



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.: **2021-TR-3 Tree Removal**

APPLICANT/OWNER: **Olga Alexander**

ASSESSOR'S PARCEL NOS.: **007-192-060**

ZONING: **R-1 Residential District**

LOCATION: **296 Humboldt Road**

REQUEST: **Removal of one (1) Coast Live Oak Tree (aka: Quercus agrifolia) from the side yard.**

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 Tuesday, November 30, 2021, unless a notice of appeal form and fee of \$390 is filed with the City Clerk, Ingrida Padilla, no later than close of business on Monday, November 29, 2021, 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: November 18, 2021



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 18, 2021

Olga Alexander
44 Visitacion Avenue Ste 200
Brisbane, CA 94005

Subject: 296 Humboldt Road

Dear Ms. Alexander:

Thank you for submitting a tree removal permit application to remove one Coast Live Oak tree from your property at 296 Humboldt 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 Section 12.12.060. Since that appeal period would close on a holiday, when City Hall is closed, the appeal period will extend to the next Monday, November 29th. If no appeal is received by close of business on that Monday, the permit effective date will be November 30, 2020.

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, including preparation of a replacement tree plan, please contact Mr. Robbins at (415) 519-1437, or email at jrobbins@brisbaneca.org.

Sincerely,

John Swiecki
Community Development Director

Signed and Accepted: _____ Date: _____
Olga Alexander

FINDINGS

- A. The Coast Live Oak is defined as a “protected tree” and the following findings are made approving its removal, per BMC Section 12.12.050.B.2.b:
- The tree is located in close proximity to the home at 296 Humboldt Road as well as a retaining wall, a term included within the definition of “structure” per BMC Section 17.02.755, such that it poses a likelihood of damage to the structures.

CONDITIONS OF APPROVAL

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense for the Coast Live Oak 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 Community Development 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: November 18, 2021

From: Jeremiah Robbins, Associate Planner

Subject: 2021-TR-3 Tree Removal Application for One Coast Live Oak Tree from 296 Humboldt Road

Request

Consideration of the application for a tree removal permit for one Coast Live Oak tree from the side yard of the single-family home site at 296 Humboldt Road.

Applicant/Owner

Olga Alexander

Applicable Code Sections

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

Discussion

The Coast Live Oak (aka: *Quercus agrifolia*) is in excess of 30 inches in circumference at 2 feet above ground. It is located in the side yard of the single-family home at 296 Humboldt Road. The following provides further discussion regarding its proposed removal.

As one of three protected species, BMC Section 12.12.050.B.2 requires that one or more of five findings be made by the 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.

The tree is on a down-sloped lot with the house located towards the front of the lot and setback approximately 5 feet from the side property line. The tree is located within the side yard between two homes, along the fence line, and at the edge of a cut slope/retaining wall immediately below the tree. The owner/applicant has reported that a retired arborist has advised that the tree is unsafe, with suspected root rot, and should be removed (see Attachment 3).

Staff concurs, that an unsafe condition is posed by the tree and there is a likelihood of damage to the house and/or retaining wall due to the close proximity of the tree to the house and being at the edge

of the retaining wall, which limits its roots on one side. (The definition of structure within BMC Section 17.02.755 includes retaining walls.) These conditions are evident in the photographs provided by the owner (see Attachment 2). Accordingly, the application meets the findings noted above, allowing for removal.

Since the tree is a protected species, as defined in BMC Section 12.12.040.H.1, in connection with the granting of a tree removal permit, the standard conditions of approval are to be applied. One of these conditions includes replacement tree(s) on at least a 1:1 basis with a fifteen-gallon nursery container size or larger, with a species and location to be approved by the Community Development Director, per 12.12.050.B.4. Also, generally the replacement tree is to be planted within 90 days of removal of the subject tree. BMC Section 12.12.050.B.6 allows exceptions, upon written request, subject to the Community Development Director's approval. These include in-lieu payment to fund planting of a tree and maintaining it for one year elsewhere in the city, or in lieu planting elsewhere in the City.

Recommendation

That tree removal permit 2021-TR-3 be approved, based on the draft findings 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



