



**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-5-20**

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

OWNER(S): **Landmark at the Ridge Homeowner's Association (HOA) on behalf of Mariano and Angeli Flores and Brian and Elvie Bast**

ASSESSOR'S PARCEL NO.: **005-401-330 and 005-401-340**

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

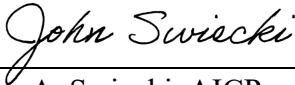
LOCATION: **Side Yard Area between 14 and 16 Huckleberry Court**

REQUEST: **Removal of one (1) *Tristania conferta* tree.**

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](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: November 13, 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 13, 2020

Bill Reulman  
Cagwin and Dorward  
275 Leo Avenue  
San Jose, CA 95112  
[Bill.reulman@cagwin.com](mailto:Bill.reulman@cagwin.com)

Subject: Between 14 and 16 Huckleberry Court, Tree Removal Permit TR-5-20

Dear Mr. Reulman:

Thank you for submitting a tree removal permit application to remove one *Tristania conferta* tree from the above referenced location.

This letter serves as the permit to remove the tree 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 November 21, 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](mailto: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  
Mariano and Angeli Flores, 14 Huckleberry Ct., Brisbane, CA 94005  
Brian and Elvie Bast, 16 Huckleberry Ct., Brisbane, CA 94005

## ATTACHMENT A

### FINDINGS FOR APPROVAL

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, one finding is made to approve the proposed removal:

- A. The tree is in close proximity to structures, such that it would pose a likelihood of damage to such structures.

### A. CONDITIONS OF APPROVAL

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense (or HOA) 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. (Note: Species should be drought tolerant, but also suited to the surrounding irrigation conditions. The planting plan should provide for proper spacing to avoid the need for future removals due to proximity to the homes or other structures or trees.)
  - iv. Replacement trees are to be planted within ninety (90) days of removal.
2. The tree stump is to be removed to below ground level, due to visibility.
3. 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.
4. 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.
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 12, 2020

**From:** Ken Johnson, Senior Planner

**Subject:** TR-5-20 Tree Removal Application for One *Tristania Conferta* Tree located between 14 and 16 Huckleberry Court

### Request

Consideration of the application for a tree removal permit for one *Tristania conferta* (syn: *Lophostemon confertus*) tree from between 14 and 16 Huckleberry Court.

### Applicant

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

### Background

The tree was planted as part of the Northeast Ridge development and, although not a California native, since it was part of a planned development permit it is considered protected, so it's subject to a permit for removal per Brisbane Municipal Code Sections (BMC) 12.12.040.H.3 and 12.12.050.B. *Tristania conferta* trees are native to Australia. The tree indicated in this permit application is estimated to be approximately 15 years old +/- and is approximately 40 inches in circumference and roughly 35 feet in height. This species could be expected to grow quickly to approximately 45 feet or more in height. The tree is located in the side yard area between the single family homes at 14 and 16 Huckleberry Court, which is subject to maintenance by the HOA.

### Applicable Code Sections

The tree is defined as a "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 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:

- A. "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."

In this case, the tree is located in close proximity to the homes on both sides of it and has reportedly been hitting the buildings, despite efforts to keep it pruned back. This is evidenced by the photo provided in the application (see attached). If left in place, it is anticipated that the tree could damage these structures, especially in high wind conditions that are frequently visited upon the ridge.

Per the ordinance, the standard conditions of approval include planting of a replacement tree. The applicant has proposed that the replacement be *Carpinus Betulus*. However, this species can reach similar size and so the species or placement location should be reconsidered. Also, according to the <https://ucanr.edu/sites/WUCOLS/> website, by UC Davis and Dept. of Water Resources, both the existing and proposed replacement species are moderate water users. It's suggested that further consideration be given to the water needs for the replacement and whether a low water use species might be found that would be suitable, understanding that this location is adjacent to a lawn and so it would receive irrigation water.

The draft findings and conditions of approval are provided (Attachment 1).

### **Recommendation**

That tree removal permit TR-5-20 be approved.

### **Attachments**

1. Draft Findings and Conditions of Approval
2. Tree Removal Application



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Ken Johnson, Senior Planner

-DRAFT-  
**FINDINGS FOR APPROVAL**

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, one finding is made to approve the proposed removal:

- A. The tree is in close proximity to structures, such that it would pose a likelihood of damage to such structures.

