



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-11-20**

APPLICANT/OWNER: **James Seto, applicant/owner**

ASSESSOR'S PARCEL NOS.: **007-410-350**

ZONING: **R-1 Residential District**

LOCATION: **100 Kings Road**

REQUEST: **Removal of one (1) Coast Live Oak tree 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 9, 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, December 8, 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: December 1, 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

December 1, 2020

James Seto
100 Kings Road
Brisbane, CA 94005

Via email to jay338@gmail.com

Subject: Protected Tree Removal at 100 Kings Road

Dear Mr. Seto:

Thank you for submitting a tree removal permit application to remove one Coast Live Oak tree from your property at 100 Kings Road.

This letter serves as the permit to remove the tree. This permit 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 §12.12.060. If no appeal is received, the permit effective date is December 9, 2020 and upon returning a signed copy of this letter, acknowledging agreement with the conditions of approval.

In order for the permit to be effective, **please sign and return a copy of this letter** to Associate Planner Jeremiah Robbins (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 Mr. Robbins at (415) 519-1437, or email jrobbins@brisbaneca.org.

Sincerely,

John Swiecki

John Swiecki
Community Development Director

Signed and Accepted: _____ Date: _____
James Seto

FINDINGS

- A. The Coast Live Oak is defined as a “protected tree” and the following finding is made approving its removal, per BMC Section BMC §12.12.050.B.2.b and §12.12.050.B.2.c in that the tree is located in close proximity to the home at 100 Kings Road such that it poses a likelihood of damage to the structure.

CONDITIONS OF APPROVAL

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense for each Coast Live Oak tree to be removed 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 location shall be approved by the Planning Director prior to planting.
 - iv. 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 provide authorization for 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, you will need to 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: December 1, 2020

From: Jeremiah Robbins, Associate Planner

Subject: TR-11-20 Tree Removal Application for Two Coast Live Oak Tree from 100 Kings 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 100 Kings Road.

Applicant/Owner

James Seto

Applicable Code Sections

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

Background

The applicant originally requested the removal of two Coast Live Oak trees but later expressed a readiness to amend the request to include the removal of only one tree; the second tree will be trimmed rather than removed (see Attachment 4). The tree to be trimmed is identified as Tree #1 on the attached application and the tree requested to be removed and subject of this report is Tree #2.

Discussion

The subject Coast Live Oak tree (scientific name *Quercus agrifolia*) is approximately 86 inches in circumference when measured two feet above ground. The tree is on a site with a dense tree canopy and in close proximity to other Coast Live Oaks on the subject property as well as an existing retaining wall in the rear yard of the subject property, as indicated by the aerial photos and site photos provided in the attached application materials. The owner/applicant has further reported that, “last year one limb fell on the roof and broke part of it,” due their close proximity to the home. Staff concurs that an unsafe condition is posed by the subject tree.

As one of three protected species, BMC §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:

“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.”

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 with a fifteen gallon nursery container size or larger with a species and location to be approved by the Planning Director, per §12.12.050.B.4.

Recommendation

That tree removal permit TR-11-20 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
4. Applicant's request to amend the number of trees to be removed



Jeremiah Robbins, Associate 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 BMC §12.12.050.B.2.b and §12.12.050.B.2.c in that the tree is located in close proximity to the home at 100 Kings Road such that it poses a likelihood of damage to the structure.

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1. A replacement tree shall be required to be planted on the subject property at the property owner's expense for each Coast Live Oak tree to be removed in compliance with the following:
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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
100 Kings Road





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

Application for Protected Tree Removal

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

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

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 100 Kings Road

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	Coastal live Oak	85 inch	Behind Retaining Wall of house
2	Coastal live Oak	86 inch	Behind Retaining Wall of house

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:

One of the trees is Diseased and in danger of falling, The other tree is too close to the house and may some day fall on the house. Both trees are a fire danger, no defensible space; some time last year one limb fell on my roof and broke a part of the roof.

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:

there are a lot of other smaller coastal live oaks next to the two live oaks that need removal. IF needed I will replant two new trees some where on the property.