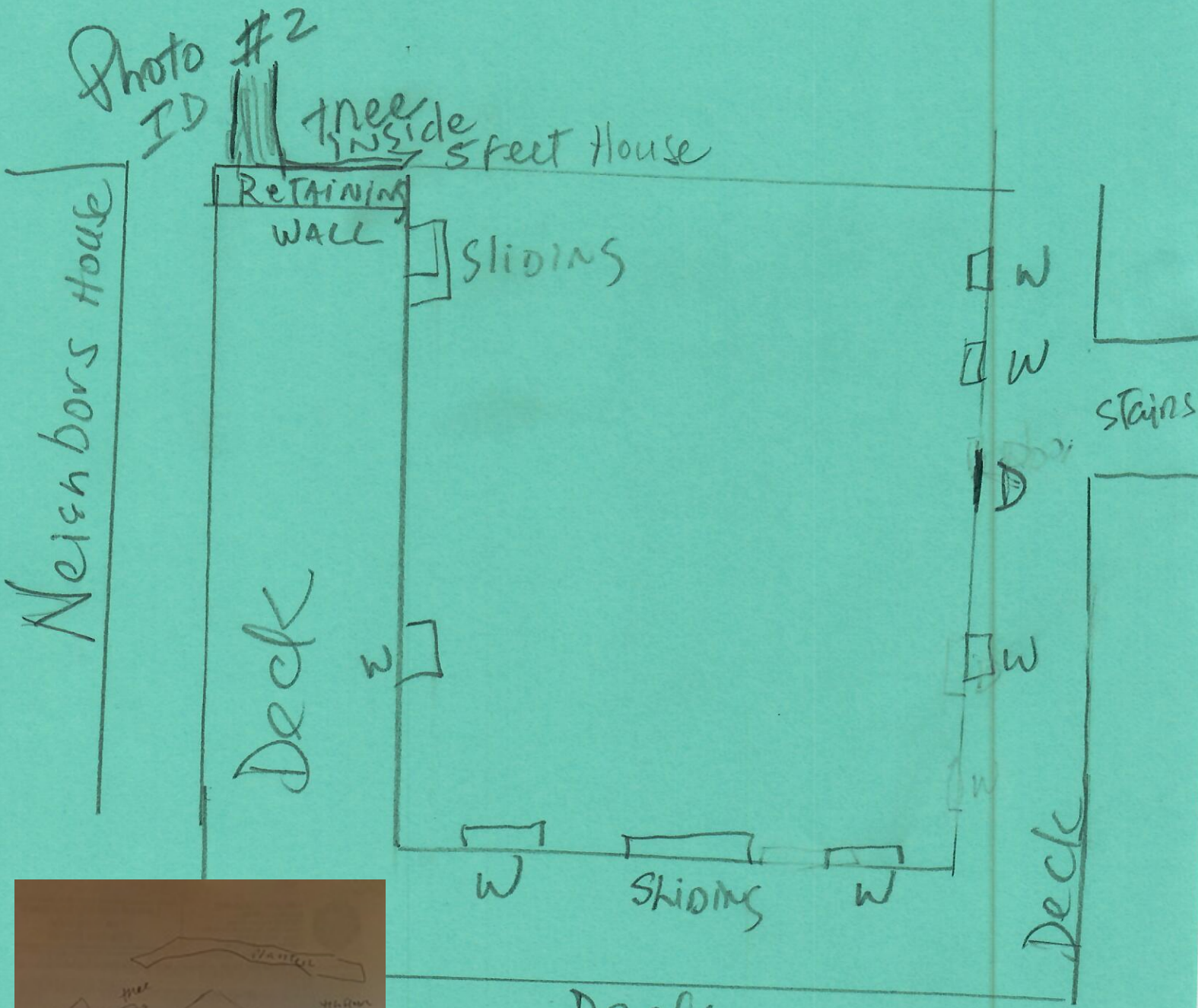
Jeremiah Robbins, Associate Planner

**-DRAFT-
FINDINGS**

- A. The Coast Live Oak is defined as a “protected tree” and the following findings are made approving its removal, per BMC Section 12.12.050.B.2.b:
- The tree is located in close proximity to the home at 296 Humboldt Road as well as a retaining wall, a term included within the definition of “structure” per BMC Section 17.02.755, such that it poses a likelihood of damage to the structures.

CONDITIONS OF APPROVAL

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense for the Coast Live Oak 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 Community Development Director prior to planting.
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 - 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.





Note: Foliage in foreground is from another tree



Date

Tue, 10/05/2021

Type of Request

Removal of Protected Tree

Are You The Property Owner?

I am the property owner

Property Address 296 Humboldt Rd Brisbane**Owner's First Name** Olga**Owner's Last Name** Alexander**Tree #1**

Photo ID #	2
Species	Coastal Live Oak
Invasive	Yes
Diameter	18" to 20" (56-62" in circumference)
Description of Tree Location	The tree is located inside of a concrete planter is compromised as it has no structural roots. Additionally, it is 5 feet from the property and above the r
Photo	arborist_report.pdf [2]
Photo	

Reason for 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.

Tree #2

Photo ID #	no
Species	no tree
Invasive	No
Tree Circumference	nooo
Description of Tree Location	xxxxx no tree
Photo	arborist_report.pdf [3]
Photo	tree_planter_danger.jpg [4]

Reason for Removal

- 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.

