



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.: **2022-TR-1 Tree Removal**

APPLICANT/OWNER: **Calvin Chin**

ASSESSOR'S PARCEL NOS.: **007-232-060**

ZONING: **R-1 Residential District**

LOCATION: **55 Mariposa Street**

REQUEST: **Removal of one (1) mature California Buckeye (Aesculus californica) from the rear 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 Thursday, February 17, 2022, 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 Wednesday, February 16, 2022, per Brisbane Municipal Code §12.12.060. Appeals are subject to public hearing with the City Manager. To contact City Clerk Ingrid Padilla, 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: February 9, 2022



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

February 9, 2022

Calvin Chin
55 Mariposa St.
Brisbane, CA 94005

Subject: Tree Removal Application 2022-TR-1; California Buckeye, 55 Mariposa Street

Dear Calvin:

Thank you for submitting a tree removal permit application to remove one California Buckeye tree from the rear yard of your property at 55 Mariposa Street.

This letter serves as the permit to remove the tree. In order for the permit to be effective following the 7-day appeal period (see below), **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.

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 by close of business on Wednesday, February 16, 2022 the permit effective date will be February 17, 2022.

If you have any questions regarding this matter, including preparation of a replacement tree plan, please contact Ms. Ayres at (415) 519-0165, or email at jayres@brisbaneca.org

Sincerely,

John Swiecki
Community Development Director

Signed and Accepted: _____ Date: _____
Calvin Chin

FINDINGS- 2022-TR-1

- A. The mature California Buckeye located in the rear yard of 55 Mariposa Street 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 55 Mariposa Street, 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 from falling limbs or other debris.
 - The tree unreasonably interferes with the economic or other enjoyment of outdoor areas of the subject property and adjacent properties due to the safety hazards posed by falling limbs and debris.

CONDITIONS OF APPROVAL- 2022-TR-1

1. A replacement tree 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 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 unless a request is submitted to the Director in writing, and approved by the Director, to extend the time period based specifically on ideal planting conditions.
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, the property owner 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: February 8, 2022

From: Julia Ayres, Senior Planner *JA*

Subject: 2022-TR-1 Tree Removal Application for One California Buckeye Tree from 55 Mariposa Street

Request

Consideration of the application for a tree removal permit for one mature California Buckeye (*Aesculus californica*) tree from the rear yard of the single-family home at 55 Mariposa Street.

Applicant/Owner

Calvin Chin

Applicable Code Sections

A mature California Buckeye tree is defined as a “protected tree” per Brisbane Municipal Code (BMC) §12.12.040.H.1 and a tree removal permit is required, as provided in BMC §12.12.050.B.

Discussion

Per the submitted site plan and arborist report (Attachment 3), the subject tree is located in the rear yard about 14 ft from the rear wall of the home and 12 feet from the rear property line. The trunk circumference measures 94 inches approximately 24 inches above grade (at breast height) and the tree is approximately 30 feet tall.

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 findings 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; and

The tree unreasonably interferes with the economic or other enjoyment of the property.

Per the submitted arborist report (Attachment 3), the tree canopy overhangs the roof of the home on the subject property and over the fence into adjacent properties (see photos in Attachment 3). While the arborist report finds that the tree appears to be in good health, the arborist characterizes the tree as exhibiting poor form beginning about five feet above the ground and extending into the canopy. This poor form has caused many fallen limbs and litter in the yard of the subject property and poses a significant health and safety risk to residents on the subject property and adjacent

properties who are unable to enjoy or use the yard areas underneath the canopy. The report states that it appears the tree laterals were trimmed to accommodate construction of additions to the home. Staff notes no severe trimming was identified in the scope of work of the building permit for additions to the home issued in 2018 and finalized in 2020. BMC Chapter 12.12 stipulates that severe trimming, permitted or not, of a protected tree that results in the tree's death shall be subject to the protected tree removal permit requirements.

