



City of Brisbane
50 Park Place
Brisbane, CA 94005-1310
415-508-2100
415-467-4989 Fax

**NOTICE OF APPROVAL
TREE REMOVAL PERMIT**

APPLICATION NO.: **Tree Removal TR-1-20**

APPLICANT: **Bill Reulman, Cagwin and Dorward**

OWNER(S): **City of Brisbane**

ASSESSOR'S PARCEL NO.: **005-450-997**

ZONING: **P-D Planned Development, Northeast Ridge**

LOCATION: **West side of Intersection of Mission Blue Drive and Silverspot Drive**

REQUEST: **Removal of six (6) Italian Stone Pine Trees from the west side of the intersection, adjacent to Silverspot Avenue.**

ENVIRONMENTAL STATUS: **Categorical exemption for replacement landscaping, per State CEQA Guidelines Sections 15304(b)--this proposal falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.**

The Community Development Director has granted this administrative permit and it shall be effective on June 17, 2020, unless a notice of appeal form and fee of \$390 is filed with the City Clerk, Ingrida Padilla, no later than close of business on Tuesday June 16, 2020, per Brisbane Municipal Code §12.12.060. Appeals are subject to public hearing with the City Manager. To contact the City Clerk, email ipadilla@brisbaneca.org or call (415) 508-2113. A copy of the tree removal application and Director's approval letter containing findings and conditions of approval may be viewed on the City's website at <https://www.brisbaneca.org/cd/page/log-7-day-notices-and-tree-removal-permits>

DATED: June 9, 2020



John A. Swiecki, AICP
Community Development Director



CITY OF BRISBANE
Community Development Department
50 Park Place, Brisbane, CA 94005
(415) 508-2120

Tree Removal Permit

June 9, 2020

Bill Reulman
Cagwin and Dorward
275 Leo Avenue
San Jose, CA 95112
Bill.reulman@cagwin.com

Subject: Intersection of Mission Blue Drive and Silverspot Drive, Tree Removal Permit TR-1-20

Dear Mr. Reulman:

Thank you for submitting a tree removal permit application to remove six Italian Stone Pine trees from the above referenced location.

This letter serves as the permit to remove the trees and is subject to a 7-day appeal period, during which time you or anyone else may appeal this approval to the City Manager, per Brisbane Municipal Code Section 12.12.060. If no appeal is received, the permit effective date is June 16, 2020 and upon returning a signed copy of this letter, acknowledging agreement with the conditions of approval.

Findings and conditions of approval for this permit are attached. Please sign and return a copy of this letter to Senior Planner Ken Johnson, to acknowledge your agreement with the conditions of approval. Also, keep a copy on site during the tree removal in case you are asked to demonstrate compliance with Chapter 12.12 of the Brisbane Municipal Code.

If you have any questions regarding this matter, including preparation of a replacement tree plan, please contact Mr. Johnson at (415) 508-2120, or email at kjohnson@brisbaneca.org.

Sincerely,

John Swiecki, AICP
Community Development Director

Signed and Accepted: _____ Date: _____

Bill Reulman

Attachments:

- A. Findings and Conditions of Approval
- B. Staff Report to Community Development Director, date June 9, 2020

Cc: Howard Hines, Landmark at the Ridge HOA
Randy Breault, City Engineer

ATTACHMENT A

FINDINGS

One or more finding(s) are required for approval, per BMC Section 12.12.050.B.2. The following findings are made:

- A. The trees are in close proximity to a structure, or would be in close proximity following city-approved construction, such as a building, retaining wall, utilities, etc., such that it would pose a likelihood of damage to such structures.
- B. That removal of the trees is necessary for good forestry practices, due to such factors as crowding with other trees or the spread of pests or pathogens.

