



**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-12-20**

APPLICANT/OWNER: **Neil Woolner, applicant/ Bp3 Sf4 1000 Marina Llc, owners.**

ASSESSOR'S PARCEL NOS.: **007-165-010**

ZONING: **SP-CRO Sierra Point Commercial District**

LOCATION: **1000 Marina Boulevard**

REQUEST: **Removal of twenty (20) mature trees from the property, including 11 eucalyptus trees from the parking lot, eight poplars in the south and southeast property frontages, and one pine from the parking lot. A registered arborist has found 19 of the 20 trees to be diseased and dying and/or dead, and exhibit an immediate risk to public health and safety. The remaining pine tree is proposed to be removed for good forestry practices due to crowding with other adjacent trees to be preserved.**

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 22, 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, December 21, 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](mailto: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 14, 2020

  
\_\_\_\_\_  
John A. Swiecki, AICP  
Community Development Director

*Providing Quality Services*



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

## Tree Removal Permit

December 14, 2020

Neil Woolner  
Arborwell  
2337 American Ave.  
Hayward, CA 94545

Via email to [nwoolner@arborwell.com](mailto:nwoolner@arborwell.com)

Subject: Protected Tree Removal at 1000 Marina Blvd., Brisbane

Dear Mr. Woolner:

Thank you for submitting a tree removal permit application to remove 20 mature trees (11 eucalyptus, eight poplar, and one pine) from your clients' property at 1000 Marina Blvd.

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 Section 12.12.060. If no appeal is received, the permit effective date is December 22, 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](mailto:jayres@brisbaneca.org).

Sincerely,

John Swiecki  
Community Development Director

Signed and Accepted: \_\_\_\_\_ Date: \_\_\_\_\_  
Neil Woolner

Cc: Neil Fox, Bp3 Sf4 1000 Marina Llc, 4380 La Jolla Village Dr., Ste. 230, San Diego, CA 92122  
TR-12-20 Permit file

### **FINDINGS OF APPROVAL**

- A. The 20 mature trees, including 11 eucalyptus, eight poplar, and one pine tree are defined as a “protected tree” and the following finding is made approving its removal, per BMC Section 12.12.050.B.2.a and c:
1. The trees are dead or diseased such that they pose an imminent danger of falling or dropping limbs.
  2. 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 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. Replacement species must be appropriate to the site conditions unique to Sierra Point and must be consistent with the Combined Site and Architectural Guidelines for Sierra Point.
  - d. The replacement species and location shall be approved by the Planning Director prior to planting.
  - e. 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:** December 10, 2020

**From:** Julia Ayres, Senior Planner

**Subject:** TR-12-20 Tree Removal Application for 20 trees from 1000 Marina Blvd

### **Request**

Consideration of the application for a tree removal permit for 20 trees from the commercial property at 1000 Marina Blvd., including 11 eucalyptus, 8 poplar, and one pine, due to disease.

### **Applicant/Owner**

Neil Woolner, applicant/ Bp3 Sf4 1000 Marina Llc, owner.

### **Applicable Code Sections**

Three or more mature trees of any one or more non-invasive species proposed to be removed from the same property are considered a “protected tree” per Brisbane Municipal Code (BMC) Section 12.12.040.H.4. Application and findings, decision and standard conditions for removal of a protected tree are provided in BMC Section 12.12.050.B.

### **Discussion**

The applicant, a registered arborist, evaluated the health of the 20 trees proposed to be removed and finds all to be diseased and in various stages of decline. The poplars in particular pose a significant risk to life and safety due to the stage of their decay. Please see the attached application containing a detailed evaluation of each tree, including its size, species, and health status prepared by Neil Woolner.

As the trees are collectively considered a protected tree, 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) in order to approve an application for their removal. In this case, the following findings can be made to approve the proposed tree removal:

- a. The tree is dead or diseased such that it poses an imminent danger of falling or dropping limbs. This finding applies to 19 of the 20 trees per the arborist’s report (except the pine tree).
- b. 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. This finding applies to the pine tree proposed for removal, which is in good health but is in a crowded location that will inhibit its long term health and the health of the surrounding trees due to their close proximity to each other.

