



PARKS AND RECREATION ADVISORY COMMISSION
City of Oakland
Wednesday, April 8, 2015
Lake Merritt Garden, 666 Bellevue Avenue
4:30pm

Agenda

1. CALL TO ORDER:

2. ROLL CALL:

BELCHER, DU BOIS, FLORES, KADERA-REDMOND, MARSHALL, MILLER, PETERSON,
ROSENBLOOM, SELNA, WU

3. DISPOSITION OF MINUTES:

March 11, 2015 meeting minutes

4. SPECIAL ORDERS:

5. PRAC PENDING LIST:

6. MODIFICATIONS TO THE AGENDA:

7. CONSENT NEW BUSINESS:

A. **REQUEST APPROVAL TO ALLOW BAYHILL HIGH SCHOOL TO HOST THEIR 8th ANNUAL LIVE/SILENT AUCTION FUNDRAISER INCLUDING ENTERTAINMENT, FOOD AND WINE FOR SALES AND THE COLLECTION OF ENTRY FEES AT LEONA LODGE ON SATURDAY, MAY 2, 2015.** Staff received a request from Bayhill High School for permission to collect funds to sell admission tickets, auction items, food and beverages at Leona Lodge on Saturday, May 2, 2015. Proceeds from the fees collected will be used to support activities for the students.

B. **REQUEST FROM THE CENTER FOR EARLY INTERVENTION ON DEAFNESS FOR PERMISSION TO COLLECT ON-SITE REGISTRATION FEES AND SELL RAFFLE TICKETS AT THEIR 11th ANNUAL WALK-A-THON ON SATURDAY, APRIL 25, 2015.** The Office of Parks and Recreation has received a request from the Center for Early Intervention on Deafness (CEID), a non-profit organization, for permission to collect registration fees and sell raffle tickets on-site at Lakeside Park for their Annual 11th Walk-A-Thon at Lakeside Park on Saturday, April 25, 2015.

8. NEW BUSINESS:

- A. REQUEST FROM EAST BAY AGENCY FOR CHILDREN/CIRCLE OF CARE TO COLLECT DONATIONS ON-SITE AT THEIR 6TH ANNUAL WALK TO REMEMBER AT LAKESIDE PARK ON SATURDAY, MAY 9, 2015. Oakland Parks and Recreation has received a request from the East Bay Agency for Children/Circle of Care, a 501c(3) non-profit foundation, to collect donations on-site at their 6th Annual Walk to Remember held at Lakeside Park on Saturday, May 9, 2015. Donations from the event will directly support East Bay Agency for Children's Circle of Care grief and loss program that provides much needed support services for children and families in Oakland.
- B. RESPONSE TO TREE PERMIT APPEAL 552 VERNON STREET. On March 2, 2015 the Tree Services Unit made a decision for tree removal permit application ND14-144, for 552 Vernon Street. The Applicant, Aaron Cooley, requested removal of one coast redwood tree growing next to his driveway. After Inspection, Tree Services approved the removal of the tree.
- C. INFORMATION REPORT REGARDING FINAL DEVELOPMENT PERMIT APPLICATION FOR SHORELINE PARK (BROOKLYN BASIN). The purpose of this report is to provide the PRAC with background and information related to implementation of the Brooklyn Basin Project (formerly known as "Oak Street to Ninth Avenue"). The Brooklyn Basin Project land use entitlements were originally approved in 2006 and 2009. At this time, the applicant, Zarsion-OHP 1, LLC (ZOHP) is initiating Phase I improvements. Specifically, the applicant is seeking a Final Development Permit to construct Shoreline Park, including the demolition of a large portion of the 9th Avenue Terminal, as approved under the Preliminary Development Permit. Later this year, staff will request the PRAC to consider FDP findings for Shoreline Park.

9. CONDITIONAL USE PERMITS:

10. COMMUNICATIONS:

11. PRAC COMMITTEE REPORT:

12. ADVISORY COUNCIL REPORTS:

13. UNFINISHED BUSINESS:

14. COUNCIL REFERRALS:

15. OPEN FORUM:

16. DIRECTOR'S REPORT:

17. ADJOURNMENT:

This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call **Oakland Parks and Recreation at (510) 238-7532** or TDD **(510) 615-5883** at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

Next Meeting:

Wednesday, May 13, 2015, 4:30 p.m.
Lakeside Garden Center
666 Bellevue Ave, Oakland, CA



PARKS AND RECREATION ADVISORY COMMISSION

City of Oakland

Wednesday, March 11, 2015

Lake Merritt Garden, 666 Bellevue Avenue

4:30pm

Meeting Minutes

1. CALL TO ORDER: 4:35pm

2. ROLL CALL:

BELCHER, DU BOIS, FLORES, KADERA-REDMOND, MARSHALL, MILLER, PETERSON, ROSENBLOOM, SELNA, WU

Present: Belcher, Dubois, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna

Excused: Flores and Peterson

Arrivals: Wu (4:41pm)

Staff: Parks and Recreation – Audree V. Jones-Taylor, Dana Riley, Diane Boyd, Zermaine Thomas, Karis Griffin, Freddie Morris, Melissa Vargas and Carol “CJ” Jones, Valorie Winn

3. DISPOSITION OF MINUTES:

February 11, 2015 meeting minutes

Note: Upon further review and consideration of the Chair’s direction, staff has determined that the disposition of the December 10, 2014 meeting minutes as recorded for approval on the February 11, 2015 agenda was correct. The Commission held a Special Meeting that took form as a tour of city parks on Saturday, January 10, 2015 at which time no items were presented for approval. Request for approval for the December minutes was presented at the February 2015 meeting.

Motion: Commissioner Miller entertained a motion to approve the February 11, 2015 meeting.

Moved by: Commissioner Marshall. **Second by:** Commissioner Rosenbloom.

Vote: Yes - Belcher, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna and Wu. **Abstained:** Du Bois. **Motion:** Passed

4. SPECIAL ORDERS:

5. PRAC PENDING LIST:

6. MODIFICATIONS TO THE AGENDA:

7. CONSENT NEW BUSINESS:

A. REQUEST FOR PERMISSION TO ACCEPT ON-SITE REGISTRATION AND DONATION FEES AT THE RHODES RACE 5K RUN/WALK TO BENEFIT THE LEUKEMIA AND LYMPHOMA SOCIETY AT LAKESIDE PARK ON SUNDAY, APRIL 12, 2015:

The Parks and Recreation Advisory Commission reviewed the staff report for item 7A which was presented by Zermaine Thomas. Oakland Parks and Recreation received a request from Ms. Claire Blaney for permission to collect on-site registration/donation fees for the Rhodes Race 5K Walk/Run at Lakeside Park on Sunday, April 12, 2015, to benefit the Leukemia and Lymphoma Society (LLS). The fees will be donated to the LLS.

B. REQUEST FROM THE AMERICAN FOUNDATION FOR SUICIDE PREVENTION TO COLLECT DONATIONS AND SELL EVENT RELATED ITEMS ON-SITE AT THE OUT OF THE DARKNESS WALK AT LAKESIDE PARK ON SATURDAY, OCTOBER 17, 2015:

The Parks and Recreation Advisory Commission reviewed the staff report for Item 7B presented by Zermaine Thomas. Oakland Parks and Recreation received a request from the American Foundation for Suicide Prevention (AFSP), a 501c(3) non-profit foundation, to collect donations and sell t-shirts and other event related items on-site, at the Out of the Darkness Walk to be held at Lakeside Park on Saturday, October 17, 2015. Proceeds from the event will go towards suicide prevention and awareness.

Motion: Commissioner Miller entertained a motion to approve the Consent New Business Items 7A and 7B. **Moved by:** Commissioner Belcher. **Second by:** Commissioner Kadera-Redmond. **Vote:** Yes - Belcher, Du Bois, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna and Wu. **Motion:** Passed

8. NEW BUSINESS:

A. REQUEST FOR APPROVAL TO COLLECT ENTRANCE FEES, PROVIDE FOOD CONCESSIONS, AND SELL ALCOHOLIC BEVERAGES AT THE BURGER BOOGALOO 2 DAY CONCERT EVENT AT MOSSWOOD PARK AMPHITHEATER FROM JULY 4 -5, 2015.

The Parks and Recreation Advisory Commission reviewed the staff report for Item 8A presented by Karis Griffin. Burger Boogaloo organizers plan to host their 3rd annual 2-day music festival at Mosswood Park Amphitheater on July 4-5, 2015. Last year's Burger Boogaloo event at Mosswood Park sold over 2,000 tickets and provided entertainment for music fans of all ages.

Event organizers have contracted Best Beverage Catering Company to facilitate the management of alcohol sales and the beer garden which is consist of an enclosure within the park. Event participants entering the beer garden will be subjected to an identification check and issued a corresponding ID brand. Alcoholic beverages will not be allowed to be taken from the beer garden into the concert. Entering 3rd year at Mosswood, the Burger Boogaloo organizers consider the concert to be a success with a loyal following of mostly residents who live near the park. Supported by the intimacy of the amphitheater, patrons experience more of a community gathering rather than a music festival. In 2013, the event broke-even from the revenue generated through ticket sales. The 2014 profits allowed the event organizer to receive a salary and to compensate volunteers from 2013.

Motion: Commissioner Miller entertained a motion to approve the staff recommendation to allow event organizers to collect entrance fees, and to solicit concessionaires to sell food and alcoholic beverages at the Burger Boogaloo 2-day concert event at Mosswood Park amphitheater from July 4-5, 2015. Moved by: Commissioner Belcher. Second by: Commissioner Rosenbloom. Vote: Yes - Belcher, Du Bois, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna and Wu. Motion: Passed

B. REQUEST FOR THE PARKS AND RECREATION ADVISORY COMMISSION TO GRANT APPROVAL FOR FRIENDS OF DEFREMERY (FOD) TO HOST AN OAKLAND SOUL TRAIN LINE GUINNESS WORLD RECORD AND FAMILY DAY FUNDRAISING EVENT ON SATURDAY, JUNE 20, 2015, AT DEFREMERY PARK AND TO COLLECT FUNDS ON SITE.

The Parks and Recreation Advisory Commission reviewed the staff report for Item 8B presented by Valorie Winn. Oakland Parks and Recreation received a request from Friends of deFremery - FOD, to host an Oakland Soul Train Guinness World Record and Family Day event on Saturday, June 20 2015, at deFremery Park. This day will include entertainment, activities, vendors, and a dance.