Owner's information:

Owner First Name [Redacted] Last Name [Redacted]

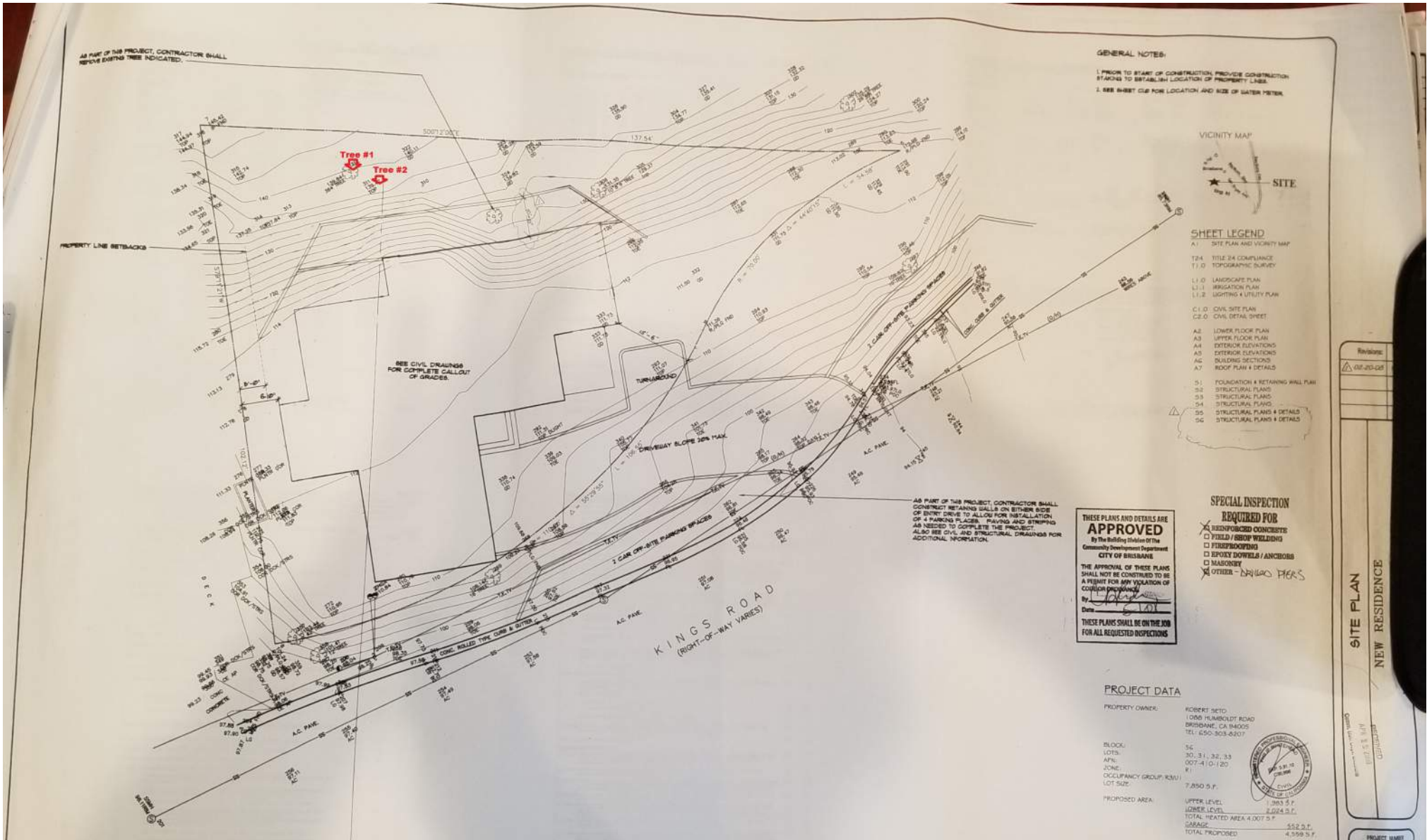
Mailing Street # [Redacted] Mailing Street [Redacted] Mailing City [Redacted] Mailing State [Redacted] Mailing Zip [Redacted]

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 Signature] Date 10/14/20



GENERAL NOTES:
 1. PRIOR TO START OF CONSTRUCTION PROVIDE CONSTRUCTION STAKES TO ESTABLISH LOCATION OF PROPERTY LINES.
 2. SEE SHEET C&P FOR LOCATION AND SIZE OF WATER METER.



