



CITY OF BRISBANE

PRIVATE TREE REMOVAL AND SEVERE TREE TRIMMING APPLICATION CHECKLIST AND GUIDE

INTRODUCTION

Private Tree Regulations are provided in Brisbane Municipal Code (BMC) [Chapter 12.12](#). The provisions of that chapter include requirements for either notification or permitting for severe trimming or removal of trees from private property.

This checklist and guide **does not** apply to public trees. Such trees are maintained by the City of Brisbane and trimming or removal is prohibited, except as expressly authorized in writing by the Public Works Director. To request that Public Works trim or remove a tree within the public right-of-way or other public property, please enter a [GORequest](#).

If you have questions about the applicability of the ordinance to your situation, please contact the Community Development Department at (415) 508-2120 or at planning@brisbaneca.org.

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APPLICABILITY

Actions on private trees fall into three classes (please refer to **Key Definitions** to determine your class of tree):

1. A Permit Application is required to be filed and approved prior to removal of a protected tree.
2. A 7-day Notice is required to be submitted from the owner to the City prior to removal of a non-protected mature tree or severe trimming of a protected tree or non-protected mature tree.
3. No approval or notice to the City required for trees not included in #1 or #2.

The form for a Permit Application (#1) and 7-day Notice (#2) are available online at <https://www.brisbaneca.org/privatetreeapplication>. Actions that do not require either a permit approval or notice (#3) generally include minor trimming of trees or removal of certain juvenile trees that are not otherwise defined as a “protected tree”.

Note that trees on all commercial properties and areas maintained by an HOA are considered as permit protected, since such properties have design permit requirements. Filing forms for such properties must be signed by an officer of the company that owns the land or HOA board member.

KEY DEFINITIONS

Some key definitions from BMC [Chapter 12.12](#) are provided below. For additional definitions, please refer page 11 of this guide or to BMC Section 12.12.040:

- **"Severe trimming"** is removal of 50% of the foliage crown or removal of 30% of the height of the tree.
- **"Invasive species"** means any species of tree listed as invasive to the area by a community development director-approved professional organization, such as the Invasive Species Council of California (ISCC) or the California Invasive Plant Council (CAL-ICP). **Note:** If trees are identified as invasive, the species needs to be indicated and the source cited for review by the Community Development Director, via the 7-Day Notice by Applicant to the City form.
- **"Juvenile tree"** means a tree whose trunk measures less than thirty (30) inches in circumference at twenty-four (24) inches above grade for a standard tree form, or the equivalent trunk cross-sectional area for multi-trunked trees.
- **"Mature tree"** means a tree whose trunk measures thirty (30) inches in circumference or more at twenty-four (24) inches above grade for a standard tree form, or the equivalent cross sectional area of trunks for multi-trunked trees.
- **"Non-protected mature tree"** means any tree that fits the size criteria for a mature tree and is not listed under the definition of protected tree in this section. This includes any number of invasive species (see the definition of invasive species in Section

12.12.040.D) and up to two non-invasive mature trees that are not protected by city council resolution or by city permit, per [Sections 12.12.040.I.2](#) and [12.12.040.I.3](#).

- **"Protected tree"** means each of the following:
 1. **Species protected:** Any California Bay (*Umbellularia californica*), Coast Live Oak (*Quercus agrifolia*), or California Buckeye (*Aesculus californica*) that is a mature tree and is not otherwise defined as protected tree.
 2. **Resolution Protected:** Any tree designated as a protected tree by resolution of the city council.
 3. **Permit Protected:** Any tree, regardless of size, originally required by the city to be planted as a condition for the granting of a permit, license, or other approval, or any tree that existed at the time of the granting of such permit, license, or other approval and required by the city to be preserved as part of such approval. This includes any tree protected by a maintenance agreement, whether on private or public land. This also includes any tree, regardless of size, required by the city to be planted as a replacement for an unlawfully removed tree.
 - Juvenile trees that were planted as a replacement to a previously granted tree permit or other city permit are considered permit protected.
 4. **Multiple Non-invasive Species:** Three (3) or more mature trees of any one or more non-invasive species that are proposed to be removed from the same property or from adjacent property under common ownership.



