



**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-8 Tree Removal**

APPLICANT/OWNER: **Leonardo Tuchman, DCT Valley Drive CA LP**

ASSESSOR'S PARCEL NOS.: **005-201-190**

ZONING: **TC-1 Trade Commercial District**

LOCATION: **60 Park Place**

REQUEST: **Removal of one (1) Monterey Pine tree from the landscape area near the northwest corner of the building.**

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, November 24, 2022, unless a notice of appeal form and fee of \$426 is filed with the City Clerk, Ingrida Padilla, no later than close of business on Wednesday, November 23, 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](mailto: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 16, 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

November 16, 2022

Leonardo Tuchman  
7855 Paseo Santa Cruz  
Pleasanton, CA 94566

Subject: 2022-TR-8

Dear Leonardo Tuchman:

Thank you for submitting a tree removal permit application to remove one Monterey Pine tree from the property at 60 Park Place.

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. If no appeal is received by close of business on Wednesday, November 23, 2022, the permit effective date will be November 24, 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](mailto:jrobbins@brisbaneca.org).

Sincerely,

*John Swiecki*

John Swiecki  
Community Development Director

Signed and Accepted: \_\_\_\_\_ Date: \_\_\_\_\_  
LEONARDO TUCHMAN

## **FINDINGS**

- A. The Monterey Pine tree is defined as a “protected tree” and the following findings are made approving their removal, per BMC Section 12.12.050.B.2:
- a. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs.
  - b. The tree is in close proximity to a structure, such as a building, retaining wall, utilities, etc., such that it would pose a likelihood of damage to such structures.
  - c. 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.

## **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 tree(s) 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.
    - a. The replacement location shall not be within a 20-foot radius of the eastern corner of the Park Lane/southwest driveway intersection.
2. The tree stump is to be removed to below ground level, due to its 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. 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.
7. 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.
8. This tree removal permit shall expire six (6) months following the effective date of the permit.



## REPORT TO COMMUNITY DEVELOPMENT DIRECTOR

**Date:** November 16, 2022

**From:** Jeremiah Robbins, Associate Planner

**Subject:** 2022-TR-8 Tree Removal Application for one tree from 60 Park Place

### Request

Consideration of the application for a tree removal permit for one (1) Monterey Pine tree from the landscape area near the northwest corner of the commercial building at 60 Park Place.

### Applicant

Leonardo Tuchman on behalf of DCT Valley Drive CA LP

### Applicable Code Sections

The tree is defined as a “protected tree” 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

Non-invasive trees planted within Crocker Park Industrial subarea, even if not protected as species or classified as a juvenile tree, are considered protected by permit since they were part of a master-planned development. Therefore, they are subject to a permit for their removal per the code sections listed above.

### Discussion

The tree proposed to be removed is located within a landscaped area that includes a total of four pine trees and five Eucalyptus trees planted (roughly) in a line on the frontage of the property between the building and adjacent street. The applicant proposes to remove one Pine tree near the northwest corner of the building. The Monterey Pine tree measures 60 inches in circumference at 2 feet above grade. The following provides further discussion regarding its proposed removal.

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 findings can be made to approve the proposed tree removals:

*The tree is dead or 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.*

As evident by the photos and arborist report included with the application (see Attachment 3), the tree proposed to be removed is diseased and poses an imminent danger of falling or dropping limbs. Also detailed in the attached arborist report, the tree proposed to be removed is in close proximity to other pine trees and the warehouse structure on the premises. Tree removal is necessary for good forestry practices to mitigate the potential spread of pests or pathogens to the adjacent pine trees and reduce the likelihood of falling or dropping limbs from damaging the warehouse.

The standard conditions of approval shall be applied in connection with the granting of this 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 the replacement species and proposed location, and that a replacement tree is to be planted within 90 days of removal of the subject tree, per 12.12.050.B.4. Furthermore, as the proposed replacement tree location is located in a landscaped area next to the parking lot driveway, Condition of Approval 1.iii.a will require the replacement tree to be setback at least 20 feet from the corner of the intersection of the driveway and Park Lane to comply with sight distance standards.

