



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.: **Tree Removal TR-8-20**

APPLICANT/OWNER: **Erik Moller, Arborwell Inc./Lyf Investment Group Llc.**

ASSESSOR'S PARCEL NOS.: **005-290-100**

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

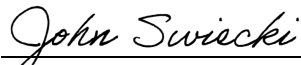
LOCATION: **175 South Hill Drive**

REQUEST: **Removal of one (1) Coast Redwood Tree (aka: Sequoia sempervirens) 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 November 25, 2020, 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, February 18, 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-notices-and-tree-removal-permits>

DATED: February 11, 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

February 11, 2021

Erik Moller
Arborwell Inc.
2337 American Ave.
Hayward, CA 94545

Subject: 175 South Hill Drive

Dear Mr. Moller:

Thank you for submitting a tree removal permit application to remove one Coast Redwood tree from the above referenced.

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, the permit effective date is February 19, 2021 and upon returning a signed copy of this letter, acknowledging agreement with the conditions of approval.

Please sign and return a copy of this letter to Senior Planner Ken Johnson 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. Johnson at (415) 508-7801, or email at kjohnson@brisbaneca.org.

Sincerely,

John Swiecki
Community Development Director

Signed and Accepted: _____ Date: _____
Erik Moller

Cc: Howard Lee, Lyf Investment Group Llc., 175 South Hill Drive, Brisbane, CA 94005

FINDINGS

- A. The Coast Redwood tree is defined as a “protected tree” and the following finding is made approving its removal, per BMC Section 12.12.050.B.2.b: the tree is located in close proximity to the retaining wall alongside the driveway of the subject site and as such it poses a likelihood of damage to the structure.

CONDITIONS OF APPROVAL

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense for the Coast Redwood 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 Planning Director and City Engineer prior to planting (see related condition #2).
 - iv. Replacement trees are to be planted within ninety (90) days of removal.
2. Prior to replanting, the applicant is to verify that the proposed tree location is on the subject property and not within the public right and shall provide such documentation to the City Engineer prior to planting.
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. 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.
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: February 11, 2021

From: Ken Johnson, Senior Planner

Subject: TR-8-20 Tree Removal Application for One Coast Redwood Tree from 175 South Hill Drive

Request

Consideration of the application for a tree removal permit for one Coast Redwood tree from the front yard of the commercial site at 175 South Hill Drive.

Applicant/Owner

The applicant is Erik Moller, Arborwell Inc. The owner is Lyf Investment Group Llc.

Applicable Code Sections

The Coast Redwood tree is a “protected tree” per Brisbane Municipal Code (BMC) Section 12.12.040.H.3, Permit Protected. Application and findings, decision and standard conditions for removal of a protected tree are provided in BMC Section 12.12.050.B.

Discussion

The Coast Redwood (aka: scientific name, *Sequoia sempervirens*) is approximately 95 inches in circumference at 2 feet above ground. It is located in the front yard of the commercial property at 175 South Hill Drive. The following provides further discussion regarding its proposed removal.

As protected tree, 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 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 tree is located immediately adjacent to a retaining wall alongside the driveway entrance to the site. As shown in the applicant’s photo of the base of the tree and the wall, a hairline crack has developed in the wall. Based on the fact that the tree is immediately adjacent to the wall, with the trunk being within a few inches of the wall, and the anticipated great growth size that’s common for this species, it’s anticipated that if left in place the tree would continue to encroach on the wall and ultimately cause failure of it.

Since the tree is a protected species, as defined in BMC Section 12.12.040.H.3, in connection with the granting of a tree removal permit, the standard conditions of approval are to be applied. One of

Staff Report for Tree Removal Permit
175 South Hill Drive
February 11, 2021

these conditions includes replacement tree(s) on at least a 1:1 basis with a fifteen gallon nursery container size or larger, with a species and location to be approved by the planning director, per 12.12.050.B.4. Also, the replacement tree is to be planted within 90 days of removal of the subject tree.

The applicant has proposed to plant a replacement Coast Redwood at the location shown on the aerial map and in the photo (Attachments 2 and 3b). This would in the same general area of the site, but farther back into the landscaping and away from the wall. The City Engineer has recommended condition of approval #2, to ensure the proposed replacement is not located within the public right-of-way.

Recommendation

That tree removal permit TR-8-20 be approved, based on the draft finding and conditions of approval provided in Attachment 1.

Attachments

1. Draft Findings and Conditions of Approval
2. Tree location map/aerial
3. Images
 - a. Tree and Wall
 - b. Tree Proposed for Removal and Proposed Replacement Location
 - c. Wall Close-up
4. Tree Removal Application



Ken Johnson, Senior Planner

**-DRAFT-
FINDINGS**

- A. The Coast Redwood tree is defined as a “protected tree” and the following finding is made approving its removal, per BMC Section 12.12.050.B.2.b: the tree is located in close proximity to the retaining wall alongside the driveway of the subject site and as such that it poses a likelihood of damage to the structure.

