



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-9 Tree Removal**

APPLICANT/OWNER: **Luis Gregor, SavAtree; Bp3 Sf4 1000 Marina LLC**

ASSESSOR'S PARCEL NOS.: **007-165-210**

ZONING: **SP-CRO Sierra Point Commercial District**

LOCATION: **1000 Marina Boulevard**

REQUEST: **Removal of three (3) Monterey pines, two (2) eucalyptus nicholii trees, two (2) poplar trees, and one (1) metrosideros tree from the property.**

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 21, 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 20, 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 13, 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 13, 2023

Luis Gregor
1592 Little Orchard St.
San Jose, CA 95110

Subject: 2023-TR-9; Removal of eight trees from 1000 Marina Blvd., Brisbane

Dear Mr. Gregor:

Thank you for submitting a tree removal permit application to remove three (3) Monterey pines, two (2) Nichols willowleaf peppermint, two (2) poplar trees, and one (1) metrosideros tree from 1000 Marina Boulevard.

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 §12.12.060. If no appeal is received by close of business on Monday, November 20, 2023, the permit effective date will be November 21, 2023.

In order for the permit to be effective, **please sign and return a copy of this letter** to Senior Planner Julia Ayres (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, please contact Julia at (415) 519-0165, or email at jayres@brisbaneca.org.

Sincerely,

John Swiecki
Community Development Director

Signed and Accepted: _____ Date: _____
LUIS GREGOR

FINDINGS: 2023-TR-9

- A. The three Monterey pines, two Nichols willowleaf peppermint, two poplar trees, and one metrosideros tree are defined as “protected trees” and the following finding is made approving their removal, per BMC §12.12.050.B.2:
- a. The trees are dead or is diseased such that they pose an imminent danger of falling or dropping limbs.

CONDITIONS OF APPROVAL: 2023-TR-9

1. Four (4) replacement trees shall be planted on the subject property at the property owner's expense in compliance with the following:
 - i. Trees shall be planted within 90 days of removal.
 - ii. Replacement tree size shall be a minimum fifteen (15) gallon nursery container size.
 - iii. The replacement species and location shall be as shown in the tree replanting plan approved by the Community Development Director on file with the permit application 2023-TR-9.
2. Tree stumps shall be removed to ground level.
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 13, 2023

From: Julia Ayres, Senior Planner

Subject: 2023-TR-9; Removal of eight protected trees from 1000 Marina Boulevard

Request

Permit to remove three Monterey pines, two Nichols willowleaf peppermint, two poplar, and one metrosideros tree from various landscaped areas at 1000 Marina Boulevard.

Applicant

Luis Gregor, SavAtree, LLC

Applicable Code Sections

The trees are defined collectively 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/Discussion

The approximately 4.4 acre property is located at the northwest corner of Marina Boulevard and Sierra Point Parkway and features generous landscaped berms on the western and southern frontages that help screen the interior parking lot, as well as landscaped areas within the parking lot and at the base of the office building. As of 2022, there were 124 trees on the property.

Previous Tree Removal Approvals

The City approved a tree removal permit in January 2023 to remove three dying, non-invasive eucalyptus trees from the site. These trees were removed shortly thereafter, leaving 121 trees on the property. Replacement tree specifications for those three trees were encompassed in the Planning Commission’s February 2023 approval of a grading review application, which also included proposed removal of 30 additional trees and planting of 39 replacement trees, to accommodate extension of the Bay Trail on the site. A building permit (B202200289) was subsequently approved for the work. The property owner anticipates commencing work in March 2024.

Current Request

As shown in the tree removal plan (Attachment 2), the eight trees proposed to be removed in this application are dispersed throughout the site. All trees abut the interior parking lot or sidewalks in the public right-of-way. Seven of the trees are mature (exceeding 30 inches circumference at 24 inches above grade), while one tree (metrosideros) is a juvenile tree that was planted within the last few years as a condition of a prior tree removal permit (prior to 2023), rendering it protected despite its size.

Four of the trees (two Lombardy poplars, two Monterey pines) were identified for removal in the approved 2023 Bay Trail extension project. However, due to their declining health since the last arborist

assessment in 2022, the property owner wishes to remove them immediately ahead of the Bay Trail extension project.

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 finding 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 arborist's conclusions (Attachment 5) that the eight trees are dead or in an "irreversibly declining state," and exhibit "signs of decay, lack of foliage, and physical damage, rendering them structurally compromised, making them prone to falling or branch failure" support the above finding.

The standard conditions of approval include 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 replacement trees are to be planted within 90 days of removal of the subject trees, per §12.12.050.B.4.

