



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.: **2023-TR-4 Tree Removal**

APPLICANT/OWNER: **Leonardo Tuchman/CSHV Crocker, LLC**

ASSESSOR'S PARCEL NO: **005-232-040**

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

LOCATION: **435 Valley Drive**

REQUEST: **Removal of one (1) Monterey Pine tree from the landscape area along Valley Drive and two (2) Toyon trees from the landscape area near the northwest corner of 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 Tuesday, March 14, 2023, unless a notice of appeal form and fee of \$107 is filed with the City Clerk, Ingrida Padilla, no later than close of business on Monday, March 13, 2023, 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: March 6, 2023



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

March 6, 2023

Leonardo Tuchman
The Arboreal Company
21063 Cabot Boulevard Suite 1
Hayward, CA 94545

Subject: 2023-TR-4

Dear Mr. Tuchman:

Thank you for submitting a tree removal permit application to remove one Monterey Pine tree and two Toyon trees from the property at 435 Valley Drive.

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 Monday, March 13, 2023, the permit effective date will be March 14, 2023.

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: _____
LEONARDO TUCHMAN

FINDINGS

- A. The one Monterey Pine tree and two Toyon trees are defined as “protected trees” and the following findings are made approving their removal, per BMC Section 12.12.050.B.2:
- a. The Monterey Pine 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.
 - b. Removal of the Toyon trees are necessary for good forestry practices, due to such factors as crowding with other trees or the spread of pests or pathogens.
 - c. The trees are dead or is diseased such that they pose an imminent danger of falling or dropping limbs.

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. One additional replacement tree shall be required to replace the Monterey Pine tree removed on an emergency basis on February 15, 2023.
 - iii. Replacement size shall be of a standard fifteen (15) gallon nursery container, or larger.
 - iv. The replacement species and location shall be approved by the Community Development Director and planted prior August 31, 2024, as part of a landscaping application to upgrade the landscaped areas of the entire site. If said landscape application is not approved and replacement trees not planted by August 31, 2024, four (4) replacement trees shall be planted by November 30, 2024.
2. Tree stumps are to be removed to below ground level, due to their visibility.
3. All tree debris (wood, branches, leaves, etc.) shall be removed from the property and the work area shall be restored to a safe and stable condition, including but not limited to, filling or leveling out ruts, holes, and other hazards.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. This tree removal permit shall expire six (6) months following the effective date of the permit if the three (3) trees are not removed by then.
10. This tree removal permit shall expire six (6) months following August 31, 2024.



REPORT TO COMMUNITY DEVELOPMENT DIRECTOR

Date: March 3, 2023

From: Jeremiah Robbins, Associate Planner

Subject: 2023-TR-4 Tree Removal Application for three trees from 435 Valley Drive

Request

Consideration of the application for a tree removal permit for one (1) Monterey Pine tree from the landscape area along Valley Drive and two (2) Toyon trees from the landscape area near the northwest corner of the commercial building at 435 Valley Drive.

Applicant

Leonardo Tuchman on behalf of CSHV Crocker, LLC

Applicable Code Sections

The three 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

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 trees proposed to be removed are located within a landscaped setback area that includes a number of trees along the side and front of the building at 435 Valley Drive. The applicant proposes to remove one Monterey Pine tree from the front setback area and two Toyon trees from the side setback area near the northwest corner of the building. The Pine tree measures 38 inches in circumference at 2 feet above grade and the multi-trunk Toyon trees measure 12 and 16 inches in circumference at 2 feet above grade. The following provides further discussion regarding their 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 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.

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 is dead or is diseased such that it poses an imminent danger of falling or dropping limbs.

As evident by the photos included with the application (see Attachment 3), the Monterey Pine tree is both dead and in close proximity to the structure at 435 Valley, with a canopy that extends over the roof of the structure, posing an imminent danger of falling limbs and likelihood of damage to the building. Both Toyon trees have extensive dieback with very little canopy left. Per the applicant, a certified arborist, the condition of the trees may be due to pests or pathogens, or poor soil and/or water quality and their removal is necessary for good forestry practices.

