



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-3 Tree Removal**

APPLICANT/OWNER: **Janice Au-Young, Viewpoint at the Ridge HOA**

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

LOCATION: **Viewpoint at the Ridge, including one tree in front of 111 Rock Wren Lane and a second tree within the Common Areas at Rock Wren Lane and Checkerspot Drive.**

REQUEST: **Removal of one (1) Canary Island Pine tree and one (1) Stone Pine 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 Friday, May 6, 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, May 5, 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: April 28, 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

April 28, 2022

Janice Au-Young
Viewpoint at the Ridge
233 Golden Eagle Lane
Brisbane, CA 94005

Subject: 2022-TR-3

Dear Ms. Au-Young:

Thank you for submitting a tree removal permit application to remove two pine trees from Viewpoint at the Ridge.

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 Thursday, May 5, 2022, the permit effective date will be May 6, 2022.

Findings and conditions of approval for this permit are attached. 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: _____
JANICE AU-YOUNG

FINDINGS

- A. The trees are defined as a “protected tree” and the following findings are made approving its removal, per BMC Section 12.12.050.B.2.b:
- The trees are 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.

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.
2. The tree stumps are to be removed to below ground level, due to their 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. Applicant shall obtain an Encroachment Permit from the City Engineer prior to undertaking the work, if work is to result in roadway or sidewalk blockage.
6. 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.
7. This tree removal permit shall expire six (6) months following the effective date of the permit.



REPORT TO COMMUNITY DEVELOPMENT DIRECTOR

Date: April 28, 2022

From: Jeremiah Robbins, Associate Planner

Subject: 2022-TR-3 Tree Removal Application for one Canary Island Pine tree and one Stone Pine tree at Viewpoint at the Ridge

Request

Consideration of the application for a tree removal permit for one Canary Island Pine tree and one Stone Pine tree from two locations at Viewpoint at the Ridge.

Applicant

Janice Au-Young on behalf Viewpoint at the Ridge Homeowner's Association (HOA)

Applicable Code Sections

The trees are defined as "protected trees" per Brisbane Municipal Code (BMC) §12.12.040.H.3. Application and findings, decision and standard conditions for removal of a protected tree are provided in BMC §12.12.050.B.

Background

The trees were planted as part of the Northeast Ridge development, and while not protected as species, since they were part of a planned development permit they are considered protected by permit. Therefore, they are subject to a permit for their removal per Brisbane Municipal Code Sections (BMC) 12.12.040.H.3 and 12.12.050.B. The trees indicated in this permit application are estimated to be approximately 25 years old +/- and measure 53-54 inches in diameter. They are summarized as follows:

Type	Location	Size (inches)	Reason for Requested Removal
Canary Island Pine	111 Rock Wren Lane	53	Close proximity to structure
Stone Pine	Rock Wren Lane, Checkerspot Drive	54	Close proximity to structure

Discussion

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 removals:

The trees are 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 Canary Island Pine tree at 111 Rock Wren Lane is in close proximity to the residence and is lifting the concrete driveway. The Stone Pine tree in the common area did not grow upright, rather growing at an angle towards the residence. If left in place, it is anticipated that both trees will further damage the structure (see Attachment 3).

The BMC requires tree replacements on a one-to-one basis for tree removals that are subject to a permit. The applicant has provided staff with a proposed tree species for replanting. However, a map was not included. Consistent with the requirement for replanting, a condition of approval is included, indicating that the applicant shall provide a comprehensive planting plan, including a map of the proposed planting locations and the species at both locations.