Tree #3

Tree #3

Photo ID #	no
Species	no tree website error
Invasive	No
Tree Circumference	no
Description of Tree Location	xxxx website failurte
Photo	arborist_report.pdf ^[5]
Photo	tree_planter_danger.jpg ^[6]

Reason for Removal

- 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.

Arborist Report Yes**Arborist Report**[arborist_report.pdf](#) ^[7]**Site Plan**[tree_removal_site_plan_id_2.pdf](#) ^[8]**Certify the following:**

- I am the Owner of Record of the subject property
- The information submitted herein is true and correct
- I have read and agree to the standard conditions of approval specific to my request

Applicant's signature Olga Alexander**Electronic Signature Agreement**

I agree

Source URL: <https://www.brisbaneca.org/node/19811/submission/9818>**Links**^[1] <https://www.brisbaneca.org/cd/webform/private-tree-removal-and-severe-tree-trimming-application>^[2] https://www.brisbaneca.org/system/files/webform/arborist_report_0.pdf^[3] https://www.brisbaneca.org/system/files/webform/arborist_report_1.pdf^[4] https://www.brisbaneca.org/system/files/webform/tree_planter_danger_0.jpg^[5] https://www.brisbaneca.org/system/files/webform/arborist_report_2.pdf^[6] https://www.brisbaneca.org/system/files/webform/tree_planter_danger.jpg^[7] https://www.brisbaneca.org/system/files/webform/arborist_report.pdf^[8] https://www.brisbaneca.org/system/files/webform/tree_removal_site_plan_id_2.pdf



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: _____
Map/Location: 296 Humboldt St Brisbane
Owner: public _____ private _____ unknown _____ other _____
Date: _____ Inspector: TIMOTHY R Chang WE9387
Date of last inspection: 10-3-21

HAZARD RATING:

_____	+	_____	+	_____	=	_____
Failure Potential		Size of part		Target Rating		Hazard Rating
_____ Immediate action needed						
_____ Needs further inspection						
_____ Dead tree						

TREE CHARACTERISTICS

Tree #: _____ Species: Coastal Live Oak
DBH: 18-20" # of trunks: 5 Height: 45' Spread: 45
Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headed
Crown class: dominant co-dominant intermediate suppressed
Live crown ratio: 90 % Age class: young semi-mature mature over-mature/senescent
Pruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: _____
Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency
NONE volunteer

TREE HEALTH

Foliage color: normal chlorotic necrotic Epicormics? Y N
Foliage density: normal sparse Leaf size: normal small
Annual shoot growth: excellent average poor Twig Dieback? Y N
Woundwood development: excellent average poor none
Vigor class: excellent average fair poor
Major pests/diseases: _____
Growth obstructions:
 stakes wire/ties signs cables
 curb/pavement guards
 other IN PLANTER BOX (8')

SITE CONDITIONS

Site Character: residence commercial industrial park open space natural woodland/forest
Landscape type: parkway raised bed container mound lawn shrub border wind break
Irrigation: none adequate inadequate excessive trunk wetted
Recent site disturbance? Y N construction soil disturbance grade change line clearing site clearing
% dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N
% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
% dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fail
 clay expansive slope _____ aspect: _____
Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. _____
Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge Area prone to windthrow
Prevailing wind direction: NW-SW Occurrence of snow/ice storms never seldom regularly

TARGET

Use Under Tree: building parking traffic pedestrian recreation landscape hardscape small features utility lines
Can target be moved? Y N Can use be restricted? Y N
Occupancy: occasional use intermittent use frequent use constant use

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____
 Exposed roots: severe moderate low Undermined: severe moderate low
 Root pruned: _____ distance from trunk Root area affected: 90 % Buttress wounded: Y N When: _____
 Restricted root area: severe moderate low Potential for root failure: severe moderate low
 LEAN: 30 deg. from vertical natural unnatural self-corrected Soil heaving: Y N
 Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N
 Compounding factors: _____ Lean severity: severe moderate low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks				
Multiple attachments				
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds/seam				
Decay				
Cavity				
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants				
Cankers/galls/burrs				
Previous failure				

HAZARD RATING

Tree part most likely to fail: Whole tree
 Inspection period: _____ annual _____ biannual _____ other _____
 Failure Potential + Size of Part + Target Rating = Hazard Rating
 _____ + _____ + _____ = _____

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe
 Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);
3 - 18-30" (45-75 cm); 4 - >30" (75 cm)
 Target rating: 1 - occasional use; 2 intermittent use;
 3 - frequent use 4 - constant use

HAZARD ABATEMENT

Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape
 Cable/Brace: _____
 Remove tree: Y N Replace? Y N Move target: Y N Other: _____
 Effect on adjacent trees: none evaluate
 Notification: owner manager governing agency Date: 10-3-21

COMMENTS