In conversation with staff, the arborist stated that additional trimming of the tree canopy to improve form and eliminate the safety issues presented by the present poor form could not be performed to ANSI standards and would not be feasible in his professional opinion. Specifically, the required trimming would exceed ANSI standards, and lead to more poor form and excessive sprouting.

Due to the safety concerns posed by the proximity of the tree to structures both on and off the subject property, and the health and safety impacts limiting use of the outdoor areas underneath the canopy, staff concurs with the arborist's recommendation to permit removal of the tree. As a condition of approval, required per BMC Chapter 12.12, a replacement tree will be required to be planted on the site within 90 days of permit approval, the species and location of which shall be subject to the Director's approval.

Recommendation

That tree removal permit 2022-TR-1 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, including arborist report, photos, and site plan



Julia Ayres, Senior Planner

ATTACHMENT 1

**-DRAFT-
FINDINGS**

- A. The mature California Buckeye located in the rear yard of 55 Mariposa Street 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 55 Mariposa Street, 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 from falling limbs or other debris.
 - The tree unreasonably interferes with the economic or other enjoyment of outdoor areas of the subject property and adjacent properties due to the safety hazards posed by falling limbs and debris.

CONDITIONS OF APPROVAL

1. A replacement tree 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 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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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, the property owner 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.

Attachment 2
Aerial Vicinity Map



Published on *City of Brisbane* (<https://www.brisbaneca.org>)

[Home](#) > [Private Tree Removal and Severe Tree Trimming Application](#) > [Webform results](#) > Submission #5

<p>Submission information</p> <p>Form: Private Tree Removal and Severe Tree Trimming Application ^[1]</p> <p>Submitted by Visitor (not verified)</p> <p>Wed, 01/12/2022 - 8:56am</p> <p>45.26.48.86</p>

Date

Wed, 01/12/2022

Type of Request

Removal of Protected Tree

Number of Trees

No

Are You The Property Owner?

I am the property owner

Property Address 55 Mariposa St Brisbane CA 94005

Owner's First Name Calvin

Owner's Last Name Chin

Mailing Address Line 1 55 Mariposa St

Mailing Address Line 2

City Brisbane

State California

Zip Code 94005

Owner's Email Address [REDACTED]

Owner's Phone Number [REDACTED]

Tree #1

Photo ID #	1
Species	California Buckeye
Invasive	Yes
Tree Circumference	7 ft
Description of Tree Location	Tree is located in the middle of the yard and branches expand over the neighbor's yard as well as to the extent of the whole backyard. The branch The yard has become completely unusable to me and my family and they are always worried about somethings falling on us and having to worry
Photo	img_2720.jpg ^[2]
Photo	img_2721.jpg ^[3]

Reason for Removal

- 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 #2

Photo ID #	
Species	
Invasive	
Tree Circumference	
Description of Tree Location	
Photo	
Photo	

Reason for Removal

Tree #3

Photo ID #
Species
Invasive
Tree Circumference
Description of Tree Location
Photo
Photo

Reason for Removal

Site Plan

[site_plan_and_arborist_report.pdf](#) ^[4]

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 Calvin Chin

Electronic Signature Agreement

I agree

Source URL: <https://www.brisbaneca.org/node/19811/submission/10003>

Links

- [1] <https://www.brisbaneca.org/cd/webform/private-tree-removal-and-severe-tree-trimming-application>
- [2] https://www.brisbaneca.org/system/files/webform/img_2720.jpg
- [3] https://www.brisbaneca.org/system/files/webform/img_2721.jpg
- [4] https://www.brisbaneca.org/system/files/webform/site_plan_and_arborist_report.pdf

QUINONES RESIDENCE

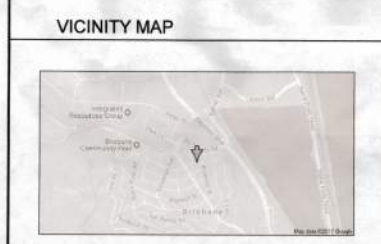
55 MARIPOSA STREET
BRISBANE, CA
APN# 007-232-060

