



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-7 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 two (2) trees near the Clubhouse, two (2) trees near 141 Cliff Swallow Court, two (2) trees near 133 Fox Sparrow Lane, one (1) tree near 213 Warbler Lane, one (1) tree near 225 Warbler Lane, one (1) tree near 153 Fox Sparrow Lane, one (1) tree near 113 Fox Sparrow Lane and one (1) tree near 111 Cliff Swallow Court.**

REQUEST: **Removal of eleven (11) 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 Tuesday, November 14, 2023, 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 Monday, November 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: November 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

November 6, 2023

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

Subject: 2023-TR-7

Dear Janice Au-Young:

Thank you for submitting a tree removal permit application to remove eleven 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 Monday, November 13, 2023, the permit effective date will be November 14, 2023.

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.
 - 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.
 - Removal of the trees are necessary for good forestry practices due to factors such as crowding with other trees or the spread of pests or pathogens.

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.
 - iv. Irrigation shall be supplied to the replacement trees on site using separate irrigation. A building permit is required to install new irrigation lines.
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. All tree debris (wood, branches, leaves, etc.) shall be removed from the premises and the work areas shall be restored to a safe and stable condition, including but not limited to, filling or leveling out ruts, holes, and other hazards.
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. 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 6, 2023

From: Jeremiah Robbins, Associate Planner

Subject: 2023-TR-7 Tree Removal Application for eleven trees at Viewpoint at the Ridge

Request

Consideration of the application for a tree removal permit for four Silver-dollar Gum trees, three Broad-leaved Paperbark trees, one Pink Melaleuca tree, one American Sweetgum, one Raywood Ash tree, and one Blackwood Acacia tree from multiple 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 measure between 14-63 inches in circumference. They are summarized as follows:

Common Name	Location	Circum. (inches)	Reason for Requested Removal
Silver-dollar Gum	Clubhouse	39.6	Removal of the tree is necessary for good forestry practices
Silver-dollar Gum	141 Cliff Swallow, rear	26.4	Removal of the tree is necessary for good forestry practices
Broad-leaved Paperbark	141 Cliff Swallow, front	62.8	The tree is dead or is diseased
Pink Melaleuca	213 Warbler @ Golden Eagle	20.7	The tree is in close proximity to a structure
Silver-dollar Gum	225 Warbler	27	Removal of the tree is necessary for good forestry practices

Common Name	Location	Circum. (inches)	Reason for Requested Removal
Silver-dollar Gum	Clubhouse	31.4	Removal of the tree is necessary for good forestry practices
Broad-leaved Paperbark	Fox Sparrow @ Mission Blue	50.2	The tree is dead or is diseased
American Sweetgum	Across from 133 Fox Sparrow	24.8	The tree is dead or is diseased
Raywood Ash	Across from 133 Fox Sparrow	14.1	The tree is dead or is diseased
Blackwood Acacia	113 Fox Sparrow	23.9	Removal of the tree is necessary for good forestry practices
Broad-leaved Paperbark	111 Cliff Swallow	21.7	The tree is dead or is diseased

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 findings can be made - as noted in the table above - to approve the proposed tree removals:

The trees are dead or diseased such that it poses an imminent danger of falling or dropping limbs.

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.

Removal of the trees are necessary for good forestry practices due to factors such as crowding with other trees or the spread of pests or pathogens.

All eleven trees were evaluated by a certified arborist on September 22, 2023 and observations were documented within a report (see Attachment 2). The report found all of the trees are, "either in poor health, dead, or actively failing," and concluded they should all be removed.

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 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. Additionally, as recommended by the certified arborist, a condition of approval was included to require new, separate irrigation lines be installed to provide irrigation to the replacement trees.

Staff Report for Tree Removal Permit
Viewpoint at the Ridge
November 6, 2023

Recommendation

That tree removal permit 2023-TR-7 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 and Arborist Report
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.
 - 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.
 - Removal of the trees are necessary for good forestry practices due to factors such as crowding with other trees or the spread of pests or pathogens.