In order to secure the title for the Longest Soul Train Line, organizers and participants must form and maintain a dance-line of 500 people for at least 3 hours. The event is estimated to raise \$150K to \$200K through sponsorship sales to businesses and vendors who will have an option to purchase spots in blocks or groups of tickets or banner advertisements. Approximately 100 spots will be made available to the community. The event organizers will host its first flash mob on April 21st. This event will be designed to vet potential participants for the stamina necessary to meet the goal of the main objective on June 20th. The funds generated will be earmarked to provide scholarships to low income youth participants of deFremery Recreation Centers programs and to purchase equipment.

Motion: Commissioner Miller entertained a motion to approve the staff request to allow the Friends of deFremery to host an Oakland Soul Train Line Guinness World Record and Family Day Fundraiser on Saturday June 20, 2015. Moved by: Commissioner Belcher.

Second by: Commissioner Wu. **Vote: Yes** - Belcher, Du Bois, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna and Wu. **Motion:** Passed

C. REQUEST FOR APPROVAL TO DEDICATE A BENCH TO CHUCK FECHNER

The Parks and Recreation Advisory Commission reviewed the staff report for Item 8C presented by Dana Riley. Ms. Susan Lieber contacted the City requesting that a bench be dedicated to honor Chuck Fechner. The desired bench location is in the Rockridge-Temescal Greenbelt with the specific location of under the willow tree in the undeveloped grassy area on Redondo St. between Clarke St. and Cavour St. The new bench is to be installed facing the seasonal creek. The dedication plaque will read:

In Memory of Chuck Fechner
Devoted Partner and Friend of the Community
May 17, 1943 - January 5, 2014
We Miss You

The cost to cover the bench, plaque and installation has been donated by Mrs. Lieber in the amount of \$1,400 to the Friends of Oakland Parks and Recreation. Oakland Public Works and OPR staff met at the abovementioned proposed site and approved the location.

Motion: Commissioner Miller entertained a motion to approve the plaque language as written for a bench to be dedicated to Chuck Fechner at the Temescal-Rockridge Greenbelt. **Moved by:** Commissioner Du Bois. **Second by:** Commissioner Belcher. **Vote: Yes - Belcher, Du Bois, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna and Wu. Motion: Passed**

- D. **REQUEST FROM SILENT FRISCO/HUSH CONCERTS FOR PERMISSION TO RENT WIRELESS HEADPHONES AT THE SILENT DISCO DANCE TO BE HELD AT LAKESIDE PARK ON SATURDAY, MAY 16, 2015 AND SEPTEMBER 27, 2015. SILENT FRISCO/HUSH CONCERTS IS ALSO REQUESTING PERMISSION TO SELL BEER, WINE AND CHAMPAGNE AT THE SEPTEMBER 27, 2015, SILENT DISCO DANCE.** The Parks and Recreation Advisory Commission reviewed the staff report for Item 8D presented by Zermaine Thomas. Staff received a request from Silent Frisco/Hush Concerts for permission to rent wireless headphones at the Silent Disco Dance to be held at Lakeside Park on Saturday, May 16, 2015 and September 27, 2015. Silent Frisco/HUSH Concerts is also requesting permission to sell beer, wine and champagne at the September 27, 2015, Silent Disco Dance.

Non-concert goers in the area will be not be disturbed by or hear the music as it is transmitted via radio frequency to headphones rented by ticket holders of the event. Concert goers will enjoy a mixture of musical genres by switching bands between two stations on their headsets which have a range of 100 to 200 yards.

Organizers of the Silent Frisco/Hush Concert expect approximately 500 attendees, but will be prepared to accommodate 1000. The event is free to children 12 and under. Attendees can reserve a headset online for \$20-\$25 or at the box-office onsite. To increase their revenue potential, organizers will have beer, wine and Champagne on hand at the September 27th event. Persons 21-years and older will be card and issued a wrist band at the box office. Non-concert participants will be allowed to purchase alcohol for the event's vendor.

Zermaine Thomas will provide the Commission with a verbal report at the June 10th meeting under the Director's Report and provide feedback or relay any issues from the May 16th event.

Motion: Commissioner Miller entertained a motion to approve the staff recommendation to grant Silent Frisco/HUSH Concerts permission to rent wireless headphones at the silent Disco Dance to be held at Lakeside Park on Saturday, May 16 2015 and September 27, 2015, and to approve the organizers permission to sell beer, wine and Champagne at their September 27, 2015 concert. **Moved by:** Commissioner Belcher. **Second by:** Commissioner Marshall. **Vote: Yes - Belcher, Du Bois, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna and Wu. Motion: Passed**

- E. **REQUEST RECEIVED FROM CRISIS SUPPORT SERVICES OF ALAMEDA COUNTY, A NON-PROFIT ORGANIZATION, FOR PERMISSION TO COLLECT REGISTRATION FEES AND DONATIONS ON-SITE FOR THEIR 5TH ANNUAL WALK-A-THON AT LAKESIDE PARK ON SATURDAY, JUNE 6, 2015:** The Parks and Recreation Advisory Commission reviewed the staff report for Item 8E presented by Zermaine Thomas. Oakland Parks and Recreation received a request from Crisis Support Services of Alameda County, a non-profit organization, seeking permission to collect registration fees and donations on-site for their 5th Annual Walk-A-Thon at Lakeside Park on Saturday, June 6, 2015. Although this is Crisis Support Services of Alameda County 5th Annual Walk-A-Thon at Lakeside Park, this is their first time requesting to collect funds on-site.

The 5k "Healing Hearts: Walk for Suicide Prevention walk/run awareness event hope to raise awareness of support services offered to youth, families and individuals by the Crisis Support Services of Alameda. Organizers estimate that they will raise approximately \$1,000k through day-of registration fees and individual donations. All proceeds will be earmarked for the Community Health Education Programs.

Motion: Commissioner Miller entertained a motion to approve the staff recommendation to allow the Crisis Support Services of Alameda County to collect registration fees at their 5th Annual Walk-A-Thon at Lakeside Park on Saturday, June 6, 2015. **Moved by:** Commissioner Wu. **Second by:** Commissioner Selna. **Vote: Yes** - Belcher, Du Bois, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna and Wu. **Motion:** Passed

- F. **INFORMATIONAL EVENT REPORT REQUESTED BY THE PARKS AND RECREATION ADVISORY COMMISSION FOR THE UMOJA FESTIVAL AT LOWELL PARK ON AUGUST 16, 2014:** The Parks and Recreation Advisory Commission reviewed the informational staff report for Item 8F presented by Frederick Lee Morris, III. There were approximately 1500 attendees at UMOJA's 2nd Annual Festival on August 16, 2014. The festival showcased as a soccer tournament, live music, merchandise vendors as well as a mini community resource component.

Motion: Commissioner Miller entertained a motion to accept the informational staff report for the UMOJA Festival held at Lowell Park on August 16, 2014. **Moved by:** Commissioner Belcher. **Second by:** Commissioner Kadera-Redmond. **Vote: Yes** - Belcher, Du Bois, Kadera-Redmond, Marshall, Miller, Rosenbloom, Selna and Wu. **Motion:** Passed

9. CONDITIONAL USE PERMITS:
10. COMMUNICATIONS:
11. PRAC COMMITTEE REPORT:
12. ADVISORY COUNCIL REPORTS:

13. UNFINISHED BUSINESS:

Coliseum City Specific Plan – Chair Miller informed the Commission that Planning staff would not be returning to respond to PRAC questions and suggestions regarding the Coliseum City Specific Plan as agreed upon by staff at the September 10, 2014 meeting. Commissioner Selna suggested that retraction was setting an unfortunate precedent and that a letter should be drafted and sent to the Planning Director and City Council to bring attention to the issue. The Commission plans to revisit the issue at the April 8th meeting.

14. COUNCIL REFERRALS:

15. OPEN FORUM:

B. Newcomb, an Oakland parks advocate, suggested that volunteer work in City of Oakland Parks be marketed. Graffiti problem has become a big issue at the Cleveland Cascades. Volunteers want to grow ivy along the wall to mitigate the issue. In addition, Ms. Newcomb mention that there are a growing number of unauthorized Boot Camps in the area which are impeding on the peaceable enjoyment of the park for the causal user.

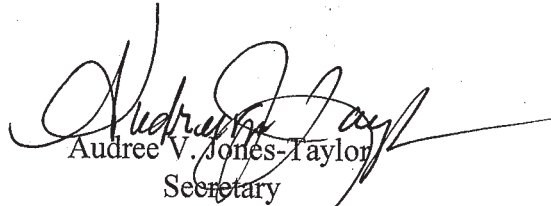
16. DIRECTOR'S REPORT:

- Introduction:
Director Jones-Taylor introduced new staff members Melissa Vargas and Carol "CJ" Jones, both transfers from former Mayor Jean Quan's Administration
- Peralta Hacienda Tax Credit – In order to apply for and receive a tax credit, management of the Peralta Hacienda must secure a 55 year lease for the property from the City of Oakland. The attorney's for Peralta Hacienda and the City of Oakland, OPR staff, representatives for the City's Real Estate Division and Peralta Hacienda management met to discuss the terms of a new lease. The Tax Credit does not allow for a 20 year lease with the option to renew.
- Budget Update - Robert Davila provided a brief overview of the department's budget for 2014:
 - OPR submitted a proposal to the City Administrator to transform current delivery of recreation programs into Mega and Magnet site. Each facility will specialize in age specific programming or activities in each district. Introduction of the Mega and Magnet sites would increase the quality of services.
 - It was recommended that City funding for the Oakland Zoo be reduced by 25%, but will continue to receive 12% Hotel Tax.
 - OPR recommended that the Chabot Space and Science Center's City funding be reduced by 20%. The Center will continue to receive 12% funding for the City's Hotel Tax. OPR and Chabot are exploring a possible partnership to support programming to youth participating in the STRIDE program in lieu of the reductions.
 - Peralta Hacienda and Children's Fairyland were not recommended for funding cuts.
- OPR's Annual Egg Hunts – OPR staff will host over a dozen Egg Hunts throughout the City from April 2nd – 5th.
- Grilling in the Parks (Moved to the April agenda)
- Naming Rights/Sponsorships/Donations update (Moved to the April agenda)

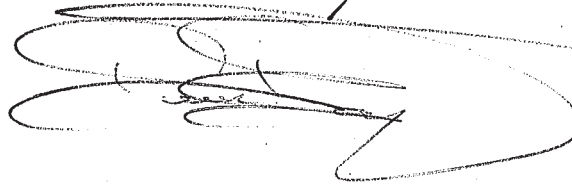
- Recreation Advisory Council - RAC re-orientation: OPR will establish an annual training for all Recreation Advisory Council members. Staff will raise the subject of RAC training at the April management meeting.
- Reminder: Form 700- Conflict of Interest Reporting is due April 1 2015.