INDEX OF DRAWINGS	
A-1	COVER SHEET, PROJECT DATA, INDEX & SITE PLAN
TOPOGRAPHIC SURVEY	
A-2	(E) FLOOR & ROOF PLANS
A-3	(E) ELEVATIONS
A-4	(N) FIRST FLOOR PLAN
A-5	(N) SECOND FLOOR PLAN
A-6	(N) ROOF & ELEVATIONS
A-7	(N) ELEVATIONS
A-8	SECTIONS
A-9	ELECTRICAL PLAN
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A-11	CALGREEN NOTES
A-12	DETAILS
T-24	TITLE 24 REPORT
S.1.1 GENERAL NOTES, SYMBOLS & ABBREVIATIONS, TYP. CONC. DETAILS	
S.1.2 TYPICAL WOOD DETAILS	
S.2.1	FIRST FLR. FRM'G & FND. PLAN
S.2.2	ROOF & 2ND. FLR. FRM'G PLAN
S.3.1	CONCRETE FND., SECTIONS & DETAILS
S.4.1	WOOD SECTION & DETAILS
S.5.1	ROOF, SECTIONS & DETAILS

PROJECT INFORMATION	
OWNER:	HECTOR QUINONES
ADDRESS:	55 MARIPOSA STREET BRISBANE, CA
APN#	007-232-060
LOT AREA:	5,000 SQ. FT.
(E) LIVING AREA:	1,221 SQ. FT.
(E) GARAGE:	373 SQ. FT.
(N) FIRST FLOOR:	1,111 SQ. FT.
(N) SECOND FLOOR:	1,565 SQ. FT.
(N) LIVING AREA:	2,676 SQ. FT.
(N) GARAGE:	439 SQ. FT.
2ND. UNIT:	381 SQ. FT.
(N) PORCH:	66 SQ. FT.
ZONING:	R-1
(N) LOT COVERAGE:	(1,987 SQ. FT.) 39.7%
(N) F.A.R.:	(3,496 SQ. FT.) 69.9%
OCCUPANCY GROUP:	R-3U
CONSTRUCTION TYPE:	V-B