TR-12-20  
1000 Marina Blvd  
December 10, 2020

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 replacement trees should ideally be of similar size at maturity as the trees that was removed, and must be consistent with the species guidance contained in the Combined Site and Architectural Design Guidelines for Sierra Point (see attached excerpt).

### **Recommendation**

That tree removal permit TR-12-20 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. Excerpt: Landscape species guidance from Combined Site and Architectural Design Guidelines for Sierra Point



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Julia Ayres, Senior Planner

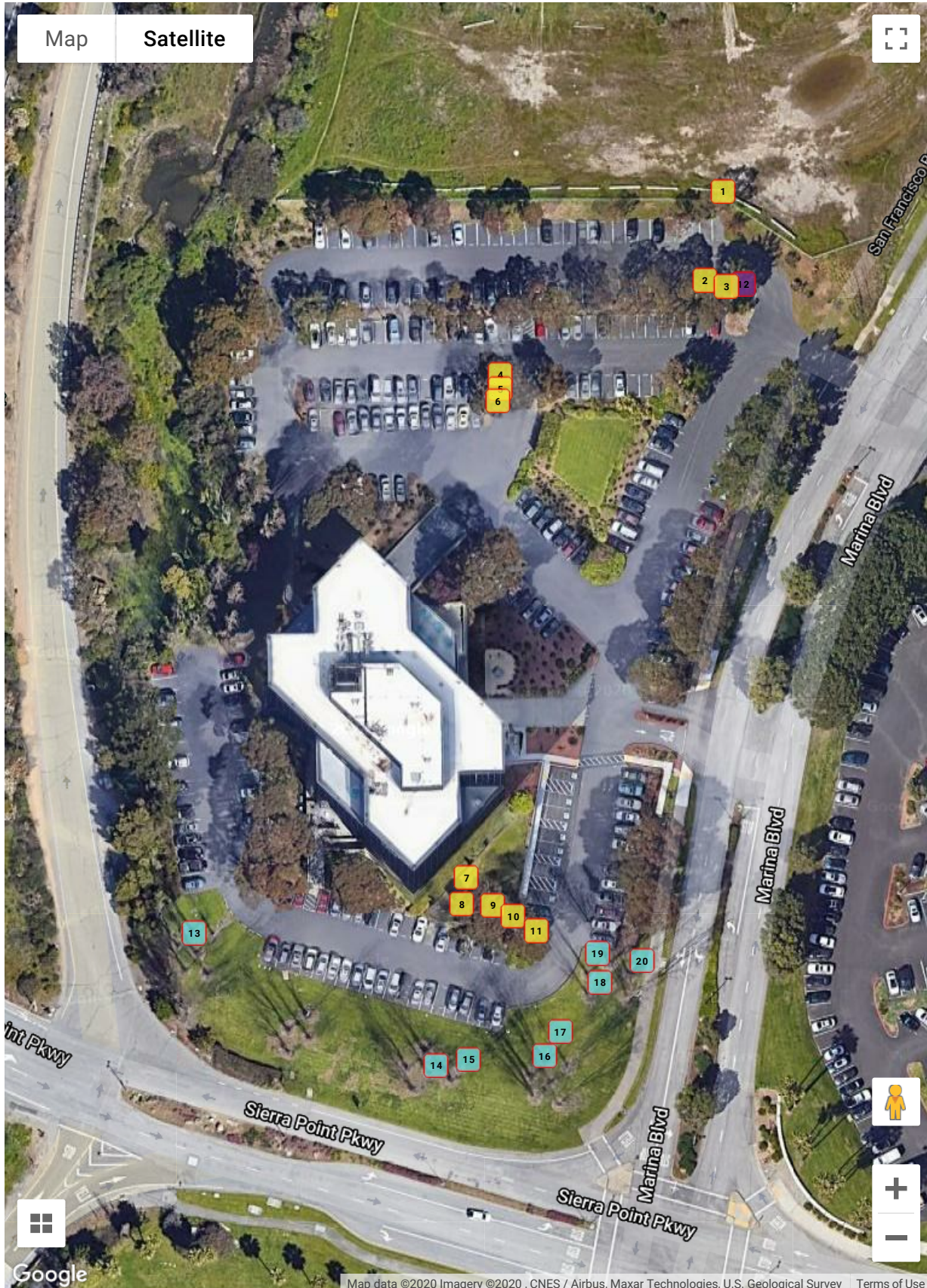
**-DRAFT-  
FINDINGS**

- A. The 20 mature trees, including 11 eucalyptus, eight poplar, and one pine tree are defined as a “protected tree” and the following finding is made approving its removal, per BMC Section 12.12.050.B.2.a and c:
1. The trees are dead or diseased such that they pose an imminent danger of falling or dropping limbs.
  2. 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 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. Replacement species must be appropriate to the site conditions unique to Sierra Point and must be consistent with the Combined Site and Architectural Guidelines for Sierra Point.
  - d. The replacement species and location shall be approved by the Planning Director prior to planting.
  - e. 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.

1000 Marina - 2020 Hazardous Removals



- Legend (20)
- Eucalyptus (11)
  - Poplar (8)
  - Pine (1)





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 1000 Marina Boulevard, Brisbane, CA, 94005

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
10	Eucalyptus	See Attached	See Attached
1	Pine	54.0 inch	See Attached
9	Poplar	See Attached	See Attached

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:

See attached arborist report for further explanation.

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:

See attached letter regarding treeplanting

Owner's Information: **BP3-SF4 1000 MARINA LLC**

<u>W. Neil</u>	<u>Fox, III</u>		
Owner First Name	Last Name		
<u>4380 La Jolla Village Dr., Ste. 230</u>	<u>San Diego</u>	<u>California</u>	<u>92122</u>
Mailing Street #      Mailing Street	Mailing City	Mailing State	Mailing Zip
Email <u>fox@p3re.com</u>	Phone <u>(858) 546-0888</u>		

**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.

**BP3-SF4 1000 MARINA LLC**

Property Owner's Signature (required)  Date November 30, 2020  
 W. Neil Fox, III, Chief Executive Officer

\*\*\*\*\*

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

