



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-2 Tree Removal**

APPLICANT/OWNER: **Michelle Woodruff**

ASSESSOR'S PARCEL NOS.: **007-383-020**

ZONING: **R-1 Residential District**

LOCATION: **222 San Benito Road**

REQUEST: **Removal of three (3) Bay Laurel trees (aka: Laurus nobilis) from the front 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 24, 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 Thursday, March 3, 2022, 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: February 25, 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 25, 2022

Michelle Woodruff
222 San Benito Road
Brisbane, CA 94005

Subject: 2022-TR-2

Dear Ms. Woodruff:

Thank you for submitting a tree removal permit application to remove three Bay Laurel trees from your property at 222 San Benito Road.

This letter serves as the permit to remove the trees. 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 Friday March 4, 2022, the permit effective date will be March 5, 2022.

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: _____
MICHELLE WOODRUFF

FINDINGS

- A. The three Bay Laurel trees are defined as “protected trees” and the following findings are made approving its removal, per BMC Section 12.12.050.B.2.b:
- The trees will be located in close proximity to the proposed addition to the single-family home at 222 San Benito Road approved under building permit B202000345 and revised under building permit B202200020, such that it poses a likelihood of damage to the structure.

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:
 - 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 prior to B202000345 permit final.
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.
7. Building permit B202000345 shall not be finalized until replacement trees are planted.
8. If Building Permit B202000345 expires before finalized, replacement trees are to be planted within 90 days from the date of expiration.



REPORT TO COMMUNITY DEVELOPMENT DIRECTOR

Date: February 24, 2022

From: Jeremiah Robbins, Associate Planner

Subject: 2022-TR-2 Tree Removal Application for Three Bay Laurel trees from 222 San Benito Road

Request

Consideration of the application for a tree removal permit for three Bay Laurel trees from the front yard of the single-family home site at 222 San Benito Road.

Applicant/Owner

Michelle Woodruff

Applicable Code Sections

Together, the three Bay Laurel trees are defined as “protected trees” 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 three Bay Laurel (aka: *Laurus nobilis*) are each in excess of 30 inches in circumference at 2 feet above grade. They are located in the front yard of the single-family home at 222 San Benito Road. The following provides further discussion regarding their proposed removal. Two additional Bay Laurel trees are indicated to be removed on the application but both trees are less than 30 inches in circumference and therefore are considered juvenile trees which are not subject to BMC Chapter 12.12.

The BMC provides four definitions or circumstances for the meaning of a “protected tree.” The last definition stipulates that when three or more mature, non-invasive trees are proposed to be removed from the same property they are collectively considered “protected.” BMC §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 trees are located within the front yard is and are approximately 10.5 feet from the northern façade of the existing home (see Attachment 2). On September 23, 2021, building permit B202000345 was issued to allow an addition of approximately 474 SF. A revision to that permit was submitted January 26, 2022 (B202200020) after a boundary survey identified the addition approved under the original

permit would not comply with the development regulations of the R-1 zoning district. The revision proposes to reduce the size of the addition by 52 SF but alters the footprint of the addition to extend farther towards the front lot line and Bay Laurel trees in question.

Pending approval of the revision, the trees would be located within 3 feet of the home. Staff has reviewed the proposed revision and found it to comply with all development standards of the R-1 zoning district and expects the revision to be approved once the Building Division's plan check comments are addressed. Accordingly, this request meets the finding noted above, allowing for removal.

The standard conditions of approval shall be applied in connection with the granting of a tree removal permit. Some of these conditions includes replacement trees on at least a 1:1 basis with a fifteen-gallon nursery container size or larger, Community Director approval of replacement species and location, and that replacement trees are to be planted within 90 days of removal of the subject trees, per 12.12.050.B.4.

The owner has requested an extension of the 90-day replacement tree requirement due to the estimated timeframe for construction. Framing of the proposed addition is ready to begin once the building permit revision is approved and the three subject Bay Laurel trees are removed, but construction will take longer than 6 months to complete and replacement trees cannot safely be planted until construction concludes. Since tree removal permits expire after 6 months and replacement trees must be planted within 90 days of removal, staff recommends extending the 90-day replacement window and linking it to the final inspection of the associated building permit; the building permit could not be finalized until the replacement trees are planted.