17. ADJOURNMENT: 6:45pm

Respectfully submitted,



Audree V. Jones-Taylor
Secretary



Diane Boyd
Recording Secretary

This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call **Oakland Parks and Recreation at (510) 238-7532** or TDD **(510) 615-5883** at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

Next Meeting: *Wednesday, April 8, 2015, 4:30 p.m.*
Lakeside Garden Center
666 Bellevue Ave, Oakland, CA

CITY OF OAKLAND
Interoffice Memorandum



Oakland Parks and Recreation

TO: Barry Miller, Chair, Parks and Recreation Advisory Commission
FROM: Zermaine Thomas, Central Reservation Lead
DATE: April 8, 2015
SUBJECT: **REQUEST APPROVAL TO ALLOW BAYHILL HIGH SCHOOL TO HOST THEIR 8th ANNUAL LIVE/SILENT AUCTION FUNDRAISER INCLUDING ENTERTAINMENT, FOOD AND WINE FOR SALES AND THE COLLECTION OF ENTRY FEES AT LEONA LODGE ON SATURDAY, MAY 2, 2015.**

SUMMARY

Staff received a request from Bayhill High School for permission to collect funds to sell admission tickets, auction items, food and beverages at Leona Lodge on Saturday, May 2, 2015. Proceeds from the fees collected will be used to support activities for the students.

FISCAL IMPACT

There is no fiscal impact on the Oakland Parks and Recreation.

BACKGROUND

Bayhill High School is in its eight year. The school focuses on educating students with learning differences. The funds raised for this event go to support activities for the students.

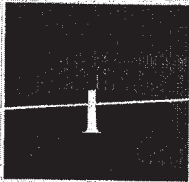
RECOMMENDATION

Staff recommends that the Park and Recreation Advisory Commission approve this recommendation to allow Bayhill High School to collection on-site entry fees and to sell food and wine at their 8th Annual Live/Silent Auction Fundraiser on Saturday, May 2, 2015.

Respectfully submitted,

Zermaine Thomas
Central Reservation Lead

Attachments: Exhibit A – Proposal Letter
Exhibit B – Rental Application



BAYHILL
HIGH SCHOOL

521 BODEN WAY
OAKLAND, CA 94610
PHONE 510 268 1500
FAX 510 268 1503
www.bayhillhs.org
info@bayhillhs.org

February 24, 2015

Parks & Recreation Advisory Commission
250 Frank H. Ogawa Plaza Ste 3330
Oakland, CA 94612

To whom it may concern;

We thank you for your consideration of our upcoming annual Spring fundraising event.

Bayhill High School is in its 8th year. Our mission is to educate students with learning differences. We focus on individual learning needs, to maximize our students' inherent abilities and help them achieve their potential. We are the only high school in the East Bay with this mission.

Our Spring Fundraising event includes food & entertainment, silent & live auctions and wine bar. **This event is set for May 2, 2015.** Tickets are usually purchased prior to the event but some are purchased at the door at the price of \$50. There are no vendors at our event. Auction item sales are also collected at the end of the event.

Bayhill High School is a 501c3. All funds received in relation to this event go directly to support the activities of our students. A few of the programs benefiting this fundraising effort include; technology, athletic, music & dance.

Again, I'd like to thank you in advance for your prompt consideration. If I can answer any questions – please contact me immediately.

Best Regards,

Laurie Ferreira
Business Manager
Development Administrator

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **DEC 18 2006**

BAY AREA EDUCATIONAL INSTITUTE
4100 REDWOOD RD STE 199
OAKLAND, CA 94619-2363

Employer Identification Number:
20-4570887
DLN:
17053123025046
Contact Person:
DONNA ELLIOT-MOORE ID# 50304
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
JUNE 30
Public Charity Status:
170(b)(1)(A)(ii)
Form 990 Required:
YES
Effective Date of Exemption:
FEBRUARY 09, 2006
Contribution Deductibility:
YES

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

Revenue Procedure 75-50, published in Cumulative Bulletin 1975-2 on page 578, sets forth guidelines and record keeping requirements for determining whether private schools have racially nondiscriminatory policies as to students. You must comply with this revenue procedure to maintain your tax-exempt status.

Letter 947 (DO/CG)

BAY AREA EDUCATIONAL INSTITUTE

Sincerely,



Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c) (3)



POST EVENT REPORT

Please complete and return the Post Event Report within 30 days after event date to Oakland Parks and Recreation Central Reservations Unit at 250 Frank H. Ogawa Plaza, 3rd Floor, Suite 3330, Oakland, CA 94612. If the event was held at a Recreation Center site, return the Post Event Report to the Site Supervisor at the Recreation Center.

I. GENERAL INFORMATION

Name of Event: " BAYHILL HIGH SCHOOL
TRES DE MAYO " Silent & Live AUCTION

Location of Event: SEQUOIA LODGE

Date/Hours of Event: MAY 3 2014 Permit No. _____

Event Contact Name: LAURIE FERREIRA Phone No. 510 268 1500

Event Contact Address: 531 BODEN WAY OAKLAND CA 94610

Is this a "first time" event at this location? Yes No. If no, when was the event held previously?

1. Were Facility Rental/Set-up fees waived? Yes No Not Applicable

2. Check other permits required for event?

- OPD Special Events Permit Food Handler's Permit Seller's Permit
- Charitable Solicitations Permit Certificate of Insurance Other - Please list

II. ATTENDANCE/COLLECTION OF FUNDS

1. Total number in attendance: 70
2. Were registration fees, donations or other fees collected on-site? Yes No
 Not Applicable
3. If yes, how many people registered? 70 How many people made donations? 35
4. What was the cost for registration? \$40
5. How much was collected on site from registration fees? \$600
6. How much was collected on site from donations? \$520
7. How much was collected on site from other fees? \$615

POST EVENT REPORT (Continued)

Page 2

III. VENDOR INFORMATION *NONE*

List all Vendors who participated at the event. (Attach additional sheets, if necessary):

Were all vendors in compliance per agreement? Yes No

If no, why not? _____

Name of Vendor(s) (Attach additional sheets if necessary)	Non-Profit or For Profit Orgz'n?	Food (Describe)	Craft (Describe)	Seller's Permit Y/N

IV. COMMENTS

List ways in which the Applicant desires to improve the event, in the future (Attach additional sheets, if necessary): (For example: changes or additional vendors, location, change of hours, etc.)

List any problems, concerns, or other comments about your satisfaction in the way the event turned out? (Attach additional sheets, if necessary):

Submitted by: Laurie Ferreira Date: 2/24/2015
L A U R I E F E R R E I R A

Approved by: _____ Date: _____
 (OPR Staff)

Comments: _____

Central Reservations Unit

250 Frank H. Ogawa Plaza Ste 3330
Oakland, CA 94612

(510) 238-3187



CITY of OAKLAND
OFFICE of PARKS & RECREATION

Bay Hill High School
521 Boden Way
Oakland, CA 94610

Facility Permit

Status: Approved

Customer Type: Non-Profit

Authorized Agent: Laurie Ferreira

Work: (510) 268-1500 x235 Home: 510

DATE/USER	PERMIT NUMBER	CHARGES	DISCOUNT	TAXES	REFUNDS & CREDITS	PAYMENTS	NEXT PAYMENT DUE	BALANCE DUE
11/13/2014 Armando Aguilera	32245	\$1092.50	\$0.00	\$0.00	\$0.00	\$1092.50	N/A	\$0.00

RESERVATIONS

EVENT NAME	FACILITY	CENTER
Silent Auction Fundraiser Attendance: 100 Type: Special	Leona Lodge	Leona Lodge 4444 Mountain Blvd. Oakland, CA 94619

DATES RESERVED	HRS
Saturday - 5/2/2015	04:00 PM to 10:30 PM 6.5

Total Number of Dates: 1

Total Number of Hours: 6.5

NOTES: *** PLEASE READ AND ADHERE TO ADDITIONAL CONDITIONS AND ATTACHED DISCLAIMERS ***

Customer responsible to remove all food, drink, catering/rental items, table/chairs dressing, also must have table clean & clear of all decorations & garbage/debris (REMOVE ALL TRASH AND TAKE TO DUMPSTER/OUTSIDE GARBAGE CANS) in order to receive proper deposit refund (Please provide your own cleaning equipment and products).

An Administrative Service Fee (\$75.00) will be charge for a late payment, do not submit documents/permits on time, any changes to a permit or setup less than 30 days before event date.

DECORATIONS: PLEASE DO NOT use any kind of tape, nails, tacks, staples, etc. that will puncture or tear the wall-paper or paint off the walls, so that you do not damage the facility and loose your deposit. Decorations must be free standing (like balloons or center pieces) and removed before leaving the facility.

NO USAGE OF TABLES & CHAIRS ON DECK, PLACED OUT OF ROOM AND/OR DRAGGED ON THE HARDWOOD FLOORS.

FACILITY ACCOMMODATES 100 PEOPLE BANQUET STYLE (BY ORDER OF THE FIRE MARSHALL).

SOFT ALCOHOL; JUST BEER, WINE OR CHAMPAGNE ALLOWED. NO HARD ALCOHOL OR SPIRITS ALLOWED.

REVISED 12/9/2014; Moved from 4/25/2015 to 5/02/2015. aa

EVENT NAME	FACILITY	CENTER
Silent Auction Fundraiser Type: Special	Caterer-LEONA	Central Reservations Unit 250 Frank Ogawa PL Oakland, CA 94612

DATES RESERVED	HRS
Saturday - 5/2/2015	04:00 PM to 10:30 PM 6.5

Total Number of Dates: 1

Total Number of Hours: 6.5

NOTES: ***CATERER PENDING.***

29371

1092.50

510-268-8534
Cell 510-701-7468



Office of Parks and Recreation
250 Frank H. Ogawa Plaza, Suite 3330, Oakland, CA 94612
Office: 510.238-3187; Facsimile: 510.238-2397



Rental Application

ATTENTION: ARMANDO

Date of Application: 11-6-2014

RESIDENCY IS DETERMINED ACCORDING TO ADDRESS INDICATED ON DRIVER'S LICENSE OR STATE IDENTIFICATION CARD. PHOTO ID IS REQUIRED.