Neil.                                  Woolner.                                  Regional Manager at Arborwell  
Agent First Name                                  Agent Last Name                                  Business Name

2337    American Ave                                  Hayward                                  CA                                  94005  
Business Street #    Street                                  City                                  State                                  Zip

Email nwoolner@arborwell.com

Business Phone 925-260-6655 Mobile Phone \_\_\_\_\_

Agent Signature (required) N.A. Woolner                                  Date 12/04/20

\*\*\*\*\*

## 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](mailto:planning@brisbaneca.org).



**Prepared for:**

*Ken Johnson  
City of Brisbane  
50 Park Place, Brisbane CA 94005*

**Prepared by:**

*Neil Woolner  
ISA Certified Arborist WE-2329-A  
Email: [nwoolner@arborwell.com](mailto:nwoolner@arborwell.com)  
Phone: 925-260-6655*

**Arborist Memorandum:**

This report is regarding the health safety of the trees on site at 1000 Marina Blvd. At the request of management, Arborwell assessed the current condition of all trees on the property in relation to safety. Upon visual inspection of all trees on site, there are twenty (20) trees that I recommend are removed due to safety hazards. Of the twenty trees, eleven (11) are eucalyptus, eight (8) are poplars, and one is a pine. The circumference of each tree, as well as what number it corresponds to on the following map, can be found in the table below. Although there has been significant construction activity on site over the past year, none of these trees are in areas where construction occurred or would have had an effect on the health of these trees.

All of the eucalyptus listed in this report with the exception of trees #2 and #3 (see map) are severely declined or completely dead. As such, they represent an imminent hazard and should be removed immediately. The two living eucalyptus as well as the pine are structurally unsound and should be removed due to hazard status and location directly over frequently used parking.

The poplar on site are at a stage of maturity where many have developed large decay pockets throughout the trunk and are subject to substantial winds. Over the past several years there have been sizeable limb failures from these trees and in June 2020 one of the poplars completely failed. The individual trees in this report have been selected out due to visual assessment showing decay pockets and other signs that indicated these trees as likely failures in the near future.

