



City of Brisbane
50 Park Place
Brisbane, CA 94005-1310
415-508-2100
415-467-4989 Fax

**NOTICE OF APPROVAL
TREE REMOVAL PERMIT**

APPLICATION NO.: **Tree Removal TR-2-21**

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

OWNER(S): **City of Brisbane**

ASSESSOR'S PARCEL NO.: **005-450-997**

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

LOCATIONS: **Viewpoint at the Ridge, including three trees on Cliff Swallow Court Common Areas, Mission Blue Drive near the Clubhouse and in front of 221 Warbler Lane.**

REQUEST: **Removal of two (2) Sycamore trees and three (3) dead Eucalyptus trees.**

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 June 10, 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 Tuesday June 9, 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-notice-and-tree-removal-permits>

DATED: June 2, 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

June 2, 2021

Janice Au-Young
Viewpoint at the Ridge
233 Golden Eagle Lane
Brisbane, CA 94005
Jauyoung_2000@yahoo.com

Subject: TR-2-21 Approval of Tree Removal for Three Eucalyptus and Two Sycamore Trees
at Viewpoint at the Ridge

Dear Ms. Au-Young:

Thank you for submitting a tree removal permit application to remove three Eucalyptus and two Sycamore Trees from Viewpoint at the Ridge.

This letter serves as the permit to remove the trees and 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, the permit effective date is June 10, 2021 and upon returning a signed copy of this letter, acknowledging agreement with the conditions of approval.

Findings and conditions of approval for this permit are attached. Please sign and return a copy of this letter to Senior Planner Ken Johnson, to acknowledge your agreement with the conditions of approval. Also, 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. Johnson at (415) 527-7801, or email at kjohnson@brisbaneca.org.

Sincerely,

John Swiecki, AICP
Community Development Director

Signed and Accepted: _____ Date: _____
Janice Au-Young

Attachments:

- A. Findings and Conditions of Approval
- B. Staff Report to Community Development Director, dated June 2, 2021

ATTACHMENT A

FINDINGS FOR APPROVAL

BMC Section 12.12.050.B.2 requires that one or more of five findings be made by the Planning Director (i.e. Community Development Director) for approval of an application for a protected tree removal. In this case, three findings are made to approve the proposed removals:

- A. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs. This is applicable to the three Eucalyptus trees.
- 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. This is applicable to the Sycamore trees at 155 Cliff Swallow Ct and 221 Warbler Ln.
- C. The tree unreasonably interferes with the economic or other enjoyment of the property. This is also applicable to the tree 221 Warbler Ln.

A. CONDITIONS OF APPROVAL

- 1. Replacement trees shall be required to be planted on the subject property at the HOA's (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 proposed planting locations, shown on a site plan or aerial photograph, shall be approved by the Planning Director prior to planting. (Note: Species should be well suited to the specific environmental conditions at each location with proper spacing to avoid future crowding with other trees or structures.)
 - iv. Replacement trees are to be planted within ninety (90) days of removal.
- 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.

Tree Removal Permit

Intersection of Mission Blue Drive and Silverspot Drive

June 2, 2021

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.



Sycamore Trees

REPORT TO COMMUNITY DEVELOPMENT DIRECTOR

Date: June 2, 2021

From: Ken Johnson, Senior Planner

Subject: TR-2-21 Tree Removal Application for Three Eucalyptus and Two Sycamore Trees at Viewpoint at the Ridge

Request

Consideration of the application for a tree removal permit for Three Eucalyptus and Two Sycamore Trees from various locations at Viewpoint at the Ridge.

Applicant

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

Background

The trees were planted as part of the Northeast Ridge development and, although not protected as species, since they were part of a planned development permit they are therefore 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 range from approximately 19 to 61 inches in diameter. They are summarized as follows:

Type	Location	Size (inches)	Reason for Requested Removal
Eucalyptus	Cliff Swallow	61	dead
Eucalyptus	Cliff Swallow	45	dead
Eucalyptus	Mission Blue Drive near Clubhouse	19	dead
Sycamore	155 Cliff Swallow	41	Damaging structure - Lifting driveway slab
Sycamore	221 Warbler	25	Enjoyment of property and potential damage to property - growing over house and driveway

Applicable Code Sections

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

Discussion

BMC Section 12.12.050.B.2 requires that one or more of five findings be made by the Planning Director (i.e. Community Development Director) for approval of an application for a protected tree removal. In this case, three findings can be made to approve the proposed tree removals:

- A. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs.
- 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.
- C. The tree unreasonably interferes with the economic or other enjoyment of the property.