SUBMITTAL REQUIREMENTS

For the Community Development Department to thoroughly review a proposal, certain information is required from you, the applicant. You should be aware that incomplete applications will not be processed.

➤ **ELECTRONIC SUBMITTAL REQUIRED:**

- ☐ Please submit all required items as PDF, Microsoft Office (Word, Excel, etc.), or GIF/JPG/JPEG/TIF/PNG/BMP file types as appropriate to the items listed below to our [electronic private tree removal and severe tree trimming application](#). You may compress or archive multiple file types into a single folder and upload the compressed (zipped) folder. (Max 25 MB per file or folder)

ALL PRIVATE TREE REMOVAL AND SEVERE TREE TRIMMING APPLICATIONS:

The following information and documents are required for all private tree removal and severe tree trimming applications, unless specifically waived by staff:

- ☐ APPLICATION – A completed private tree removal and severe tree trimming application.
- ☐ **Signature of the legal owner of the property is required;** a [Property Owner Authorization Form](#) may be necessary if the owner is not the applicant.
- ☐ APPLICATION FEE – Refer to line P65 of the [Master Fee Schedule](#) for protected tree removal permits. No fee is required for 7-Day Notices from Owner to City. Fee may be paid by Visa or MasterCard (please note 2% additional processing fee), or by check.

Note: Planning fees are non-refundable.

- ☐ SUPPORTING MATERIALS – The below documents, plans, and information must be electronically submitted or provided with any application.
- ☐ SITE PLAN or AERIAL PHOTO – A site plan or aerial photo of the property. **Must be keyed to any submitted photo(s)** indicating the location of each tree to be removed or trimmed. The site plan or aerial photo shall also indicate the location and species of replacement tree(s), if required.
- ☐ PHOTOS – Photo(s) of the tree(s) to be removed or trimmed. **Must be keyed to the site plan or aerial photo.**
- ☐ TREE IDENTIFICATION – The below listed information must be provided for each tree to be removed or trimmed:
 - ☐ Species
 - ☐ Invasive or noninvasive

- ☐ Tree Circumference when measured 24 inches above grade
- ☐ Description of tree location
- ☐ PROTECTED TREE REMOVAL – The below information must be electronically submitted or provided with any application that includes the removal of a protected tree.
- ☐ REASON FOR REMOVAL – One or more reasons below are required:
 - ☐ The tree is dead
 - ☐ The tree is diseased
 - ☐ The tree is in close proximity to a structure
 - ☐ Removal is necessary for good forestry practices
 - ☐ 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
- ☐ ARBORIST REPORT – A written report by an independent and qualified arborist **may be required**, documenting the health of the tree.

Note: Staff may waive certain components based on the specific project proposal. Consult with staff prior to submittal to confirm required components.

FOR FURTHER INFORMATION, PLEASE CONTACT THE COMMUNITY
DEVELOPMENT DEPARTMENT
planning@brisbaneca.org

Community Development Department Hours:
8 A.M - 5 P.M. Mondays, Tuesdays & Thursdays
8 A.M. – 8 P.M. Wednesdays
8 A.M. - 1 P.M. Fridays

Please call ahead to make an appointment.



COMMUNITY DEVELOPMENT DEPARTMENT | CITY OF BRISBANE |
50 PARK PLACE | BRISBANE, CA 94005 | (415) 508-2120

7-DAY NOTICE FROM OWNER TO CITY: FOR SEVERE TREE TRIMMING OR REMOVAL OF NON-PROTECTED MATURE TREE

The City's provisions regulating private tree trimming, removals, and maintenance are provided in Brisbane Municipal Code [Section 12.12](http://brisbaneca.org/brisbane-municipal-code) and may be referenced online at <http://brisbaneca.org/brisbane-municipal-code>. The ordinance includes provisions that pertain to required notice of severe trimming and removal of non-protected mature trees. Other provisions pertaining to "protected trees" are addressed on page 6 of this guide.

