



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

**NOTICE OF APPROVAL OF
TREE REMOVAL PERMIT**

APPLICATION NO.: **Tree Removal TR-10-20**

APPLICANT/OWNER: **Matt Urias, applicant/ Michael and Anne Woods, owners.**

ASSESSOR'S PARCEL NOS.: **007-511-200**

ZONING: **R-1 Residential District**

LOCATION: **887 Humboldt Road**

REQUEST: **Removal of one (1) Coast Live Oak from the rear yard.**

ENVIRONMENTAL STATUS: **Categorical exemption for replacement landscaping, per State CEQA Guidelines Sections 15304--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 December 1, 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 **Monday, November 30, 2020**, per Brisbane Municipal Code §12.12.060. (Please note the City will be closed November 26 and November 27, 2020 in observance of Thanksgiving.) 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: November 19, 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

November 19, 2020

Matt Urias
ArboristNow
580 California St.
San Francisco, CA 94104

Via email to matt@arboristnow.com

Subject: Protected Tree Removal at 887 Humboldt Road

Dear Mr. Urias:

Thank you for submitting a tree removal permit application to remove one Coast Live Oak tree from your clients' property at 887 Humboldt Road.

This letter serves as the permit to remove the tree. This permit is typically 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. However, due to the Thanksgiving holiday for which City Hall will be closed on November 26 and November 27, the appeal period will be extended to Monday, November 30. If no appeal is received by that date, the permit effective date is December 1, 2020.

In order for the permit to be effective, **please sign and return a copy of this letter** to Senior Planner Julia Ayres (see contact info below) and 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, please contact Julia at (415) 519-0165, or email jayres@brisbaneca.org.

Sincerely,

John Swiecki
Community Development Director

Signed and Accepted: _____ Date: _____

Matt Urias

Cc: Anne and Michael Woods, 887 Humboldt Road, Brisbane, CA 94005
TR-10-20 Permit file

FINDINGS

- A. The Coast Live Oak is defined as a “protected tree” and the following finding is made approving its removal, per BMC Section 12.12.050.B.2.c: 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, specifically Sudden Oak Death.

CONDITIONS OF APPROVAL

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense for the California Bay in compliance with the following:
 - a. Replacement trees shall be on at least a 1:1 basis.
 - b. Replacement size shall be of a standard fifteen (15) gallon nursery container, or larger.
 - c. The replacement species and location shall be approved by the Planning Director prior to planting.
 - d. Replacement trees are to be planted within ninety (90) days of removal.
2. 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.
3. 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.
4. This letter does not authorize tree removal from other properties or entry to other neighboring properties where limbs may hang over. If the tree removal activities require entry onto an adjacent yard, the applicant shall contact the owner of that property to arrange a private agreement.
5. 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.
6. This tree removal permit shall expire six (6) months following the effective date of the permit.



REPORT TO COMMUNITY DEVELOPMENT DIRECTOR

Date: November 19, 2020

From: Julia Ayres, Senior Planner

Subject: TR-10-20 Tree Removal Application for One Coast Live Oak Tree from 887 Humboldt Road

Request

Consideration of the application for a tree removal permit for one Coast Live Oak tree from the rear yard of the single family home at 887 Humboldt Road.

Applicant/Owner

Matt Urias, applicant/ Michael and Anne Woods, owners.

Applicable Code Sections

The Coast Live Oak tree is defined as a “protected tree” per Brisbane Municipal Code (BMC) Section 12.12.040.H.1. Application and findings, decision and standard conditions for removal of a protected tree are provided in BMC Section 12.12.050.B.

Discussion

The subject Coast Live Oak (scientific name *Quercus agrifolia*) is approximately 30 inches in circumference at 2 feet above ground. The tree is on a site with a dense tree canopy and is in close proximity to other Coast Live Oaks on the site, as evidenced by the aerial photos and site photos provided in the attached application materials. The applicant, a certified ISA Arborist, has diagnosed the tree with Sudden Oak Death disease, necessitating the tree’s removal to cease the spread of the disease to other adjacent oaks on and off the property.

As one of three protected species, BMC Section 12.12.050.B.2 requires that one or more of five 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, the following finding can be made to approve the proposed tree removal:

- c. 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.