The three Eucalyptus trees are dead and as such they pose a danger of falling or dropping limbs and they meet the first finding listed above.

The Sycamore tree at 155 Cliff Swallow Ct is in close proximity to the driveway and its roots have begun to lift the driveway slab. If left in place, it is anticipated that the tree will further damage this structure. This tree meets the second finding listed.

The Sycamore tree at 221 Warbler Lane is also in close proximity to the driveway and the home and a number of reasons for removal were listed in an email from the property owner to the HOA. That email is attached for reference (Attachment 3). As shown in the photo provided by the HOA, the tree is adjacent to the driveway and is in close to the house. It also leans at an angle over the driveway. The property owner has indicated that despite efforts by the HOA to manage the tree, it poses various risks to structures and vehicles and drops litter on the house and vehicles and is depriving him of enjoyment of the property. This tree meets the findings for both potential damage to structures and interference with the enjoyment of the property.

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 list of trees proposed 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 each location. The draft findings and conditions of approval are provided (Attachment 1).

Recommendation

That tree removal permit TR-2-21 be approved.

Staff Report for Tree Removal Permit
Intersection of Mission Blue Drive and Silverspot Drive
June 2, 2021

Attachments

1. Draft Findings and Conditions of Approval
2. Tree Removal Application -Excerpts
3. Email regarding 221 Warbler Lane



Ken Johnson, Senior Planner

-DRAFT-
FINDINGS FOR APPROVAL

BMC Section 12.12.050.B.2 requires that one or more of five findings be made by the Planning Director (i.e. Community Development Director) for approval of an application for a protected tree removal. In this case, three findings are made to approve the proposed removals:

- A. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs. This is applicable to the three Eucalyptus trees.
- 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. This is applicable to the Sycamore trees at 155 Cliff Swallow Ct and 221 Warbler Ln.
- C. The tree unreasonably interferes with the economic or other enjoyment of the property. This is also applicable to the tree 221 Warbler Ln.

A. CONDITIONS OF APPROVAL

- 1. Replacement trees shall be required to be planted on the subject property at the HOA's (property owner's) expense in compliance with the following:
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 - ii. Replacement size shall be of a standard fifteen (15) gallon nursery container, or larger.
 - iii. The replacement species and proposed planting locations shall be approved by the Planning Director prior to planting. (Note: Species should be well suited to the specific environmental conditions at each location with proper spacing to avoid future crowding with other trees or structures.)
 - iv. Replacement trees are to be planted within ninety (90) days of removal.
- 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:
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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.

Staff Report for Tree Removal Permit
Intersection of Mission Blue Drive and Silverspot Drive
June 2, 2021

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.

