

OCT 23 2022



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

Community Dev. Dept. Brisbane

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.

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

Table with 6 columns: 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. Handwritten entries include 'Walnut', '2011', and 'Dawson'.

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:

- [X] Site plan or aerial photo showing tree location(s) and [X] One or more photos of each tree

Owner's Information:

**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.

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Submit to City of Brisbane  
Attn: Ken Johnson, Senior Planner  
50 Park Place, Brisbane, CA 94005  
Phone (415) 508-2120 / Fax (415) 467-5547  
[kjohnson@brisbaneca.org](mailto:kjohnson@brisbaneca.org)

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**For staff use only**

Date Received 11/24/22

Reviewed by 



## 7-Day Notice by Owner to City to Severely Trim or Remove Non-protected Mature Trees 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>. That ordinance includes provisions that pertain to required notice of severe trimming and removal of non-protected mature trees. Other provisions pertaining to protected trees are addressed on a separate application form (see **Application for Protected Tree Removal**).

**Per BMC Section 12.12.050 Severe Trimming and Tree Removals:** It is unlawful for any person to remove or severely trim, or cause to be removed or severely trimmed, any tree that is not specifically exempted in Section 12.12.030.B, except as provided in this section. This section shall apply to trees whether alive or dead

A. Notice Required - Severe Trimming or Removal of Non-protected Mature Trees: Any person or that person's agent (such as a landscaper or tree trimmer) must provide written notice to, and in a form prescribed by, the Director at least seven (7) calendar days prior to the following proposed actions:

1. Severe Trimming of a Protected Tree or a Non-protected Mature tree. Notwithstanding the notice to the City, the property owner shall be responsible for the health of the tree and if trimming results in the death of the tree, the property owner shall become subject to the tree removal provisions of this Chapter.
2. Removal of a Non-protected Mature Tree. Following notice to the Director, no more than two (2) non-protected mature trees may be removed in any consecutive 12 month period.

Per BMC Section 12.12.040.L, "Severe trimming" means the removal of more than fifty percent (50%) of the foliage crown or more than thirty percent (30%) of the height of a tree.

**This form is not applicable to protected trees.** A **Protected Tree Removal Permit** is required for such 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.

**This form is not required for removal of a juvenile tree.** Per BMC Section 12.12.030.B, a juvenile tree that's not protected may be removed without notice or permit. **Juvenile trees that were planted as a replacement to a previously granted tree permit or other city permit are considered protected.** Per BMC Section

12.12.040.H permit protected juvenile tree removals are subject to a Protected Tree Removal Permit application. A "Juvenile Tree" is defined as 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. .

Note that, per BMC Section 12.12.040.N, "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 of Approval Applicable to Severe Tree Trimming and/or Non-Protected Mature Tree Removal:**

1. Approval is only for tree(s) explicitly listed on the notice on the identified property/properties subject to owner authorization and signature, not tree(s) in the public right-of-way or private property owned by others who have not provided authorization on the notice.
2. Severe tree trimming or non-protected mature tree removal shall comply with federal and state law 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.
3. If the severe tree trimming or non-protected mature tree removal requires obstruction or closure of any portion of a public road, sidewalk or bikeway, then a permit is also required from the Department of Public Works per Section 12.04.010 of the Brisbane Municipal Code (BMC). Please make sure you contact Public Works at (415) 508-2130 prior to the removal to request an encroachment permit, if applicable.
4. City's approval does not constitute an access agreement to property not owned by the applicant. For any such access, the applicant will need authorization from all affected owner(s) to obtain authorization to access tree(s) from their properties.
5. All tree removal activities shall be subject to the City of Brisbane's Noise Ordinance, which includes the following requirements, per BMC Section 8.28.060:
  - a. 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:
  - b. 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.
  - c. The noise level at any point outside of the property plane shall not exceed eighty-six (86) dBA.
6. Tree cutting and chipping of tree materials shall not generate dust traveling off-site or create a nuisance to neighboring properties, as defined in BMC Section 8.36.010.G. Chipping of tree trunks is not permitted on-site.
7. For tree removals, the stump shall be cut down at or near ground level such that a tripping hazard is not created.
8. For severe trimming, the property owner shall be responsible for the health of the tree. If trimming results in the death of the tree, the property owner shall become subject to the tree removal provisions of Chapter 8.28.
9. Cuttings shall be removed from the site within a reasonable period of time (no more than 72 hours).