Standard conditions of approval must be applied in connection with the granting of a tree removal permit that include replacement planting at a minimum 1:1 basis. The tree should ideally be of similar size at maturity as the tree that was removed. However, in this case, the applicant reports that the steep slope and small size of the rear yard would limit the size of a replacement tree to a smaller canopy size at maturity to avoid competition with the adjacent healthy, mature Coast Live

TR-10-2020
887 Humboldt Road
November 19, 2020

Oak to remain. Staff is amenable to allowing a replacement tree of a species that reaches a smaller canopy size at maturity as it would be more appropriate to the context of the site.

Recommendation

That tree removal permit TR-10-20 be approved, based on the draft finding and conditions of approval provided in Attachment 1.

Attachments

1. Draft Findings and Conditions of Approval
2. Tree location map/aerial
3. Tree Removal Application



Julia Ayres, Senior Planner

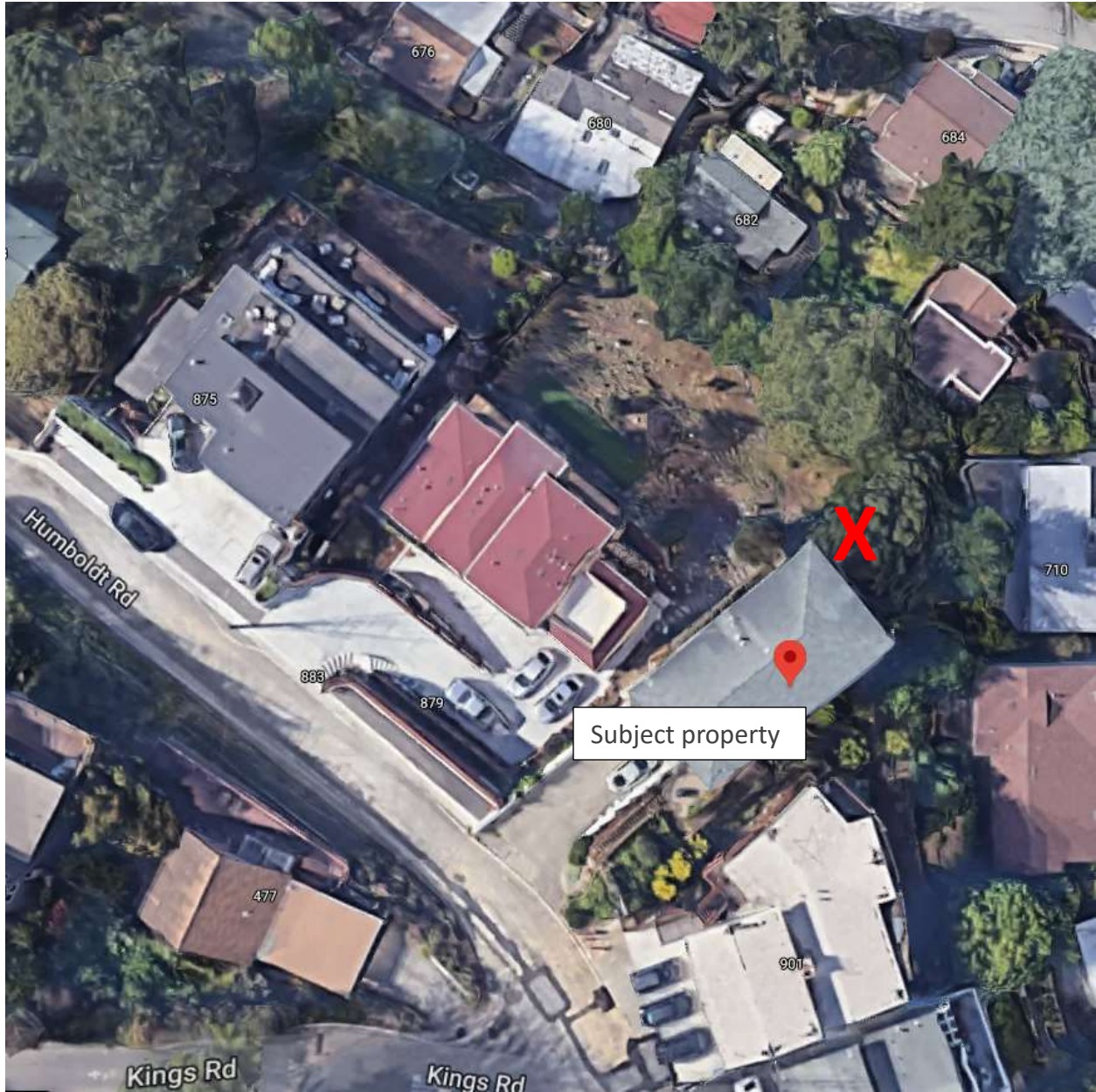
**-DRAFT-
FINDINGS**

- A. The Coast Live Oak is defined as a “protected tree” and the following finding is made approving its removal, per BMC Section 12.12.050.B.2.c: 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, specifically Sudden Oak Death.

CONDITIONS OF APPROVAL

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense for the California Bay in compliance with the following:
 - a. Replacement trees shall be on at least a 1:1 basis.
 - b. Replacement size shall be of a standard fifteen (15) gallon nursery container, or larger.
 - c. The replacement species and location shall be approved by the Planning Director prior to planting.
 - d. Replacement trees are to be planted within ninety (90) days of removal.
2. 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.
3. 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.
4. This letter does not authorize tree removal from other properties or entry to other neighboring properties where limbs may hang over. If the tree removal activities require entry onto an adjacent yard, the applicant shall contact the owner of that property to arrange a private agreement.
5. 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.
6. This tree removal permit shall expire six (6) months following the effective date of the permit.

Aerial Map
887 Humboldt Rd.





City of Brisbane
 Community Development Dept.
 50 Park Place
 Brisbane, CA 94005
 (415) 508-2120

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

Application for Protected Tree Removal

Fee amount: \$ _____
 Received Date: _____
 Receipt No. _____

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 887 Humboldt Rd

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
	Quercus agrifolia	30	backyard