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, and Community Director approval of the replacement species and proposed location(s), per 12.12.050.B.4. Typically, replacement trees are to be planted within 90 days of removal of the subject trees, however, as is the case here, the director may allow deferment of the planting of replacement trees upon written request so the planned replacements may be part of a larger landscape replacement program. The applicant has requested a deferment of planting replacement trees due to planned landscape upgrades in 2024. Condition of Approval 1.iv requires approval of a landscape application, with at least three replacement trees, by August 31, 2024.

Recommendation

That tree removal permit 2023-TR-4 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 one Monterey Pine tree and two Toyon trees are defined as “protected trees” and the following findings are made approving their removal, per BMC Section 12.12.050.B.2:
- a. The Monterey Pine 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.
 - b. Removal of the Toyon trees are necessary for good forestry practices, due to such factors as crowding with other trees or the spread of pests or pathogens.
 - c. The trees are dead or is diseased such that they pose an imminent danger of falling or dropping limbs.

CONDITIONS OF APPROVAL

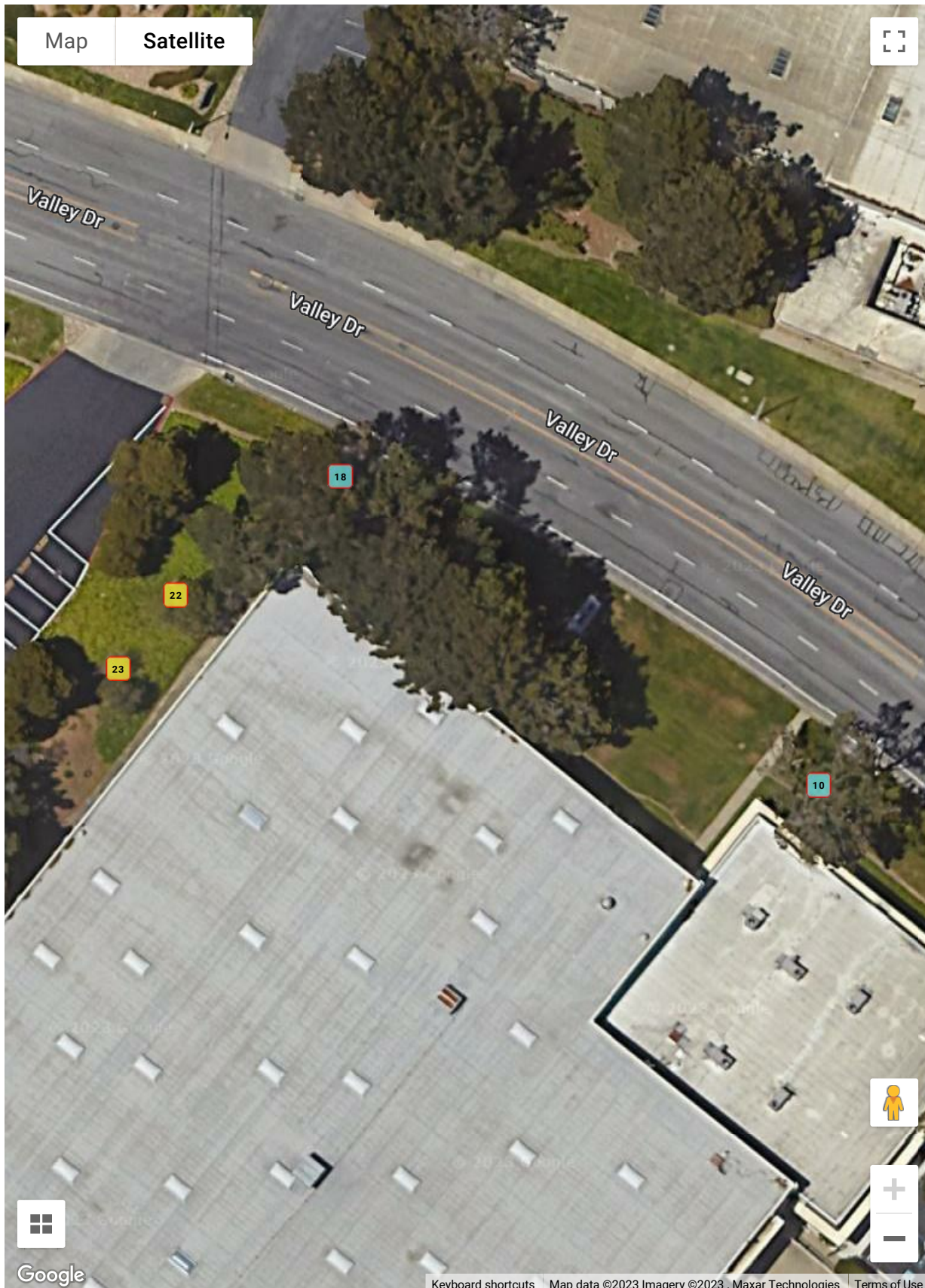
1. Replacement trees shall be required to be planted on the subject property at the property owner's expense in compliance with the following:
 - i. Replacement trees shall be on at least a 1:1 basis.
 - ii. One additional replacement tree shall be required to replace the Monterey Pine tree removed on an emergency basis on February 15, 2023.
 - iii. Replacement size shall be of a standard fifteen (15) gallon nursery container, or larger.
 - iv. The replacement species and location shall be approved by the Community Development Director and planted prior August 31, 2024, as part of a landscaping application to upgrade the landscaped areas of the entire site. If said landscape application is not approved and replacement trees not planted by August 31, 2024, four (4) replacement trees shall be planted by November 30, 2024.
2. Tree stumps are to be removed to below ground level, due to their visibility.
3. All tree debris (wood, branches, leaves, etc.) shall be removed from the property and the work area shall be restored to a safe and stable condition, including but not limited to, filling or leveling out ruts, holes, and other hazards.
4. 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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 - ii. The noise level at any point outside of the property plane shall not exceed eighty-six (86) dBA.
5. 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.
6. 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.