Per BMC Section 12.12.050 Severe Trimming and Tree Removals: It is unlawful for any person to remove or severely trim, or cause to be removed or severely trimmed, any tree that is not specifically exempted in Section 12.12.030.B, except as provided in this section. This section shall apply to trees whether alive or dead.

A. Notice Required - Severe Trimming or Removal of Non-protected Mature Trees: Any person or that person's agent (such as a landscaper or tree trimmer) must provide written notice to, and in a form prescribed by, the Director at least seven (7) calendar days prior to the following proposed actions:

1. Severe Trimming of a Protected Tree or a Non-protected Mature tree. **Notwithstanding the notice to the City, the property owner shall be responsible for the health of the tree and if trimming results in the death of the tree, the property owner shall become subject to the tree removal provisions of this Chapter.**
2. Removal of a Non-protected Mature Tree. **Following notice to the Director, no more than two (2) non-protected mature trees may be removed in any consecutive 12-month period.**

Standard Conditions of Approval Applicable to Severe Tree Trimming and/or Non-Protected Mature Tree Removal

1. Approval is only for tree(s) explicitly listed on the notice on the identified property/properties subject to owner authorization and signature, not tree(s) in the public right-of-way or private property owned by others who have not provided authorization on the notice.
2. Severe tree trimming or non-protected mature tree removal shall comply with federal and state law protecting nesting or migratory birds as provided in the federal Migratory Bird Treaty Act and the California Fish and Wildlife Code. Section 3503 and following, as amended.
3. If the severe tree trimming or non-protected mature tree removal requires obstruction or closure of any portion of a public road, sidewalk or bikeway, then a permit is also required from the Department of Public Works per [Section 12.04.010](#) of the Brisbane Municipal Code (BMC). Please make sure you contact Public Works at (415) 508-2130 prior to the removal to request an encroachment permit, if applicable.

4. City's approval **does not** constitute an access agreement to property not owned by the applicant. For any such access, the applicant will need authorization from all affected owner(s) to obtain authorization to access tree(s) from their properties.
5. All tree removal activities shall be subject to the City of Brisbane's Noise Ordinance, which includes the following requirements, per BMC [Section 8.28.060](#):
 - i. 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:
 - ii. 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.
 - iii. The noise level at any point outside of the property plane shall not exceed eighty-six (86) dBA.
6. Tree cutting and chipping of tree materials shall not generate dust traveling off-site or create a nuisance to neighboring properties, as defined in BMC [Section 8.36.010](#).G. Chipping of tree trunks is not permitted on-site.
7. For tree removals, the stump shall be cut down at or near ground level such that a tripping hazard is not created.
8. For severe trimming, the property owner shall be responsible for the health of the tree. If trimming results in the death of the tree, the property owner shall become subject to the tree removal provisions of [Chapter 8.28](#).
9. Cuttings shall be removed from the site within a reasonable period of time (no more than 72 hours).



PROTECTED TREE REMOVAL

The City's provisions regulating private tree trimming, removals, and maintenance are provided in Brisbane Municipal Code [Section 12.12](http://brisbaneca.org/brisbane-municipal-code) and may be referenced online at <http://brisbaneca.org/brisbane-municipal-code>. The ordinance includes provisions that pertain to required tree removal permits of protected mature trees. Other provisions pertaining to "severe tree trimming and non-protected trees" are addressed on page 4 of this guide.