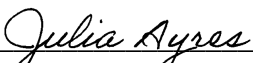
As noted, four of the trees (two Lombardy poplars, two Monterey pines) were already approved for removal and replacement plantings in the approved Bay Trail extension project. Therefore, the applicant's replanting plan (Attachment 4) shows only four replacement trees to be planted (two Western redbuds and two red oaks) in the interior of the site. These four replacement trees will be planted within 90 days of removal per the applicant. Replacement of the remaining four trees is addressed in the approved Bay Trail extension project plans and it is recommended that the replanting timeline for those four trees be tied to that approved project accordingly.

Recommendation

That tree removal permit 2023-TR-9 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 removal plan/aerial map
3. Replanting plan
4. Arborist report



Julia Ayres, Senior Planner

-DRAFT-
FINDINGS

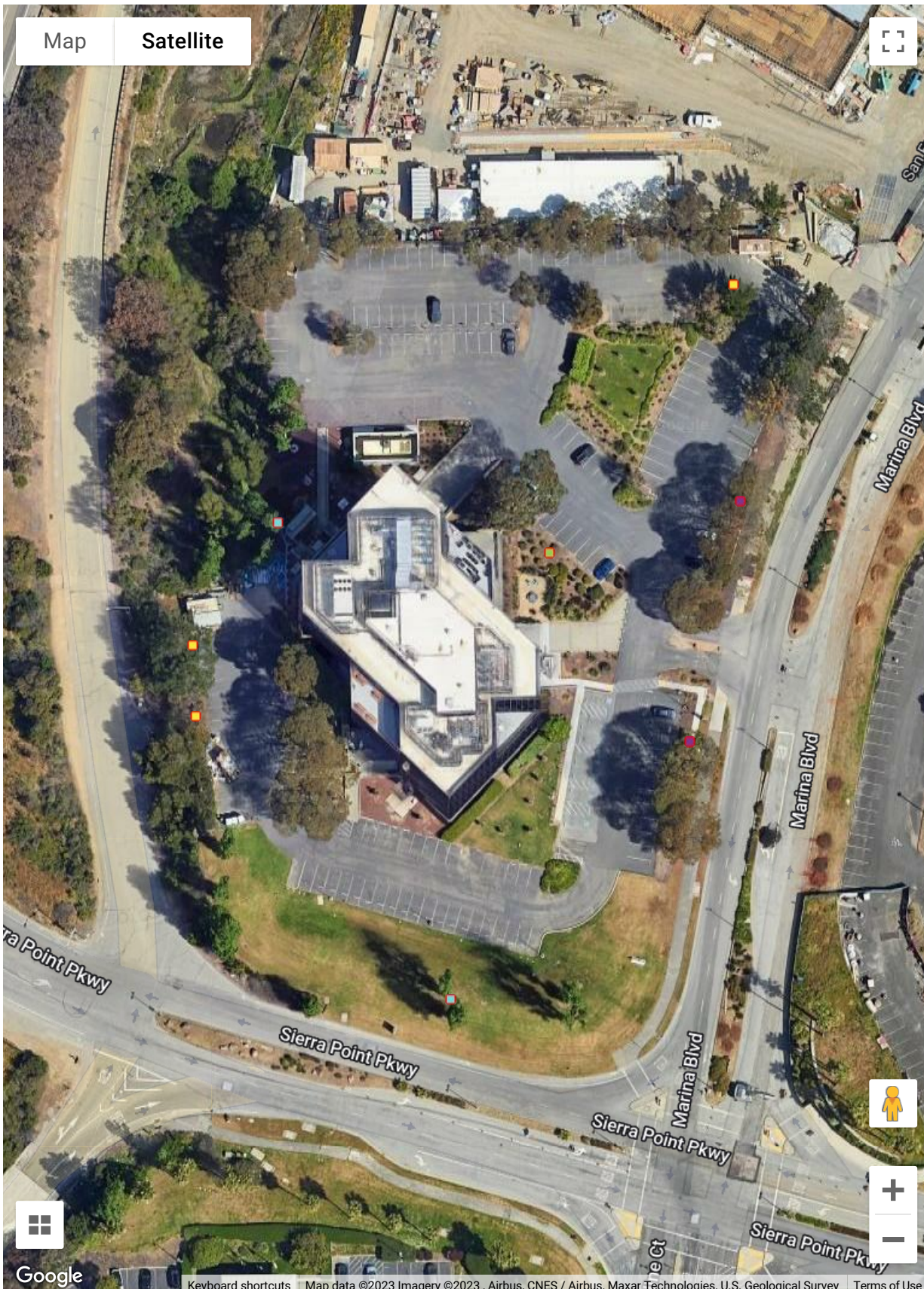
- A. The three Monterey pines, two Nichols willowleaf peppermint, two poplar trees, and one metrosideros tree are defined as “protected trees” and the following finding is made approving their removal, per BMC §12.12.050.B.2:
- a. The trees are dead or is diseased such that they pose an imminent danger of falling or dropping limbs.