Staff Report for Tree Removal Permit
435 Valley Drive
March 3, 2023

7. 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.
8. 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.
9. This tree removal permit shall expire six (6) months following the effective date of the permit if the three (3) trees are not removed by then.
10. This tree removal permit shall expire six (6) months following August 31, 2024.

Valley Dr. 435 - Consulting

2023 Tree Removal



Legend (4)

Toyon (2)

Monterey Pine (2)











Date

Tue, 01/31/2023

Type of Request

Removal

Are You The Property Owner?

I am not the property owner

Property Address 435 Valley Drive

Tree #1

Photo ID #	10
Trim or Remove	Non-protected Tree Removal
Species	Pinus radiata Monterey Pine
Invasive	No
Tree Circumference (inches)	35"
Description of Tree Location	Growing in landscape along Valley Drive
Photo	id_10.jpg ^[2]
Photo	

Tree #2

Photo ID #	18
Trim or Remove	Non-protected Tree Removal
Species	Pinus radiata Monterey Pine
Invasive	No
Tree Circumference (inches)	38"
Description of Tree Location	Growing in landscape along Valley Drive
Photo	id_18_photo_1.jpg ^[3]
Photo	id_18_photo_2.jpg ^[4]

Tree #3

Photo ID #	22
Trim or Remove	Non-protected Tree Removal
Species	Heteromeles arbutifolia Toyon
Invasive	No
Tree Circumference (inches)	8", 8"
Description of Tree Location	Growing in landscape on west side of building
Photo	id_22.jpg ^[5]

Tree #3

Photo

Tree #4

Photo ID # 23

Trim or Remove Non-protected Tree Removal

Species Heteromeles arbutifolia Toyon

Invasive No

Tree Circumference (inches) 6", 3", 3"

Description of Tree Location Growing in the landscape on the west side of building

Photo [id_23.jpg](#) ^[6]

Site Plan

[435_valley_drive_tree_removal_map.pdf](#) ^[7]