CONDITIONS OF APPROVAL

1. Replacement trees shall be required to be planted on the subject property at the property owner's expense (or by prior agreement with the Public Works Dept.) in compliance with the following:
 - i. Replacement trees shall be on at least a 1:1 basis.
 - ii. Replacement size shall be of a standard fifteen (15) gallon nursery container, or larger.
 - iii. The replacement species and locations shall be approved by the Planning Director prior to planting. (Note: Species should be locally native that will not require irrigation once established. That planting plan should provide for proper spacing to avoid the need for future removals due to crowding. One or more of the replacements may be proposed at alternative locations within Landmark, if there is inadequate space within the subject parcel.)
 - iv. Replacement trees are to be planted within ninety (90) days of removal.
2. The tree stumps are to be removed to below ground level, due to their visibility.
3. The area to be vacated of trees shall be re-landscaped to the satisfaction of the Planning Director, within 90 days of removal of the trees. A re-landscaping plan shall be provided to the Planning Director for administrative review and approval. If the area to be re-landscaped is to be comprised of 1,000 square feet of irrigated area or more, it shall be subject to the Water Conservation in Landscaping Ordinance, per BMC Chapter 15.70, and a separate form, additional materials and an application fee shall apply. See the following webpage for further information:
<https://www.brisbaneca.org/cd/page/tree-removal-and-landscaping>
4. All tree removal activities shall be subject to the Noise Ordinance, BMC §8.28.060. Tree removal shall only be allowed between the hours of seven (7:00) a.m. and seven (7:00) p.m. on weekdays and nine (9:00) a.m. to seven (7:00) p.m. on weekends and holidays. Tree removal activities must meet at least one of the following noise limitations:
 - i. No individual piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source thereof.
 - ii. The noise level at any point outside of the property plane shall not exceed eighty-six (86) dBA.

Tree Removal Permit

Intersection of Mission Blue Drive and Silverspot Drive

June 9, 2020

5. Tree cutting and any chipping of tree materials shall not generate dust that would travel off-site and create a nuisance to neighboring properties, as defined in BMC §8.36.010.G.
6. Applicant shall obtain an Encroachment Permit from the City Engineer prior to undertaking the work.
7. All removal activities shall comply with applicable federal and state provisions protecting nesting or migratory birds as provided in the federal Migratory Bird Treaty Act and the California Fish and Wildlife Code, Section 3503.
8. This tree removal permit shall expire six (6) months following the effective date of the permit.



REPORT TO COMMUNITY DEVELOPMENT DIRECTOR

Date: June 9, 2020

From: Ken Johnson, Senior Planner

Subject: TR-1-20 Tree Removal Application for Six Italian Stone Pine Trees at the Intersection of Silverspot Drive and Mission Blue Drive

Request

Consideration of the application for a tree removal permit for six Italian Stone Pine trees from the west side of the intersection of Silverspot Drive and Mission Blue Drive.

Applicant

Bill Reulman of Cagwin and Dorward on behalf Landmark at the Ridge Homeowner's Association (HOA)

Background

The trees were planted as part of the Northeast Ridge development and, although not a California native, since they were part of a planned development permit they are considered protected, so they are subject to a permit for their removal per Brisbane Municipal Code Sections (BMC) 12.12.040.H.3 and 12.12.050.B. Italian Stone Pine trees are native to southern Europe. The trees indicated in this permit application are estimated to be approximately 25 years old +/- and are approximately 12 to 15 inches in diameter and roughly 25 to 30 feet in height. This species could be expected to grow to approximately twice that size over time. The trees are located within a City owned parcel along the edge of Silverspot Drive which is subject to maintenance by the HOA.

Applicable Code Sections

The trees are defined as "protected tree" per Brisbane Municipal Code (BMC) Section 12.12.040.H.3. Application and findings, decision and standard conditions for removal of a protected tree are provided in BMC Section 12.12.050.B.