Recommendation

That tree removal permit 2022-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



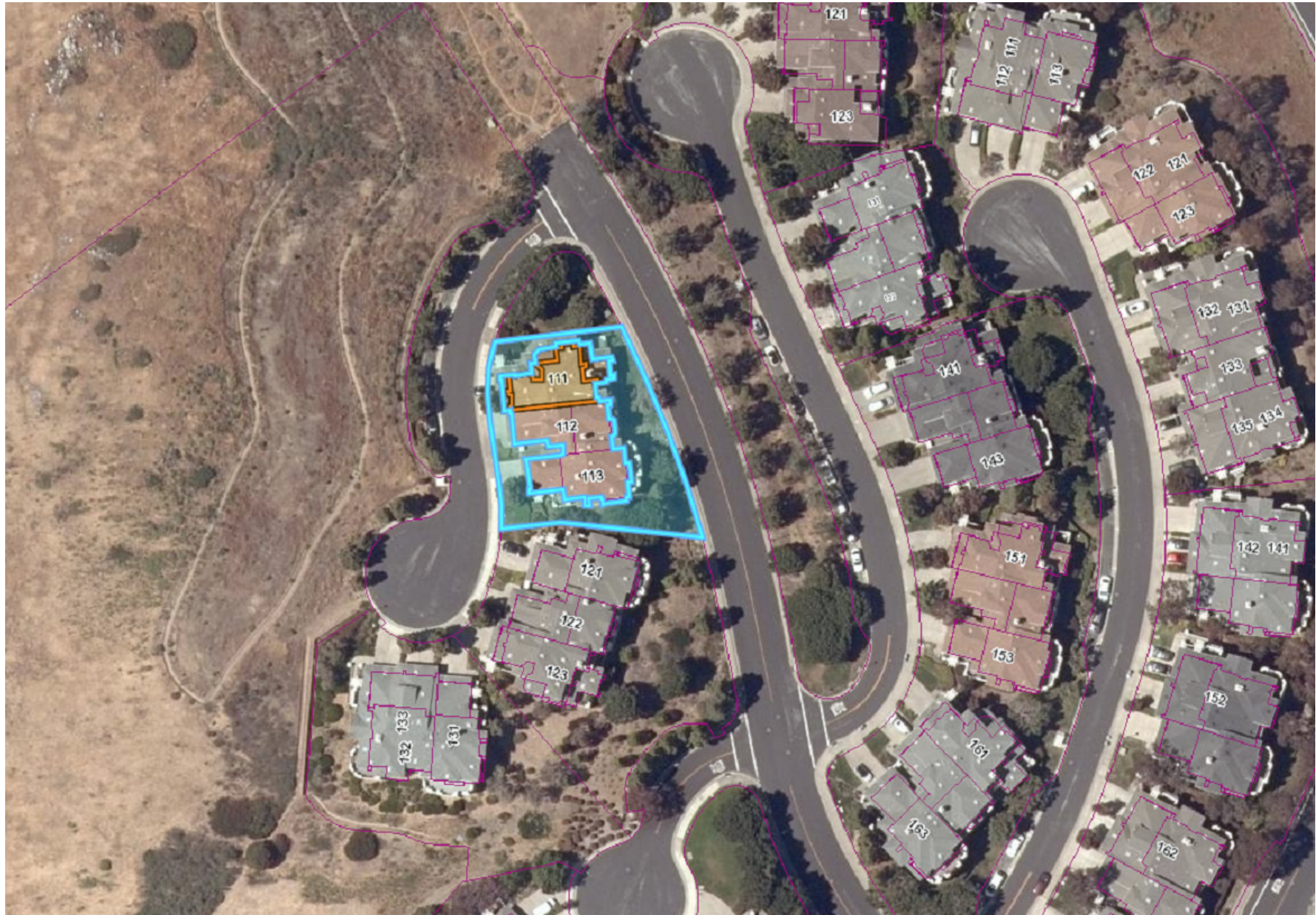
Jeremiah Robbins, Associate Planner

**-DRAFT-
FINDINGS**

- A. The trees are defined as a “protected tree” and the following findings are made approving its removal, per BMC Section 12.12.050.B.2.b:
- The trees are 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.