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 locations(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.

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.
- 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:

Said tree presents signs of Sudden Oak Death. In order to preserve the health and vigor of another uninfected live oak in the backyard it is necessary to remove said tree.

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:

The site is extremely steep and does not lend it self to replanting. The larger oak in the backyard is the dominant feature and there's just a lack of space to replant.

Owner's Information:

[Redacted] [Redacted]
 Owner First Name Last Name
 [Redacted] [Redacted] [Redacted] [Redacted]
 Mailing Street # Mailing Street Mailing City Mailing State Mailing Zip
 Email [Redacted] Phone [Redacted]

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) [Redacted] Date 11/17/2020

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

[Redacted] [Redacted] [Redacted]
Agent First Name Agent Last Name Business Name

[Redacted] [Redacted] [Redacted] [Redacted] [Redacted]
Business Street # Street City State Zip

Email [Redacted]

Business Phone [Redacted] Mobile Phone _____

Agent Signature (required) [Redacted] Date 11/17/2020

Application for Protected Tree Removal Supplemental Information

The City's provisions regulating private tree trimming, removals and maintenance are provided in Brisbane Municipal Code Section 12.12 and may be referenced online at <http://brisbaneca.org/brisbane-municipal-code>.

This form is applicable to protected trees. Per BMC Section 12.12.040.H, "Protected tree" means each of the following:

1. **Species protected:** Any California Bay (*Umbellularia californica*), Coast Live Oak (*Quercus agrifolia*), or California Buckeye (*Aesculus californica*) that is a mature tree and is not otherwise defined as protected tree.
2. **Resolution Protected:** Any tree designated as a protected tree by resolution of the city council.
3. **Permit Protected:** Any tree, regardless of size, originally required by the city to be planted as a condition for the granting of a permit, license, or other approval, or any tree that existed at the time of the granting of such permit, license, or other approval and required by the city to be preserved as part of such approval. This includes any tree protected by a maintenance agreement, whether on private or public land. This also includes any tree, regardless of size, required by the city to be planted as a replacement for an unlawfully removed tree.
4. **Multiple Non-invasive Species:** Three (3) or more mature trees of any one or more non-invasive species that are proposed to be removed from the same property or from adjacent property under common ownership.