### **Recommendation**

That tree removal permit 2022-TR-8 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



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Jeremiah Robbins, Associate Planner

**-DRAFT-  
FINDINGS**

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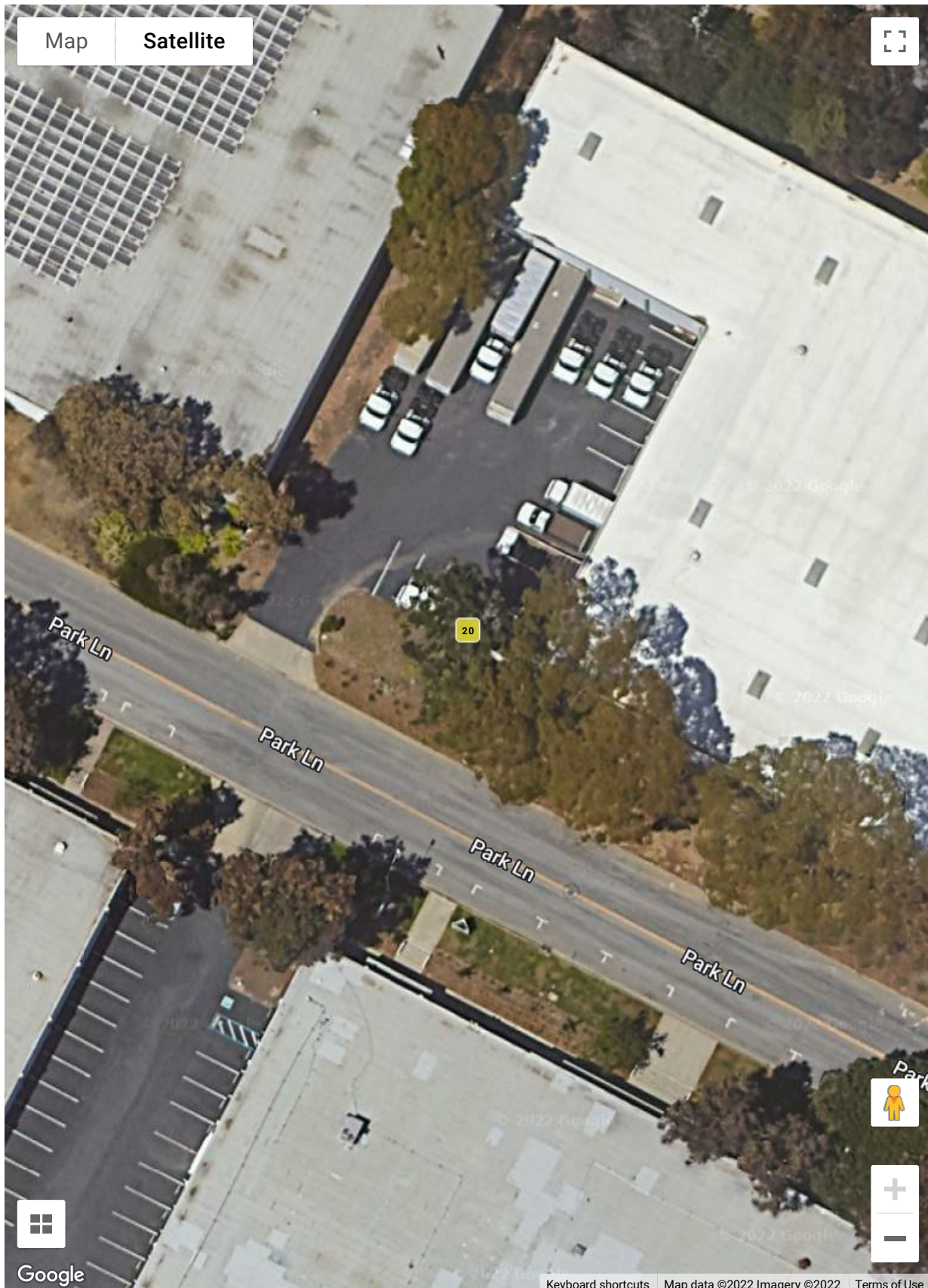
Staff Report for Tree Removal Permit  
60 Park Place  
November 16, 2022

7. 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.
8. This tree removal permit shall expire six (6) months following the effective date of the permit.



Park Ln., 60

Pine Removal



Legend (1)