Owner Authorization Form

[435_valley_drive_authorization_form.pdf](#) ^[8]

Certify the following:

- The information submitted herein is true and correct
- I have read and agree to the standard conditions of approval specific to my request

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



2/16/22

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

KGIP Investments
6700 Koll Center Parkway
Pleasanton, CA 94566

To Whom it May Concern,

The Arboreal Company was asked to provide an arborist report detailing the reasons trees have been requested for removal at 380, 385, 422-426, and 435 Valley Drive based on removal guidelines laid out in the City of Brisbane Municipal Code 12.12.050 - Severe trimming and tree removals. Each tree is keyed to the reason it has been requested for removal based on the above-mentioned code. Attached in this report are maps showing the tree locations on each site (Exhibits 1-4). The following details my findings:

380 Valley Drive (Exhibit 1)

1. Monterey Pine ID #3 – Reason A. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs.
2. Monterey Pine ID #5 – Reason A. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs.

385 Valley Drive (Exhibit 2)

1. New Zealand broadleaf ID #21 – Reason A. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs.
2. Hollywood juniper ID #22 – Reason B. 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.

Leonardo Tuchman
The Arboreal Company
925-918-5208
ltuchman@arborealcompany.com



3. Myoporum ID #23 – Reason 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.

422-426 Valley Drive (Exhibit 3)

1. Juniper species ID #1 – Reason A. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs.
2. Monterey pine ID #22 - Reason A and C. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs, and 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.
3. Monterey pine ID #23 - Reason A and C. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs, and 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.

435 Valley Drive (Exhibit 4)

1. Monterey pine ID #18 - Reason A and C. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs, and 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.
2. Toyon ID #22 – Reason 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. Additionally, the tree is dead.
3. Toyon ID #23 – Reason 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. Additionally, the tree is dead.