**A. CONDITIONS OF APPROVAL**

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense (or HOA) 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. (Note: Species should be drought tolerant, but also suited to the surrounding irrigation conditions. The planting plan should provide for proper spacing to avoid the need for future removals due to proximity to the homes or other structures or trees.)
  - iv. Replacement trees are to be planted within ninety (90) days of removal.
2. The tree stump is to be removed to below ground level, due to visibility.
3. 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.
4. 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.
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.



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 14 Huckleberry Ct.

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	<i>Tristania Conferta</i> - Tristania	40"	1st tree located between 14-16 Huckleberry Ct.
2	<i>Carpinus Betulus</i> - European Hornbeam		Replacement tree in nearby location.

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:

This tree is too large to be between two houses. It is constantly hitting the bldg and pruning does not last long.

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:

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**

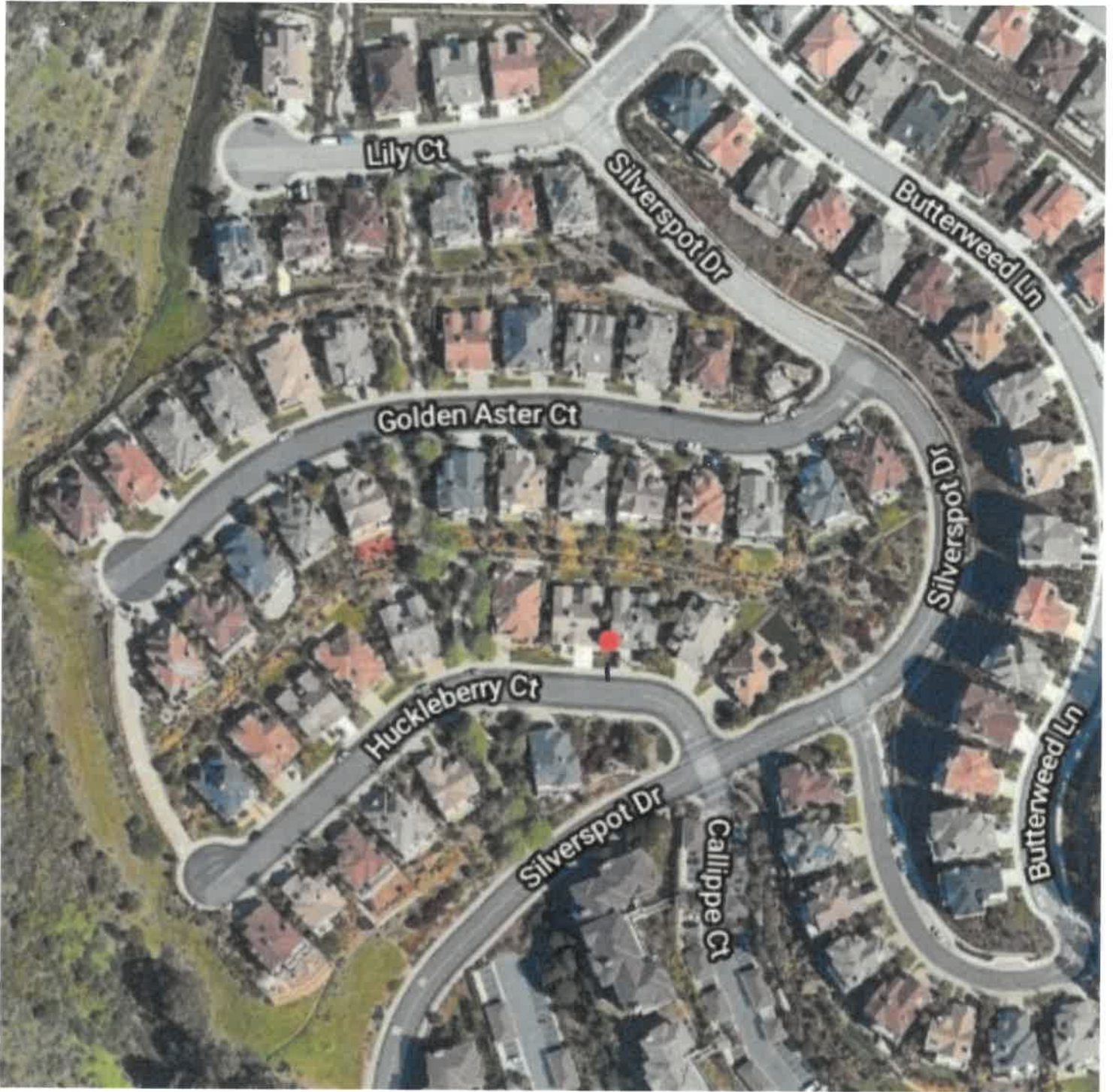
The information submitted herein is true and correct and I am the owner of the property for which this Application for Tree Removal is requested.

