

**PARKS AND RECREATION ADVISORY COMMISSION**  
**City of Oakland, California**  
**Wednesday, May 10, 2006 - 4:30 p.m.**  
**Lakeside Park Garden Center, Oakland, CA**

**MINUTES**

**1. CALL TO ORDER:**

A regular meeting of the Parks and Recreation Advisory Commission was held on Wednesday, May 10, 2006 at the Lakeside Park Garden Center, 666 Bellevue Avenue, Oakland, California. Chairperson Webb convened the meeting at 4:35 p.m. Director Audree V. Jones-Taylor, Secretary to the Commission, conducted roll call. A quorum was present.

**2. ROLL CALL:**

Present: Valerie Abad, Rosa Linda Armendariz, Osagie Enabulele, Holly McClure, Brad Ricards, Jeffrey Taylor, Matthew Webb

Staff Present: Audree V. Jones-Taylor, Gail McMillon, Michael Hammock, Gilbert Gong, Melvin Landry, Dan Gallagher, Sue Piper, Joel Peter, Lyle Oehler, Catherine Payne, Mary Perisic

Guests: Vice Mayor Jean Quan, Councilmember Pat Kernighan, Larry Harper, Dinah Benson, Ben Westheimer, Isaac Simons, Robert Todd, Dale Risen, Pat Luiz, Aletha Stuart, April Heather, Fritz Brevet, Rita Brevet, Merrilee Mitchell, David Mix, Joseph DiDonato, Jeffrey Fong, Ruth Villasenor, Ken Pratt, John Wilson, Gerald Silver, Nancy Rieser, Carole Levenson, Susan Schulman, John Bouey, Friederike Droegemueller, Sue Rosenthal, Mark Major, Jack Kenny, Mary Reynolds, Susan Gilkey, Karen Fong, Debbie Foster, Barbara Shaaf, Louise Miller, Marlene deManiner, Carole Levenson, Robert Herrick, C. J. Hill

**3. DISPOSITION OF MINUTES:**

A. Minutes of April 12, 2006 meeting:

Commissioner Ricards amended the minutes as follows: Item 12B – Request to co-sponsor the Montclair Lion's Club East Egg Hunt at Montclair Park: the minutes should reflect that Commissioner Ricards asked that the Lions Club have direct partnership with OPR in the future.

Commissioner Enabulele amended the minutes as follows: Item 12F – Request to Endorse Amendment to Final Development Permit for Uptown Park Schematic Design: the minutes should reflect that there should not be any additional cost to the City of Oakland.

**MOTION: Commissioner Richards moved approval of the minutes of the meeting of April 12, 2006, as amended. Commissioner McClure seconded the motion, which passed unanimously.**

**4. SPECIAL ORDERS:**

**5. DETERMINATION OF SCHEDULE—OUTSTANDING AGENDA ITEMS:**

A. PRAC Pending List

- Move LLAD report to June 14, 2006
- Add Groundworks Trust

6. **MODIFICATIONS TO THE AGENDA:**

Item 12 moved up.

7. **COMMUNICATIONS:**

8. **PRAC COMMITTEE REPORTS:**

9. **ADVISORY COUNCIL REPORTS:**

10. **CONDITIONAL USE PERMITS:**

11. **UNFINISHED BUSINESS:**

12. **NEW BUSINESS:**

- A. Renaming of Lincoln Square Recreation Center Basketball Court in honor of Alvin Attles of the Golden State Warriors: Mr. Melvin Landry, OPR Sports Coordinator, gave a report. Since 1991, the Golden State Warriors has partnered with OPR to provide basketball for youth. There are about 2,000 youth that play each year. Good Tidings Foundation, the non-profit organization that works with the Golden State Warriors, will be resurfacing and striping one court at the Lincoln Square Recreation Center playground. Councilmember Pat Kernighan will provide PAYGO funds to resurface and stripe the remainder of the playground, which includes kick ball, tetherball and basketball.
- Good Tidings asked that the basketball court that they are resurfacing be named in honor of Alvin Attles. Mr. Attles has attained national prominence and achievement and has great public support for being honored at this site. He has been committed and involved in helping young people in the community and has supported youth basketball in Oakland for many years playing a major role in supporting the Junior Warriors Basketball League in Oakland. He is also involved in violence prevention programs in Oakland. Mr. Larry Harper of Good Tidings stated that Mr. Attles is the lead liaison for all of their work in the community, and that they have 500 signatures from the community in support of the name change. Commissioner Taylor said it is a great partnership and looks forward to seeing it continue and grow.