- B. Permit required-Protected tree removal: Removal of a protected tree or removal of three (3) or more non-protected mature trees in a consecutive twelve (12) month period shall require submitting an application and a discretionary tree removal permit by the director. The director shall have the authority to determine whether a plant requires a permit for removal, such as in making the distinction between a multi-trunked tree or a shrub and measurement of tree size in unusual cases.
- 2. Findings for granting a permit: **The director's granting a permit for removal of a tree or trees shall be based on at least one of the following findings:**
 - a. The tree is dead or is diseased such that it poses an imminent danger of falling or dropping limbs.
 - 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.
 - 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.
 - d. The tree poses a risk to the property due to unusual site conditions or fire hazard.
 - e. The tree unreasonably interferes with the economic or other enjoyment of the property.
- 3. Decision on the application and notification: Once the director determines the application is complete, the director shall either grant or deny the application.
 - a. Notice: If the director grants the permit, the director shall mail a notice to the property owner and to the property owner(s) within three hundred (300) feet of the subject property. The notice will generally describe the approved action, including identification and location of the tree. If the application is denied, the director shall mail the denial to the property owner. The notice shall also advise the property owner and the adjacent property owners (if the permit has been granted) that the decision may be appealed to city manager within seven (7) calendar days from the mailing date of the notice.
 - b. Expiration: A tree removal permit shall expire six (6) months following the effective date of the permit. For good cause shown, the director may grant an extension upon written request received prior to the expiration of the permit.

5. **Emergency approval**: if the condition of a protected tree presents an immediate hazard to life or property, it may be removed without the foregoing notice and permit procedures, provided, however, thereafter the Director shall have authority to impose on the property owner the standard conditions of approval provided in [Section 12.12.050.B.4](#).
6. **Exceptions**. **Upon written request**, the director may approve the following exceptions to on-site tree replacement:
 - a. In-lieu payment: Imposition of an in-lieu payment rather than replacement planting on-site, to fund planting of a tree elsewhere in the city. The amount of the in-lieu fee shall be based on the cost for the city to plant and maintain the equivalent tree for at least one year, with such cost calculated by the director at the time of the request.
 - b. Off-site planting: Planting of an equivalent tree elsewhere within the city, in lieu of on-site planting. The tree species, size, and location shall be determined by the director.
 - c. Financial hardship: Any person who is financially unable to comply with the tree planting or in-lieu fee requirements may submit to the Director a written request for a hardship waiver along with supporting documents, demonstrating to the satisfaction of the Director the person's financial inability to comply. Financial inability can be established by showing such conditions as, that the applicant has qualified, or would be qualified, for participation in a public or private assistance program available only to persons having low or very low income, such as subsidized housing, food stamps, SSI, Medi-Cal, or California LifeLine. Such waiver does not relieve the applicant from the requirement to provide required documentation in support of the tree removal permit application.

Standard Conditions of Approval Applicable to Protected Tree Removal

Per BMC [Section 12.12.050.B.4](#), the following standard conditions of approval will be imposed in connection with the granting of a permit. Additional conditions may be applied at the Director's discretion.

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 15 gallon nursery container, or larger.
 - iii. The replacement species and location shall be approved by the Director prior to planting. Where consistent with the context of the site, the design size of the replacement should be similar to that being removed. Consideration is also to be given to placement of trees and species, such that they would not impede fire apparatus access as they mature and avoidance of trees that pose a fire risk due to high oil content

- iv. Replacement trees are generally to be planted within ninety (90) days of removal. The Director may allow deferment of the planting of replacement trees upon written request. Such deferments would typically be to allow trees to be planted at the optimum time of the year for healthy establishment, or where the planned replacements are part of a larger landscape replacement program.
2. The foregoing conditions are considered minimal. Where a large protected tree is to be removed, or where the site has, or will be, largely denuded of landscaping, the Director may require re-planting on more than a 1:1 basis, and/or require a larger tree replacement size.
3. The Director may require that a tree stump be removed to at or below ground level, based on such factors as visibility or a tripping hazard.
4. Noise from removal and trimming activities shall comply with the Noise Ordinance as provided in [Chapter 8.28](#) of this Code.
5. All removal and severe trimming 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 and following, as amended.

Appeals

Per BMC [Section 12.12.060](#) - Appeals:

- A. A decision of the Director either to approve or deny a tree removal permit may be appealed to the city manager within the seven (7) calendar days of the date of the notice approving or denying the permit by filing a notice of appeal with the city clerk. The notice of appeal shall be accompanied by a filing fee in such amount as established from time to time by resolution of the city council.
- B. The city manager shall conduct a review of the application and may affirm, reverse or modify the decision of the Director, or refer the matter to the Director for such further consideration as may be directed by the city manager.