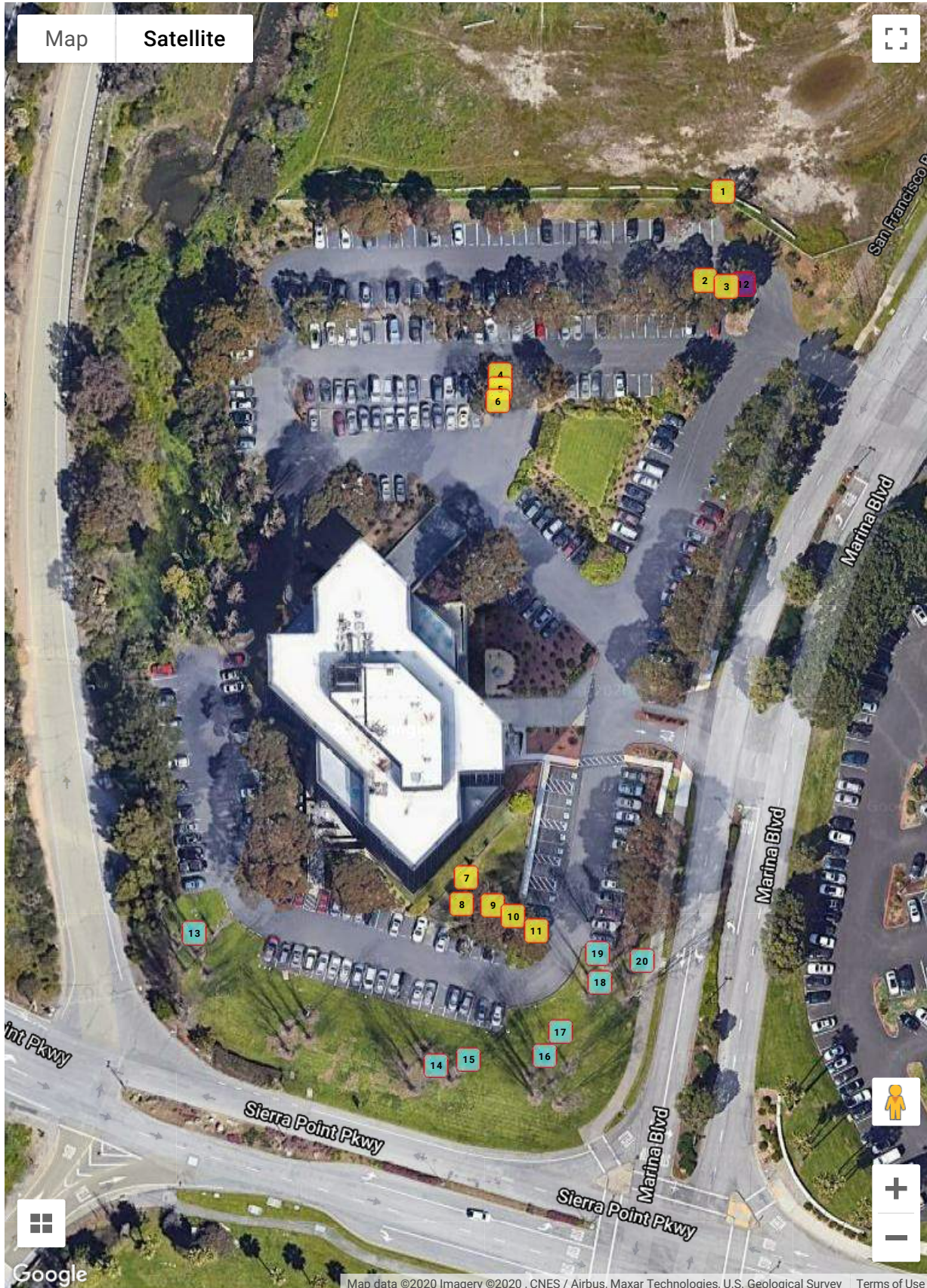
After reviewing all trees on site at the request of management, the trees listed in this report have been selected out due to visual characteristics that indicate them to be hazards to the health and safety of patrons of the site as well as property. As such, I recommend these twenty (20) trees for removal. All removals will be accompanied by appropriate replacement plantings.

