



City of Brisbane Tree Regulations

Residents should be aware of the fact that, in Brisbane, it is necessary to get a permit for removal or severe trimming of large or "protected trees" within the City. Similar to those in other cities, Brisbane's tree regulations are intended to "protect certain trees that contribute greatly to the scenic beauty of the City, or are found to be of special value or significance as a native tree species, or are required to be planted and maintained as a condition of development approval." Brisbane's trees contribute to the quality of life in the community and protection of trees enhances property values as well as the environment.

The Tree Regulations seek to strike a balance between the public interest in preserving trees and the rights of property owners to determine what kinds of trees should be maintained on their own property. The ordinance strictly limits the circumstances under which the City can require a property owner to preserve a tree. Below is a summary of the tree regulations in Brisbane.

Permit required.

A permit is required to remove OR SEVERELY TRIM any tree greater than 30" in circumference (approximately 10" in diameter) at 24" above grade level. Anyone wishing to remove or severely trim a tree meeting this threshold is required to submit an application to the City Manager's office. The application should contain the number and location of each tree to be removed or trimmed, the type and approximate size of each tree, the reason for removal or trimming and any other information requested by the City that is needed to evaluate the application. There is no fee for a tree removal or trimming permit.

Severe Trimming.

Severe trimming is the removal of more than 50% of the foliage crown or more than 30% of the height of the tree. A permit is now required for trimming more than those amounts.

Permits.

A tree removal or trimming permit shall be automatically granted for any tree that is not a "Protected Tree".

Protected Trees

For Protected Trees only, a permit may be denied or granted with conditions, such as planting one or more replacement trees. A Protected Tree is any of the following eight categories.

1. A California Bay, Coast Live Oak or California Buckeye tree. These are the primary native tree species on San Bruno Mountain.
2. Any additional species of tree other than the three above that is determined by the City Council to uniquely contribute to the scenic beauty of the City or provide special benefits to the natural environment or wildlife.
3. Any tree designated as a protected tree by the City Council. (See "Trees with special qualities" at the end of this article.)
4. Any tree, regardless of size, originally required by the City to be planted or preserved as part of a development or other permit approval. This would include tree removal permits as well as landscape plans approved as part of site plan, design review or other development approval.
5. Any tree, regardless of size, required by the City to be planted as a replacement for an unlawfully removed tree.
6. Any tree, regardless of size, planted or maintained by the City.
7. Any tree growing in the street right of way that is greater than 30" in circumference at 24" above grade level. These are considered Street Trees whether or not they were planted by the City.
8. Three or more trees of any species that are greater than 30" in circumference at 24" above grade that are proposed for removal from the same property are considered collectively to be a Protected Tree.

Criteria for removal of a Protected Tree.

An application for removal of a Protected Tree must be evaluated and determined on the basis of the following five criteria:

1. The condition of the tree with respect to disease, imminent danger of falling, proximity to existing or proposed structures and interference with utility services. (e.g., is the tree dying or does it pose a hazard?)
2. The necessity to remove the tree for economic or other enjoyment of the property. (e.g., would preservation of the tree(s) substantially impair the use of the property or is the tree a significant nuisance to the property owner or neighbor?)
3. The topography of the land and the effect of the tree removal upon erosion, soil retention, and the diversion or increased flow of surface waters. (e.g., would removal of the tree(s) cause erosion or increased runoff?)
4. The number, species, size, and location of existing trees in the area and the effect the removal would have upon shade, privacy impact, and scenic beauty of the area. (e.g., would removal of the tree have a significant aesthetic impact or cause the neighborhood to appear barren?)
5. The number of healthy trees the property is able to support according to good forestry practices. (e.g., are there currently so many trees on the property that they are crowding each other out?)

Appeals.

Only the applicant may appeal a decision to remove a tree or the conditions imposed on the granting a permit to remove a tree. An appeal would be made to the City Council through the City Clerk.

The only exception is for trees in the street right of way, which is public property. In that case, there will be a notice posted on or near the affected tree and any citizen may appeal a decision to the City Council by notifying the City Clerk within 10 days.

Exemptions.

Certain circumstances are exempted from the tree requirements.

1. Emergencies. A tree may be cut down by order of the City Manager, the Planning Director, the Police Chief or the Fire Chief without a permit if it poses an immediate hazard to life or property.
2. Public Utilities may remove trees without a permit if the tree poses an immediate hazard to their facilities.
3. Project approval. If you have been granted a building or grading permit that provides for removal of a tree and the tree is clearly noted on the approved plans, a separate tree removal permit is not required.

Trees with special qualities.

In the past, there have been incidents where trees that merit protection have been removed because they did not meet one of the eight criteria for a Protected Tree. An example would be a tree that was a nesting site for a raptor such as a hawk or owl. These bird species are an important part of the natural environment in Brisbane and their nesting sites should not be removed without mitigation and only as a last resort. Another example would be an important or unusually large or beautiful specimen of tree, such as the large cottonwood at the former community garden site on Plumas Street.

Help Brisbane preserve special trees.

The ordinance provides that the City Council, by resolution can designate any tree in the City as a Protected Tree. If you are aware of any trees that do not meet the definition of a Protected Tree but deserve protection because of nesting sites or other qualities, please provide this information to the City. The request will be presented to the City Council, and, after notification of the property owner, the Council will determine if the tree should be designated as a Protected Tree.

Contact.

Applications for a tree removal permit or information about trees meriting Protected Tree status should be submitted to the City Manager's Office, City Hall, 50 Park Place, Brisbane, CA 94005, (415) 508-2110.



APPLICATION for TREE REMOVAL PERMIT

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone Number: _____

Address of Tree(s) Proposed for Removal: _____

<u>Number of Trees to be Removed</u>	<u>Type/Species</u>	<u>Circumference at 2 Ft. above Grade</u>	<u>Location</u>
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Reason(s) for Removal: [] Disease.
[] Imminent danger of falling.
[] Proximity to existing or proposed structures.
[] Interference with utility services.
[] Necessary for economic or other enjoyment of the property.
[] Other—see following explanation: _____

New Trees to Replace Trees to be Removed? _____

Existing Trees to Remain on Property: _____

Applicant's Signature: _____ Date: _____

Property Owner's Signature: _____ Date: _____
(if not Applicant)

Submit to: Fred Smith, Assistant to the City Manager, City of Brisbane
50 Park Place, Brisbane, CA 94005
Phone 415-508-2110/Fax 415-467-4989

Attach any additional information necessary to support the proposed request, such as a map, diagram or description showing the location of the tree(s) to be removed, photographs, etc. An arborist's report and replacement tree planting plan may be needed for applications to remove a Protected Tree.