- SHEET LEGEND**
- A1 SITE PLAN AND VICINITY MAP
 - T24 TITLE 24 COMPLIANCE
 - T1.0 TOPOGRAPHIC SURVEY
 - L1.0 LANDSCAPE PLAN
 - L1.1 IRRIGATION PLAN
 - L1.2 LIGHTING & UTILITY PLAN
 - C1.0 CIVIL SITE PLAN
 - C2.0 CIVIL DETAIL SHEET
 - A2 LOWER FLOOR PLAN
 - A3 UPPER FLOOR PLAN
 - A4 EXTERIOR ELEVATIONS
 - A5 EXTERIOR ELEVATIONS
 - AC BUILDING SECTIONS
 - A7 ROOF PLAN & DETAILS
 - S1 FOUNDATION & RETAINING WALL PLAN
 - S2 STRUCTURAL PLANS
 - S3 STRUCTURAL PLANS
 - S4 STRUCTURAL PLANS
 - S5 STRUCTURAL PLANS & DETAILS
 - S6 STRUCTURAL PLANS & DETAILS

AS PART OF THIS PROJECT, CONTRACTOR SHALL CONSTRUCT RETAINING WALLS ON EITHER SIDE OF ENTRY DRIVE TO ALLOW FOR INSTALLATION OF 4 PARKING SPACES. PAVING AND STRIPING AS NEEDED TO COMPLETE THE PROJECT. ALSO SEE CIVIL AND STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.

THESE PLANS AND DETAILS ARE **APPROVED**
 By the Building Division of the Community Development Department
 CITY OF BERKELEY
 THE APPROVAL OF THESE PLANS SHALL NOT BE CONSTRUED TO BE A PERMIT FOR ANY VIOLATION OF COORDINATING AGENCIES.
 Date: *[Signature]*
 THESE PLANS SHALL BE ON THE JOB FOR ALL REQUESTED INSPECTIONS.

- SPECIAL INSPECTION REQUIRED FOR**
- REINFORCED CONCRETE
 - FIELD / SHOP WELDING
 - FIREPROOFING
 - EPOXY DOWELS / ANCHORS
 - MASONRY
 - OTHER - DRILLING PIER'S

PROJECT DATA

PROPERTY OWNER: ROBERT SETO
 1088 HUMBOLDT ROAD
 BERKELEY, CA 94705
 TEL: 650-363-6307

BLOCK: 54
 LOTS: 30, 31, 32, 33
 APN: 007-410-120
 ZONE: R11
 OCCUPANCY GROUP (RUM):
 LOT SIZE: 7,850 S.F.

PROPOSED AREA:
 UPPER LEVEL: 393 S.F.
 LOWER LEVEL: 8,024 S.F.
 TOTAL HEATED AREA: 4,007 S.F.
 GARAGE: 552 S.F.
 TOTAL PROPOSED: 4,559 S.F.



Revised: 02-20-05

SITE PLAN
NEW RESIDENCE

PROJECT NUMBER

Google Earth

earth.google.com/web/search/100+Kings+Road,+Brisbane,+CA/@37.67961222,-122.40786937,119.18520683a,110.82926555d,35y,215.06756282h,0t,0r/data=CocBGi0SVwol...