**MOTION: Commissioner McClure moved approval in light that Mr. Attles is an individual and not a corporation and because of the Warriors' partnership with the City. Commissioner Taylor seconded the motion, which passed unanimously.**

- B. Appeal of Tree Removal Permits CT05004, CT05005, CT05006: Mr. Dan Gallagher, Tree Supervisor II of the Public Works Agency (PWA), gave a report regarding the three tree removal permits for the Lake Merritt improvement projects funded by Measure DD. He advised that the Commission shall determine whether the proposed removals conform to the criteria as given in the Protected Tree Ordinance (PTO), Section 12.36.050. The Commission can sustain staff's decision or require such changes or impose reasonable conditions of approval that are necessary to insure conformity to the criteria. Staff have determined that the three tree removal permits conform to criteria A1 – "To insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers"; and/or criteria A4 – "To pursue accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Parks and Recreation shall constitute compliance with this

criterion". As part of the permit process, the trees slated for removal were tagged and several public tours were conducted on Saturdays. To preserve more trees, staff has worked with the applicant to adjust the design.

CT05-004 is for Lakeside Drive and Boathouse improvements. Tree Services approved removal of twenty trees and required preservation of twenty trees. The appellant reduced the scope of work to preserve the trees. Sixty-one new trees will be planted.

CT05-005 is for the Lakeshore Avenue and El Embarcadero project. Tree Services approved the removal of eight trees and required preservation of eight trees. Sixteen trees are not protected and will also be removed. One hundred and nineteen new trees will be planted.

CT06-006 is for the 12<sup>th</sup> Street project. Tree Services approved the removal of one hundred and thirty-nine trees and required preservation of seventeen trees. Forty-one trees are not protected and will also be removed. Three hundred and forty-one new trees will be planted.

Staff has determined that the three tree removal permits meet the criteria outlined in the PTO. The trees proposed for removal are in close proximity to park and facility renovations or within the footprint of proposed renovation plans which will add new parkland, or because the trees are dying or hazardous. It would be unreasonable to require a redesign to preserve more trees. Considering the construction and renovation of the parkland, the addition of park area both on Lakeshore Avenue area and the south shore of the Lake, along with the addition of 521 new trees, which is more than twice the number of trees being removed, the tree removal permits sufficiently meet the required conditions of approval outlined in the PTO. Staff recommends that PRAC sustain the decision of the PWA allowing the tree removal permits to be issued.

Mr. Lyle Oehler, Project Coordinator with PWA, answered questions related to the trees at the Kaiser Convention Center parking lot. When the parking lot is reconfigured new trees will be planted at that site. Councilmember Pat Kernighan, who participated in the Lake Merritt Master Plan process, also spoke. The main reason for the trees to come out is due to the big grade change between the parking lot and Lake Merritt. In order to create the parkland at the Lake, the parking lot would need to be substantially re-graded, which was determined after several meetings with architects and engineers. However, three of the magnolia trees will be preserved and new trees will be planted in the parking lot.

Comments from the Appellant, Ms. Friederike Droegemueller:

Ms. Droegemueller provided a summary of her experiences on this item. She has a degree in biology and is continuing her education in horticulture. She was asked by the Merritt Lakesiders, the No Clear Cuts group and the Adams Point Preservation Society to represent them on the appeal. Ms. Droegemueller stated that she was not notified by the PWA of the PRAC meeting. The appellant opposes the wholesale removal of the trees without objective documented evaluations using standards of the International Society of Arboriculture (ISA). Ms. Droegemueller has requested objective standardized measurements as to why the trees have to be removed. She indicated that the rationales of tree removal from PWA were not satisfactory and did not conform to ISA standards.

Ms. Droegemueller addressed each appeal:

- CT05-004 – Quoting from the PWA report to PRAC, “ It would be unreasonable to require preservation of more trees because it would adversely affect the proposed park improvements” -- “unreasonable” has not been quantified. In what ways would preserving trees adversely affect park improvements? Has assessment of the adverse affect been objectively quantified and has that quantification been shared with the citizens of Oakland?