Recommendation

That tree removal permit 2022-TR-2 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

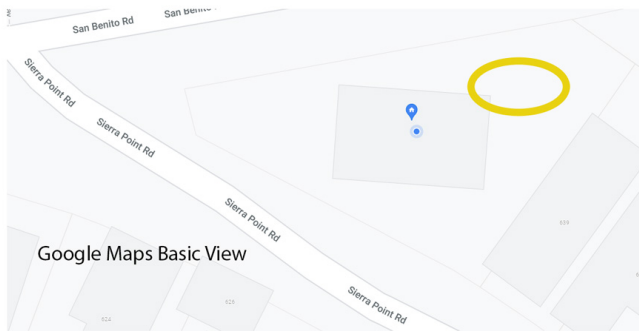
**-DRAFT-
FINDINGS**

- A. The three Bay Laurel trees are defined as “protected trees” and the following findings are made approving its removal, per BMC Section 12.12.050.B.2.b:
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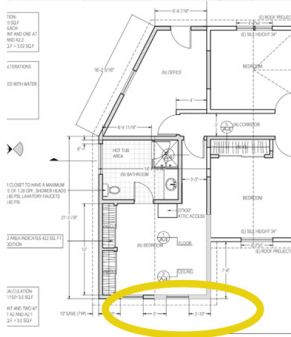
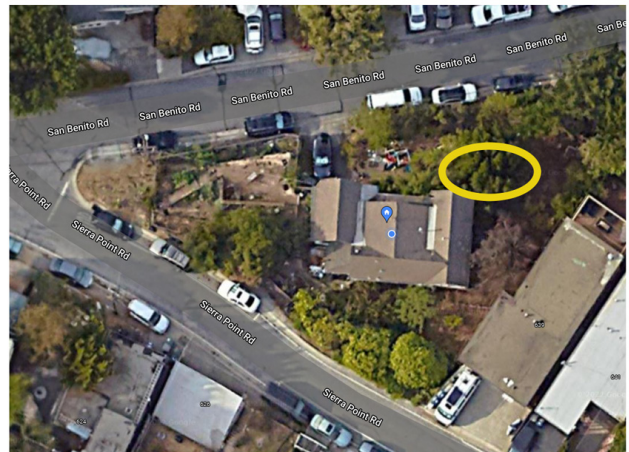
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7. Building permit B202000345 shall not be finalized until replacement trees are planted.
8. If Building Permit B202000345 expires before finalized, replacement trees are to be planted within 90 days from the date of expiration.