Discussion

BMC Section 12.12.050.B.2 requires that one or more of four findings be made by the Planning Director (i.e. Community Development Director) for approval of an application for a protected tree removal. In this case, two findings can be made to approve the proposed tree removals:

- A. The trees are in close proximity to a structure, or would be in close proximity following city-approved construction, such as a building, retaining wall, utilities, etc., such that it would pose a likelihood of damage to such structures.

The trees are located in close proximity to a number of city improvements, including several underground utility boxes and the city sidewalk and roadway along the west side of

Silverspot Drive. The trees have numerous shallow roots that extend along the ground surface out to these city improvements and it is apparent that they have begun to lift the sidewalk at a few locations in this area. If left in place, it is anticipated that the trees will further damage these structures.

- B. That removal of the trees is necessary for good forestry practices, due to such factors as crowding with other trees or the spread of pests or pathogens.

Some individual tree canopies have grown together and the arborist has indicated that they are likely now dependent on one another, so thinning is not recommended, nor would it address the encroachment of the roots to the City structures discussed in the finding above. The arborist has further suggested that the close planting has resulted in weak individual trees and good forestry practices would lead to the removal of all six trees versus thinning. Replacements would be provided per the recommended conditions of approval and those would be to more suitable locations/species, where the new trees would have greater potential for long term health. The applicant has suggested planting locations set farther back from the street in the same general area, but this would be subject to further staff review.

The draft findings and conditions of approval are provided (Attachment 1). The above referenced findings are supported by the arborist's report, dated April 23, 2020, and by staff's observations. The arborist's report is provided for reference (Attachment 2).

Staff is also recommending a condition of approval that would require re-landscaping with lower order plants in the area from which the trees are removed.

Also in addition to the standard conditions of approval, the City Engineer has indicated that an Encroachment Permit is required prior to removal of the trees, since they are on City property.

Recommendation

That tree removal permit TR-1-20 be approved.

Attachments

1. Draft Findings and Conditions of Approval
2. Arborist's Report
3. Tree Removal Application



Ken Johnson, Senior Planner

-DRAFT-
FINDINGS FOR APPROVAL

BMC Section 12.12.050.B.2 requires that one or more of four findings be made by the Planning Director (i.e. Community Development Director) for approval of an application for a protected tree removal. In this case, two findings are made to approve the proposed removals:

- A. The trees are in close proximity to a structure, or would be in close proximity following city-approved construction, such as a building, retaining wall, utilities, etc., such that it would pose a likelihood of damage to such structures.
- B. That removal of the trees is necessary for good forestry practices, due to such factors as crowding with other trees or the spread of pests or pathogens.

A. CONDITIONS OF APPROVAL

- 1. Replacement trees shall be required to be planted on the subject property at the property owner's expense (or by prior agreement with the Public Works Dept.) in compliance with the following:
 - i. Replacement trees shall be on at least a 1:1 basis.
 - ii. Replacement size shall be of a standard fifteen (15) gallon nursery container, or larger.
 - iii. The replacement species and locations shall be approved by the Planning Director prior to planting. (Note: Species should be locally native that will not require irrigation once established. That planting plan should provide for proper spacing to avoid the need for future removals due to crowding. One or more of the replacements may be proposed at alternative locations within Landmark, if there is inadequate space within the subject parcel.)
 - iv. Replacement trees are to be planted within ninety (90) days of removal.
- 2. The tree stumps are to be removed to below ground level, due to their visibility.
- 3. The area to be vacated of trees shall be re-landscaped to the satisfaction of the Planning Director, within 90 days of removal of the trees. A re-landscaping plan shall be provided to the Planning Director for administrative review and approval. If the area to be re-landscaped is to be comprised of 1,000 square feet of irrigated area or more, it shall be subject to the Water Conservation in Landscaping Ordinance, per BMC Chapter 15.70, and a separate form, additional materials and an application fee shall apply. See the following webpage for further information:
<https://www.brisbaneca.org/cd/page/tree-removal-and-landscaping>
- 4. All tree removal activities shall be subject to the Noise Ordinance, BMC §8.28.060. Tree removal shall only be allowed between the hours of seven (7:00) a.m. and seven (7:00) p.m. on weekdays and nine (9:00) a.m. to seven (7:00) p.m. on weekends and holidays. Tree removal activities must meet at least one of the following noise limitations:
 - i. No individual piece of equipment shall produce a noise level exceeding eighty-three (83) dBA at a distance of twenty-five (25) feet from the source thereof.
 - ii. The noise level at any point outside of the property plane shall not exceed eighty-six (86) dBA.