Name of Business/Organization: BAYHILL HIGH SCHOOL

Address: 521 BODEN WAY OAKLAND 94610
Street Address City Zip Code

Name of Contact Person: LAURIE FERREIRA

Phone Number: 510 268 1500 Fax Number: 268-1503 E-mail: ferreira@bayhillhs.org

Mailing Address: SAME
Street Address City Zip Code

Facility/Park Name: _____

Room(s)/Site(s): LEONA LOUGE

EVENT INFORMATION:

Date(s) of Event: 04-25-2015

Time In/Prep 4:00 Event Time 6:30 Cleanup/Time Out 10:30

Type of Event/Purpose: (be specific, i.e., Wedding Reception, Meeting, Birthday Party, Banquet, Picnic, BBQ, Walk, Run, Festival, Rally, Quinceanera, BarMitsvah/BatMitsvah, etc.)

SILENT AUCTION FUNDRAISER

General Public Allowed: Yes No Sound Amplification: Yes No Non-Amplified Sound: Yes No

Type of Equipment to be used: (i.e., musical instruments, live band, cd player, amplifiers, microphones etc.)

Note: Charging admission, selling tickets or merchandise, or solicitation of money in any manner must be approved by the Parks and Recreation Advisory Commission 60 days or more in advance of event date.

Number of Participants (Total) 100 Approximate # of Adults 100 # of Teens _____ # of Children/Infants _____

Please provide below special accommodations/requests for your event. If no special accommodations required, please write NONE.
NONE

Will you require a caterer for your event? Yes No
If yes, are you choosing a caterer from OPR's Approved Caterer's List? Yes No (possible)

Name of Approved Caterer: _____

If not using an OPR Approved Caterer, provide name of non-approved caterer: CHEF'S TOUCH (? possible)

(Note: An Opt-Out Fee is applicable to non-approved Caterers and non-Catered events. See Attached Regulations)

RENTAL FEES (The minimum rental requirement and deposit are required when the facility of your choice is reserved 31 days or more in advance.)

Permit Processing Fees (Picnic & Related Events) A non-refundable permit processing fee of \$15 will be added to each application with 50 or more people.

For Park Use: (Special Events) A non-refundable permit processing fee of \$30 will be added to each application.

(1) <u>75</u> x <u>6.5</u> = <u>487.50</u> (Hourly Rate) (# of hours)	(7) Alcoholic Beverage Fee = <u>125.00</u>
(2) _____ x _____ = _____ (Hourly Rate) (# of hours)	(8) Administrative Service Fee = _____
(3) Permit Processing Fee = <u>45.00</u>	(9) Caterer Opt Out Fee = _____
(4) Deposit = <u>300.00</u>	(10) Sound Use Fee = _____
(5) Setup/Teardown = <u>150.00</u>	(11) Other Charges = _____
(6) Kitchen = _____	

TOTAL: \$ _____ Less Advance Minimum Payment of \$ _____; BALANCE DUE 30 DAYS BEFORE EVENT: \$ _____
(Deposits are refunded 6-8 weeks AFTER event date, provided the facility is left in acceptable condition and the event goes as planned.)

Please check payment type: Cash: _____ Check #: _____ Type of Credit Card: Visa or MasterCard: _____
(See attached Authorization for Credit Card Payment Form)

CANCELLATION FEE: 61 days or more notice: Forfeit 1/2 Deposit 30 days to 11 days notice: Forfeit Deposit Plus 1/2 Rental Fee
31 to 60 days notice: Forfeit Deposit 10 days or less notice: Forfeit All Fees

APPLICANT SIGNATURE Laurie Ferreira DATE 11-6-2014
Please note: By submitting this application, other documents/permits may be initiated to finalize your reservation.

Central Reservations Unit

250 Frank H. Ogawa Plaza Ste 3330
Oakland, CA 94612

(510) 238-3187



CITY of OAKLAND
OFFICE of PARKS & RECREATION

Bay Hill High School
521 Boden Way
Oakland, CA 94610

Receipt

DATE / TIME	RECEIPT NUMBER USER NAME	CHARGES					PAYMENTS	BALANCE DUE
11/13/2014 1:50 PM	1017058.032 Armando Aguilera	\$ 1,092.50					\$ 1,092.50	\$ 0.00

PAYER INFORMATION

PAYER NAME	ADDRESS	PHONE #	PAYMENT TYPE INFORMATION	AMOUNT
Bay Hill High School Attn: Laurie Ferreira	521 Boden Way Oakland, CA 94610	Home: 510 Work: (510) 268-1500 x235	CREDIT CARD No: *3575 Auth #107084 ID#:	\$ 1,092.50

TRANSACTION(S)

CUSTOMER NAME	TRANSACTION INFORMATION	FEES/AMOUNT
Bay Hill High School # 5920	Made Payment for Permit #32245 Leona Lodge	Silent Auction Fundraiser/Leona Lodge-Deposit (Rentals) \$ 300.00
Bay Hill High School # 5920	Made Payment for Permit #32245 Leona Lodge	Silent Auction Fundraiser/Leona Lodge-Lodge Non-Profit Rate \$ 487.50
Bay Hill High School # 5920	Made Payment for Permit #32245 Leona Lodge	Silent Auction Fundraiser/Leona Lodge-CRU Alcohol Permit (Beer & Wine) \$ 125.00
Bay Hill High School # 5920	Made Payment for Permit #32245 Leona Lodge	Silent Auction Fundraiser/Leona Lodge-CRU Mandatory Setup Fee \$ 150.00
Bay Hill High School # 5920	Made Payment for Permit #32245 Leona Lodge	Silent Auction Fundraiser/Leona Lodge-CRU Permit Processing Fee \$ 30.00

BALANCE OF PAYMENT PLANS PAID AGAINST ON THIS RECEIPT:

Receipt 3011696.032 Balance = \$0.00

CALIFORNIA STATE LAW: If your check bounces you could be liable for three times the amount of the check or \$100, whichever is more, plus the face value of the check and court costs. A minimum of \$25 will be charged for all returned checks.

Additional hours, mandatory setup/takedown fee, alcohol fee, and sound fee must be paid 30 days prior to date of event.

Cancellation fees are set and charged by the City of Oakland Master Fee Schedule. Fees vary by facility.



LAURIE FERREIRA

OAKLAND POLICE DEPARTMENT
Special Events Permit Application
TF-807-9 (Jul 10)

APPLICANT INFORMATION

Applicant Name BAYHILL HIGH SCHOOL	Date of Birth 08-08-54	Contact No. 268-1500	Alternate Contact No.
Applicant's Address 521 BODEN WAY		City OAKLAND CA	Zip Code 94610

EVENT INFORMATION

Date of Application 11/21/2014	Type of Event FUNDRAISER	Other Event (Describe)
Location/Address of Event 4444 MOUNTAIN BLVD	Date of Event 4-25-15	Time, Start, End 6:00 pm 10:00 pm
No. Persons Expected 100	Persons Allowed 200	Ticket Sales YES
No. of Monitors/Security 2	Security Company NA	Telephone No. 510 268 1500
Type of Music DRUMS / DJ / IPHONE	Other Music (Describe)	Will food/drink be sold <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

PERMIT INFORMATION

HAVE YOU EVER BEEN DENIED A PERMIT? Yes No

Applicant agrees to abide by Oakland Municipal Code Dance Hall Regulations, Section 5-4.03

HOLD HARMLESS AGREEMENT

The Special Event applicant or president or designee of the sponsoring organization(s) (hereafter called "permittee") agrees to reimburse the City of Oakland (hereafter called "City") for all losses incurred by it in repairing or replacing damage to City Property proximately caused by the permittee, its officers, employees, agents, monitors, or any other persons or forming the special event, who were, or should have been, under the permittee's control. Persons who merely attend or join in a special event are not considered by that reason alone to be "under the control" of the permittee.

The permittee further agrees to defend without costs, indemnify, and hold harmless the City, its officers, agents, and employees from any liability to any persons, damages, losses, or injuries arising out of or alleged to arise out of the permitted special events, which was proximately caused by the actions of the permittee, its officers, employees, agents, including monitors, or any other persons attending or joining in the special event who were, or reasonably should have been under the control of the permittee. Persons who merely attend or join in a special event are not considered by that reason alone to be "under the control" of the permittee.

I have read and I understand the Hold Harmless Agreement and I declare under penalty of perjury that the information provided in this application is true and correct.

Permittee's Signature

Laurie Ferreira

Date

11/21/2014

Police Overtime cost Attached: Yes No

Application Fees Paid: Yes No

ABC Endorsement: Approved Denied

Verified By:

Special Events Personnel

Serial No.

Pursuant to OMC §9.52.080, a Special Events Permit is conditionally approved in order for the applicant to obtain additional required documentation.

Signature of Special Events Coordinator

Serial No.

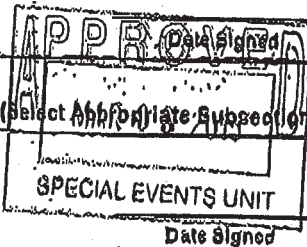
A Permit is Hereby

Approved

Denied - Pursuant to OMC Section 9.52.090 Subsection (Select Appropriate Subsection)

Signature of Chief of Police Designee

Serial No.



Date signed

CITY OF OAKLAND
Interoffice Memorandum



Oakland Parks and Recreation

TO: Barry Miller, Chair, Parks and Recreation Advisory Commission
FROM: Zermaine Thomas, Central Reservation Lead
DATE: April 8, 2015
SUBJECT: **REQUEST FROM THE CENTER FOR EARLY INTERVENTION ON DEAFNESS FOR PERMISSION TO COLLECT ON-SITE REGISTRATION FEES AND SELL RAFFLE TICKETS AT THEIR 11th ANNUAL WALK-A-THON ON SATURDAY, APRIL 25, 2015**

SUMMARY

The Office of Parks and Recreation has received a request from the Center for Early Intervention on Deafness (CEID), a non-profit organization, for permission to collect registration fees and sell raffle tickets on-site at Lakeside Park for their Annual 11th Walk-A-Thon at Lakeside Park on Saturday, April 25, 2015. All proceeds will go to the work of the organization with infants and young children who are deaf and hard of hearing.

FISCAL IMPACT

There will be a positive fiscal impact to Oakland Parks and Recreation. CEID will pay all fees associated with the rental of the park space.

BACKGROUND

CEID, a non-profit organization, was established in 1980 as a federally funded model demonstration program under the name Center for the Education of the Infant Deaf. CEID offers a variety of programs and services such as Home Visits, Toddler and Preschool Classes, Parent Education and Support Programs and Speech Therapy and Auditory Training for children, parents, and family members who are both deaf and hard of hearing.