Bookmarks Firewall VAM Netflix BofA Gmail Wellsfargo SFB SF Gate tonymacx86 Blog: B... xda Ana White | Build a... Picasa Picasa Other bookmarks

100 Kings Rd
Brisbane, CA 94005
37.68°N, 122.41°W

Tree 1
Tree 2
100 Kings Rd

3D

Camera: 230 m 37°40'45"N 122°24'27"W 134 m

Google 100%

Type here to search

1:32 PM
11/13/2020

ATTACHMENT 3
Rear yard



ATTACHMENT 3
Tree 2.0









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

7-Day Notice from Owner to City: For Severe Tree Trimming or Removal of Non-protected Mature Tree

Applicability: Brisbane Municipal Code Section 12.12.050.A allows that following submittal of a 7 calendar day notice to the Community Development Department (CDD), any species of tree may be severely trimmed (as long as the trimming would not result in the death of the tree) and certain tree species may be removed. This form serves as that required notice. A date stamp from the CDD on this form is required for the notice to be considered effective. Approval will be implicit after 7 days, unless the City contacts the owner or owner's agent listed on this form within the 7 day time period to indicate that the severe trimming or removal may not proceed. For information on trees subject to noticing only and standard conditions, please see pages 3 and 4 of this handout. Note that the CDD will require access to view the tree for verification of the information provided herein. Also, failure to provide adequate or correct contact information will invalidate this notice.

This form may only be used for trees meeting the criteria provided in the BMC Chapter 12.12. It shall **not** be used for trees located in the public right-of-way, or on any property owned by others who are not listed and signed on to this form.

Address of Tree(s) Proposed for Removal 100 Kings

If notice is for removal, is the tree a Protected Tree (see definitions on page 3 of this form)? Yes No
 If you answered "Yes" to the above, please STOP and complete an Application for Protected Tree Removal instead.

Photo ID #	Trimming or Removal (T or R)	Species (Scientific and Common Name)	Invasive (Yes/No). If yes, cite reference.	Tree circumference at 2 Ft. above Grade	Description of Tree Location
1	Trim	Coast Live Oak (Quercus agrifolia)	No	85 inch	Behind retaining wall of house in rear yard

Attach a photo of each tree, keyed to a site plan or aerial photo indicating the location of each tree to be trimmed or removed for field verification. Required attachments:

- Site plan or aerial photo showing tree locations(s) and One or more photos of each tree

Owner's Information:

[Redacted Name]

Owner First Name _____ Last Name _____

[Redacted Name]

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 have read and agree to the standard conditions of approval provided on page 4 of this form.

Property Owner's Signature (required) _____ Date 11/30/2020

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

Agent First Name _____ Agent Last Name _____ Business Name _____

Business Street # _____ Street _____ City _____ State _____ Zip _____

Email _____

Business Phone _____ Mobile Phone _____

Agent Signature (required) _____ Date _____

> **ELECTRONIC SUBMITTAL REQUIRED.** Please submit this application and any supplemental material to planningapplication@brisbaneca.org, Attn: Ken Johnson, Senior Planner, as a PDF. (Max email size 10 MB.)

For staff use only

Date Received 12/01/2020

Reviewed by Jeremiah Robbins

Robbins, Jeremiah

From: [REDACTED]
Sent: Monday, November 30, 2020 3:06 PM
To: Robbins, Jeremiah
Subject: Re: Tree removal at 100 Kings
Attachments: CCF11302020.pdf

Hi Jeremiah,

Here is the signed app for the tree trimming.

thanks for all your help,
 [REDACTED]

On Mon, Nov 30, 2020 at 2:04 PM Robbins, Jeremiah <jrobbins@ci.brisbane.ca.us> wrote:
 Hey [REDACTED], I can do that.

Would you please review and sign the attached 7-day notice for sever tree trimming. (There is no fee. Digital signature is ok; wet signature not required.) They are technically different applications unfortunately, but I will attach the materials you have already supplied with the previous application. Please email me directly the signed application.

Also attached is the standard conditions of approval for tree trimming. The main one to note is that is that if the tree dies as a result of pruning you will be subject to tree removal provisions - likely very much identical to the conditions of the tree removal permit for the other tree in question.

I hope to have everything finalized for you by the end of tomorrow, provided you return the signed application.

Cheers

**JEREMIAH J ROBBINS**

Associate Planner, Community Development Department

City of Brisbane | 50 Park Place, Brisbane, CA, 94005

Phone: (415) 519-1437 | Email: jrobbins@brisbaneca.org

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

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SHELTER IN PLACE OPERATIONAL CHANGES AT CITY HALL:

Shelter in Place (revised Health) Order (No. c19-11), allows for a gradual and measured resumption of activity, with restrictions and safety measures in place.