SCOPE OF WORK

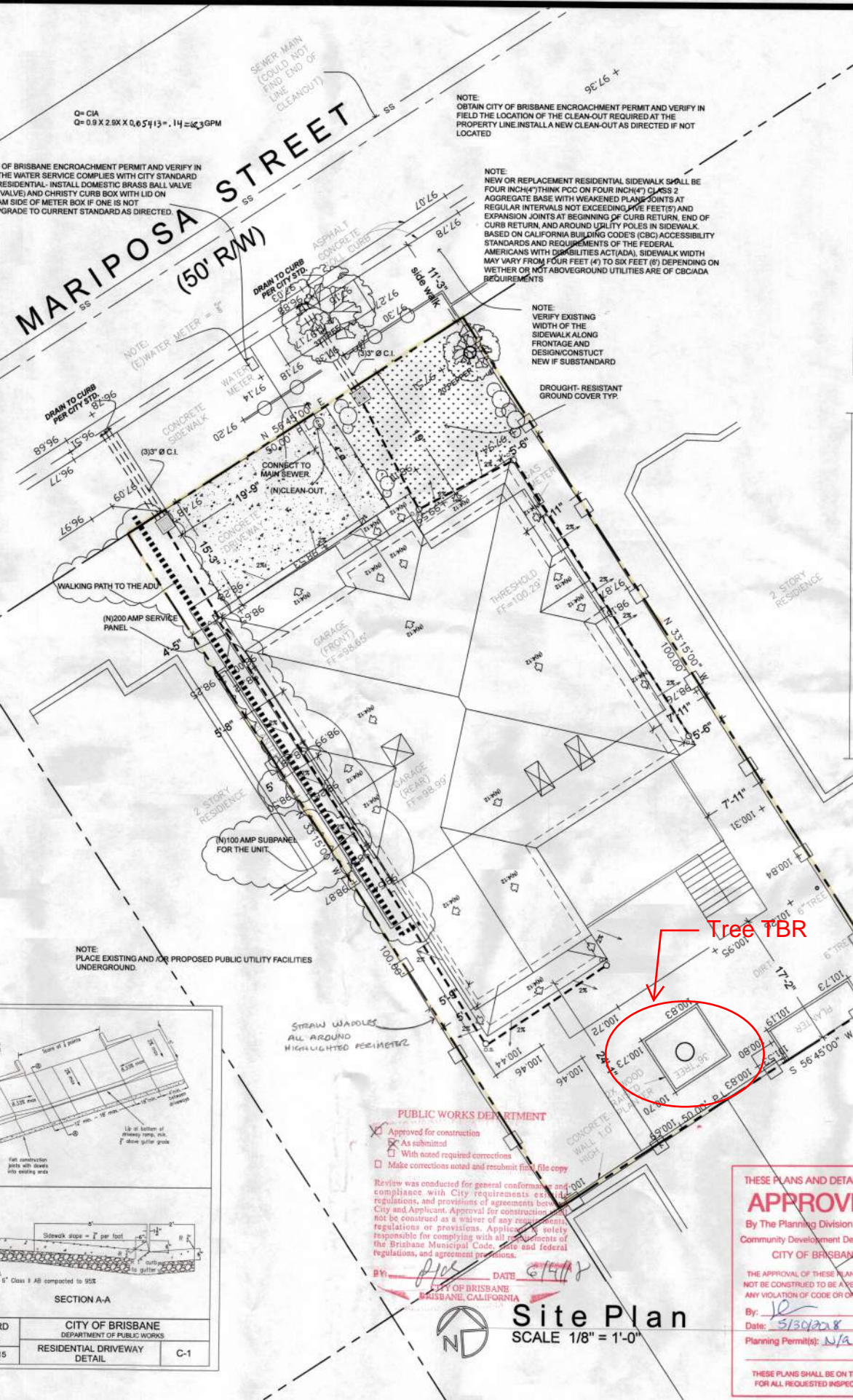
THIS PROJECT PROPOSES A 2 STORY HOUSE, 1,123.4 SQ. FT. ±, 1,565 SQ. FT. TOTAL OF 2,688.4 SQ. FT. OF LIVING AREA PLUS A 2 CAR GARAGE - 439 SQ. FT. THAT WILL INCLUDE 4 BEDROOMS + 4 BATHS. A 2nd. UNIT WILL BE ADDED AS PART OF THE FIRST FLOOR SQ. FT.



All work shall be in compliance with the Brisbane Municipal and the 2016 Editions of the California Building Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Fire Code, the 2016 California Energy Code, 2016 Green Building Standards Code, 2016 California Residential Code.

NOTE: TRUSSES WILL BE DEFERRED SUBMITTAL

-AN AUTOMATIC FIRE SPRINKLER SYSTEM SHALL BE INSTALLED THROUGHOUT THE HOME. A SEPARATE PERMIT IS REQUIRED. THE SYSTEM MUST BE INSTALLED AND INSPECTED PRIOR TO THE FRAMING INSPECTION.



Residential driveway requirements

Residential driveway approaches shall be per "Residential Driveway" Attachment B.

Concrete curb and gutter requirements

How to reinforced curb and gutter shall be per Type 3.0 per California Standard Plan (CSP) 302, with 4" Class 2 aggregate base placed under the curb and gutter. Reinforced curb and gutter shall be provided at regular intervals not exceeding 10 feet. Sufficient curbs and gutters shall be provided with adequate slope to ensure proper drainage to gutter and curb with existing grades. These curb and gutter details shall be provided on the site plan. The curb and gutter shall be constructed with concrete. The curb and gutter shall be constructed with concrete. The curb and gutter shall be constructed with concrete. The curb and gutter shall be constructed with concrete.