The improvements proposed by the planners at the Lakeside Drive/Boathouse area is also being considered by the Council, with an alternative plan being submitted by landscape planner. Since these plans have not been finalized, is it necessary to remove the trees? Regarding the replacement of 61 new trees, the equivalency with existing trees has not been established. The appellant opposes the removal of trees without equivalent replacement, and stated that high-valued mature trees should be replaced with multiple trees to equal that value.

- CT05-005 – There has been no quantification as to why it would be unreasonable to preserve the trees. Also one tree is being removed because it is 12 feet away from the proposed curb. However, tree roots can be cut much closer to the tree. Regarding the hazardous trees, Ms. Droegemueller requested Tree Hazard Evaluation forms which she has not received. She stated there is no objective quantification for the hazardous trees.
- CT05-006 – Why is it unreasonable to ask for further redesign? There is no quantifiable evidence that further redesign is unreasonable. A number of sequoias are being presented as low value trees. We don’t believe that a sequoia that is 20 years old can be replaced by a malus or a prunus that is only 4-5 years old.

Ms. Droegemueller continued: A lot of the trees are being replaced by non-native trees. A popular tree in the re-design is sycamore. Many of the trees are being replaced with an east coast plant palate that is not well-adapted to the west coast. She also said that there is an inaccuracy on the PWA report to PRAC, on the second to the last page in the top paragraph, the sentence, “The appellant states that removing some trees in the project areas may affect the health of all the other trees in the park and that new trees won’t grow well.” She advised that that was an incorrect quotation and that she wants the entire section stricken from the record. She objected on the inaccuracy and that it casts a grey cloud on her skills and observations.

Public Comment:

- Nancy Rieser, Lake Merritt Lakesiders – She is in favor of the appeal and the preservation of trees. Lakeside Park is the oldest wildlife sanctuary of the United States. Concerned about meeting CEQA requirements.
- John Wilson – The new Oakland Municipal Boathouse Restaurant is requiring a new parking lot and a grand staircase. However, there is also a big parking lot at 14<sup>th</sup> and Madison about one block from the lake. It is very important that Oakland nurture its trees. Most people in the neighborhood do not know what is being proposed.
- John Mix – The removal of so many trees is mostly due to the 12<sup>th</sup> Street realignment. If they were to abide by the original plan they would save the trees. There have been no environmental impact reports done under CEQA. The project is over budge and it would

be a sad situation the trees were removed and then we found out the money was not available to complete the project. The Measure DD did not provide funds for the Tree Division to evaluate the trees.

- Mark Major – Who will profit off of the timber? Some of the larger native trees are being replaced by non-native smaller trees, creating an equivalency issue. They should be replaced with large, local native trees. We need to think about public health and air quality. It is extremely important to keep trees. We should not remove trees for a parking lot. Need progress with sustainability in mind.

E-mails, faxes and letters from Oakland Citizens in support of the appeal:

Marilyn Chilcote  
Rachel D. Medanic  
Barbara Newstadter  
Polly Amerin  
John Nunes  
Linda Roberts  
Anne Symanovich  
Ian McDonald  
Carolyn Blair  
Louis Lewis

Comments from Councilmember Pat Kernighan:

Councilmember Kernighan participated in the Lake Merritt Master Plan process and worked very hard on Measure DD. She provided an explanation why the trees were proposed to be removed. No one would be cutting down trees if there was not something big and wonderful to happen, which is the rejuvenation of the park around Lake Merritt. The project will dramatically increase green space and provide pedestrian access. For every one tree being removed more than two trees will be planted. The full Lake Merritt rejuvenation is not just for us, but for our grandchildren. This is the kind of project that only happens once every hundred years. We need to take the long view and to balance what we are losing with what we are gaining, which is something extraordinary that will last for generations. Councilmembers Nadel and Kernighan held several community meetings and four tree tours, and most of the people who attended came to agree that there was reasonable cause to take the trees out.

Commissioner Abad asked about the rumor of the project being \$30 million over budget. Mr. Joel Peters, PWA Measure DD Project Manager, advised that there is sufficient money for the project and we will not be cutting down trees without replacements.

Commissioner Ricards asked about the value of trees being established by the International Society of Arboriculture. Dan Gallagher responded that criteria only applies to development related tree removals and not for city owned trees. Mr. Gallagher commented further on the equivalency of tree replacements. He explained Tree Services Section reviewed the landscape plans, which met the approved landscape design criteria. They felt that the plans were appropriate for an urban park landscape and accepted the plans with some modifications in order to reduce the number of removals. There will be 561 new trees planted, four more acres of parkland and many other park improvements.