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

Leonardo Tuchman
The Arboreal Company
925-918-5208
ltuchman@arborealcompany.com



Sincerely,

Leonardo Tuchman

Leonardo Tuchman

RCA #771

ISA Certified Arborist WE-12453A

Tree Risk Assessment Qualified

Leonardo Tuchman
The Arboreal Company
925-918-5208
ltuchman@arborealcompany.com

Exhibit 1 - 380 Valley Drive Tree Location Map

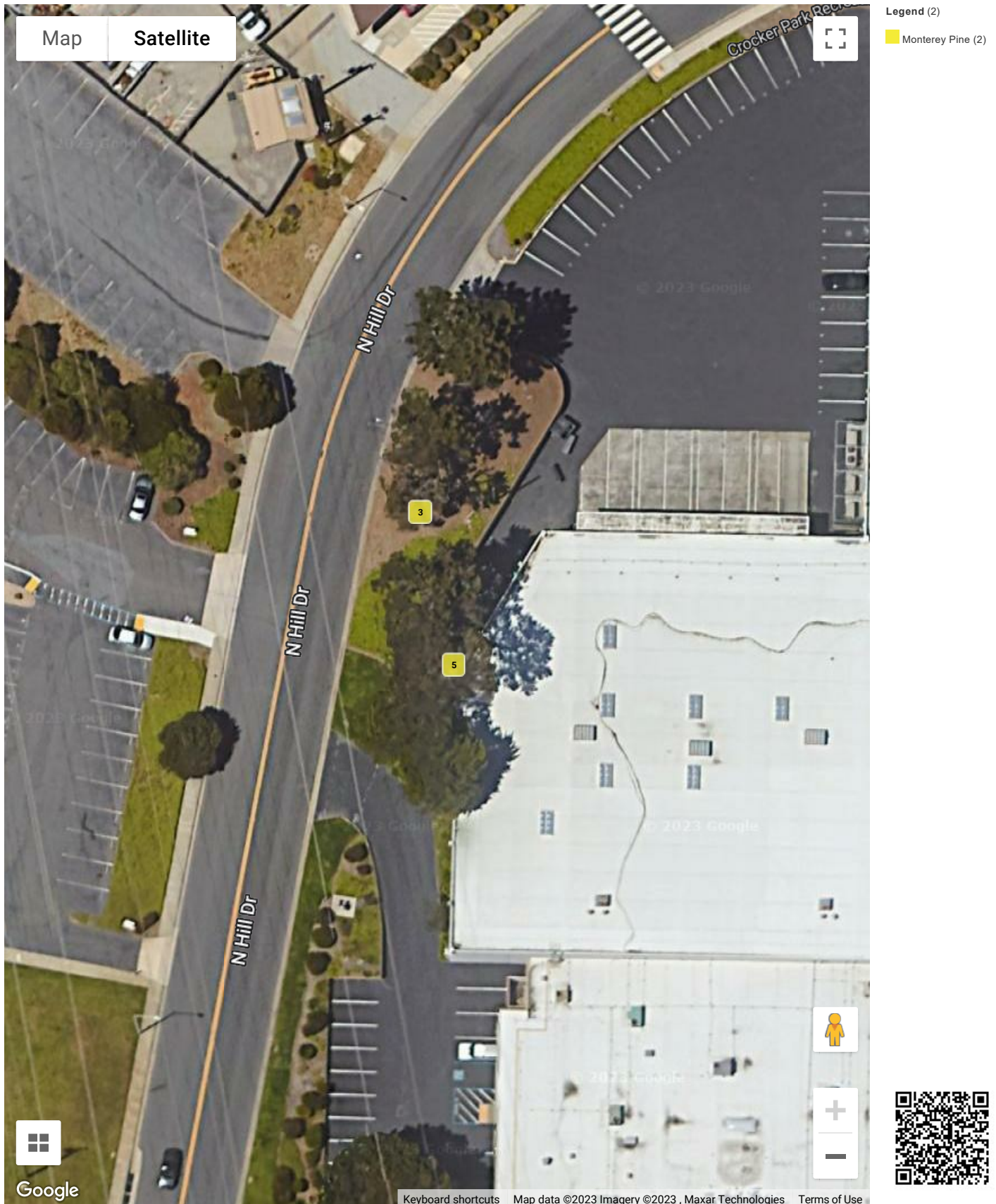
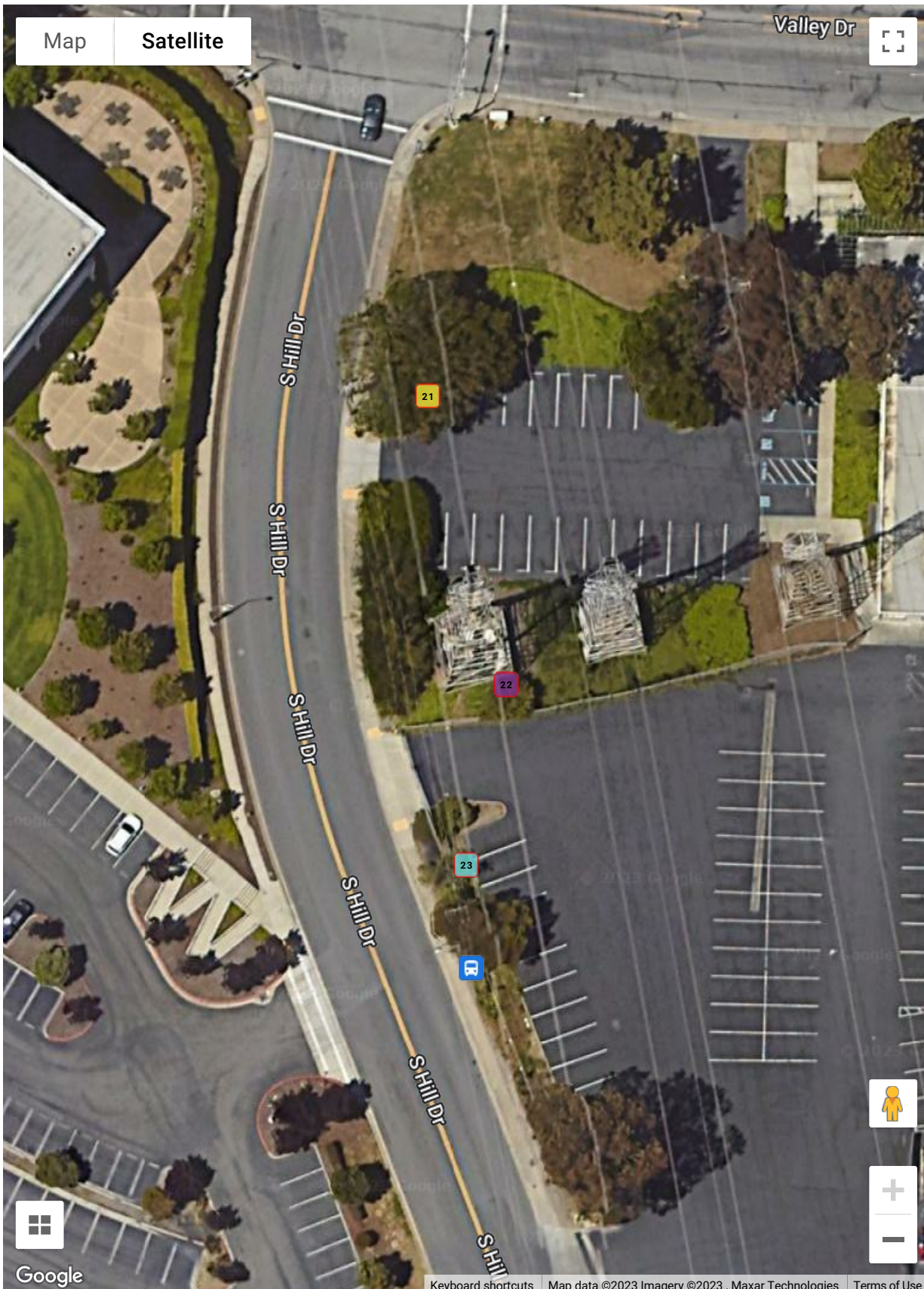