**Contact:** To file a notice, 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).

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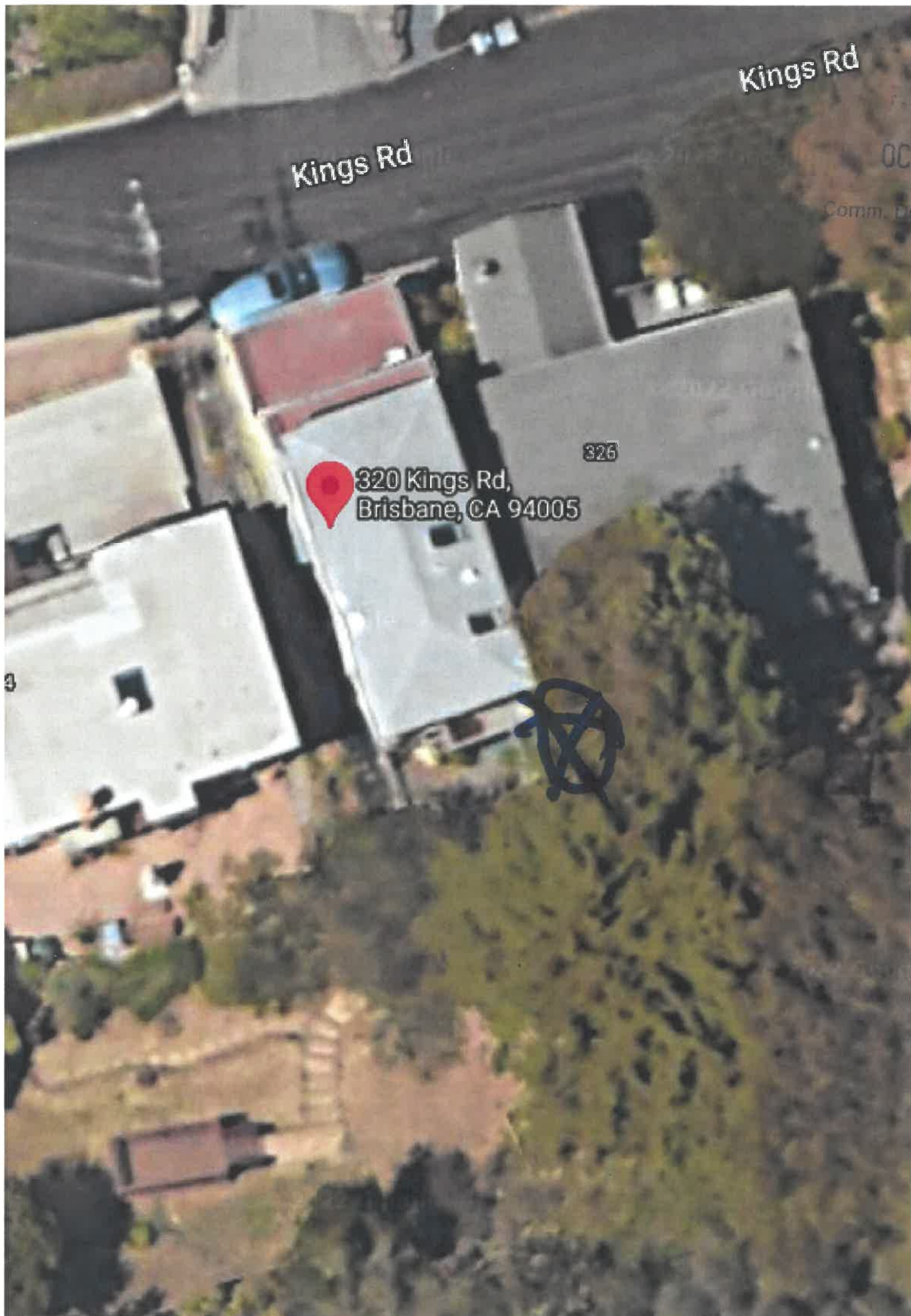
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Kings Rd