Commissioner Ricards asked about the variety of trees that were originally planted at Lake Merritt being a universal collection of trees and not specifically native. Mr. Gallagher commented that tree diversity is very important in Oakland.

Commissioner Webb advised that the standing policy of PRAC with respect to tree appeals is that it will take six affirmative votes to sustain the appeal. If the appeal does not receive six votes, it is denied and the decision of PWA staff is sustained.

**MOTION: To sustain the Appeal of Tree Removal Permit CT05004. The motion failed with one in favor (Abad), five opposed and one abstention (Enabulele).**

**MOTION: To sustain the Appeal of Tree Removal Permit CT05005. The motion failed with one in favor (Abad), five opposed and one abstention (Enabulele).**

**MOTION: To sustain the Appeal of Tree Removal Permit CT05006. The motion failed with one in favor and six opposed.**

The Commission is authorized to make reasonable requirements for the removal of trees.

**MOTION: Commissioner Webb moved that, given the fact that a number of the trees have been fatally damaged by staffs' improper use of maintenance equipment, when the trees are replaced that sufficient mechanisms be installed, as such as tree guards and better training for staff. Commissioner McClure seconded the motion, which passed unanimously.**

**MOTION: Commissioner Richards moved that the absolute requirement that parking spaces be equal before and after not be the deciding factor of the future of trees at the convention center, and that staff consider salvaging as many of the magnolia trees as possible at the convention center parking lot. Commissioner Armendariz seconded the motion, which passed with six in favor and one opposed (Taylor).**

- C. Request approval of the Joaquin Miller Park Dog Play Area as a twelve month pilot project: Audree V. Jones-Taylor, Director of OPR, provided a summary. For the last several months OPR, PWA, Vice Mayor Quan's office and Emily Rosenberg representing the Oakland Dog Owners Group, have been meeting and touring the City to look for a location for a dog play area. The Joaquin Miller Park Working Group, put together by Councilmember Quan's office, had collected over 200 surveys from Oakland citizens, which indicated that the creation of a dog play area was a priority. There are a few key issues, including an amendment to the current City ordinance, which does not currently allow dogs off leash in Joaquin Miller Park. Also, this will not impact OPR or PWA on a daily basis. The Joaquin Miller Park Dog Owners Group is committed and will be responsible for cleaning the dog play area. OPR recommends a twelve month pilot program for a dog play area in parking lots 4 and 5 at Joaquin Miller Park.

Vice Mayor Jean Quan stated that, of the dog park proposals she has seen, this is the most workable and it fits in with the planning that JMPWG has been doing in the community for over a year. Many people in the area want a dog park. There are many seniors who live in the hills and have dogs, and the dog play area would allow them to let their dogs run. Ms. Sue Piper, Policy Analyst for Vice Mayor Quan, spoke. They are aware there are concerns that people have about using a parking lot. The draft agreement has very specific criteria for

cleanliness, very clear expectations for JMPDOG and the City, and a process if those expectations are not met. It is a very feasible pilot project. Their hope is that the dog play area can be up and running by the summer. Councilmember Chang is in support and will provide funding for the fence.

Public Comment:

- Jack Kenny, Chief of Parks for East Bay Regional Park District – The EBRPD borders Joaquin Miller Park. The EBRPD has many trails that are open to dogs off leash. They are concerned about a location in Redwood Park that is a very sensitive native plant area which they intend to close off for protection, so those park users will need another area. The JMP dog play area may take some of that use. EBRPD will be standing ready to assist as an agency.
- Joseph DiDonato, EBRPD – The EBRPD is here to support and would welcome any partnership. The area in Redwood Park is referred to as the Serpentine Prairie and has an extremely rare complex of plants; some are federally endangered. The restoration of the area will begin this year. The JMP Dog Play Area pilot project is a benefit to the public.
- Sue Rosenthal, California Native Plant Society – The East Bay Chapter of CNPS would like to support this project. They have long recognized the serpentine prairie, which is the richest native grassland in the hills. When EBRPD restricts the use of the prairie as an off leash dog play area, dog owners can use the new dog play area in JMP.
- Jeff Fong, Woodminster Amphitheatre Advisory Board member – He was part of the JMPWG. WAAB has not met with OPR. The main concern of the board is the impact on the theatre users, including use of the parking lot as a picnic area when other picnic tables are already in use. WAAB will need to have all phone numbers in case there are any problems with the dog play area.
- Merilee Mitchell, Woodminster Amphitheatre Advisory Board member – City Stables is a very under-utilized area. Why not put the dog play area there, instead of using a parking lot.
- Debbie Foster, Woodminster Amphitheatre patron – WA is in use for only 6 weeks a year. This is an opportunity to have diversity.
- Aletha Stewart, dog owner – A lot of dog owners do not have yards. JMP would be the perfect place to let dogs exercise. We have agreed to abide by strict rules for cleanliness.
- Mary Reynolds, Woodminster Amphitheatre patron – Likes the idea of a dog park where they can run.
- Marlene de Maniner, representing cancer patients -- They need a place that is contained because they cannot keep their dogs on leash for a long time.
- Carol Levenson – Dogs are not allowed even on leash in most Oakland parks. A dog park in JMP would be wonderful.
- Dale Ridsen, JMPWG – The number one thing he gets asked about is a dog park. He believes most dog owners will be responsible.
- John Bouey, JMPWG – He will be testing the parking lots with an olfactometer that is used for testing waste management areas.
- Pat Luis – Is involved with dog rescue and supports the dog park for small dogs.
- Robert Todd, Alameda Humane Society – Dogs have walked him back to health from cancer. We owe dogs a friendly and healthy environment. He is concerned that it

may not be a suitable place because of the surface. He hopes that the City looks at establishing dog parks in all areas of Oakland.

- Dinah Benson – Would like to see a dog play area in every community. Everything the City can do to nurture this new dog park would be wonderful.
- Ben Westheimer – The proposal for JMP would be magnificent for smaller and older dogs.
- Nancy Rieser, co-founder of ODOG – She attends Woodminster programs and supports the dog play area. Issue is how to create a partnership with Woodminster Amphitheatre.
- Robert Herrick – Is a patron of Woodminster. Strongly supports the dog play area. Thinks it is critical to have a multi use philosophy.
- C. J. Hill, Dimond Improvement Association – The Dimond Park Dog Park Group is hoping to eventually get a dog play area at that park.
- Susan Schulman -- She current drives to Berkeley to let her dog be off leash. Persons with disabilities cannot easily walk on hilly trails. Having a park that is accessible and usable in all weather would be beneficial.

Emails received from Oakland citizens in favor of the proposed dog play area:

Carol Bernau  
Robyn Nichimura  
Gail Burke  
Polly Morris

Commissioner Ricards supports the idea but would like to address the extra maintenance born by the City regarding the extra garbage. Park Supervisor Martin Matarrese believes it will not be a problem. Commissioner Ricards wants to make sure there is a water source to keep the dust down and make water available for the dogs. Director Jones-Taylor stated that the City is working with Councilmember Chang's office, who has set aside funds for water and trenching. She continued that there are a total of eight parking lots in that area and we want to make sure the area is multi-use. Vice Mayor Quan added that they picked the least desirable parking lots. Commissioner Ricards advised that the quantity of graveling indicated in the agreement may be more than necessary. Director Jones-Taylor indicated that this was her estimate to ensure there would be funding to make the play area safe.

The dog park will be open from sun up to dusk and closed before and during events. Phone numbers will be posted at the site, including the PWA hot line.

**MOTION: Commissioner Ricards moved approval. Commissioner Taylor seconded the motion, which passed unanimously.**

13. **COUNCIL REFERRALS:**

14. **DIRECTOR'S REPORT:**

Director Jones-Taylor spoke briefly regarding the LLAD (Lighting and Landscape Assessment District). The ballots are in the mail. PRAC will have a full report at the next meeting.



15. **OPEN FORUM:**

- A. Commissioner Ricards reported that the California Association of Parks and Recreation Commissioners and Board Members meeting was well attended. The Board recognized Anne Woodell.

16. **ANNOUNCEMENTS:**

- A. Children's Fairyland Gala, Thursday, May 18.
- B. Dinner to honor Theresa Nelson on Thursday, May 25, 7:00pm
- C. Mrs. Beatrice Wong is the Mother of the Year. The celebration is Saturday, May 13, 10:30am at the Oakland Rose Garden.

17. **ADJOURNMENT:** Meeting adjourned at 7:15 p.m.

Respectfully submitted,

Audree V. Jones-Taylor  
Secretary

Mary Perisic  
Recording Secretary