Staff Report for Tree Removal Permit
Intersection of Mission Blue Drive and Silverspot Drive
June 9, 2020

5. Tree cutting and any chipping of tree materials shall not generate dust that would travel off-site and create a nuisance to neighboring properties, as defined in BMC §8.36.010.G.
6. Applicant shall obtain an Encroachment Permit from the City Engineer prior to undertaking the work.
7. All removal activities shall comply with applicable federal and state provisions protecting nesting or migratory birds as provided in the federal Migratory Bird Treaty Act and the California Fish and Wildlife Code, Section 3503.
8. This tree removal permit shall expire six (6) months following the effective date of the permit.

April 23, 2020

Re: Arborist Report for the removal of (6) Pine trees at the base of the Landmark at the Ridge HOA

Purpose: Request to remove and replace these trees for the purposes of landscape redevelopment, sustainability and increased property value. As well as to address the concerns with these trees current and long term impact on the property.

Currently there are three primary reasons why it is best to remove all trees.

1. These trees are growing in a community. Most of them have grown together with a shared canopy creating a buffer and codependency on each other for support and shelter from the elements. Removing select trees will greatly impact the remaining trees and will put them in a position to endure elements such as wind throw and sun exposure that they do not currently have to endure in their current construct. They will also loose essential structural support one tree lends to another that could and most likely would lead to branch/limb failure. When trees grow together the branches are often weaker and less able to support themselves in the absence of any neighboring tree(s).
2. Removing select trees for the purposes of relandcaping and upgrading the irrigation will require the need to grind stumps and surface roots. Trees roots of the same species often graft together underground essentially creating a shared roots community. Grinding the stump and roots of multiple trees and leaving a few trees behind could and most likely would compromise the remaining trees structural stability and root health.
3. The root system on these trees is very shallow and intrusive on the current landscape, irrigation, underground utilities and sidewalk. The sidewalk is lifting in some areas and the roots have surfaced throughout the landscape area greatly minimizing the ability for shrubs and plants to grow and flourish under these trees.

Leaving these trees is not a sound long term decision. The surface roots have already begun impacting the landscape, sidewalk, irrigation and surrounding infrastructure. This situation will only worsen with time and root pruning is not an option as it will greatly impact the long term health and stability of these trees. Furthermore, the select removal of certain trees while leaving other creates more problems than it solves.

In response to this situation the Landmark at the Ridge BOD is willing to invest in the redevelopment of this area for the purposes of providing a sustainable long term solution to the existing challenges and to beautify the area. The proposed plan includes replacing these trees with beautiful replacements that will be sustainable and will be better suited to coexist with the new landscaping and infrastructure long term.

Sincerely,



Bill Reulman

Certified Arborist WE- 5045A

Cagwin and Dorward Landscape and Tree Care

ATTACHEMENT 3



City of Brisbane
Community Development Dept.
50 Park Place
Brisbane, CA 94005
(415) 508-2320

City Hall Hours: M-T-Th 8-5, W 8-8, F 8-1

Application for Protected Tree Removal

RECEIVED

MAR 13 2020

TR-1-20
Fee amount: NA
Received Date: 3-13-2020
Receipt No: NA

Comm. Dev. Dept. Brisbane

Applicability: Brisbane Municipal Code Section 12.12.050.B allows that a protected tree may be removed following the granting of a permit by the Community Development Director. This application form, an application fee and the supplemental materials identified herein are required to process a tree removal application. A Non-protected Mature Tree may be removed, subject to certain requirements, following the filing of a 7-Day Notice by Owner to the City. See further notes on pages 4 and 5 of this form and the separate 7-Day Notice form, if applicable.