5 tree removals & replacements

Viewpoint at the Ridge HOA

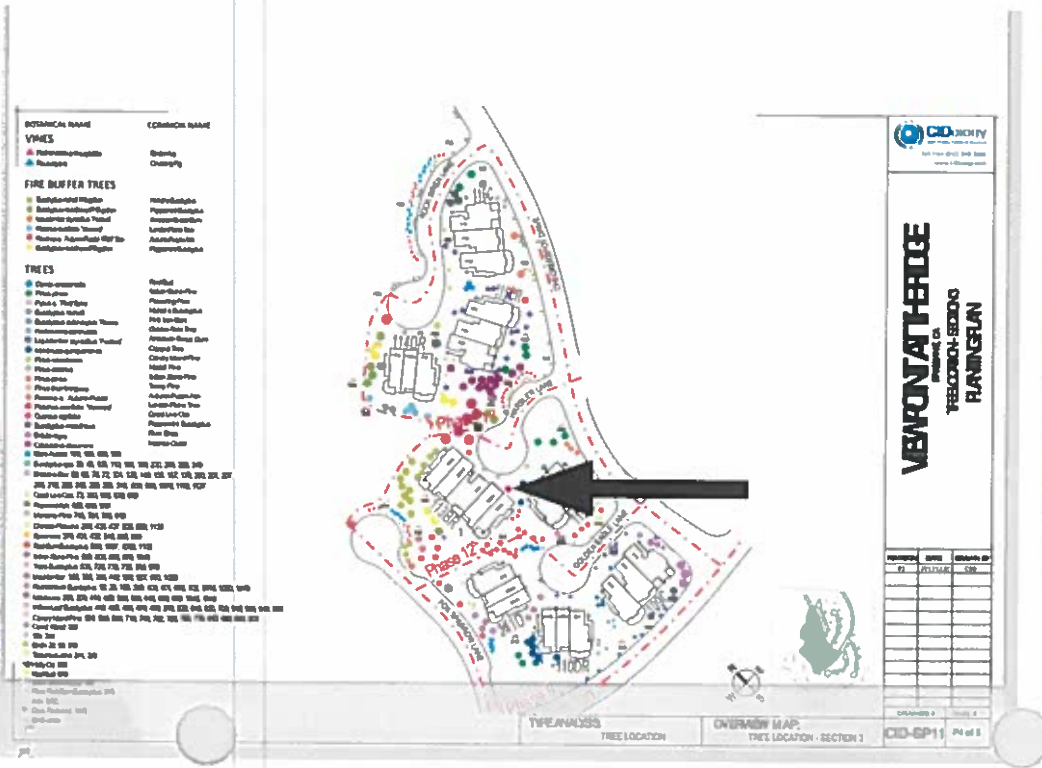
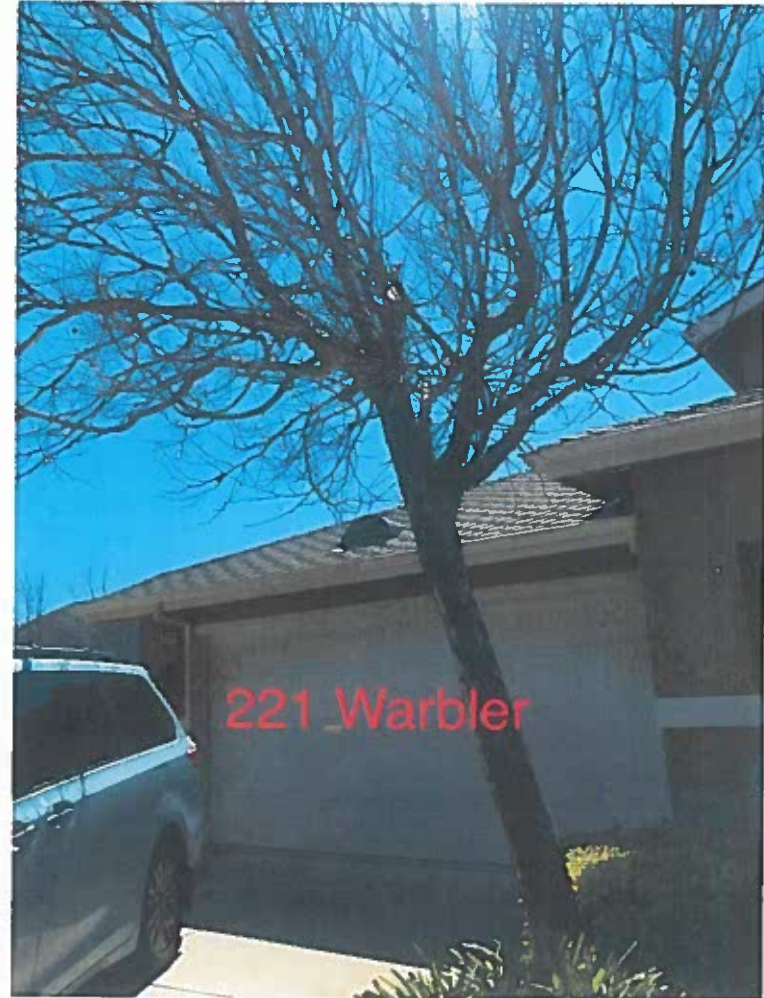
Slide	Trimming or Removal	Species	Invasive?	Tree circumference at 2 Ft above Grade	Description of Tree Location	Replacement Tree
3	R	2 Eucalyptus trees (Dead)	N	61" 45"	Backside of 163 Red Hawk (Both trees are on Cliff Swallow)	111 Fox Sparrow 2-15gallon Ulmus 'Frontier'
4	R	Eucalyptus (dead)	N	19"	Mission Blue near Club House	1-15gallon Coast Live Oak tree
5	R	Sycamore	N	25"	221 Warbler driveway	1-15gallon Cercis occidentalis
6	R	Sycamore	N	41"	155 Cliff Swallow driveway	1-15gallon Cercis occidentalis