This is CEID's seventh year hosting their Walk-A-Thon at Lakeside Park. They are requesting for permission to collect registration fees and sell raffle tickets on-site. The cost of the registration fees will be \$10 per participant and the cost to sell raffle tickets will be \$1 each, 6 tickets for \$5 or 15 tickets for \$10.

Attached is the 2014 Post Event Report. There were approximately 375 attendees at the 2014 event; and \$900 was collected on-site for donations.

RECOMMENDATION

Staff recommends that the Parks and Recreation Advisory Commission approve the request for the collection of registration fees and the sale of raffle tickets from participants at the CEID's 4th Annual Walk-A-thon at Lakeside Park on Saturday, April 25, 2015. CEID is aware that additional permits may be required for this event provided the request is granted.

Parks and Recreation Advisory Commission
April 8, 2015

Respectfully submitted,

Zermaine Thomas
Central Reservation Lead

Attachments: Exhibit A – Proposal Letter
Exhibit B – Post Event Report
Exhibit C – Rental Application

Parks and Recreation Advisory Commission

2226 Santa Clara Avenue

Alameda, CA 94501

Dear Parks and Recreation Advisory Commission,

This year, we hope to have 400 participants at our annual walk-a-thon. I want to share with you that the Center for the Early Intervention on Deafness (CEID) will be collecting registration fees for its annual Walk-A-Thon held at Lakeside Park, Lake Merritt, Oakland. The Walk this year is on Saturday April 25, 2015, beginning at 10:00 a.m. This year our registration fee will be \$10 per registrant. This donation will help defray the cost of putting on the Walk and will not in any way represent a "profit" to CEID. We will also sell raffle tickets for \$1 each, 6 for \$5 or 15 for \$10.

CEID, as you know, is a 501(c)3 nonprofit organization, headquartered in Berkeley, that has been serving young children who are deaf or hard-of-hearing for over 30 years. We do this through an array of services that are detailed below. The Walk-A-Thon is an annual community-wide event that attracts about 400 people each year and is a wonderful way for families to get together.

There are often community leaders present at the Walk-A-Thon to help inspire the walkers and to share in the fun of the event.

Here are the Programs and Services we offer:

· **Home Visits** by a credentialed teacher or a speech and language therapist are available to newborns or medically-fragile children up to age 5. Parents learn about hearing loss and how to expand their child's language abilities through communication strategies and educational play. They learn about amplification options including hearing aids and cochlear implants.

· **Toddler Class** meets four mornings a week and includes free play and structured activities that promote communication, socialization and development of cognitive, physical and motor skills. For children ages 18 to 36 months who are deaf or hard-of-hearing.

· **Preschool Class** meets five mornings per week and focuses on the developmental needs and interests of preschoolers that emphasize a multi-sensory and integrated thematic approach that helps prepare children for kindergarten. For children ages 3 to 5 who are deaf or hard-of-hearing.

· **Sunshine Preschool and Childcare** enrolls both typically developing children and those who are deaf or hard-of-hearing from ages 2 to 5 years. The curriculum encourages active learning and kindergarten readiness. Bilingual instruction in both sign and spoken English creates an inclusive experience that helps children develop sensitivity, compassion, and positive attitudes toward diversity.

· **Parent Education and Support Programs** include a weekly sign language class, parent support groups, and specialized workshops for parents and other family members.



POST EVENT REPORT

Please complete and return the Post Event Report within 30 days after event date to Oakland Parks and Recreation Central Reservations Unit at 250 Frank H. Ogawa Plaza, 3rd Floor, Suite 3330, Oakland, CA 94612. If the event was held at a Recreation Center site, return the Post Event Report to the Site Supervisor at the Recreation Center.

I. GENERAL INFORMATION

Name of Event: 11th Annual Walk A Thon

Location of Event: Lakeside Park Fairyland Grassy Area

Date/Hours of Event: 5-3-14 Permit No. _____

Contact Person: Leah White Phone No. 510.848.4800

Contact Person Address: 1035 Grayson Street, Berkeley, CA 94710

Is this a first time event at this location? Yes No If no, when was the event held previously? Yearly

1. Were Facility Rental/Set-up fees waived? Yes No Not Applicable

2. Check other permits required for event?

OPD Special Events Permit Food Handler's Permit Seller's Permit
 Charitable Solicitations Permit Certificate of Insurance Other – Please list

II. ATTENDANCE/COLLECTION OF FUNDS

- Total number in attendance: 375
- Were registration or donation fees collected on-site for the event? Yes No
 Not Applicable
- If yes, how many people registered? 225 How many people made donations? 350
- What was the cost for registration? \$10
- How much money was collected on site for registration fees? N/A
- How much money was collected on site for donations? \$900

III. VENDOR INFORMATION

List all Vendors who participated at the event. (Attach additional sheets, if necessary):

Were all vendors in compliance per agreement? Yes No

Of no, why not? _____

Name of Vendor(s) (Attach additional sheets if necessary)	Non-Profit or For Profit Orgz'n?	Food (Describe)	Craft (Describe)	Seller's Permit Y/N

IV. COMMENTS

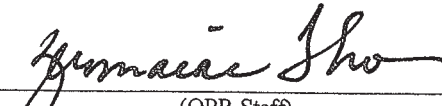
List ways in which the Applicant desires to improve the event, in the future (Attach additional sheets, if necessary): (For example: changes or additional vendors, location, change of hours, etc.)

The event went very smoothly.

List any problems, concerns, or, other comments about your satisfaction in the way the event turned out? (Attach additional sheets, if necessary):

There was a yoga event going on very near by and it created confusion about where to go for the which event. I don't think the space was set up properly for two events so close together.

Submitted by: Leah White Date: 7-5-14

Approved by:  Date: 7-10-14
(OPR Staff)

Comments: _____

Office of Parks and Recreation
250 Frank H. Ogawa Plaza, Suite 3330 Oakland,
CA 94612



CITY of OAKLAND
OFFICE of PARKS & RECREATION

Central Reservations Unit
PH (510) 238-3187 Fax (510) 238-2397

Park Use Rental Application

ATTENTION:

Application Date: _____

*RESIDENCY IS DETERMINED ACCORDING TO ADDRESS INDICATED ON DRIVER'S LICENSE OR STATE IDENTIFICATION CARD

REQ No. _____	OFFICE USE ONLY	Receipt No. _____
RWP No. _____	Received By/Date _____	Approved By/Date _____
Police Special Events Permit Required? <input type="radio"/> Yes <input type="radio"/> No	If required, Special Events Permit due to OPR by _____	

Application on behalf of: (Group, Individual, Organization) CEID

* Address: 1035 Grayson St. City: Berkeley State: CA Zip: 94710

Individual responsible for event: Name: Leah White *Address: " _____"

City: _____ State: _____ Zip: _____ Email: leah@ceid.org

Home #: _____ Work #: 510 848 4800 Fax #: 510 848 4800 Cell#: 707 704 7485

To use (Name of Park): Lakeside Park Location: Lake Merritt

On the following date (s): Sat, 4-25-15 General Public Allowed: Yes No Number of Participants: 400

Between the hours of: (Start Time/Setup) 8:00am (Actual Event Time) from 9:30 to 1:00pm (End Time/Cleanup) 2:00pm

Type of Event/Purpose (be specific; i.e., Picnic, Walk/Run, Entertainment, Family Reunion, Rally, etc.)
Walk-A-Thon

Sound Amplification: Amplified Yes No Non-Amplified Yes No

Type of equipment to be used (i.e. jumpers, musical instruments, live band, cd player, amplifiers, microphones, etc.)
amp & microphone

Will food be served? Yes No (If yes, please list type(s) of food to be served.) Water & power bars

Please describe below special accommodations/requests required for your event. If no special accommodations/request required, write **NONE**.
none

Fees:

Rent: <u>\$ 78 x 6hrs = 468</u>	Deposit: <u>\$ 300</u>
Sound Use: <u>\$ 30</u>	Other Fees: <u>\$ 30</u>
Total of ALL Fees PLUS Deposit: <u>\$ 848</u>	

(Deposits are refunded 6-8 weeks AFTER event date, provided the facility is left in acceptable condition and the event goes as planned)

CANCELLATION FEES:

31 days or more notice:	Forfeit 1/2 Deposit
30 days 11 days notice:	Forfeit Deposit PLUS 1/2 Rental Fee
10 days or less notice:	Forfeit All Fees

Check Amount: \$ _____ Check #: _____ Cash: _____

Type of Credit Card (Visa or Master Card Only): _____

Credit Card #: _____ Expiration Date: _____

I Authorize the Office of Parks and Recreation, Central Reservations Unit to charge my Visa or Master Card \$ 300
for my reservation at Lakeside Park on 4-25-15
(Park) (Event Date) (Amount to be Charged)

Leah White (Signature Required) Leah White (Print Name) 86300621 (Driver License #/Expiration Date)

*** ATTENTION ***

- ✓ DID YOU REMEMBER TO SIGN THIS APPLICATION?
- ✓ DID YOU REMEMBER TO ATTACH A LEGIBLE COPY OF YOUR DRIVER'S LICENSE OR STATE IDENTIFICATION CARD?

CITY OF OAKLAND
Interoffice Memorandum



Oakland Parks and Recreation

TO: Barry Miller, Chair, Parks and Recreation Advisory Commission
FROM: Zermaine Thomas, Central Reservations Lead
DATE: April 8, 2015
SUBJECT: **REQUEST FROM EAST BAY AGENCY FOR CHILDREN/CIRCLE OF CARE TO COLLECT DONATIONS ON-SITE AT THEIR 6TH ANNUAL WALK TO REMEMBER AT LAKESIDE PARK ON SATURDAY, MAY 9, 2015**

SUMMARY

Oakland Parks and Recreation has received a request from the East Bay Agency for Children/Circle of Care, a 501c(3) non-profit foundation, to collect donations on-site at their 6th Annual Walk to Remember held at Lakeside Park on Saturday, May 9, 2015. Donations from the event will directly support East Bay Agency for Children's Circle of Care grief and loss program that provides much needed support services for children and families in Oakland. There is no Post Event Report on file for this event although this is their 6th year; this is their first request to collect donations on-site at their event.

FISCAL IMPACT

There will be no fiscal impact on Oakland Parks and Recreation. The organization is paying all fees associated with the rental.