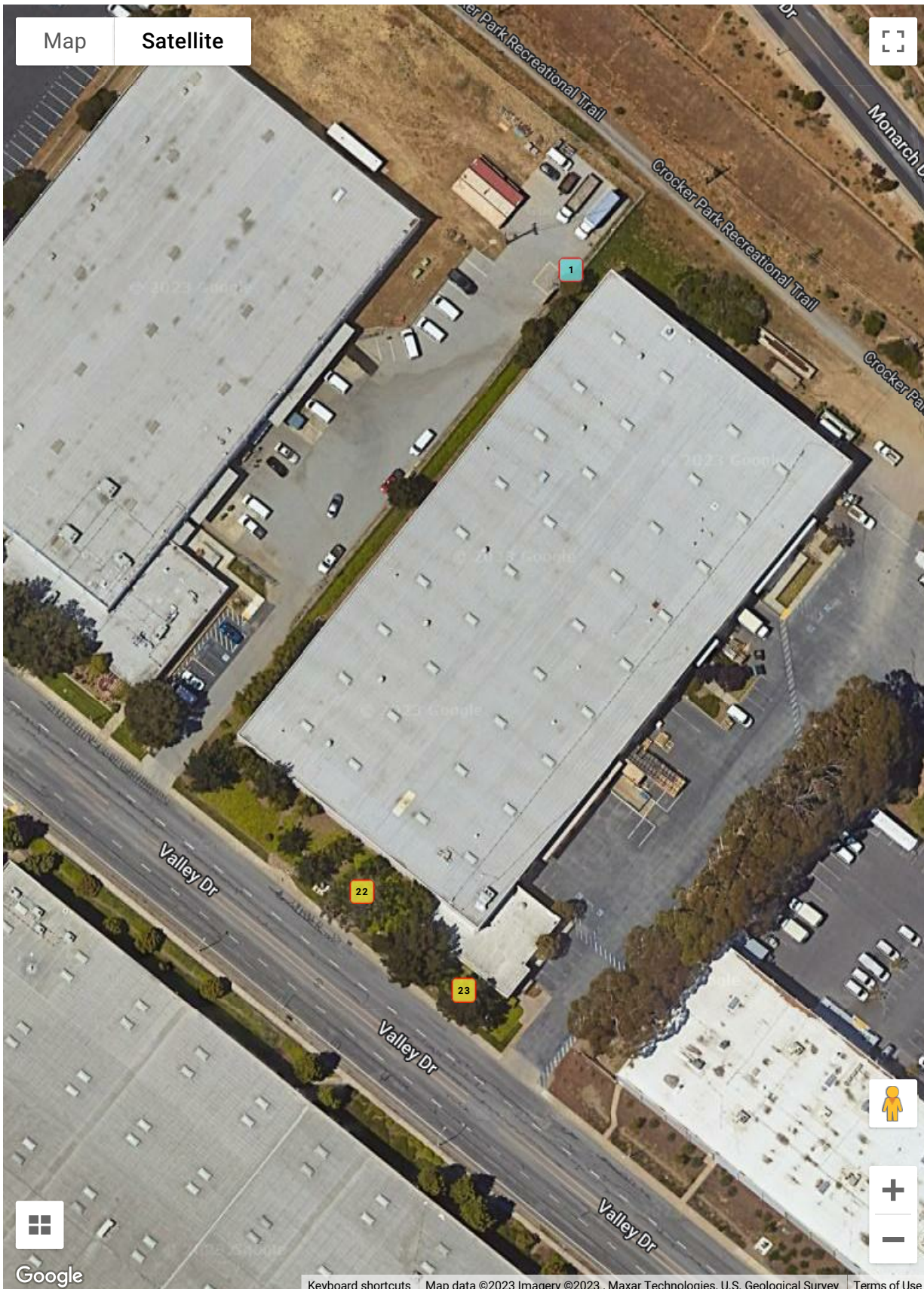
Exhibit 2 - 385 Valley Drive Tree Location Map