Indicates location of trees

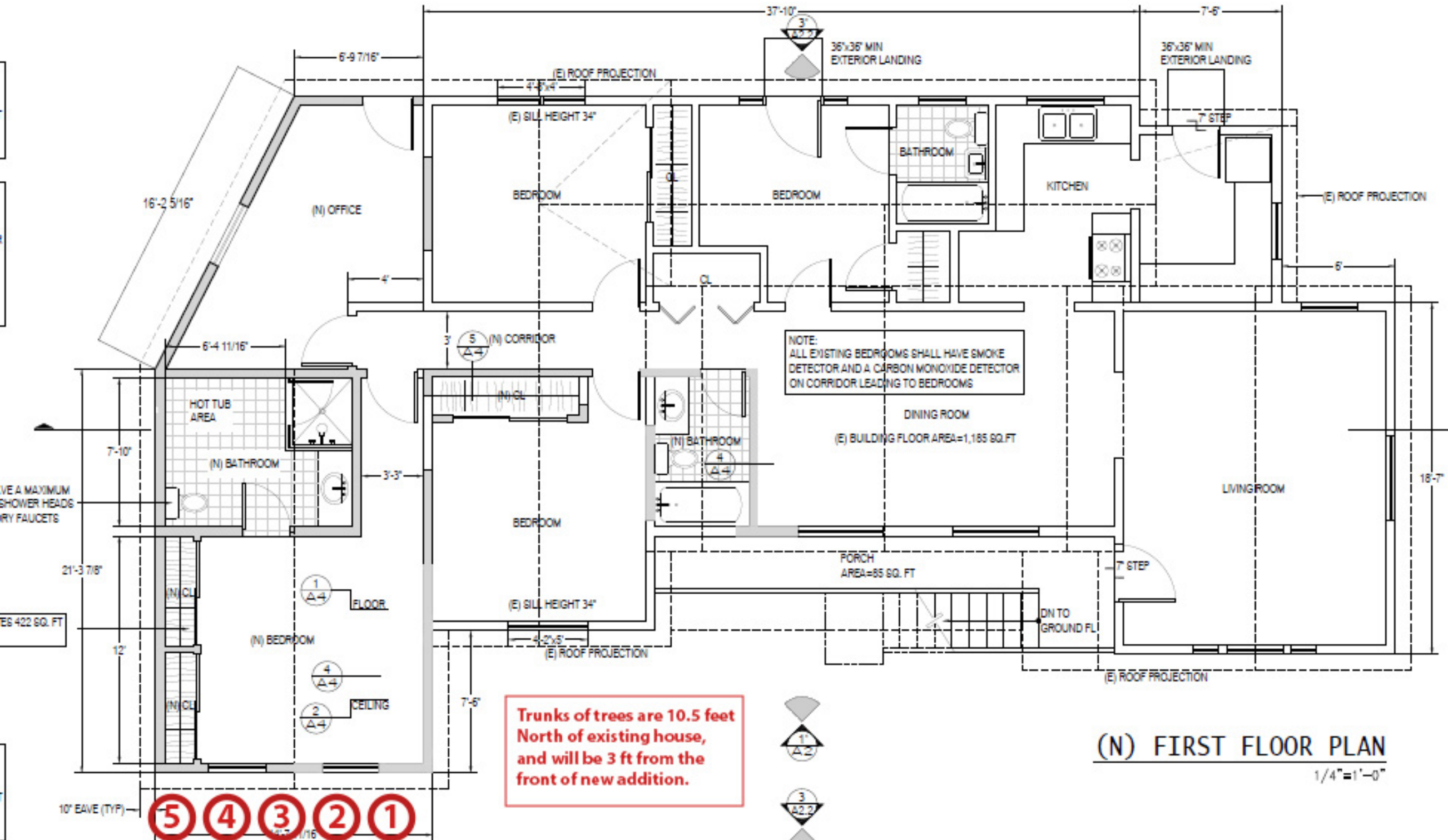


Google Maps Terrain View



Indicates individual tree location





NOTE:
ALL EXISTING BEDROOMS SHALL HAVE SMOKE
DETECTOR AND A CARBON MONOXIDE DETECTOR
ON CORRIDOR LEADING TO BEDROOMS

Trunks of trees are 10.5 feet
North of existing house,
and will be 3 ft from the
front of new addition.

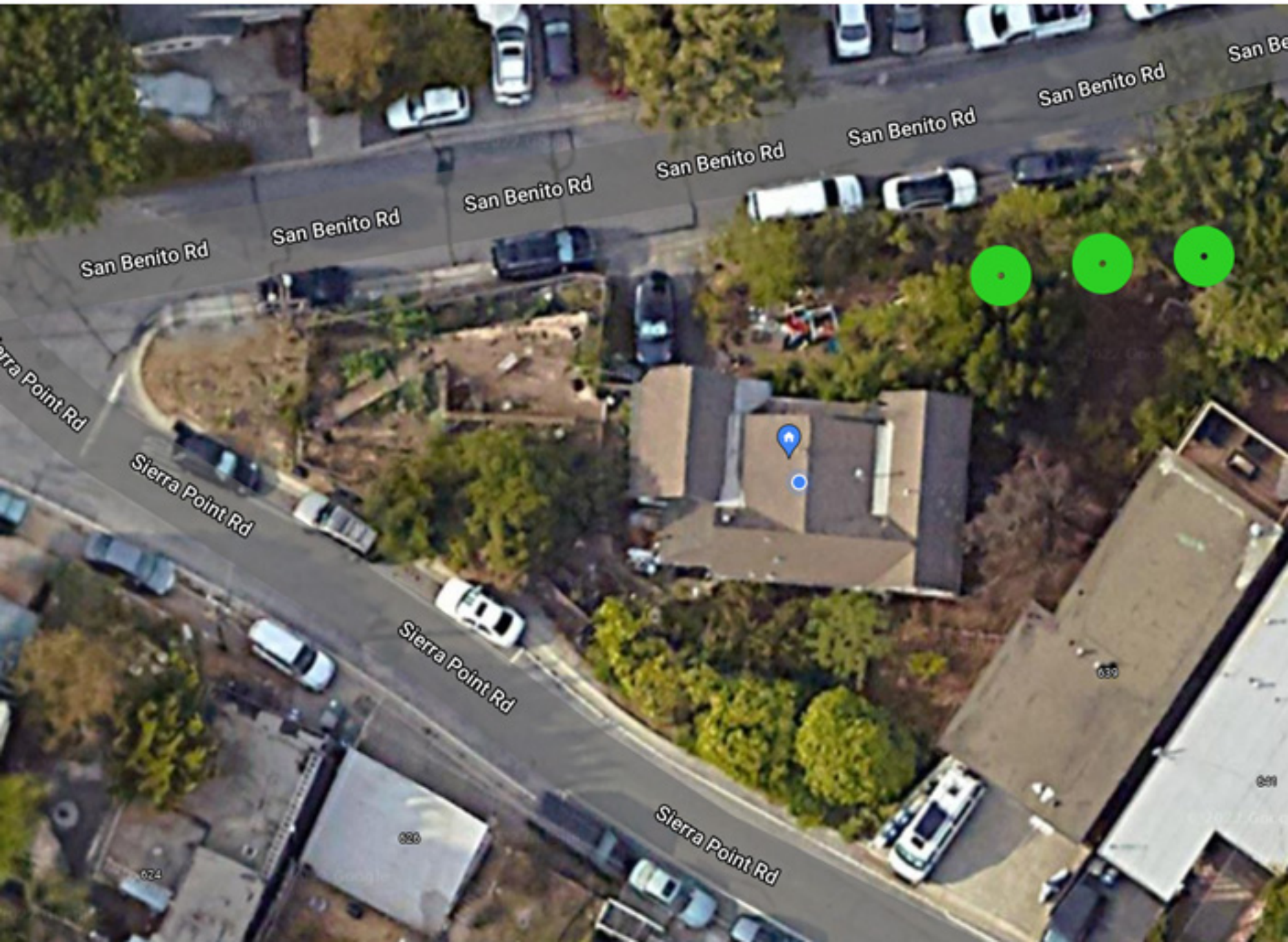
(N) FIRST FLOOR PLAN
1/4" = 1'-0"