BACKGROUND

This is the East Bay Agency for Children/Circle of Care 6th year hosting the event at Lakeside Park. In 1987, two families who were coping with the terminal illnesses of their children felt that there were not sufficient services to support their emotional needs as they experienced the illness and eventual death of their child. They started a grass roots program that has grown in to who they are today. The East Bay Agency for Children has been around for over 60 years in the Bay Area.

The services provided include Ongoing Support groups:

Living with Illness & Living with Loss provides emotional support for families with children who are coping with serious illness or the death of a family member.

Family Support Program is available at the Circle of Care office to children and parents/caretakers during a crisis of illness or bereavement.

School and Community Group Consultation is available through Circle of Care which provides intervention services, and customize workshops to schools, sports teams, churches and other community groups in which children are coping with issues of loss or illness.

The majority of the fundraising is done online however; many prefer to bring a check or cash to the event to register or make donations. The amount of the expected donation is less than \$5000.00.

Parks and Recreation Advisory Commission
April 8, 2015

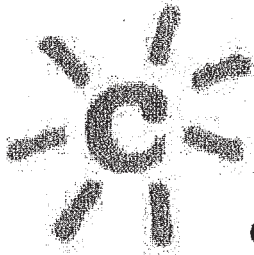
RECOMMENDATION

Staff recommends that the Parks and Recreation Advisory Commission approve the request from the East Bay Agency for Children/Circle of Care to collect donations on-site at their 6th Annual Walk to Remember at Lakeside Park on Saturday, May 9, 2015.

Respectfully submitted,

Zermaine Thomas
Central Reservations Lead

Attachments: Exhibit A – East Bay Agency for Children/Circle of Care Request Letter
Exhibit B – 501c3 Certificate of Non-Profit Status
Exhibit C – Rental Application



east bay agency for children

Dear Oakland Parks & Recreation- Lakeside Park,

In 1987, two families who were coping with the terminal illnesses of their children felt that there were not sufficient services to support their emotional needs as they experienced the illness and eventual death of their child. They started a grass roots program that has grown in to who we are today. We are a program of the East Bay Agency for Children which has been around for over 60 years in the Bay Area. Our services include:

Ongoing Support groups: Living with Illness & Living with Loss
Our success in helping families heal is largely due to our Peer Support Groups. They provide emotional support for Families with children who are coping with serious illness or dead of a family member. Our groups give the entire family a safe place to explore feelings, and share experiences and begin to heal.

Family Support program: Child or family counseling is available at the Circle of Care office to children and parents/caretakers during the crisis of illness, or bereavement (and in some cases, at your home).

School and Community Group Consultation: Circle of Care provides intervention services, and customized workshops to schools, sports teams, churches and other community groups in which children are coping with issues of loss or illness. In response to the death or illness of teacher, coach, fellow student or other important individual, our counselors provide onsite support for affected children and adults.

We have been hosting our Walk to Remember community awareness and major fundraising event at Lake Merritt for the past 6 years. Families and supporters of Circle of Care come together to honor and remember those people in our lives who are living with illness, or who have died. We walk in shared support and remember and celebrate the lives and cherished memories of our loved ones. All ages are welcome to participate, and usually there are about 75-100 children and families in attendance. www.ebac.org/walk

Walkers register online, and create fundraising pages which they send to their friends and families to help generate funds that directly support East Bay Agency for Children's Circle of Care grief and loss program that provides much needed support services for children and families in Oakland. Circle of Care service over 300 children and families every year.

We respectfully request to collect donations on the day of the event which will go directly to our program. The majority of the fundraising is done online, but some people prefer to bring a check or cash to the event to register and walk with us. Amount of donations usually collected on the day of the event is less than \$5,000.

We appreciate your consideration,

Alinya Charron
Program Director
alinya@ebac.org

Building Brighter Futures and Stronger Communities

CIRCLE OF CARE/
PALS PROGRAM
2540 Charleston Street
Oakland, CA 94602
Ph: 510.531.7551
Fx: 510.531.3657
www.ebac.org

- PROGRAMS**
- Child Assault Prevention Training Center
 - Central Family Resource Center
 - Circle of Care/PALS
 - East Oakland Pride & Peralta After-School
 - Fremont Healthy Start
 - Frick Health Center
 - Hawthorne Family Resource Center
 - Lafayette Intensive Counseling Enriched
 - Oakland Intensive Counseling Enriched
 - Roosevelt & Muir Counseling Enriched
 - Sequoia Healthy Start
 - Sequoia Intensive Counseling Enriched
 - Therapeutic Nursery School
 - Youth Empowerment Services

- BOARD OF DIRECTORS**
- Carl Goldberg
President
 - Gary Cox
V.P. Finance
 - Galia Phillips
V.P. Development
 - Marguerite Stricklin
V.P. Governance
 - Tony Barrueta
Secretary

- Rita Howard
- Leah Hughes
- Rhonda Morris
- Matthew Nelson
- Mimi Park
- Sherry Patera
- Kristin Stella
- Esther van Beers
- Natalie Van Tassel

EXECUTIVE DIRECTOR
Josh Leonard

Please remember EBAC in Your Will

CIRCLE OF CARE
6th
ANNUAL

Walk to Remember



SATURDAY
May 9, 2015 10am-2pm
LAKESIDE PARK, LAKE MERRITT, OAKLAND


An East Bay Agency for Children event

Walk to Remember


Celebrate the life and memory of someone you've loved and lost at the Walk to Remember. Or walk in support of a loved one battling a life-threatening illness. The Walk to Remember builds community as we navigate the grief journey together. Funds raised support Circle of Care, a program for children and families coping with bereavement and illness.

Signing up is easy:

www.EBAC.org/walk
call 510-531-7551 x3105
circleofcare@ebac.org

 **IRS** Department of the Treasury
Internal Revenue Service
P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248358237
Apr. 01, 2013 LTR 4168C E0
94-1358309 000000 00
00022610
BODC: TE


EAST BAY AGENCY FOR CHILDREN
% SALLY WALTZ
303 VAN BUREN AVE
OAKLAND CA 94610-4340

050764

Employer Identification Number: 94-1358309
Person to Contact: Mr. Kammerer
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your Mar. 21, 2013, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in July 1953.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

0248358237
Apr. 01, 2013 LTR 4168C E0
94-1358309 000000 00
00022611

EAST BAY AGENCY FOR CHILDREN
% SALLY WALTZ
303 VAN BUREN AVE
OAKLAND CA 94610-4340

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Richard McKee
Richard McKee, Department Manager
Accounts Management Operations



Oakland Parks and Recreation
 250 Frank H. Ogawa Plaza, Suite 3330, Oakland, CA 94612
 Office: 510.238-3187; Facsimile: 510.238-2397

RWP# 32048



Rental Application

ATTENTION:

Date of Application: 10/9/14

RESIDENCY IS DETERMINED ACCORDING TO ADDRESS INDICATED ON DRIVER'S LICENSE OR STATE IDENTIFICATION CARD. PHOTO ID IS REQUIRED

Name of Business/Organization: Circle of Care / East Bay Agency for Children
 Business/Organization Address: 2540 Charleston St. Oakland 94602
 Applicant Name: Shoshana Phoenix Dawn

Applicant Mailing Address: same

Phone Number: 510 531-7551 Fax Number: 53195 E-mail: shoshana@ebac.org

Facility/Park Name: Lake Merritt
 Room(s)/Site(s): Beach Area

EVENT INFORMATION:

Date(s) of Event: May 9, 2015
 Time In/Prep Time: 830 Actual Event Time: 10 to 1 Cleanup/Time Out: 2130

Type of Event/Purpose: walk
 (be specific, i.e., Wedding Reception, Meeting, Birthday Party, Banquet, Picnic, BBQ, Walk, Run, Festival, Rally, Quinceanera, Bar Mitzvah/Bat Mitzvah, etc.)

General Public Allowed: Yes No Sound Amplification: Yes No Non-Amplified Sound: Yes No
 Type of Equipment to be used: single microphone for introduction/gathering
 (i.e., musical instruments, live band, cd player, amplifiers, microphones, etc.)

Note: Charging admission, selling tickets or merchandise, or solicitation of money in any manner must be approved by the Parks and Recreation Advisory Commission 60 days or more in advance of event date.

Number of Participants (Total) 150 Approximate # of Adults 50 # of Teens 50 # of Children/Infants 50

Please provide below special accommodations/requests for your event. If no special accommodations required, please write NONE.

Will you require a caterer for your event? None Yes No

If yes, are you choosing a caterer from OPR's Approved Caterer's List? Yes No

Name of Approved Caterer: _____
 If not using an OPR Approved Caterer, provide name of non-approved caterer: _____

(Note: An Opt-Out Fee is applicable to non-approved Caterers and non-Catered events. See Attached Regulations)

RENTAL FEES (The minimum rental requirement and deposit are required when the facility of your choice is reserved 31 days or more in advance.)

Non-Refundable Permit Processing Fees:
 Picnic & Related Events: \$15 (50+ people)
 Building Rentals/Special Events (Parks): \$30

- (1) $40 \times 5 = 200$
(Hourly Rate) (# of hours)
- (2) _____
(Hourly Rate) (# of hours)
- (3) Permit Processing Fee = 30
- (4) Deposit = 300
- (5) Setup/Teardown = _____
- (6) Kitchen = _____

- (7) Alcoholic Beverage Fee = _____
- (8) Administrative Service Fee = _____
- (9) Caterer Opt Out Fee = _____
- (10) Sound Use Fee = _____
- (11) Other Charges = _____

TOTAL: \$ 530 Less Advance Minimum Payment of \$ _____; BALANCE DUE 30 DAYS BEFORE EVENT: \$ _____
 (Deposits are refunded 6-8 weeks AFTER event date, provided the facility is left in acceptable condition and the event goes as planned.)

Please check payment type: Cash: _____ Check #: _____ Type of Credit Card: Visa or MasterCard: _____
 (See attached Authorization for Credit Card Payment Form)

CANCELLATION FEE: 61 days or more notice: Forfeit & Deposit 30 days to 11 days notice: Forfeit Deposit Plus 1/2 Rental Fee
 31 to 60 days notice: Forfeit Deposit 10 days or less notice: Forfeit All Fees

APPLICANT SIGNATURE: Shoshana Phoenix Dawn DATE: 10/9/14

Please note: By submitting this application, other documents/permits may be initiated to finalize your reservation.

CITY OF OAKLAND
Interoffice Memorandum



TO: Barry Miller, Chair, Parks and Recreation Advisory Commission
FROM: Brooke A. Levin, Director, Oakland Public Works
DATE: April 8, 2015
SUBJECT: **Response to Tree Permit Appeal 552 Vernon Street**

The following report was prepared for the PRAC's consideration.