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.
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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:
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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. Applicant shall obtain an Encroachment Permit from the City Engineer prior to undertaking the work, if work is to result in roadway or sidewalk blockage.
6. 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.
7. 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

RECEIVED
 APR 08 2022
 Comm. Dev. Dept. Brisbane

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 Viewpoint at the Ridge (see table below)

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
see attached slides	Canary Island Pine (Pinus canariensis)	53.25"	111 Rock Wren Lane (front)
	Italian Stone Pine (Pinus pinea)	54"	Checkerspot + 111 Rock Wren (side)

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:

Canary Island Pine roots are lifting the driveway about 2" above the sidewalk
The Stone pine is growing sideways towards the bldg + could damage bldg
Arborist recommends removals and replacements with Tristania laurina.

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 _____ Last Name _____

Mailing Street # _____ Mailing Street _____ Mailing City _____ Mailing State _____ Mailing Zip _____

Email _____ Phone _____

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) _____ Date _____

Viewpoint at the Ridge

**7-day Notice from Owner to City: For Removal of Protected
Mature Trees**

Janice Au-Young, HOA Secretary April 8, 2022.

2 tree removals & replacements

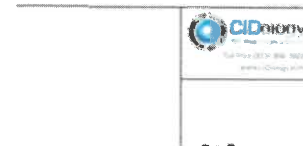
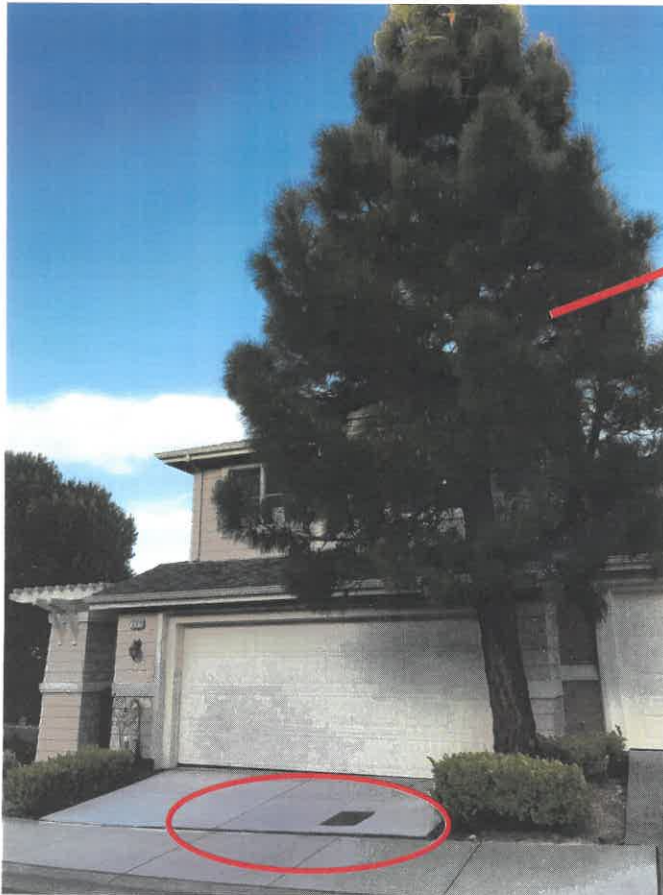
Viewpoint at the Ridge HOA

Slide	Trimming or Removal	Species	Invasive?	Tree circumference at 2 FT above Grade	Description of Tree Location	Replacement Tree	Comment
3	Removal	Canary Island Pine	N	53.25"	111 Rock Wren	Tristina laurina	Tree roots are lifting the driveway plank.
4	Removal	Stone Pine	N	54"	Checkerspot & 111 Rock Wren	Tristania laurina	Sideways growth, potential to damage bldg.

111 Rock Wren (front)

1 Canary Island Pine in driveway: 53.25" circumference

Reason for requested removal: Lifting the driveway; contributing to excess water in crawl space



The driveway is lifted about 2 inches above the sidewalk nearest the Canary Island pine tree to the right.

Arborist recommends pine tree removal.

Checkerspot & 111 Rock Wren (side)

1 Stone Pine : 54" circumference

Reason for requested removal: Sideways growth with exposed roots



Arborist recommends pine tree removal to prevent potential damage to the building.