This form may not be used to request removal of trees located in the public right-of-way. For trees within the public right-of-way, contact the Department of Public Works. This form may not be used for trees on property owned by others who are not listed on this form and who have not given authorization for the request by signing this form.

Processing Time: The City will notify you, the applicant, of the decision to approve or deny this application or if the application is incomplete within three weeks following submittal of this application. During the review period, the Community Development Department (CDD) will require access to the property to view the tree(s) proposed for removal to verify the information provided herein.

Appeals: The Community Development Director's decision to approve or deny the application is subject to a seven-day appeal period (see page 5 for further information on appeals).

Address of Tree(s) Proposed for Removal Lead mark at The Ridge HOA - corner of Silverspot and Mission Blue.

This application is for removal of a Protected Tree (see definitions on page 3 of this form)? Yes No

If "Yes", continue with this form. If you answered "No" to the above, please STOP and complete a 7-Day Notice to City by Owner for removal of a non-protected mature tree instead, or contact the Community Development Department for more information.

Photo ID #	Species (Scientific and Common Name)	Tree circumference at 2 Ft. above Grade	Description of Tree Location
1-6	Pinus pinea Italian Stone Pine	12"-15"	Intersection of Silverspot and Mission Blue

Attach a photo of each tree, keyed to a site plan or aerial photo, indicating the location of each tree to be removed for field verification. Check that the following are included in the application:

Site plan or aerial photo showing tree location(s)/ID and A photo of each tree, keyed to the plan/aerial

A written report by an independent and qualified arborist may be required, documenting the health of the tree. If not included at the time of initial submittal, it may be required prior to permit approval. Is an arborist's report attached?

Yes, arborist's report is attached or No, a report is not included at this time.

Page 1 of 5

Prepared 11/5/19

Emailed resp. on 4/1/2020

Indicate one or more applicable reasons for removal. For multiple trees, please note the applicable reasons for each tree.

- The tree is dead.
- The tree is diseased such that it poses an imminent danger of falling or dropping limbs.
- The tree is in close proximity to a structure, or would be in close proximity following city-approved construction, such as a building, retaining wall, utilities, etc., such that it would pose a likelihood of damage to such structures. P.O. SIGN
- That removal of the tree is necessary for good forestry practices, due to such factors as crowding with other trees or the spread of pests or pathogens.
- The tree poses a risk to the property due to unusual site conditions or fire hazard.
- The tree unreasonably interferes with the economic or other enjoyment of the property.

Provide further description as may be needed, or attach a description further explaining reasons for removal:

Tree replacements are required for protected trees on at least a one-to-one basis are required:

Tree planting plan is attached (check if attached)

If a tree planting plan is not attached, please explain:

Owner's Information:

Leadmark at The Ridge HOA BOD President Howard Hines

Owner First Name Last Name

Email _____ Phone _____

OWNER ACKNOWLEDGMENT

The information submitted herein is true and correct and I am the owner of the property for which this Application for Tree Removal is requested.

Property Owner's Signature (required) _____ Date 3-13-2020

Page 2 of 6

Prepared 11/5/19

If an agent is submitting on behalf of the owner, provide the following additional information:

B. H. Reulman Caprin and Dorward
Agent First Name Agent Last Name Business Name

Business Street # Street City State Zip

Email _____

Business Phone _____ Mobile Phone _____

Agent Signature (required) _____ Date 3/10/20

Page 3 of 5

Prepared 11/5/19



RECEIVED

MAR 13 2020

Comm. Dev. Dept. Brisbane

RECEIVED

MAR 13 2020

Comm. Dev. Dept. Brisbane