SUMMARY

On March 2, 2015 the Tree Services Unit made a decision for tree removal permit application ND14-144, for 552 Vernon Street. The Applicant, Aaron Cooley, requested removal of one coast redwood tree growing next to his driveway. After inspection, Tree Services approved the removal of the tree.

The Appellants, James Callahan and Susan Borows, of 554 Vernon Street, appealed the permit decision on March 9, 2015. The Appellants did not agree with Tree Services' analysis of the situation on the property, and want the tree to be preserved. The PRAC is the hearing body for tree removal permit appeals, per Chapter 12.36.110 of the Oakland Municipal Code (OMC), the Protected Trees Ordinance (PTO).

BACKGROUND

On January 26, 2015, the Applicant submitted a non-development tree removal application for his property at 552 Vernon Street. The Applicant requested removal of a coast redwood due to damage to the driveway, fence and foundation of his home.

Tree Services approved the removal of the redwood on March 2, 2015 because, (a) the tree encroached on the driveway width, (b) the encroachment would continue as the tree grew, and (c) restoring the driveway width would significantly damage the tree (**see Attachment A – Tree Permit Decision**). The tree qualified for removal based upon the approval criteria listed in Chapter 12.36.050(A)(1) of the OMC, which allowed the removal of a tree due to its proximity to an existing structure.

Preservation of the tree was potentially required by the denial criteria listed in Chapter 12.36.050(B)(1)(b) of the OMC. Preservation of a tree was required, even if the proposed removal would accomplish the removal objective noted in the paragraph above, if a reasonable treatment would mitigate the problem on the property. The temporary solution to the driveway encroachment was to cut away a large area of buttress roots, and part of the tree's trunk. Tree Services opinion is that this is not "reasonable treatment" to restore driveway width. The tree would be severely damaged, and there would be an unacceptable level of risk of the tree falling.

If Tree Services required tree preservation, the property owner's driveway would remain obstructed, and the obstruction would increase over time as the tree grew. Tree Services opinion is reasonable. While a property owner may volunteer to live with an obstructed driveway, Tree Services agreed it was unreasonable to force a property owner to accept diminished use of their property.

The tree permit decision was appealed by James Callahan and Susan Borows on March 9, 2015 (**Attachment B**). The Appellants sent an email, and a 21-page attachment, explaining why they felt staff, "...made their decision based on numerous errors and incorrect assumptions, not based on fact." Chapter 12.36.110(C) of the OMC required the Appellants to state specifically where it was claimed there was an error or abuse of discretion by City staff, or where such decision was not supported by the evidence in the record.

DISCUSSION

The Appellant's reasons for opposing the permit decision are summarized below in bold print. The staff response follows each item. For more details regarding the Appellant's appeal, please read Attachment B.

- 1. Appellant: The City misdirected and misinformed the public about the appeal process (pages 3 and 4 of the appeal attachment).**

Staff response: The PTO described the appeal process in Chapter 12.36.110 of the OMC. The ordinance is public information, and is available on the City's website. The Appellants submitted an appeal in a timely manner. The alleged conversations between staff and the Appellants could not be verified and were considered hearsay.

- 2. Appellant: By approving the tree removal, the City will allow the Applicant to increase the size of the driveway, making the driveway larger than it ever was in the past (pages 5-7 of the appeal attachment).**

Staff response: The Appellant described the situation inaccurately. Photo page number four of the permit decision clearly showed a root crown that grew over and engulfed the driveway curb, and bent the existing driveway curb horizontally toward the house. If the tree was removed, the driveway could be repaired back to its original width. Making such repairs would not be an expansion of the driveway's width, but would restore it back to its original footprint.

- 3. Appellant: Tree Services failed to address the issue of climate change, and public health and safety, in their investigation and decision. Tree Services cited health and safety as the reason for their highly flawed decision to approve tree removal (pages 8 and 9 of the appeal attachment).**

Staff response: The permit denial criterion is listed in Chapter 12.36.050(B) of the OMC. Climate change is not listed as a criterion for permit denial.

The tree removal approval objectives are listed in Chapter 12.36.050(A) of the OMC, and are reproduced on page two of the permit decision. By checking the box next to criterion 12.36.050(A)(1), staff indicated which removal objective would be accomplished by the tree removal. The PTO's definition of health and safety includes, "...proximity to existing...structures...". The redwood in question is too close to the driveway, which is a proximity issue. Staff did address public health and safety, as defined by the OMC.

- 4. Appellant: There was a reasonable alternative to tree removal. The applicant can, (a) fold in the mirrors for the larger commercial vehicle, (b) drive at a reasonable speed on the driveway, (c) park at the beginning of the driveway or on the street, (d) trimming or thinning the tree, (e) fix the driveway and improve drainage, (f) modernize the buffer zone between the house foundation and the tree's roots (page 10 and 11 of the appeal attachment).**

Staff response: If the PRAC feels the current situation on the property is acceptable, they can overturn staff's decision and require preservation of the tree. Tree Services agrees access to the driveway is impeded. Redwoods are wonderful trees, but they can grow very large. Redwoods are approved for removal every year by Tree Services when they grow too large for the space available.

- 5. Appellant: There will be major drainage problems if the redwood is removed (pages 12 and 13 of the appeal attachment).**

Staff response: No engineering report was submitted by the Appellants to support their claim. Tree Services has developed a good working knowledge of drainage issues related to trees by working with public and private sector engineers over the past 25 years. Tree Services processed thousands of tree removal permits in the past 25 years. There were no cases where the removal of one tree resulted in drainage problems for the tree owner or neighbors.

- 6. Appellant: Tree Services relied on information that was quite old and behind the times regarding urban forests and tree removal. Buildings and redwoods can survive side by side, especially if aided by property maintenance (pages 14 - 16 of the appeal attachment).**

Staff response: Tree Services used a reference source on page one of the permit decision, Trees and Development: A Technical Guide to Preservation of Trees During Land Development, by Nelda Matheny and Jim Clark. The permit decision attempted to educate readers on the amount of space needed by large growing tree, published 1998. Rather than rely only on Tree Division staff's opinion alone, the reference source was used to bolster the validity of the information. It is Tree Services' experience that most non-professional

arborists have little understanding of the morphology of root systems, and the space needed around mature trees, if the goal is tree longevity and health.

The authors of the text, published by the International Society of Arboriculture, are internationally recognized experts in arboriculture. They are still practicing in the field. Their text is a modern, relevant reference source that has not been replaced by a newer addition, or another reference text book. Trees still grow the same way, and the size of underground root systems has not changed, since the book was published in 1998.

The Appellants felt redwoods could grow "side-by-side" with buildings, but provided no proof of that claim. There are always exceptions to every rule. There are redwoods growing in close proximity to structures, due to a fortunate combination of soil depth, soil texture, water source, and individualized root growing patterns. However, decades of Tree Services experience have witnessed many buildings damaged by redwoods when there was inadequate growing space. Contrary the appellant's claim "property maintenance" will not prevent redwoods from growing large diameter trunks and roots.

7. Appellant: We will present an expert and other speakers at the appeal hearing. The Tree Division explicitly stated that they do not place weight on what is said in the public comment period (page 17 of the appeal attachment.)

Staff Response: Tree Services considered all public comment when it made the permit decision:

- *20 telephone calls opposed to the removal; two of the calls were from adjacent neighbors that had standing for the appeal*
- *An eight-page letter from the Appellants, dated 1-19-2015, hand carried and faxed*
- *10 emails opposed to the removal; six of the emails were from the Appellants.*

The process for appeal requires the reason for appeal to be writing.

8. Appellant: The PRAC should issue a ruling on whether the permit was properly classified as non-development (page 18 of the appeal attachment).

Staff Response: If the Applicant submitted other development related permit applications to the City, a development-related tree permit would have been required. Tree Services checked with Planning and Zoning; the Applicant had no other permit applications on file with the City.

9. Appellant: Three pages of references were submitted as part of the appeal (pages 19-21 of the appeal attachment).

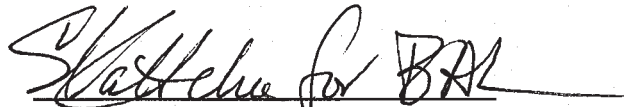
Staff response: a list of reference sources is not a basis for appeal.

Chapter 12.36.110(C) of the OMC states, "In considering the appeal, the PRAC shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Oakland Public Works Department or require such changes or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria."

RECOMMENDATION

Oakland Public Works recommends that the Park and Recreation Advisory Commission:

- Deny the appeal by James Callahan and Susan Borows, and uphold staffs' decision, approving the removal of a coast redwood at 552 Vernon Street.



BROOKE A. LEVIN

Director, Oakland Public Works

For questions, please contact Robert Zahn, Tree Supervisor II, at 510-615-5852.

Attachments:

A – Tree Permit Decision

B – Appeal Claim Form and Attachments

ATTACHMENT A

TREE PERMIT DECISION

City of Oakland, Public Works Department
Tree Services Unit, 7101 Edgewater Drive, Oakland, CA 94621, (510) 615-5934
Chapter 12.36, Oakland Municipal Code, Protected Trees Ordinance

Permit # ND14-144

Address: 552 Vernon Street

Expires: One year from date of issuance

Decision*: March 2, 2015

Applicant: Aaron Cooley

Permit Type: Non-Development

TREE LIST		Preservation Required	Removal Approved
Qty.	Species		
1	Coast Redwood	No	Yes

SITE OBSERVATIONS

The coast redwood was growing on the side of the house, next to the driveway; see photo page #1. The driveway was damaged; see photo page #2. There was no apparent damage to the house foundation. The condition of the basement, and any impact from the tree's roots, was not investigated. Both the tree's health and structure were good. The driveway's width was reduced, due to horizontal growth of the root crown and the radial expansion of the tree's trunk; see photo page #3. Root crown growth had engulfed the driveway curb. The growth had also pushed the curb horizontally toward the house. The driveway width could be restored by cutting the root crown and trunk; see photo page #4.

DISCUSSION

A coast redwood has the genetic potential to grow a 20-foot diameter trunk. Under the right conditions, they can live 2,000 to 2,500 years. The tree in question has a trunk diameter of 42 inches. This juvenile tree will continue to grow much larger.

Tree Services approves the removal of a number of redwoods each year. They are often planted too close to structures in our crowded urban environment. A large growing tree will also have a large root system below grade to provide anchorage, absorption and conduction of water and nutrients, and to store carbohydrates.