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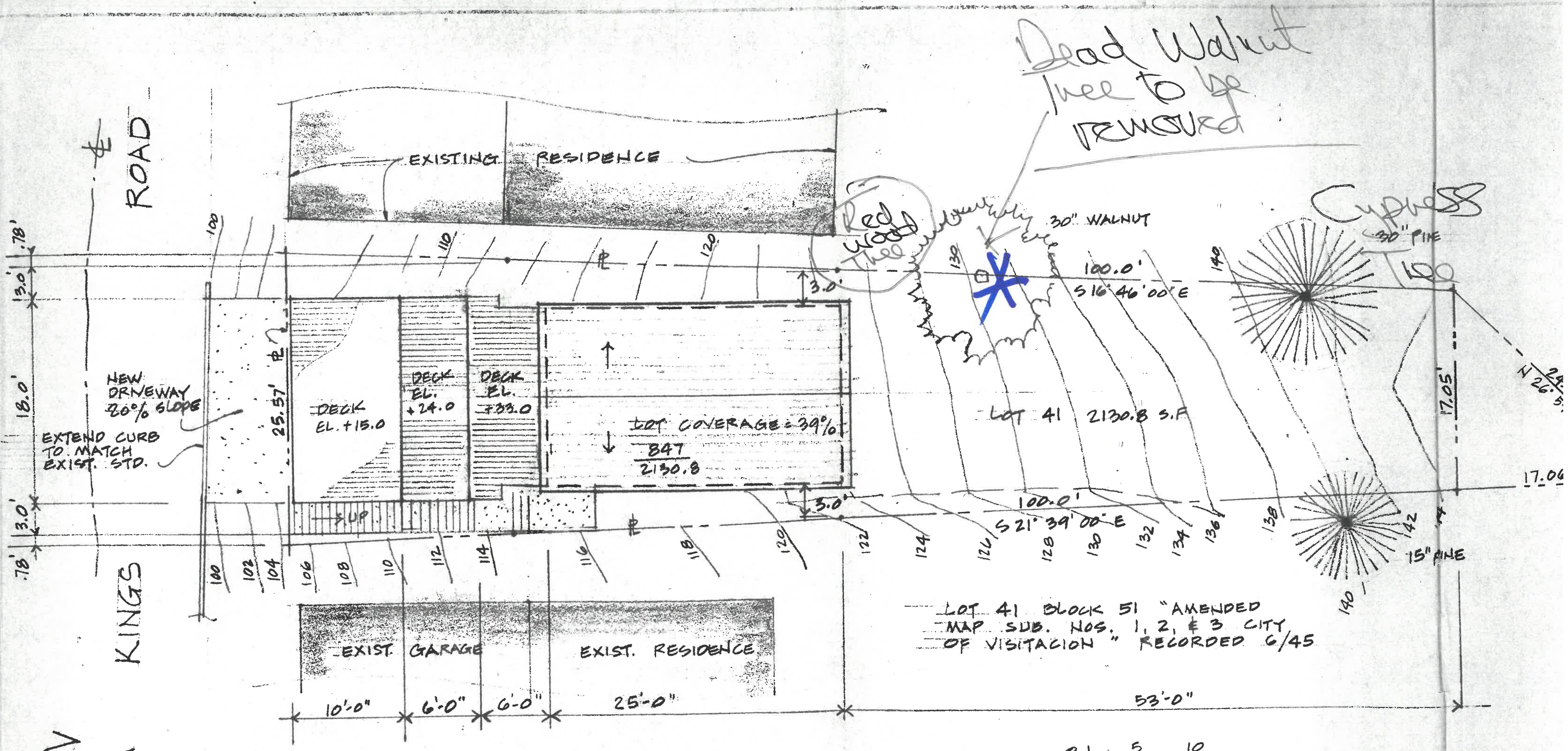
Comm. Dev. Dept. Brisbane

320 Kings Rd,  
Brisbane, CA 94005

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#7



**SITE PLAN**  
SCALE 1/8" = 1'-0"

LOT 41 BLOCK 51 "AMENDED  
MAP SUB. NOS. 1, 2, & 3 CITY  
OF VISITATION" RECORDED 6/45

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↑ HIGH POINT RELATIVE TO GRADE