are 5 feet or less from center of an underground utility line?	
	i. How many are on the City's Unsuitable Tree Species List (page 2)	

3. TREE DESCRIPTION TABLE SEE EXAMPLE ON PAGE 4. COPY TO ANOTHER SHEET IF MORE THAN 10 TREES.

ALL TREES ON SITE		DESCRIBE REASON FOR REMOVAL OR REPLACEMENT TREE	TREES TO BE REMOVED		
List species of each tree. Show corresponding # on Site Plan.	Remove, Remain or Replacement?		Circumference inches	Distance to Trunk feet-inches	List birds or animals living in tree if any
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

Below is the filled-in version for Form-150 Tree Removal Permit Application Form.

FORM #150 - Tree Removal on Private Property - Permit Application

TREE REMOVAL PERMIT APPLICATION FORM

By Hand: Use INK and PRINT clearly. By Computer: Download a fillable form at www.sanjoseca.gov/PlanningApplications.

1. PROPERTY AND CONTACT INFORMATION

ASSESSOR'S PARCEL NUMBER: [CLICK HYPERLINK OR SEE PROPERTY TAX BILL](#)

PROPERTY ADDRESS NUMBER: 200 STREET: N. BASCOM AVENUE CITY: San Jose ZIP: 95128

THE PROPERTY IS CHECK ALL THAT APPLY: SINGLE-FAMILY DUPLEX MULTIFAMILY
 COMMERCIAL or MIXED USE INDUSTRIAL PRIVATE LOT CORNER LOT

NAME	MAILING ADDRESS	EMAIL/PHONE
PROPERTY OWNER:		EMAIL: PHONE:
CONTACT IF DIFFERENT FROM OWNER:	<u>959 CHEYENNE DRIVE WALNUT CREEK, CA 94598</u>	EMAIL: <u>twolcott2200@gmail.com</u> PHONE: <u>510.274.7367</u>
SIGNATURE of Property Owner:		DATE:

2. TREE EVALUATION

Answer	Question	FOR CITY USE ONLY
<u>4</u>	a. How many trees in total are on the property?	<input type="checkbox"/> LIVE <input type="checkbox"/> DEAD <input type="checkbox"/> UNSUITABLE
<u>4</u>	b. How many trees do you plan to remove?	File#:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	c. Is any tree proposed for removal on the City's Heritage Tree List? (page 1)	Prior File#:
	Of the trees you plan to remove:	District:
<u>0</u>	d. How many present an imminent hazard or safety risk?	Gross Acres:
<u>4</u>	e. How many are diseased?	By:
<u>0</u>	f. How many are dead or dying?	Date:
<u>0</u>	g. How many are 5 feet or less from a dwelling or building?	Notes:
<u>0</u>	h. How many are 5 feet or less from center of an underground utility line?	
<u>0</u>	i. How many are on the City's Unsuitable Tree Species List (page 2)	

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List species of each tree. Show corresponding # on Site Plan.	Remove, Remain or Replacement?		Circum- ference inches	Distance to Trunk feet-inches	List birds or animals living in tree if any
1. Flowering pear	Remove	fireblight, poor condition, stem decay	33.8	11	No
2. Flowering pear	Remove	fireblight, poor condition, stem decay	28.3	11.25	No
3. Flowering pear	Remove	fireblight, poor condition, stem decay	33	11.5	No
4. Flowering pear	Remove	fireblight, poor condition, suckers	32	11.5	No
5.					
6.					
7.					
8.					
9.					
10.					

Assumptions and Limiting Conditions

1. Any Legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership, and competent management.
2. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
3. The consultant/appraiser shall not be required to give testimony or attend court because of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
4. The loss or alteration of any part of this report invalidates the entire report.
5. Possession of this report or a copy thereof does not imply the right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior, expressed written or verbal consent of the consultant/appraiser.
6. Neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant/appraiser particularly as to value conclusions, identity of the consultant/ appraiser, or any reference to any professional society or institute or to any initialed designation conferred upon the consultant/appraiser as stated in his qualifications.
7. This report and values expressed herein represent the opinion of the consultant/ appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
8. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
9. Unless expressed otherwise: (1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and (2) 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 problems and deficiencies of the plants or property in question may not arise in the future.

Certificate of Performance

I, Tony Wayne Wolcott, certify that:

- I have personally inspected the subject tree, and the area on the property referred to in this report and have stated my findings accurately. The extent of the evaluation or appraisal is stated in the attached report and the Terms of Assignment.
- I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
- The analysis, opinions, and conclusions stated herein are my own and are based on current scientific procedures and facts.
- My analysis, opinions, and conclusions have been developed, and this report has been prepared to commonly accepted arboricultural practices.
- No one provided significant professional assistance to me, except as indicated within the report.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party or upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a member of good standing of the American Society of Consulting Arborists and the International Society of Arboriculture. I have been involved in the field of Arboriculture and the care and study of trees for over 33 years.

Signed: *Tony Wayne Wolcott*

Date: March 23, 2020

Tony Wayne Wolcott
ASCA Registered Consulting Arborist #685
ISA – BCMA WE 3284B
www.tonywaynewolcott.com
510.274.7367