Notes:

- Obtain City of Brisbane Encroachment Permit and verify in field the location of the clean-out required at the property line. Install a new clean-out as directed if not located.
- Verify existing width of the sidewalk along frontage and design construct new if substandard.
- Check and mark: Paved surface of ramp shall be clean, level, and slip resistant (polished concrete is preferred). The finish of curb and gutter shall be smooth and shall contain no curb with existing curbs.
- Side of Curb: Ramp: If a curb ramp is located where pedestrian use will occur, the ramp, or where it is not provided by the sidewalk, shall be 48" wide from the curb, for the maximum slope of 1:12.
- Drainage: Ramp shall have level ledges at bottom and top of each ramp transition. 2% slope & more steep.
- Edge Protection: Ramps and ledges with drop-offs shall have curbs, walls, or parapets on the proper grade from tipping off the ramp. Curbs shall be a minimum of 4" high.
- Construction: Ramps shall be constructed of concrete or other material with a smooth finish.
- Submittals: Ramps shall be 48" wide and shall be provided, unless noted and provided to the submittal package. The height of the parapet shall be 4" minimum, 48" maximum. The height of the parapet shall be 4" minimum, 48" maximum. The height of the parapet shall be 4" minimum, 48" maximum.
- Handrails: Handrails shall be provided, unless noted and provided to the submittal package. The height of the handrail shall be 4" minimum, 48" maximum. The height of the handrail shall be 4" minimum, 48" maximum.
- Signage: Signage shall be provided, unless noted and provided to the submittal package. The height of the signage shall be 4" minimum, 48" maximum. The height of the signage shall be 4" minimum, 48" maximum.
- Handrails: Handrails shall be provided, unless noted and provided to the submittal package. The height of the handrail shall be 4" minimum, 48" maximum. The height of the handrail shall be 4" minimum, 48" maximum.

ANDREA COSTANZO
650 619 9045
AndreaCostanzo20@gmail.com
www.AndreaCostanzo.com

QUINONES RESIDENCE
55 MARIPOSA AVE.
BRISBANE, CA.

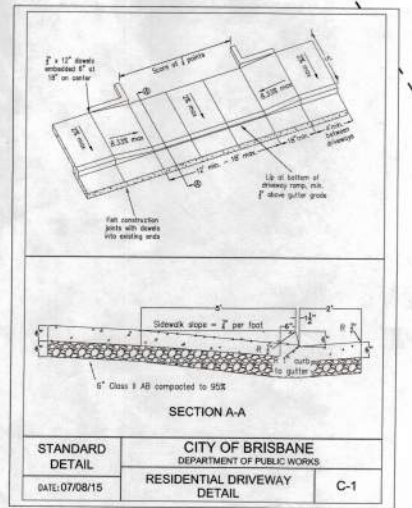
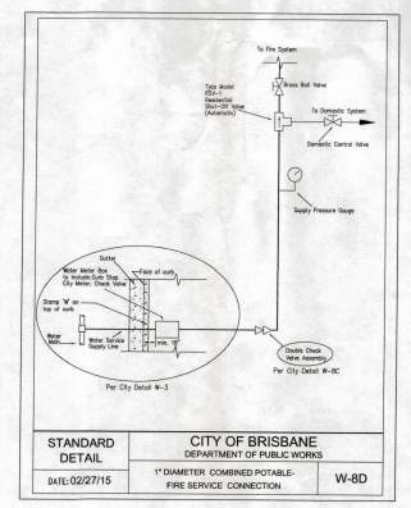
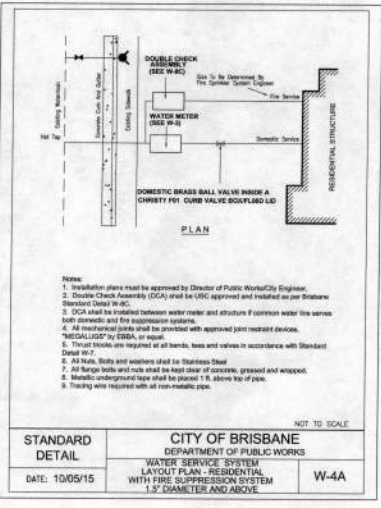
CITY COPY