Additional definitions:

"Serial removal" of three or more otherwise non-protected trees within a 12 month period are subject to Application Tree Removal, unless trees are invasive species. See also 7-Day Notice by Owner to City for removal of mature invasive species, if applicable.

"Invasive Species" means any species of tree listed as invasive to the area by a community development director-approved professional organization, such as the Invasive Species Council of California (ISCC) or the California Invasive Plant Council (CAL-IPC). If trees are identified as invasive, the species needs to be indicated and the source cited for review by the Community Development Director, via the 7-Day Notice by Applicant to the City form.

"Juvenile Tree" means a tree whose trunk measures less than thirty (30) inches in circumference at twenty-four (24) inches above grade for a standard tree form, or the equivalent trunk cross-sectional area for multi-trunked trees.

"Mature Tree" means a tree whose trunk measures thirty (30) inches in circumference or more at twenty-four (24) inches above grade for a standard tree form, or the equivalent cross sectional area of trunks for multi-trunked trees.

"Non-protected Mature Tree" means any tree that fits the size criteria for a mature tree and is not listed under the definition of protected tree in this section. This includes any number of invasive species (see the definition of invasive species in Section 12.12.040.D) and up to two non-invasive mature trees that are not protected by species type, city council resolution or by city permit, per BMC Sections 12.12.040.I.2 and 12.12.040.I.3." See the definition of "mature tree" above.

"Size" means the measurement of a tree in circumference at a height of 24 inches above grade immediately surrounding the tree. For multi-trunked trees, the measurement shall be taken collectively for the trunks.

Standard Conditions: Per BMC Section 12.12.050.B.4, the following standard conditions of approval will be imposed in connection with the granting of a permit. Additional conditions may be applied at the Director's discretion.

- a. Replacement trees shall be required to be planted on the subject property at the property owner's expense 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 15 gallon nursery container, or larger.
 - iii. The replacement species and location shall be approved by the Director prior to planting. Where consistent with the context of the site, the design size of the replacement should be similar to that being removed. Consideration is also to be given to placement of trees and species, such that they would not impede fire apparatus access as they mature and avoidance of trees that pose a fire risk due to high oil content
 - iv. Replacement trees are generally to be planted within ninety (90) days of removal. The Director may allow deferment of the planting of replacement trees upon written request. Such deferments would typically be to allow trees to be planted at the optimum time of the year for healthy establishment, or where the planned replacements are part of a larger landscape replacement program.
- b. The foregoing conditions are considered minimal. Where a large protected tree is to be removed, or where the site has, or will be, largely denuded of landscaping, the Director may require re-planting on more than a 1:1 basis, and/or require a larger tree replacement size.
- c. The Director may require that a tree stump be removed to at or below ground level, based on such factors as visibility or a tripping hazard.
- d. Noise from removal and trimming activities shall comply with the Noise Ordinance as provided in Chapter 8.28 of this Code.
- e. All removal and severe trimming 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 and following, as amended.

Appeals:

Per Section 12.12.060- Appeals:

A. A decision of the Director either to approve or deny a tree removal permit may be appealed to the city manager within the seven (7) calendar days of the date of the notice approving or denying the permit by filing a notice of appeal with the city clerk. The notice of appeal shall be accompanied by a filing fee in such amount as established from time to time by resolution of the city council.

B. The city manager shall conduct a review of the application and may affirm, reverse or modify the decision of the Director, or refer the matter to the Director for such further consideration as may be directed by the city manager.

Other Trees:

Non-protected Juvenile Trees: Per BMC Section 12.12.030.B, **this form is not required for removal of a juvenile tree, except if the tree was planted as a replacement to a previously granted tree permit or was planted in conjunction with another city permit. Such juvenile trees are considered protected.** A

juvenile tree that's not defined as protected may be removed without notice or permit. Per BMC Section 12.12.040.H

permit-protected juvenile tree removals are subject to this Protected Tree Removal Permit application. See the definition of a “Juvenile Tree” above.