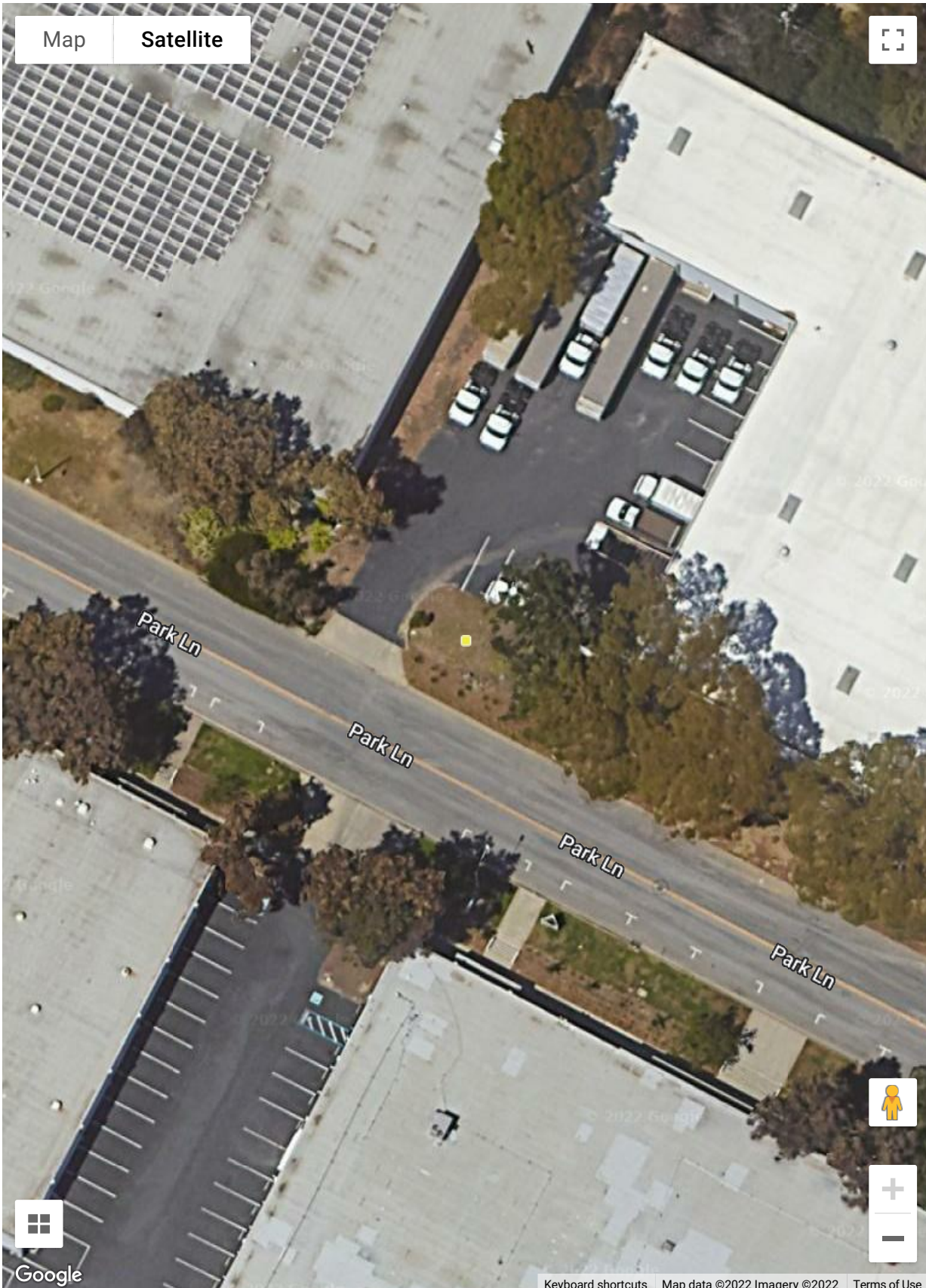
Monterey Pine (1)





Park Ln., 60

CL Oak Replant



Legend (1)

Coast Live Oak (1)



Submission information

Form: Private Tree Removal and Severe Tree Trimming Application [1]

Submitted by Visitor (not verified)

Fri, 10/14/2022 - 10:22am

**Date**

Fri, 10/14/2022

**Type of Request**

Removal of Non-protected Mature Tree

**Number of Trees**

1

**Are You The Property Owner?**

I am not the property owner

**Property Address** 60 Park Lane

**Tree #1**

Photo ID #	20
Trim or Remove	Non-protected Tree Removal
Species	Pinus radiata
Invasive	No
Tree Circumference (inches)	60"
Description of Tree Location	Along Park Lane south of parking lot in landscape near other pines.

**Certify the following:**

**Certify the following:**

- I am an authorized agent of the property owner
- The Owner of Record has signed a Property Owner Authorization Form
- The information submitted herein is true and correct
- The Owner of Record has read and agree to the standard conditions of approval specific to this request

**Applicant's signature**

**Electronic Signature Agreement**

I agree



11/14/22

Leonardo Tuchman  
The Arboreal Company  
7855 Paseo Santa Cruz  
Pleasanton, CA 94566

Prologis  
3353 Gateway Blvd  
Fremont, CA 94538

To Whom it May Concern,

The Arboreal Company was asked to provide an arborist report detailing the condition of a Monterey Pine growing in the landscape at 60 Park Place in Brisbane, CA. The City of Brisbane requested this report to detail the condition of the tree and lay out the reason ownership has requested the removal of this tree. They are concerned about the health of the tree as well as safety considering its proximity to the nearby building and parking. Attached in this report are photos (Exhibit 1) and a map showing the tree location (Exhibit 2). I inspected the site on November 9<sup>th</sup>, 2022. The following details my findings:

The subject tree is a Monterey pine with a 19-inch trunk diameter. It is growing in a cluster of other Monterey pine close to one another. This cluster is in the landscape of 60 Park Place near the building and parking lot. It is being requested for removal based on the health of the tree, as well as proximity to the building. The upper canopy of the tree had extensive dieback (Photo 1). This dieback is likely to continue to spread down the tree, and while the cause of it is unknown, should it be a disease it could spread to other nearby Monterey pine in the cluster. To reduce the immediate hazard of the tree, this deadwood was recently removed. The result of this is while the deadwood no longer presents a risk of falling, the tree no longer has a main leader. With no leader, the tree is likely to develop poor structure as multiple branches begin to grow near where the leader was removed. In addition to this, some deadwood was still observed in the canopy, and the removal of this deadwood is likely only a short-term solution.

Overall, this subject Monterey pine is being requested for removal based on extensive dieback having been present in the upper part of the canopy. This dieback is likely to continue down the tree, and should it be a communicable disease, it has the potential to spread to other Monterey pine in its cluster. Furthermore, given the proximity of this tree to parking and the building, should a limb break off it has the potential to harm people or property beneath the canopy.

Leonardo Tuchman  
The Arboreal Company



Should this removal be approved, ownership intends to replace this tree with a 24-inch box coast live oak that is to be planted in the nearby landscape.

Should you have any questions please feel free to contact me via phone or email.

Sincerely,

Leonardo Tuchman

*Leonardo Tuchman*

RCA #771

ISA Certified Arborist WE-12453A

Tree Risk Assessment Qualified

Leonardo Tuchman  
The Arboreal Company





Exhibit A: Photos



**Photo 1:** Upper canopy of subject Monterey pine tree. As of November 9<sup>th</sup>, this the majority of this dieback had been removed.

Leonardo Tuchman  
The Arboreal Company



**Photo 2:** Upper canopy of the subject Monterey pine with leading stem removed. Some deadwood was still visible and branch structure was poor.

Leonardo Tuchman  
The Arboreal Company





**Photo 3:** Subject Monterey pine (center) growing amongst a cluster of other pine. Its canopy was overhanging the parking lot.

Leonardo Tuchman  
The Arboreal Company

Park Ln., 60

Exhibit 2: Tree Location Map

The image is a satellite view from Google Maps showing an industrial or commercial area. A road labeled "Park Ln" runs diagonally across the frame. A yellow square marker with the number "20" is placed on a tree located between the road and a large white building. The building has a flat roof and several windows. To the left of the road is a parking lot with several cars and a large white grid structure. The map interface includes a "Map" and "Satellite" toggle at the top left, a "Legend (1)" on the right showing a yellow square for "Monterey Pine (1)", a person icon at the bottom right, and a QR code in the bottom right corner. The Google logo and "© 2022 Imagery © 2022" are visible at the bottom left.





## Assumptions and Limitations

- All information and opinions in this report are based on above ground site conditions at the time of inspection. In no way shall the consulting arborist be held liable for defects that could only be observed through excavation, probing, or other advanced observation techniques.
- No guarantee is made that new defects will not arise in the future that could impact the condition of the subject tree(s).
- No guarantee is made that should recommendations be followed that the desired outcome will be achieved.
- This report is the propriety information of The Arboreal Company and may not be reproduced in part or in whole without the consent of The Arboreal Company.
- Should this report be altered without the explicit consent of The Arboreal Company, this report shall be considered invalid.

Leonardo Tuchman  
The Arboreal Company

11/15/22, 8:59 AM

ATTACHMENT 3

**From:** Leonardo Tuchman  
**Sent:** Monday, November 14, 2022 4:34 PM  
**To:** Robbins, Jeremiah <jrobbins@ci.brisbane.ca.us>  
**Subject:** RE: 60 Park Place - Tree removal

Hi Jeremiah,

I can definitely adjust the planting location to reflect that, please take a look at the attached revised map and let me know if this location works for you.

In regard to the condition of the tree, the tree poses an imminent danger when considering the overall structure and health of the tree. While the most egregious deadwood was removed, other deadwood is still present that could fall and harm people or property. Additionally the tree overall is sparse with foliage and I expect dieback to continue. Based on its condition I believe whole tree failure is a possibility during storm conditions as well.

Let me know if you have any questions, happy to help.

Thank you,

**Leonardo Tuchman**  
**Director of Consulting**