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.
 - iv. Irrigation shall be supplied to the replacement trees on site using separate irrigation. A building permit is required to install new irrigation lines.
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. All tree debris (wood, branches, leaves, etc.) shall be removed from the premises and the work areas shall be restored to a safe and stable condition, including but not limited to, filling or leveling out ruts, holes, and other hazards.

Staff Report for Tree Removal Permit
Viewpoint at the Ridge
November 6, 2023

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. 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.

Tree Management Experts

Consulting Arborists

3109 Sacramento Street
San Francisco, CA 94115

Member, American Society of Consulting Arborists
Certified Arborists, Tree Risk Assessment Qualified



Loral Landscaping, Inc.

Attn: Mike Bergstrom
704 South Amphlett Blvd
San Mateo, CA 94402

Project: Viewpoint at the Ridge
Tree Removals
Brisbane, CA

Date: 10/11/23

ARBORIST REPORT

Assignment

- Inspect eleven trees at Viewpoint at the Ridge in Brisbane.
- Provide an Arborist report for submittal to the City of Brisbane.

Background

We were contacted by Loral Landscaping to inspect and prepare a report on planned removals at Viewpoint at the Ridge in Brisbane. The HOA board plans to remove these compromised trees as part of regular site maintenance.

Observations

I inspected the site on September 22, 2023. I walked the site with Janice Au-Young of the HOA board. We inspected the trees planned for removal and. The trees were numbered in order from visited. Trees were identified on a site sketch and marked on the attached map and collected data can be found in the attached data table. Photos of each tree are attached to this report.

Specific reasons for removal can be found in the attached data table. All of these trees are either in poor health, dead, or actively failing.

Discussion

These trees are all declining, dead or have poor structure. Many of them likely died due to lack of irrigation. This is happening more often as turf irrigation is reduced to save water.

All these trees are "Permit Protected" trees as defined by the City of Brisbane because they were part of the original landscape planning during the development of the site. They require permits for removal.

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Blackwood acacia (*Acacia melanoxylon*) and broad-leaved paperbark (*Melaleuca quinquenervia*) are both listed as invasive by the Invasive Species Council of California (ISCC).

Conclusions & Recommendations

These trees should all be removed and replaced as the board plans on site.

Irrigation should be supplied to trees on site using separate irrigation lines if turf irrigation is not to be resumed.

~

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Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Title and ownership of all property considered are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. Various diagrams, sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
7. This report is confidential and to be distributed only to the individual or entity to whom it is addressed. Any or all of the contents of this report may be conveyed to another party only with the express prior written or verbal consent of the consultant. Such limitations apply to the original report, a copy, facsimile, scanned image or digital version thereof.
8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement or a contract.
10. Information contained in this report reflects observations made only to those items described and only reflects the condition of those items at the time of the site visit. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the plants or property inspected may not arise in the future.

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Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. An arborist cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

Tree risk assessment is not tree risk management. The arborist typically has the distinct and separate role of being the tree risk assessor. The tree risk manager is typically the property owner or the agent thereof. Tree risk management should consider tree risk management and may consider other factors related to property management decision making.

Tree Management Experts

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Certification of Performance

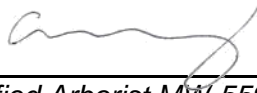
I, Aaron Wang, Certify:

- That we have inspected the trees and/or property evaluated in this report. We have stated findings accurately, insofar as the limitations of the Assignment and within the extent and context identified by this report;
- That we have no current or prospective interest in the vegetation or any real estate that is the subject of this report, and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are original and are based on current scientific procedures and facts and according to commonly accepted arboricultural practices;
- That no significant professional assistance was provided, except as indicated by the inclusion of another professional report within this report;
- That compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I am a member and Certified Arborist with the International Society of Arboriculture.

I have attained professional training in all areas of knowledge asserted through this report by completion of a Bachelor of Science degree in Forestry and Natural Resources, by routinely attending pertinent professional conferences and by reading current research from professional journals, books and other media.

I have rendered professional services in a full-time capacity in the field of horticulture and arboriculture for more than 10 years.