Non-Protected Mature Trees: This form is not required for removal of two or fewer non-protected, mature trees within a 12-month period. **For removal of a non-protected, mature tree, complete and return the 7-Day Notice by Applicant to the City form.**

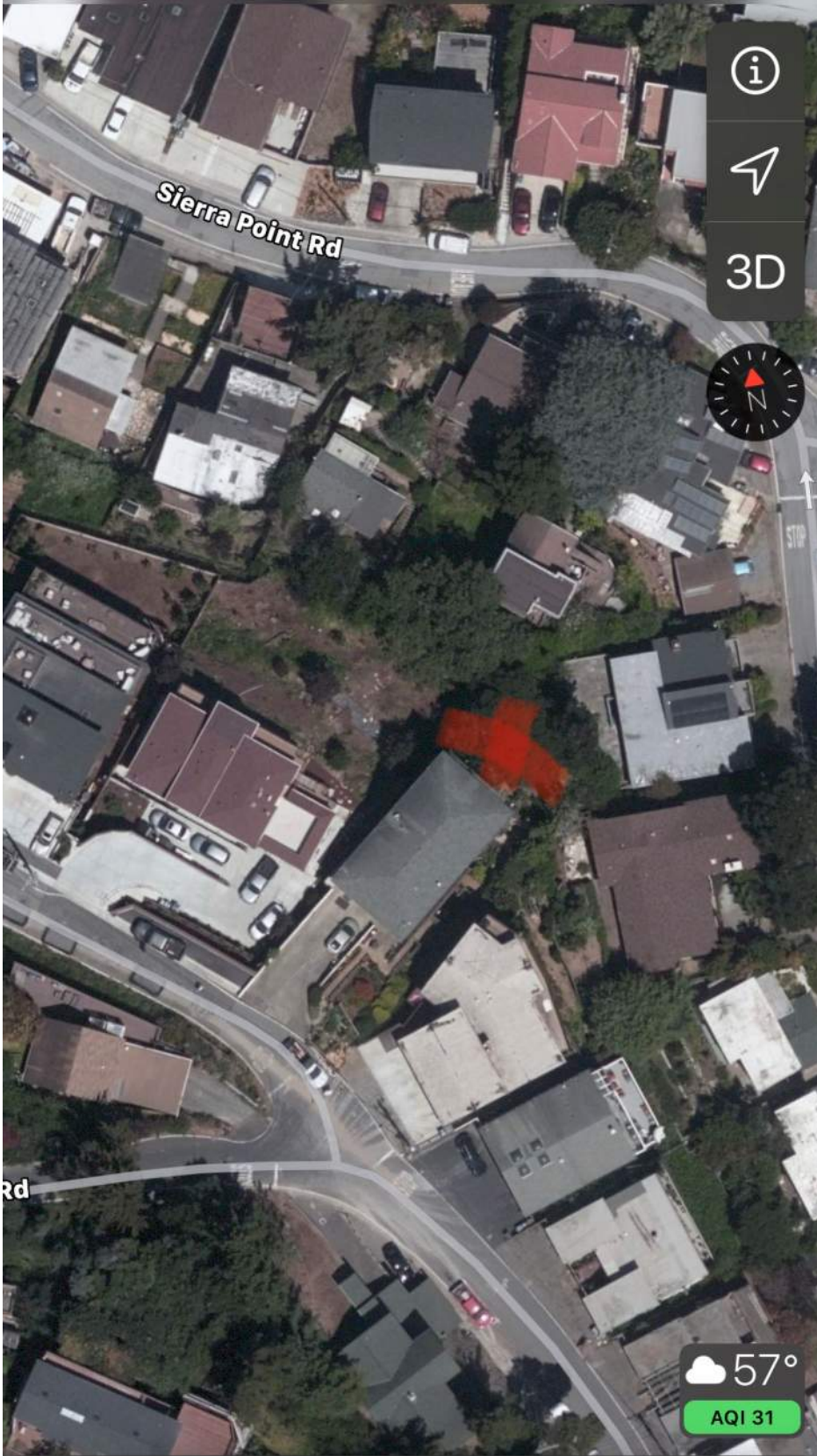
Contact:

For further information, contact the City of Brisbane Community Development Department, at 50 Park Place, by phone at (415) 508-2120 or by email at planning@brisbaneca.org.

4:01



ATTACHMENT 3



3D



57°

AQI 31

Search for a place or address