CONDITIONS OF APPROVAL

1. A replacement tree shall be required to be planted on the subject property at the property owner's expense for the Coast Redwood 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 Planning Director and City Engineer prior to planting (see related condition #2).
 - iv. Replacement trees are to be planted within ninety (90) days of removal.
2. Prior to replanting, the applicant is to verify that the proposed tree location is on the subject property and not within the public right and shall provide such documentation to the City Engineer prior to planting.
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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5. 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.
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.



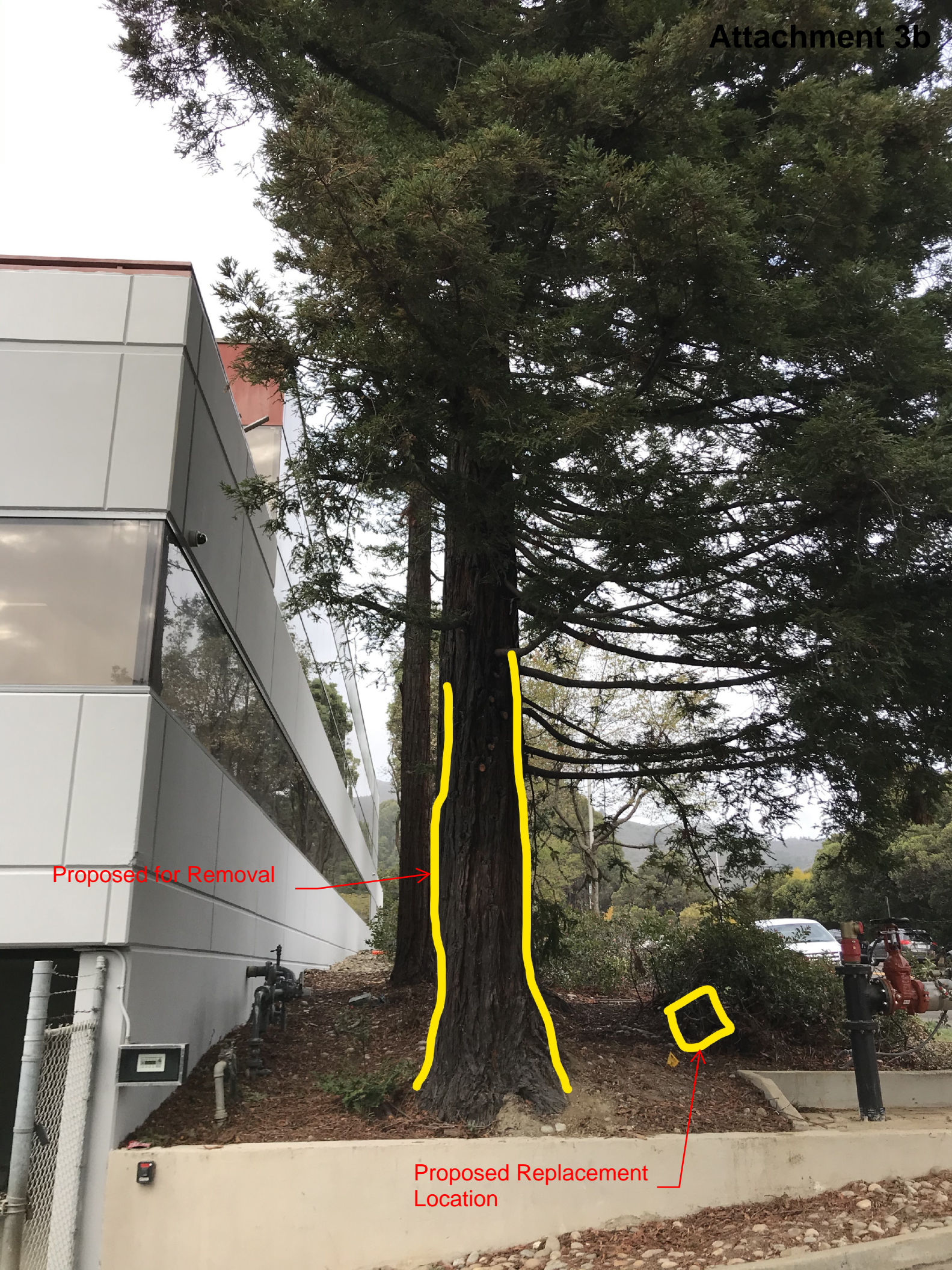
Species (2)
● Redwood (2)

175 South Hill Dr.

Removal

Coast Redwood
Proposed for Removal





Proposed for Removal

Proposed Replacement Location



Crack in Wall

Attachment 4



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

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 175 S Hill Drive

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
1	Sequoia sempervirens, coast redwood	94.9 inches	Along retaining wall for downhill 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:

Tree is directly beside existing retaining wall and is interfering with underground utilities as well as building foundation

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:

Howard		Lee		
Owner First Name		Last Name		
175	S Hill Drive	Brisbane	CA	94005
Mailing Street #	Mailing Street	Mailing City	Mailing State	Mailing Zip
Email	[REDACTED]		Phone	[REDACTED]

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

Erik	Moller	Arborwell, Inc.
Agent First Name	Agent Last Name	Business Name