221 Warbler Lane

Sycamore in driveway to be removed

Tree #687: 25" circumference

Tree is growing over the driveway



Attachment 3

Email from Property Owner

Regarding Tree at

221 Warbler Ln

For the additional information you requested to justify removal of the owner suggests the tree removal is Necessary for economic or other See his email below: He says the fallen leaves could cause roof hazard, and the tree roots could damage the water main. He also branches touch his car. He sent this email to our property man

From: kenny yu <[REDACTED]>

Sent: Thursday, October 1, 2020 11:18 AM

To: John Carney <[REDACTED]>

Subject: Re: Tree problems affecting 221 Warbler Lane in Brisbane (Viewpoint At The Ridge) -10/1/20

Hi Mr. Carney. I was wondering if the board can review the overgrown trees around my unit at 221 Warbler Lane? The last time this was brought up, I think the trees got trimmed just a little, and I think it's time to revisit them again.

Tree #687 (I think tag might have falling off like the other ones around the property? I got that number from prior email with you.), located between my garage and unit 222's garage, is my greatest concern currently. It's branches are over hanging my roof a lot and it sheds these large leaves all over the place, including on top of the roof and possibly into the rain gutters. We can't prolong this condition, unless the HOA is fine with the inevitable damages to the roof. It's also a fire hazard to have a tree so close to the building structure. I am also very concern for its very close proximity (within 6 feet or less) from my water main. If its roots cause damage to the water main, that could cause the dirt underneath the foundation to wash away (irreversible damage??). That tree is also slanting more towards the center of my garage door. Most of the tree branches are growing to one side and most likely contributing to the growing slant. One of the branches is hovering very low and touching my car when it's windy outside. Is it possible to have that tree removed and a bush or flowers in its place? That tree is getting taller every year with its canopy getting ever wider but on only one side. If Brisbane wants to maintain tree count on our property, can we replant another tree in the hillside, away from our housing structure to avoid damage to property?

I have incorporated this info into a revised slide deck which has the replanting plan as well. I will submit to your office by hand since there is a limit on the size of email attachments.

Please let me know if you need more information.

Thanks!

-Janice



City of Brisbane
 Community Development Dept.
 50 Park Place
 Brisbane, CA 94005
 (415) 508-2120

Application for Protected Tree Removal

Fee amount: \$ 348.00
 Received Date: 04/13/21
 Receipt No. 12566

City Hall Hours: M-T-Th 8-5, W 8-8, F 8-1

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	Eucalyptus #389 (dead)	61"	Behind 163 Red Hawk both trees are on Cliff Swallow
attached	Eucalyptus (dead)	45"	
slides	Eucalyptus (dead)	19"	Mission Blue near ClubHouse next to 'No Soliciting' sign
↓	Sycamore (growing over driveway)	25"	221 Warbler Lane driveway
↓	Sycamore (lifting driveway slab)	41"	155 Cliff Swallow driveway

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:

see attached slides

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:

[Redacted]				
Owner First Name		Last Name		
[Redacted]				
Mailing Street #	Mailing Street	Mailing City	Mailing State	Mailing Zip
Email	[Redacted]		Phone	[Redacted]

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) [Redacted] Date [Redacted]

➤ **ELECTRONIC SUBMITTAL REQUIRED.** Please submit this application and any supplemental material to planningapplications@brisbaneca.org as a PDF. (Max email size 10 MB.)

If an agent is submitting on behalf of the owner, provide the following additional information:

[Redacted] Agent First Name [Redacted] Agent Last Name [Redacted] Business Name

[Redacted] Business Street # [Redacted] Street [Redacted] City [Redacted] State [Redacted] Zip

Email [Redacted]

Business Phone [Redacted] Mobile Phone [Redacted]

Agent Signature (required) [Redacted] Date [Redacted]
