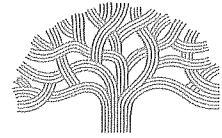


CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA OAKLAND, CALIFORNIA 94612-2033

Public Works Agency
Raul Godinez II
Director

(510) 238-3961
FAX (510) 238-6428
TDD (510) 238-7644

June 15, 2009

The Honorable Jeffrey Taylor, Chair
Parks and Recreation Advisory Commission (PRAC)
City of Oakland, CA

RE: Appeal of Tree Removal Permit for Lakeshore Homes Association

Dear Mr. Taylor and Members of PRAC:

The following is a summary, background, discussion and staff recommendations regarding the subject appeal of a tree removal permit determination.

SUMMARY

The Tree Services Division approved a tree permit to remove six acacia trees growing within Lakeshore Homes Association common area property. A home owner within the association appealed the decision, citing six specific concerns.

BACKGROUND

On April 1, 2009, the Lakeshore Homes Association submitted an application to Tree Services to remove six acacia trees. The Association wanted to remove trees that were leaning, damaged, or had multiple trunks with weak attachments.

On May 12, 2009, the Tree Services Division approved the removal of the trees (see attached Site Plan and aerial photograph of the private park property). A permit was approved several years ago for other acacia tree removals.

On May 14, 2009, Alexandra Allman-Van Zee (Appellant), property owner of 747 Mandana Boulevard, appealed staff's decision. The basis for the appeal was stated as follows:

1. Wait until fall to allow resident migratory birds to fledge.
2. Bird and wild animal habitat destruction.
3. Loss of canopy, increasing heat-island effect.
4. Run-off concerns.
5. No published master plan for Plot B by LHA.
6. More than ten trees (11-15) cut down "by mistake" in the last two years.

Prior to the appeal, the Appellant submitted a letter to the Tree Services Division that explained the concerns listed above in more detail. A petition was attached listing thirty (30) signatures, including the Appellant and her husband.

DISCUSSION

The Protected Tree Ordinance (PTO), Section 12.36.050 of the OMC, lists the criteria used to decide if trees should be removed or preserved. Decision making for tree removals is a two-step process:

First, applications are reviewed to see if they accomplish at least one of five possible objectives. Tree Services feels:

- Removal of the trees meets criterion 12.36.050(A) 1: "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.

Second, even if the tree qualify for a removal objective, preservation is required if at least one of four possible grounds for denial apply to the situation. The Tree Services Division feels there are no grounds for denial:

- Trimming, thinning, tree surgery or other reasonable treatment will not resolve the trees' problems.
- Sufficient tree canopy and understory exists within the park so that the removal of six trees will not cause drainage, erosion control, land stability or windscreen problems.

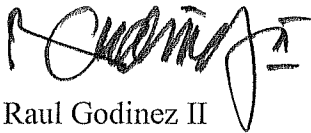
It would be reasonable to require a delay and allow the tree removals in the fall. The Tree Services Division has worked on other, much larger projects involving biologists, and fall tree removal is a typical requirement after bird surveys confirm migratory birds are nesting in woody areas.

RECOMMENDATION

The Public Works Agency recommends that the Park and Recreation Commission:

- Deny the appeals by Alexandra Allman-Van Zee; and
- Instruct staff to issue tree permit application ND09-030 for Lakeshore Homes Association, upholding staff's decision to allow the removal of six trees.

Respectfully submitted,



Raul Godinez II
Agency Director

Attachments

cc: Bruce Saunders, Department of Infrastructure and Operations
Dan Gallagher, Tree Services Division

Lakeshore Homes Association

Tree Permit - Removal Zone



Legend

- City Limits
- Parcels
- Freeways
- Major Sts
- Streets
- Water
- Land

It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510)238-3911.

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