We have implemented a phased soft opening of City Hall on Mondays & Thursdays, 9am – 1pm. If you come, please first see our [What's Open Guide](#), and be sure to wear a face covering. If you're feeling sick, please come back later. City Hall is still fully staffed to respond to requests for services by phone, email, or online,

and the public is strongly encouraged to continue to use these services in order to help limit the spread of COVID-19.

City staff may be reached by phone during the following business hours and are actively checking email:

Monday, Tuesday, Thursday: 8:00am – 5:00pm

Wednesday: 8:00am – 5:00pm

Friday: 8:00am – 1:00pm

From: [REDACTED]
Sent: Wednesday, November 25, 2020 3:57 PM
To: Robbins, Jeremiah <jrobbins@ci.brisbane.ca.us>
Subject: Re: Tree removal at 100 Kings

Hi Jeremiah,

Can you process the permit for the one and tree and sever tree trimming permit for the other tree?

Thanks,

[REDACTED]

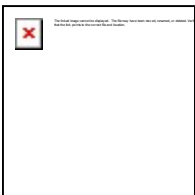
On Wed, Nov 25, 2020, 2:57 PM Robbins, Jeremiah <jrobbins@ci.brisbane.ca.us> wrote:

Thanks [REDACTED]

I believe 30 foot is the buffer NCFR looks for, so again it would be difficult to make that finding pertaining to fire hazards. The best bet would be to get an arborist report if you really want to remove that tree.

Would you like me to hold this permit until then or should I process this report for the one tree?

Cheers



JEREMIAH J ROBBINS

Associate Planner, Community Development Department

City of Brisbane | 50 Park Place, Brisbane, CA, 94005

Phone: (415) 508-2122 | Email: jrobbins@brisbaneca.org

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

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From: [REDACTED]
Sent: Wednesday, November 25, 2020 2:32 PM
To: Robbins, Jeremiah <jrobbins@ci.brisbane.ca.us>
Subject: Re: Tree removal at 100 Kings

Hi Jeremiah,

I just measured the distance from the trunk of #1 tree to the house, it's about 30 feet away and tree #2 is about 12 feet away. I'll just replant new trees on my lot instead of the in-lieu fee.

thanks,

[REDACTED]
[REDACTED]

On Wed, Nov 25, 2020 at 1:30 PM Robbins, Jeremiah <jrobbins@ci.brisbane.ca.us> wrote:

Afternoon James

I am processing your tree removal permit. I am having a little difficulty making the findings for the tree that is farther away from the home/retaining wall - tree # 1 - with the information included in your application. I believe the strongest option would be if you provide me with a certified arborist report indicating the tree is diseased then I would be able to include that tree for removal without issue. (Most tree removal companies employ a certified arborist.) Another option would be to provide me the distance of the tree from the home (no scale on the site plan and tough to tell from the aerial) to help me make a case for a fire hazard. I don't believe this option is as strong as the arborist report as it would depend on the Director's determination and since tree #2 would be removed, it's arguably less of a hazard subsequently.

If you like, you could alter your application to only include Tree 2 and I would be able to finalize the permit and notice, likely first thing next week. You could then come back later with a separate application for tree #1 when you obtain the arborist report or distance the tree is from the home. I could also put this application on hold until you provide the supplemental information.

As an alternative, you may trim tree #1. A sever tree trimming permit would be required if more than 50% of the foliage crown or more than 30% of the height of the tree is trimmed.

The last thing I'd like to mention is I was going to include an option to pay an in-lieu fee rather than plant a replacement tree based on the information provided on your application. However, the in-lieu fee is not cheap, approximately \$1,000 per tree I believe. If you don't like that number, and I don't blame you, I'll remove that from the conditions of approval as an alternative to tree replacement.

If you have follow up questions, do not hesitate to contact me at the number or email below.

Cheers

JEREMIAH J ROBBINS

Associate Planner, Community Development Department

City of Brisbane | 50 Park Place, Brisbane, CA, 94005

Phone: (415) 519-1437 | Email: jrobbins@brisbaneca.org

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

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