ADDITIONAL DEFINITIONS

The following definitions are from BMC [Section 12.12.040](#):

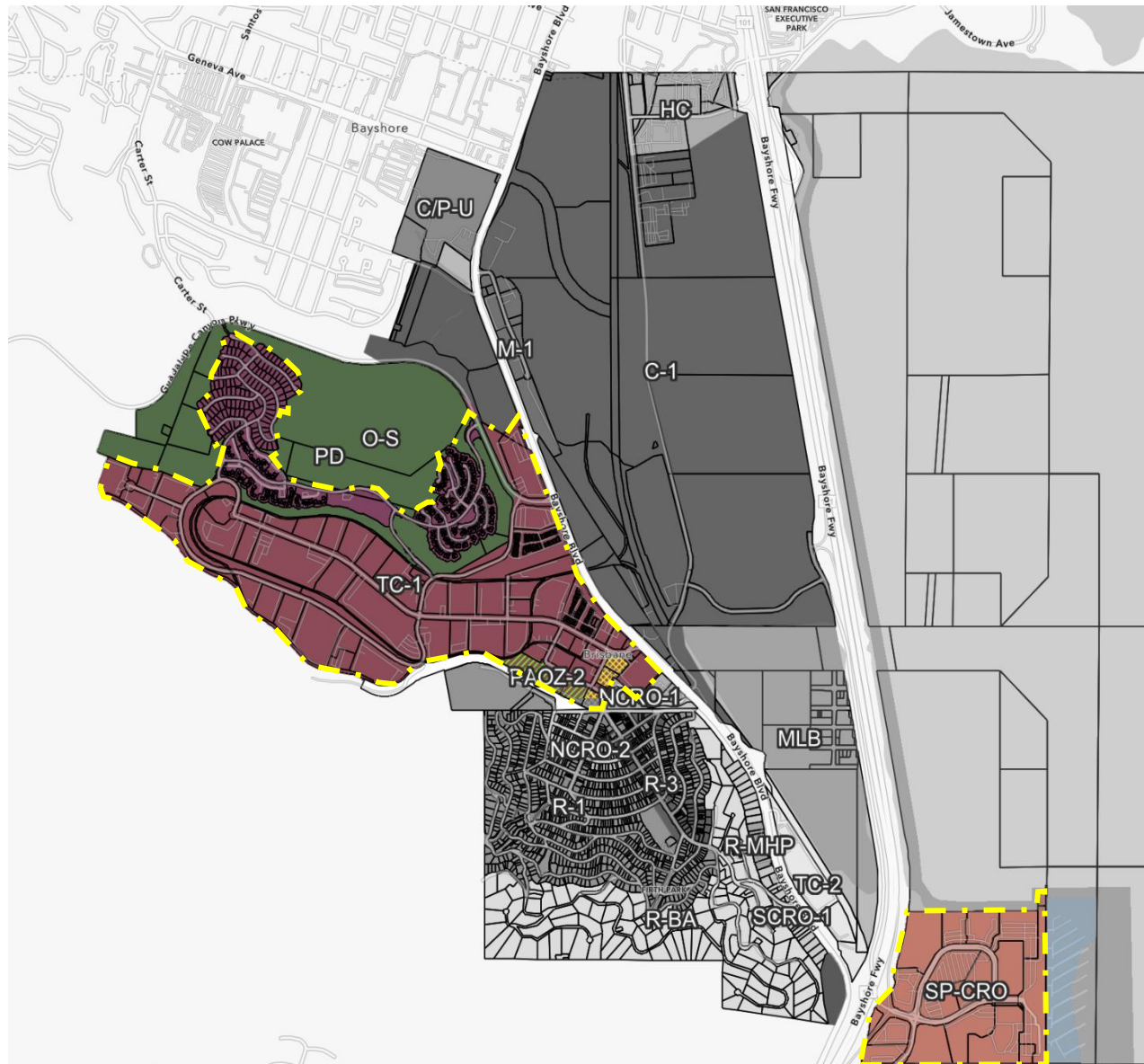
1. "**Adjacent property**" means a property that is abutting the subject property.
2. "**Design size**" means the anticipated size range at the tree's maturity.
3. "**Director**" means the community development director of the City of Brisbane or other person as the community development director may designate from time to time to perform the responsibilities assigned to the community development director under the provisions of this chapter.
4. "**Invasive species**" means any species of tree listed as invasive to the area by a community development director-approved professional organization, such as the Invasive Species Council of California (ISCC) or the California Invasive Plant Council (CAL-ICP).
5. "**Juvenile tree**" means a tree whose trunk measures less than thirty (30) inches in circumference at twenty-four (24) inches above grade for a standard tree form, or the equivalent trunk cross-sectional area for multi-trunked trees.
6. "**Mature tree**" means a tree whose trunk measures thirty (30) inches in circumference or more at twenty-four (24) inches above grade for a standard tree form, or the equivalent cross-sectional area of trunks for multi-trunked trees.
7. "**Multi-trunked tree**" means a tree with more than one trunk sharing a single root system. Multi-trunked trees are distinguished from shrubs in that they are usually larger than fifteen (15) feet at maturity.
8. "**Non-protected mature tree**" means any tree that fits the size criteria for a mature tree and is not listed under the definition of protected tree in this section. This includes any number of invasive species (see the definition of invasive species in Section 12.12.040.D) and up to two non-invasive mature trees that are not protected by city council resolution or by city permit, per [Sections 12.12.040.I.2](#) and [12.12.040.I.3](#).
9. "**Protected tree**" means each of the following:
 - i. Species protected: Any California Bay (*Umbellularia californica*), Coast Live Oak (*Quercus agrifolia*), or California Buckeye (*Aesculus californica*) that is a mature tree and is not otherwise defined as protected tree.
 - ii. Resolution protected: Any tree designated as a protected tree by resolution of the city council.
 - iii. Permit protected: Any tree, regardless of size, originally required by the city to be planted as a condition for the granting of a permit, license, or other approval, or any tree that existed at the time of the granting of such permit, license, or other approval and required by the city to be preserved as part of such approval. This includes any tree protected by a maintenance agreement, whether on private or public land. This also includes any tree, regardless of size, required by the city to be planted as a replacement for an unlawfully removed tree.