Please contact me with any further questions or concerns,

Neil Woolner

CORPORATE OFFICE:  
2337 AMERICAN AVENUE  
HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
[WWW.ARBORWELL.COM](http://WWW.ARBORWELL.COM)

1000 Marina - 2020 Hazardous Removals



- Legend (20)
- Eucalyptus (11)
  - Poplar (8)
  - Pine (1)



<b>Tree Number on Map</b>	<b>Species</b>	<b>Circumference</b>
1	Eucalyptus	40.5
2	Eucalyptus	40.2
3	Eucalyptus	82.3
4	Eucalyptus	74.8
5	Eucalyptus	56.2
6	Eucalyptus	48.1
7	Eucalyptus	106.2
8	Eucalyptus	75.7
9	Eucalyptus	23.9
10	Eucalyptus	88.9
11	Eucalyptus	101.2
12	Pine	54.0
13	Poplar	63.1
14	Poplar	85.5
15	Poplar	105.9
16	Poplar	92.4
17	Poplar	102.7
18	Poplar	75.4
19	Poplar	72.9
20	Poplar	63.8

CORPORATE OFFICE:  
 2337 AMERICAN AVENUE  
 HAYWARD, CA 94545  
 OFFICE: (888) 969-8733  
 FAX: (510) 881-5208  
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**Tree #1: 40.5-inch circumference dead eucalyptus**

CORPORATE OFFICE:  
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HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
[WWW.ARBORWELL.COM](http://WWW.ARBORWELL.COM)



**Tree #2: 40.2-inch circumference structurally unsound eucalyptus**

CORPORATE OFFICE:  
2337 AMERICAN AVENUE  
HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
[WWW.ARBORWELL.COM](http://WWW.ARBORWELL.COM)



**Tree #3: 82.3-inch circumference structurally unsound eucalyptus over parking**

CORPORATE OFFICE:  
2337 AMERICAN AVENUE  
HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
[WWW.ARBORWELL.COM](http://WWW.ARBORWELL.COM)



**Trees #4-6: Three dead eucalyptus with circumferences of 74.8, 56.2, and 48.1 inches**

CORPORATE OFFICE:  
2337 AMERICAN AVENUE  
HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
[WWW.ARBORWELL.COM](http://WWW.ARBORWELL.COM)



**Trees #7-10: Four dead eucalyptus with circumferences of 106.2, 75.7, 23.9 and 88.9 inches**

CORPORATE OFFICE:  
2337 AMERICAN AVENUE  
HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
[WWW.ARBORWELL.COM](http://WWW.ARBORWELL.COM)



**Tree #11: 101.2-inch circumference dead eucalyptus**

CORPORATE OFFICE:  
2337 AMERICAN AVENUE  
HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
[WWW.ARBORWELL.COM](http://WWW.ARBORWELL.COM)



**Tree #12: 54.0-inch structurally unsound pine**

CORPORATE OFFICE:  
2337 AMERICAN AVENUE  
HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
[WWW.ARBORWELL.COM](http://WWW.ARBORWELL.COM)



**Tree #13: 63.1-inch circumference poplar with significant decay in trunk and roots**

CORPORATE OFFICE:  
2337 AMERICAN AVENUE  
HAYWARD, CA 94545  
OFFICE: (888) 969-8733  
FAX: (510) 881-5208  
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**Tree #14: 85.5-inch circumference poplar with significant decay in trunk and roots**

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**Tree #15: 105.9-inch circumference poplar with significant decay in trunk and roots**

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**Tree #16: 92.4-inch circumference poplar with significant decay in trunk and roots**

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**Tree #17: 102.7-inch circumference poplar with significant decay in trunk and roots**

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**Tree #18: 75.4-inch circumference poplar with significant decay in trunk and roots**

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**Tree #19: 72.9-inch circumference poplar with significant decay in trunk and roots**

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**Tree #20: 63.8-inch circumference poplar with significant decay in trunk and roots**

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**Example of decay pockets found throughout poplar population**

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June 6<sup>th</sup>, 2019  
VIA EMAIL

Ken Johnson  
Senior Planner  
E-mail: [kjohnson@brisbaneca.org](mailto:kjohnson@brisbaneca.org)