CONDITIONS OF APPROVAL

1. Four (4) replacement trees shall be planted on the subject property at the property owner's expense in compliance with the following:
 - i. Trees shall be planted within 90 days of removal.
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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.

1000 Marina - Brisbane

REMOVALS 2024











Legend (8)

- Pine, Monter... (3)
- Poplar (2)
- Nichol's Wil... (2)
- Metrosideros (1)



Google







#	Species	Health	Objective
	 <i>Poplar</i> Poplar	25"-30"	REM Remove Tree
	 <i>Eucalyptus nicholii</i> Nichol's Willow Leaf...	24"	REM Remove Tree
	 <i>Eucalyptus nicholii</i> Nichol's Willow Leaf...	0% - Dead	REM Remove Tree
	 <i>Pine, Monterey</i> Pine, Monterey	0% - Dead	REM Remove Tree
	 <i>Pine, Monterey</i> Pine, Monterey	19"-24"	REM Remove Tree
	 <i>Pine, Monterey</i> Pine, Monterey	19"-24"	REM Remove Tree
	 <i>Metrosideros</i> Metrosideros	1"-6"	REM Remove Tree
	 <i>Poplar</i> Poplar		REM Remove Tree

1000 Marina - Brisbane

2023 Tree Planting





#	Species	Health	Objective
	 <i>Cercis occidentalis</i> Western Redbud		
	 <i>Oak, Red</i> Oak, Red		
	 <i>Cercis occidentalis</i> Western Redbud		
	 <i>Oak, Red</i> Oak, Red		

Arborist Report: Removal of Eight Dead Trees in a Busy Parking Lot

Prepared by: Dylan Garrett - Certified Arborist

Date: 10/23/2023

This arborist report provides details and recommendations for the removal of eight dead trees located in a busy parking lot. The trees include three Monterey pines, two eucalyptus trees, two poplar trees, and one metrosideros tree. The purpose of this report is to outline the necessary steps to ensure the safe and efficient removal of these deceased trees and address any potential risks associated with the removal process.

Tree Assessment:

The eight trees in question have been assessed and conclusively determined to be dead or in an irreversibly declining state. They pose a safety hazard to the public, vehicles, and structures in the vicinity. The trees exhibit signs of decay, lack of foliage, and physical damage, rendering them structurally compromised, making them prone to falling or branch failure.

Recommendation:

It is recommended that the dead trees be promptly removed to mitigate safety concerns and prevent any potential property damage. The tree removal process should comply with all relevant local regulations and safety guidelines.

Safety Measures:

1. Traffic control: Implement appropriate traffic control measures, such as signage and barriers, to redirect vehicles from the work area and ensure pedestrian safety.
2. Protective equipment: Ensure that all personnel involved in the removal process wear appropriate personal protective equipment, including helmets, safety glasses, chainsaw chaps, and sturdy footwear.
3. Working at height: Implement fall protection measures, such as harnesses and lanyards, for tree workers performing removal tasks at heights.

Tree Removal Methods:

1. Climbing and sectioning: Utilize qualified tree climbers to safely ascend the trees, systematically remove branches, and section the trunks in manageable pieces.
2. Cranes or aerial lifts: In some instances, due to access or safety reasons, the use of cranes or aerial lifts may be necessary to safely remove large sections or whole trees.
3. Rigging and lowering: Utilize proper rigging techniques to lower cut sections of the tree safely, taking care to avoid damage to surrounding structures or parked vehicles.
4. Stump removal: Upon complete removal of the trees, grind or remove the stumps to prevent tripping hazards and enable future replanting, if desired.

Disposal and Cleanup:

1. Efficient debris removal: Arrange for the timely and responsible disposal of tree debris, adhering to local waste management regulations. This may involve recycling wood materials or utilizing green waste disposal services.
2. Site cleanup: After the removal process, ensure the parking lot is left in a clean and presentable state, free from any potential hazards, such as loose branches or wood chips.

Conclusion:

Based on the assessment of the eight dead trees located in the busy parking lot, it is crucial to prioritize their removal to mitigate safety risks. Following the recommended procedures outlined in this report, including proper planning, safety measures, removal methods, and responsible cleanup, will enable an effective tree removal process. It is advised to engage the services of a qualified tree removal company or certified arborist experienced in urban tree removal to ensure the safe and efficient execution of this project.

Certified Arborist:

Dylan Garrett

ISA Certified Arborist/TRAQ: #WE-11871A