- Legend (3)
- New Zealand Broa... (1)
 - Myoporum (1)
 - Hollywood Junipe... (1)



Exhibit 3 - 422-426 Valley Drive Tree Location Map

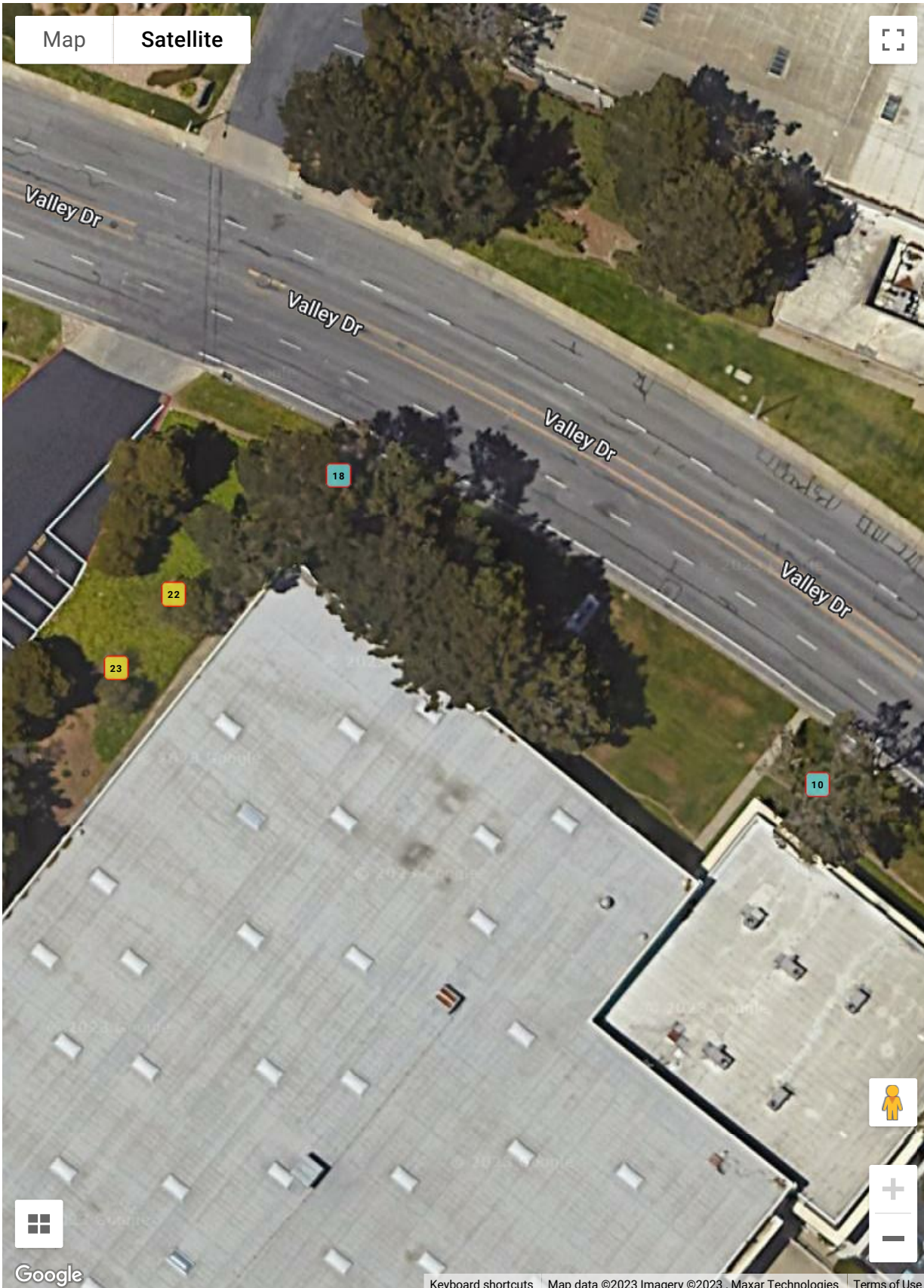


Legend (3)

- Monterey Pine (2)
- Juniper Species (1)



Exhibit 4 - 435 Valley Drive Tree Location Map



Legend (4)
Toyon (2)
Monterey Pine (2)





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
925-918-5208
ltuchman@arborealcompany.com



February 22, 2023

VIA EMAIL TO: jrobbins@ci.brisbane.ca.us

**City of Brisbane
Community Development
50 Park Place
Brisbane, CA 94005
Attention: Jeremiah Robbins**

RE: Request to delay tree replacement until drought is over or with landscape upgrades in 2024.

Dear Mr. Robbins,

This letter is written regarding the request to delay tree replacement on the following permits:

340 Valley Drive: (4) trees to be planted under 2022-TR-7
470 Valley Drive: (3) trees to be planted under 2022-TR-6
435 Valley Drive: (1) tree to be planted under 2022-TR-5 –A tree was planted near the removal in April, 2022. Crape Myrtle.
435 Valley Drive: (4) tree to be planted – 2023-TR-4
380 Valley Drive: (2) trees to be planted – 2023-TR-1
385 Valley Drive: (3) trees to be planted – 2023-TR-2
422-426 (420) Valley Drive: (3) trees to be planted – 2023-TR-3

The reason for the delay is due to the drought conditions. It has not been our intention to be non-compliant with the city, but rather the drought has caused challenges that we are trying to mitigate. We do not want to plant new trees just to replace them due to failure from the drought conditions.

Instead, we propose doing landscape upgrades in 2024 that will allow us to alter the irrigation to drip and remove sod. Our upgrades include drought-tolerant plants, mulch and incorporating the trees that need to be added per the permit requirements. We will provide a plan to the city regarding the locations of the trees. We plan on starting the landscape upgrades on all six buildings starting January 2024 and will go to about end of August 2024.

We look forward to your response.

Sincerely,

Julia Johnson

Julia Johnson
Property Manager