Signed: 

Certified Arborist MW-5597A

Date: 10/11/2023

aaron@treemanagementexperts.com
Cell (847) 630-3599

Viewpoint at the Ridge Tree Removals



Tree 5

Tree 4

Tree 7

Tree 8

Tree 9

Tree 10

Tree 11

Tree 6

Tree 1

Tree 3

Tree 2

Viewpoint at the Ridge
Tree Removals

Tree #	Location	Botanic Name	Common Name	Diameter (in)	Circumference (in)	Height (ft)	Spread (ft)	Mature Tree	Health	Structure	Defects/Reason(s) for Removal	Notes
1	Clubhouse	<i>Eucalyptus polyanthemos</i>	silver-dollar gum	12.6	39.6	20	10	X	Fair	Poor	Previous Failures, leaning, topped, coppice sprouting	
2	141 Cliff Swallow Rear	<i>Eucalyptus polyanthemos</i>	silver-dollar gum	8.4	26.4	20	15		Poor	Poor	Previous Failures, declining, dieback, end-heavy, no interior foliage	Tag 483
3	141 Cliff Swallow Front	<i>Melaleuca quinquenervia</i>	broad-leaved paperbark	20.0	62.8	15	15	X	Dead	Dead	Dead, Uprooting	Invasive (ISCC)
4	213 Warbler @ Golden Eagle	<i>Melaleuca nesophila</i>	pink melaleuca	6.6	20.7	15	10		Dead	Dead	Uprooted, basal failure	
5	225 Warbler	<i>Eucalyptus polyanthemos</i>	silver-dollar gum	8.6	27.0	10	20		Poor	Very Poor	Uprooted, top torn out, all branches are sprouts	
6	Clubhouse	<i>Eucalyptus polyanthemos</i>	silver-dollar gum	10.0	31.4	20	10	X	Poor	Poor	Leaning, previous failures, partially uprooted	
7	Fox Sparrow @ Mission Blue	<i>Melaleuca quinquenervia</i>	broad-leaved paperbark	16.0	50.2	20	15	X	Dead	Dead	Dead	Invasive (ISCC)
8	Across from 133 Fox Sparrow	<i>Liquidambar styraciflua</i>	American sweetgum	7.9	24.8	15	10		Dead	Dead	Dead	
9	Across from 133 Fox Sparrow	<i>Fraxinus angustifolia</i>	Raywood ash	4.5	14.1	10	10		Very Poor	Poor	Dead	
10	113 Fox Sparrow	<i>Acacia melanoxylon</i>	blackwood acacia	7.6	23.9	10	40		Fair	Very Poor	One stem torn out/uprotoed, other stems still standing	Invasive (ISCC)
11	111 Cliff Swallow	<i>Melaleuca quinquenervia</i>	broad-leaved paperbark	6.9	21.7	15	20		Dead	Dead	Uprooted, dead	Invasive (ISCC)



1.1-Clubhouse Euc.jpg



1.2-Clubhouse Euc.jpg



2.1-141 Cliff Swallow Rear Euc.jpg



3.1-141 Cliff Swallow Melaleuca.jpg



4.1-213 Warbler Melaleuca.jpg



5.1-225 Warbler Euc.jpg



5.2-225 Warbler Euc.jpg



6.1-Clubhouse Euc.jpg



6.2-Clubhouse Euc.jpg



7.1-Fox Sparrow@Mission Blue Melaleuca.jpg



8.1-@133 Fox Sparrow Liquidambar.jpg



9.1-@133 Fox Sparrow Ash.jpg



10.1-113 Fox Sparrow.jpg



10.2-113 Fox Sparrow.jpg



11.1-111 Cliff Swallow Melaleuca.jpg

Date

Wed, 08/23/2023

Type of Request

Removal of Protected Trees

Trees

[vatr6-10 tree removal files.zip](#) ^[7]

Arborist Report Yes

Arborist Report

[viewpoint at the ridge estimate 2023-0405 site notes 2.pdf](#) ^[8]

Site Plan

[vatr tree removals map aug2023.jpg](#) ^[9]

Certify the following:

- I am the Owner of Record of the subject property
- 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 information submitted herein is true and correct