THE USE OF THIS PLAN AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLISHED THEREFOR. IT IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THIS PLAN AND SPECIFICATIONS REMAINS WITH THE DESIGNER. WITHOUT PREJUDICE, VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE DIMENSIONS AND SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER PRIOR TO THE COMMENCEMENT OF ANY WORK.

Design by:	Drawn by:
ANDREA COSTANZO	ANDREA COSTANZO
DATE	ISSUED FOR
12/04/17	PERMIT
03/13/18	PERMIT
04/09/18	PERMIT

Sheet: COVER SHEET & PROJECT DATA
Scale as shown

A-1
OF



PUBLIC WORKS DEPARTMENT

Approved for construction
As submitted
With noted required corrections
Make corrections noted and resubmit final file copy

Review was conducted for general conformance and compliance with City requirements, codes, regulations, and provisions of agreements between City and Applicant. Approval for construction shall not be construed as a waiver of any requirements, regulations or provisions. Applicant is solely responsible for complying with all requirements of the Brisbane Municipal Code and federal regulations, and agreement provisions.

By: [Signature] DATE: 6/14/18
CITY OF BRISBANE
BRISBANE, CALIFORNIA

THESE PLANS AND DETAILS ARE APPROVED

By The Planning Division Of The Community Development Department
CITY OF BRISBANE

THE APPROVAL OF THESE PLANS SHALL NOT BE CONSTRUED TO BE A PERMIT FOR ANY VIOLATION OF CODE OR ORDINANCE

By: [Signature] DATE: 5/30/18
Date: 5/30/18
Planning Permit#: N/A

THESE PLANS SHALL BE ON THE JOB FOR ALL REQUESTED INSPECTIONS

THESE PLANS AND DETAILS ARE APPROVED

By The Building Division Of The Community Development Department
CITY OF BRISBANE

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By: [Signature] DATE: 5/30/18
Date: 5/30/18
Planning Permit#: N/A

THESE PLANS SHALL BE ON THE JOB FOR ALL REQUESTED INSPECTIONS

Site Plan
SCALE 1/8" = 1'-0"

RECEIVED
MAY 07 2018
Comm. Dev. Dept. Brisbane

Kleinheinz Arborist Services LLC

Certified Arborist WE-7720A

821 Vista Lane, Ione, CA 95640

650-759-1081

K.arborist@yahoo.com

January 11, 2022

55 Mariposa St.
Brisbane, CA 94005

Site Address: 55 Mariposa Street Brisbane, CA 94005

As per your request, to perform an Arborist report located at the location listed above, upon arrival these were my findings:

Note: I was asked to inspect a tree located in the backyard, in regards to the amount of falling limbs and the structure of the tree being of concern.

This tree, located in the backyard and center of the property, is a California Buckeye (**Aesculus californica**). This tree stands approximately 30 feet in height and has a DBH of approximately 30 inches. This tree appears to be in fair health, but has a very poor form from about 5 feet up and throughout the canopy. The canopy of this tree extends over the house and over the neighboring properties and structures. It does appear that the large laterals are cut back on this tree to try to supply adequate room for the house to be built. There are many limbs and a lot of debris, located throughout the yard, that had recently been cleaned.