City of Brisbane  
50 Park Place  
Brisbane, CA 94005

**DEFERMENT OF TREE REPLACEMENT PLANT – 1000 MARINA BLVD, SIERRA POINT, BRISBANE, CA**

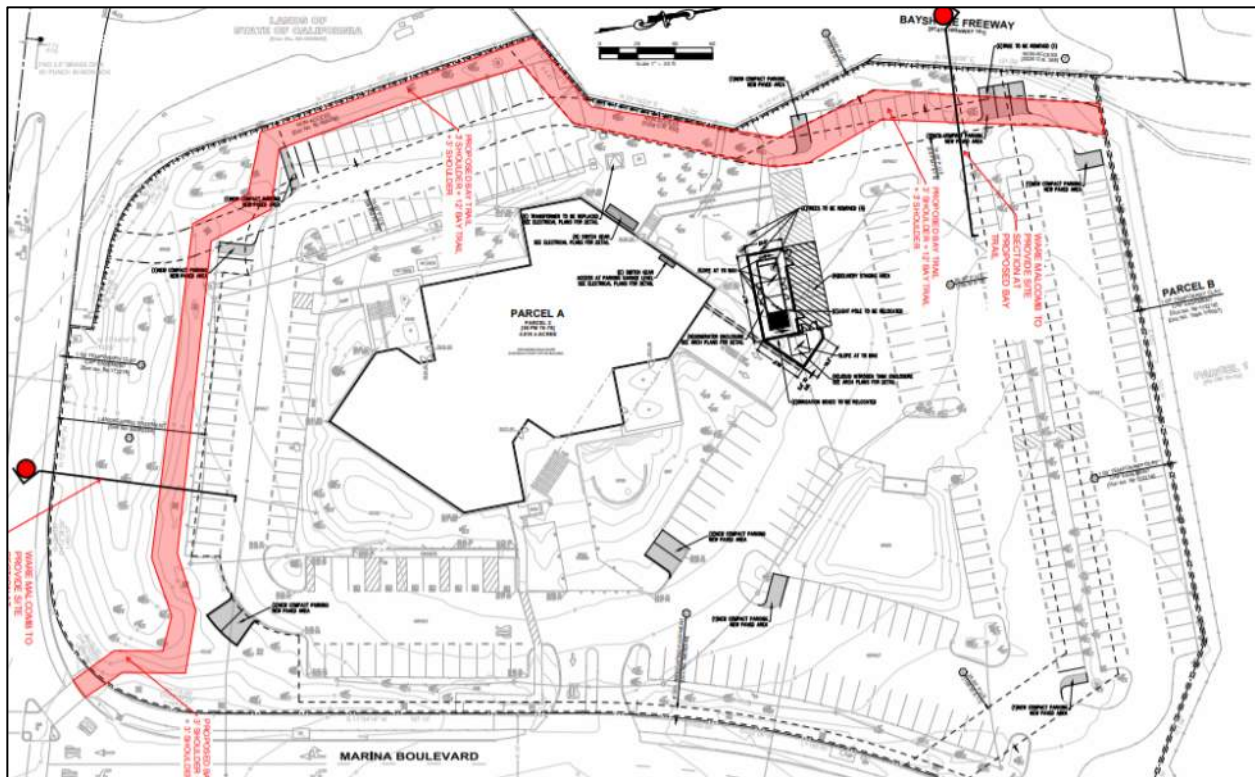
Dear Ken –

I am a principal of BP3-SF4 1000 Marina Blvd LLC the owner of the property and I am president of Phase 3 Real Estate Partners, Inc. the developer for the owner. This letter is written in reference to the permit application to remove 11 poplar trees on along Marina Blvd. and Sierra Point Parkway located on the southern side of the 1000 Marina Blvd parcel. These 11 trees have been determined to be a hazard. Ownership is requesting a deferment of the tree replacement planting to coincide with a more holistic re-landscaping along this the southern and western boundaries of the site with the reconfiguration of the Bay Trail.

Phase 3 Real Estate Partners, Inc. (“Phase 3”) is the developer of both the 1000 Marina Blvd project and the 3000-3500 Marina Blvd. project to the north. Phase 3 worked with the City of Brisbane and the Bay Conservation and Development Corporation (“BCDC”) on a plan to continue the bay trail extension on the 3000-3500 site through the 1000 Marina Blvd site, to allow full connection for the bay trail. As indicated on the image below.



Due to the substantial amount of work required, a holistic approach to landscaping should be undertaken with this larger project. The following image simply is provided to outline roughly the path of the Bay Trail through the site. Attached to this letter is Phase 3's schematic design for the Bay Trail Extension.