- iv. *Multiple non-invasive species*: Three (3) or more mature trees of any one or more non-invasive species that are proposed to be removed from the same property or from adjacent property under common ownership.
- 10. "**Public right-of-way**" means a strip or area of land owned by the city or other public entity which is used, or reserved or intended for use, as a street, road, alley, driveway, or pedestrian walkway, or to provide public utility service, or any combination thereof, and includes all and any part of the entire width or other area of a designated right-of-way, whether or not such entire width or area is actually used for any of such purposes.
- 11. "**Removal**" means the cutting off, or breaking off, the canopy of a tree. This includes leaving the trunk(s) or complete removal of the tree trunk to below ground.
- 12. "**Serial removal**" means removal of trees by separate permits within a 1-year period of each other.
- 13. "**Severe trimming**" means the removal of more than fifty percent (50%) of the foliage crown or more than thirty percent (30%) of the height of a tree.
- 14. "**Shrub**" means a bushy, woody plant, usually with several permanent stems, and usually not over fifteen (15) feet in height at maturity. The community development director shall have the authority to determine whether any specific woody plant shall be considered a tree or a shrub.
- 15. "**Size**" means the measurement of a tree in circumference at a height of twenty-four (24) inches above grade immediately surrounding the tree. For multi-trunked trees, the measurement shall be taken collectively for the trunks.
- 16. "**Tree**" means a woody perennial plant characterized by having a main stem or trunk, or a multi-stemmed trunk system with a more or less definitely formed crown, and is usually over fifteen (15) feet high at maturity.





PERMIT PROTECTED TREES BY ZONING DISTRICT



Any tree located within the SP-CRO Sierra Point Commercial, TC-1 Crocker Park Trade Commercial, or PD Northeast Ridge Planned Development Zoning Districts, highlighted on the map, are “permit protected” trees and would require a tree removal permit to remove, regardless of tree species or maturity.