Property Owner's Signature (required) [REDACTED] Date 10/20/20

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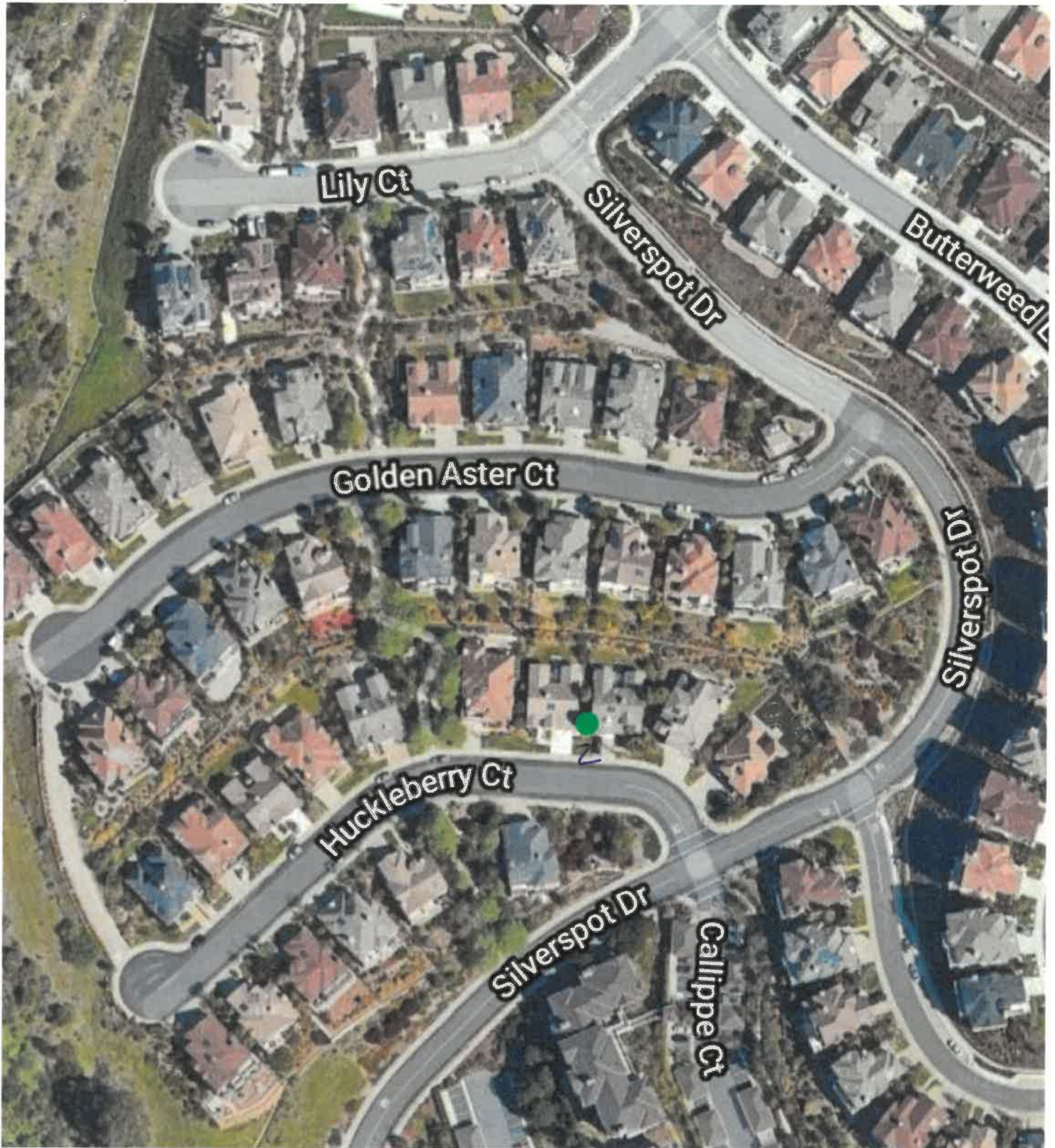






Tree 1 - *Tristania conferta* Remove





Tree 2 - Replacement tree 15 gallon Carpinus betulus  
'European Hornbeam'