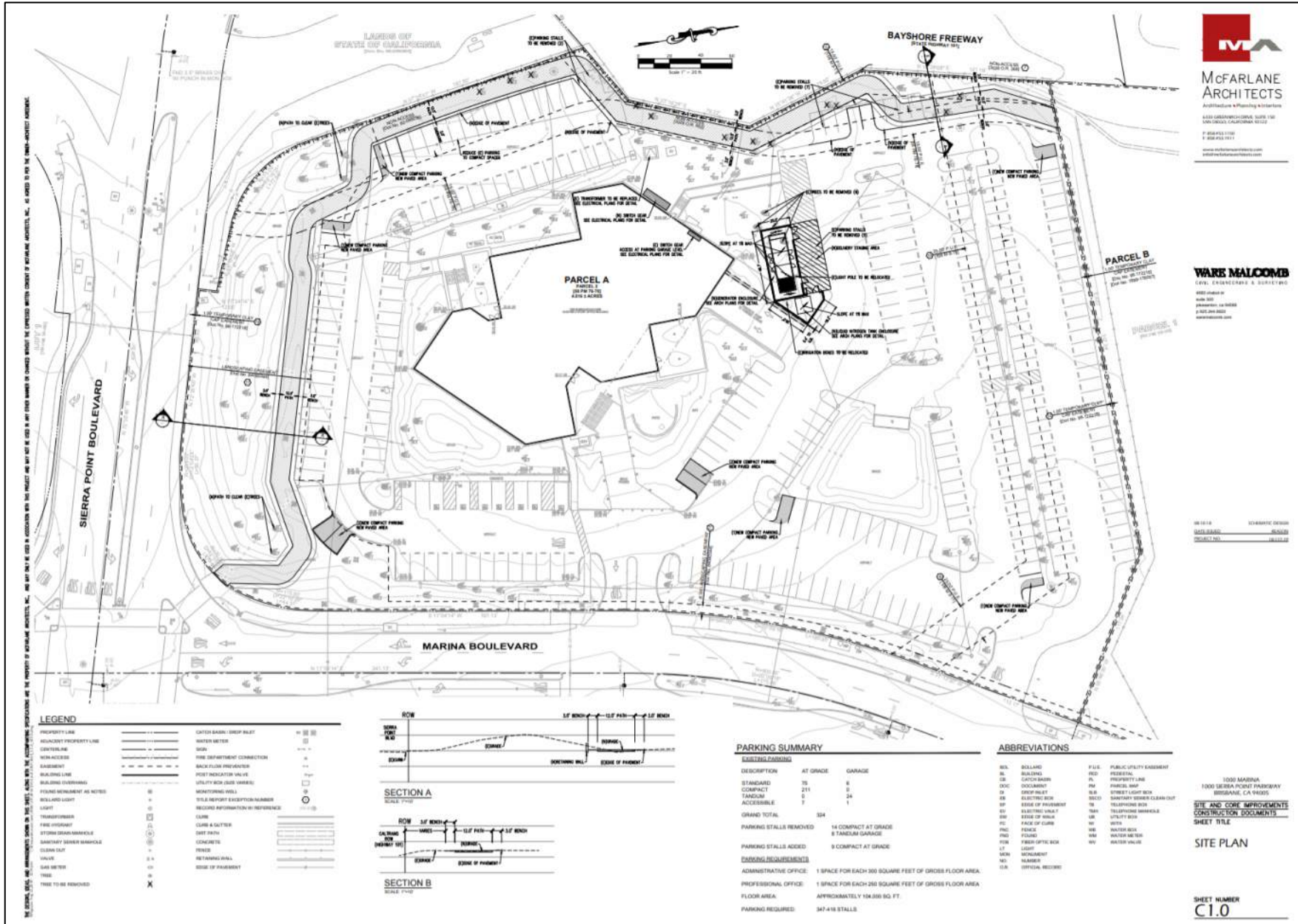


Phase 3 intends to complete the Bay Trail extension project in line with completion of the landscaping and site work at 3000-3500 Marina Blvd. Based upon our current development schedule for the 3000-3500 site, this work would occur in the middle of 2022 at the earliest. Therefore Phase 3 would request a thirty-six months or June 30<sup>th</sup>, 2022 deferment of the tree replacement. Phase 3 must commence construction or file for permits for the Bay Trail extension by this point or obtain a further extension in writing.