Suggestions: I do feel that this tree has significantly overgrown its area and has been cut back heavily, but it created more poor branch connection throughout the canopy of the tree. The amount of debris that drops off of this tree poses a threat to anyone underneath the tree and this happens every day, according to the owner. This is a highly used yard by tenants and animals and the occupancy rate of this area is high. The amount of lime and seed dropping is as well, making the area high risk to be in. The amount of debris that is on the ground, shows me that this yard is unusable without being a safety issue. I do feel this tree should be removed and a

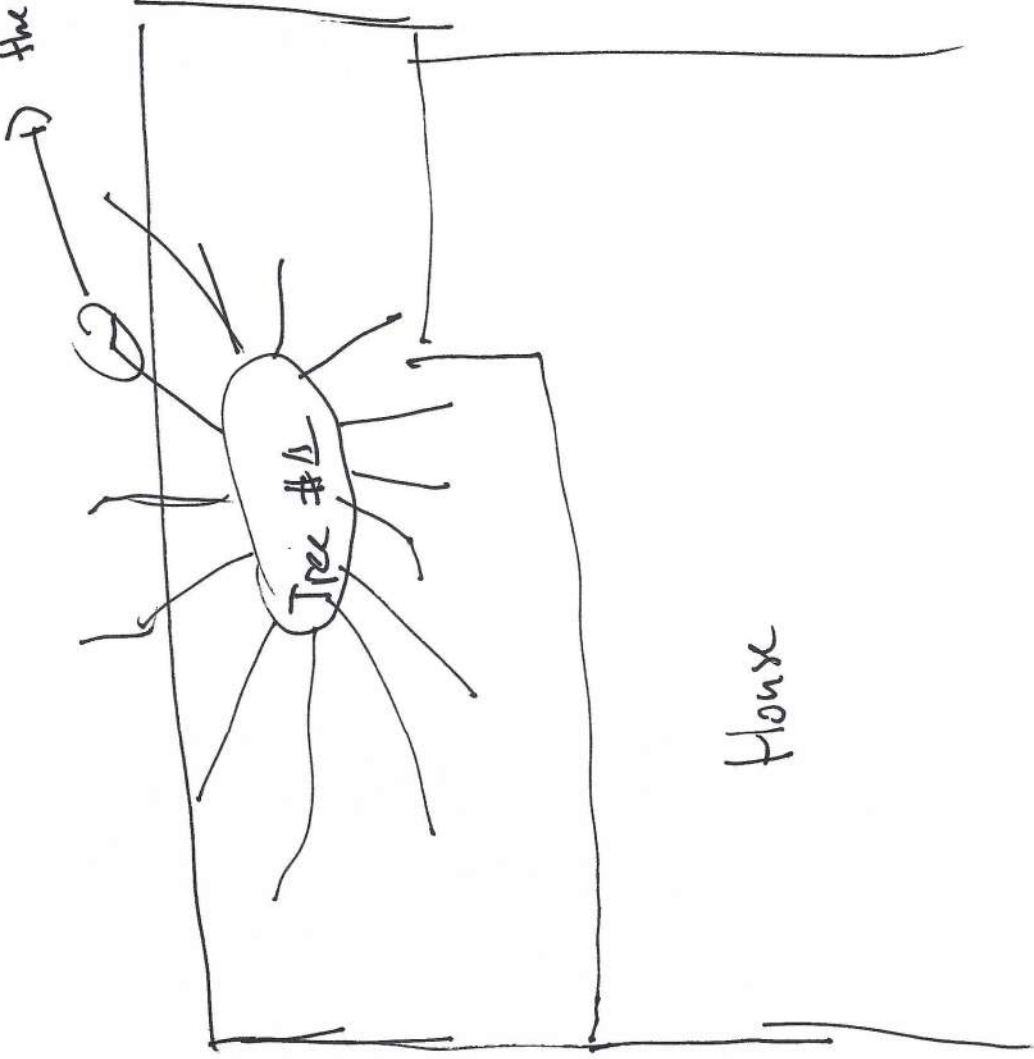
new tree planted in a more suitable location, not over structures or where a tree will impact whether or not the yard can be utilized.

Sincerely X 
Cody Kleinheinz
Certified Arborist/TRAQ Qualified
WE-7720A



Cody J. Kleinheinz
WE-7720A

Lines represent
the branches



House