WALL LEGEND	
	(E) WALL TO REMAIN
	(E) WALL TO BE REMOVED
	(N) WALL





Likely sites of new trees



Date

Sun, 02/13/2022

Type of Request

Removal of protected trees

Number of Trees

3

Are You The Property Owner?

I am the property owner

Property Address 222 SAN BENITO RD**Owner's First Name** Michelle**Owner's Last Name** Woodruff**Tree #1**

Photo ID #	1
Trim or Remove	Non-protected Tree Removal
Species	Laurus nobilis or Sweet Bay Tree/Bay Laurel
Invasive	No
Tree Circumference	72" $25" + 22" + 20" = 67"$
Description of Tree Location	As shown in aerial photo, the first tree's trunks are about 10 feet NW of the existing house. The trees are planted in a line. Trees will be less than 5 feet from the house.
Photo	1.jpg ^[2]
Photo	sideview.jpg ^[3]

Tree #2

Photo ID #	1
Trim or Remove	Non-protected Tree Removal
Species	Laurus nobilis or Sweet Bay Tree/Bay Laurel
Invasive	No
Tree Circumference	60" $11" + 22" + 20" = 53"$
Description of Tree Location	As shown in aerial photo, the first tree's trunks are about 10 feet NW of the existing house. The trees are planted in a line. Trees will be less than 5 feet from the house.
Photo	1.jpg ^[4]
Photo	

Tree #3

Photo ID #	1
Trim or Remove	Non-protected Tree Removal
Species	Laurus nobilis or Sweet Bay Tree/Bay Laurel

Tree #3

Invasive	No
Tree Circumference	30" $11.5" + 5.5" + 6" = 23"$ (juvenile)
Description of Tree Location	As shown in aerial photo, the first tree's trunks are about 10 feet NW of the existing house. The trees are planted in a line. Trees will be less than 5 feet from the house.
Photo	1.jpg ^[5]
Photo	

Tree #4

Photo ID #	1
Trim or Remove	Non-protected Tree Removal
Species	Laurus nobilis or Sweet Bay Tree/Bay Laurel
Invasive	No
Tree Circumference	40" $16" + 22" = 38"$
Description of Tree Location	As shown in aerial photo, the first tree's trunks are about 10 feet NW of the existing house. The trees are planted in a line. Trees will be less than 5 feet from the house.
Photo	1.jpg ^[6]
Photo	

Tree #5

Photo ID #	1
Trim or Remove	Non-protected Tree Removal
Species	Laurus nobilis or Sweet Bay Tree/Bay Laurel
Invasive	No
Tree Circumference	20" $7.5" + 7" = 14.5"$ (juvenile)
Description of Tree Location	This is a juvenile tree. As shown in aerial photo, the first tree's trunks are about 10 feet NW of the existing house. The trees are planted in a line. Trees will be less than 5 feet from the house.
Photo	1.jpg ^[7]
Photo	

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