We appreciate the City of Brisbane's support on these projects and are happy to provide further information or answer any questions as needed.

Sincerely,

Michael Gerrity  
 President  
 Phase 3 Real Estate Partners, Inc.  
 BP3-SF4 1000 Marina LLC.  
 BP3-SF5 3000-3500 Marina LLC.



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SAN DIEGO  
SAN DIEGO, CA 92108  
P: (619) 444-4800  
www.waremalcomb.com

NO. 1018 STAGMATE DESIGN  
DATE: 06/20/2018  
PROJECT NO.: 18-0114

**SITE AND CORE IMPROVEMENTS CONSTRUCTION DOCUMENTS**  
SHEET TITLE

**SITE PLAN**

**SHEET NUMBER C1.0**

The following plant list has been compiled, for recommended use as ornamental landscaping inland from the 100-foot shoreline band. A major concern in the selection of plant material has been the adaptability of plants to the bayfront wind and fog conditions. A second consideration is the tolerance of the plants for the *poor soils* and drainage associated with landfill sites. Emphasis has been placed on plant materials, which have done, well in similar conditions around the Bay. This plant list is meant to be representative rather than all inclusive. Depending on the conditions and desired landscape effect, additional plant materials, especially "native" materials, should be carefully considered.

For any plant to survive, adequate soil depths must be provided over landfill, to act as a buffer between plant roots and refuse. Turf and ground cover areas require a minimum depth of 2 feet of soil on top of the sealant layer, Shrub and tree areas should have a minimum depth of 3 feet of soil.

## Trees:

Botanical Name	Common Name
<i>Aesculus californica</i>	California Buckeye
<i>Agonis flexuosa</i>	Peppermint Tree
<i>Alnus rhombifolia</i>	White Alder
<i>Casuarina cunninghamiana</i>	River She Oak
<i>Ceratonia siliqua</i>	Carob Tree
<i>Cupaniopsis anacardioides</i>	Carrot Wood
<i>Eucalyptus</i> (excluding <i>camaldulensis</i> , <i>globulus</i> and <i>pulverulenta</i> )	N.C.N.
<i>Koelreuteria paniculata</i>	Goldenrain Tree
<i>Liquidambar styraciflua</i>	Sweet Gum
<i>Mains baccata</i>	Siberian Crabapple
<i>Melaleuca atruillaris</i>	Drooping Melaleuca
<i>Melaleuca leucodendron</i>	N.C.N.
<i>Melaleuca nesophila</i>	Pink Melaleuca
<i>Melaleuca styphelioides</i>	N.C.N.
<i>Meterosideros excelsus</i>	New Zealand Christmas Tree
<i>Nyssa sylvatica</i>	Sour Gum
<i>Pinus canariensis</i>	Canary Island Pine
<i>Pinus eldarica</i>	Mundell Pine
<i>Pinus halepensis</i>	Aleppo Pine
<i>Pinus muricata</i>	Bishop Pine
<i>Pinus pinea</i>	Italian Stone Pine
<i>Populus nigra 'italica'</i>	Lombardy Poplar
<i>Salix babylonica</i>	Weeping Willow
<i>Ulmus parvifolia</i>	Chinese Elm
<i>Ulmus pumila</i>	Siberian Elm
<i>Washingtonia robusta</i>	Mexican Fan Palm
<i>Filifera</i>	California Fan Palm

## S h r u b s :

Botanical Name	Common Name
<i>Abelia species</i>	Abelia
<i>Agapanthus africanus</i>	Lily of the Nile
<i>Arbutus unedo</i>	Strawberry Tree
<i>Aretostaphylos species</i>	Manzanita
<i>Baccharis emmerri</i>	Broom
<i>Callistemon citrinus</i>	Lemon Bottlebrush
<i>Cassia coquiembensis</i>	Senna
<i>Cistus purpureus</i>	Orchid Rockrose
<i>Dodonea viscosa</i>	Hop Bush
<i>Escallonia 'Jubilee'</i>	N.C.N.
<i>Escallonia rubra</i>	N.C.N.
<i>Griselinia littoralis</i>	N.C.N.
<i>Hakea species</i>	N.C.N.
Common Name	Hebe species
	Juniperus species
	Melaleuca species