The tree is already growing in a very restricted space compared to its current size. To provide adequate soil volume for the tree's roots, if the goal was to maximize the trees' health and longevity, it should now have a large undisturbed space surrounding it. Since the tree is young, and the species has good tolerance to site disturbance and construction impacts, it should have a protection zone with a 21-foot radius from the trunk.¹ The tree is about 10 feet from the house foundation and much of the space in between is covered with concrete. The space on the opposite side of the tree is also severely limited.

There is inadequate space for the tree's future growth. Even growing at a very conservative estimate of a half-inch diameter per year, the trunk will expand to 52-inch diameter in twenty years. There should be no development within 26 feet of the trunk. Because undisturbed space is so restricted on the site, there will be

¹ Matheny, Nelda and James Clark. Trees and Development: A Technical Guide to Preservation of Trees During land Development. International Society of Arboriculture, Champaign, IL. 1998.

ongoing problems from trunk and root growth. The risk of property damage will continue to increase every year.

The obstructed driveway width could be restored. A portion of the root crown and lower trunk would have to be removed, as shown in photo page #4. A very large wound would be created. Long-term the wound would lead to root and trunk decay. Anchoring could also be compromised once the cutting is finished, causing the tree to fall. The extent of root damage and loss of anchoring could be evaluated by an arborist, if such work was actually done. The reduction in anchoring would be only an estimate. No qualified arborist would guarantee the structural stability of the tree, for any period of time.

CONCLUSION

A property owner has the right to the use of their property. Use of the driveway is compromised by the size of the tree. While a property owner might voluntarily accept the situation, in order to preserve the tree, the City of Oakland can't require a property owner to accept diminished use of their property.

The Protected Trees Ordinance (PTO) requires preservation of a tree if there is a reasonable alternative to removal. It would be unreasonable to require the applicant to cut and remove a large portion of the root crown, and a portion of the trunk, to restore the driveway's width. The damage to the tree would be extensive. The City of Oakland would be liable for problems resulting from the extensive damage, and therefore, will not require preservation of the tree.

The PTO does allow removal of a tree when its close proximity to a structure causes problems. Since tree removal would meet one of the PTO's removal objectives, and there was no reasonable alternative that would preserve the tree, Tree Services approved the removal.

FINDINGS –Chapter 12.36.050(A)

The applicant's request accomplished the following objective(s):

- 1. Insured the public health and safety as it related to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
- 2. Avoided an unconstitutional regulatory taking of property.
- 3. Took reasonable advantage of views, including such measures mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of the Oakland Municipal Code).
- 4. Pursued accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Public Works shall constitute compliance with this criterion.
- 5. Implemented the vegetation management prescriptions in the S-11 site development review zone.
- None of the objectives above were accomplished by the proposed removal(s).*

PERMIT REVIEW – FINDINGS (B)

Any one of the following situations was grounds for permit denial, regardless of the findings in section (A) above:

- 1. Removal could be avoided by reasonable redesign of the site plan, prior to construction.
- 2. Removal could be avoided by trimming, thinning, tree surgery or other reasonable treatment.
- 3. Adequate provisions for drainage, erosion control, land stability or windscreen were not made.

4. The tree(s) were a member of a group of trees in which each tree was dependent upon the others for survival.

There were no grounds to deny the permit.

OAKLAND MUNICIPAL CODE SECTION 12.36.060 CONDITIONS OF APPROVAL

The following conditions were imposed. Conditions #11 - #13 were imposed if they were check marked:

1. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant and its contractor shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City for or on account of any damage to property or bodily injury, including death, or damage sustained or arising out of, related to or caused by in any way from the performance of work in this tree permit matter. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
2. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (a) an approval by the City relating to this tree permit matter, City's CEQA approvals and determination, and/or notices in the tree permit matter; or (b) implementation of such. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
3. **Letter of Agreement.** Within ten (10) calendar days of the filing of any Action as specified in conditions 1 or 2 above, the applicant and/or its contractor shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.
4. **Debris.** All debris created as a result of any tree removal work shall be removed from the property by the applicant within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
5. **Insurance.** Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
6. **Nesting Birds.** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work

from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

7. **Permit.** Tree removal, as defined in the Protected Trees Ordinance, Section 12.36.020 of the Oakland Municipal Code, may not start unless and until the applicant has received this permit from Tree Services.
8. **Posting.** The applicant shall post a copy of the tree removal permit in plain view on site while tree removal work is underway.
9. **Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Tree Services Division of such damage. If, in the professional opinion of the City Arborist, such tree cannot be preserved in a healthy state, the Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Arborist to compensate for the loss of the tree that is removed.

 3-2-2015

Mitch Thomson Date
Arboricultural Inspector

 3-2-15

Robert Zahn Date
Senior Forester

ISA Certified Arborist ® NO WE-1937A
Tree Risk Assessment Qualified ®

Certified Arborist ® WE-8102A

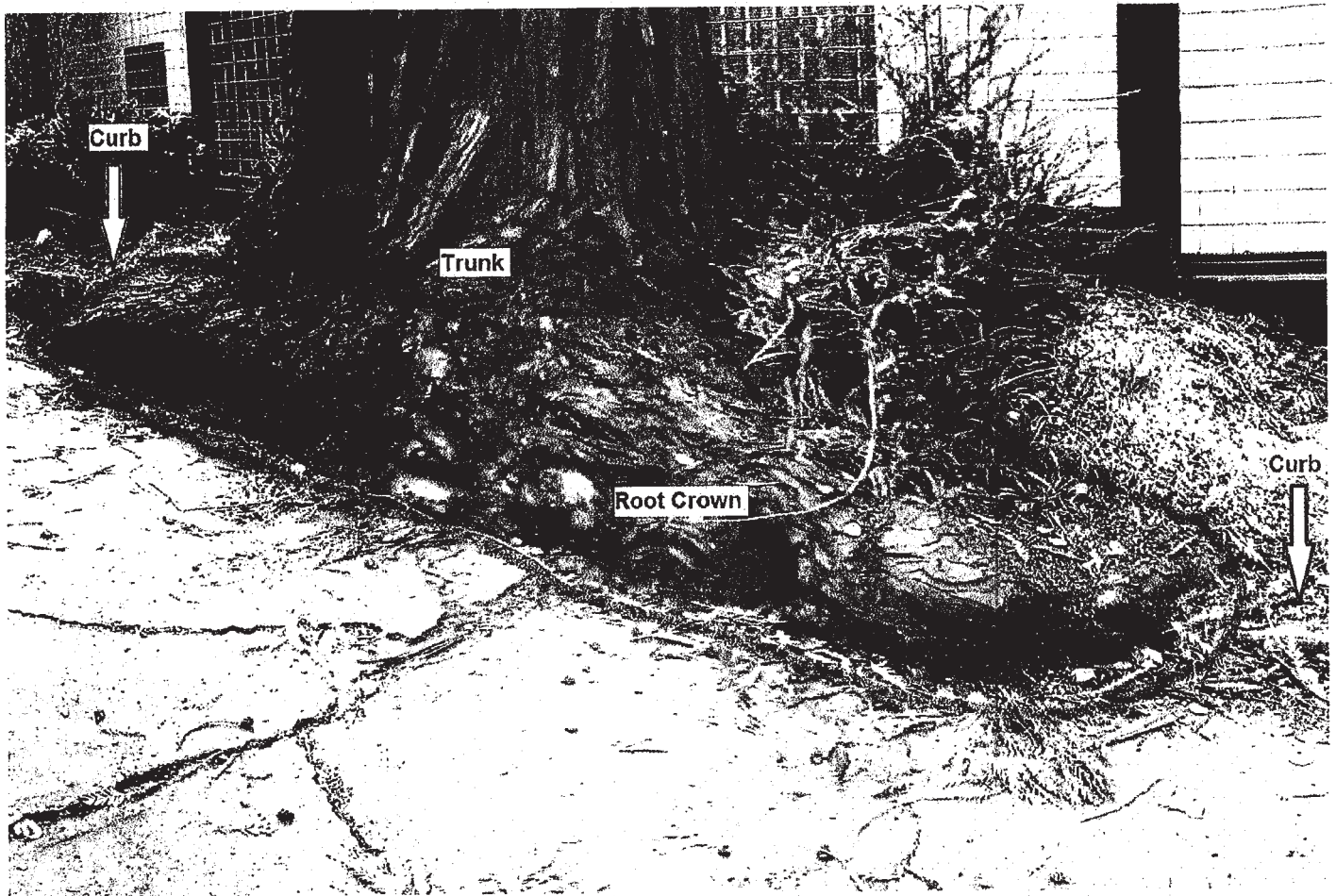
**This decision of the Public Works Agency, Tree Services Section, may be appealed by the applicant, or the owner of any "adjoining" or "confronting" property, to the Parks and Recreation Advisory Commission within five (5) working days after the date of this decision and by 3:30 p.m., otherwise the permit is effective. The term "adjoining" means immediately next to, and the term "confronting" means in front of or in back of. An appeal shall be on a form prescribed by and filed with Tree Services, at 7101 Edgewater Drive, Building #4. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City or wherein such decision is not supported by the evidence in the record. There is a \$200.00 fee to file an appeal. Failure to timely appeal this decision and raise any and all issues in your appeal may preclude you from challenging this determination in court. If the appeal is not finally disposed of by the Park and Recreation Advisory Commission within thirty (30) working days of the date of the decision by the Tree Services Section, the decision shall be deemed affirmed, and the permit appeal denied.*



The coast redwood was growing on the side of the house, next to the driveway.



The concrete driveway was cracked, raised up in the center, and depressed next to the tree. There was no apparent damage to the house's foundation, at, or above grade.



The root crown had grown horizontally, reducing the driveway's width. The lower trunk had also grown enough to add to the obstruction. Both parts of the tree will continue to grow larger over time.



To restore the driveway width, the tree would sustain significant damage. A large section of root crown, and a portion of the trunk would need to be removed.

ATTACHMENT B

CITY OF OAKLAND PUBLIC WORKS AGENCY

PROTECTED TREE APPEAL CLAIM FORM FOR NON DEVELOPMENT TREES (Oakland Municipal Code Section 12.36.110)

PERMIT # ND14-144

1. Date: MARCH 6, 2015*
2. Appellant's Name: JAMES D. CALLAHAN & SUSAN E. BOROWI
3. Appellant's Address: 554 VERNON STREET
City, State & Zip: OAKLAND, CA 94610
4. Address of Tree(s) Removal: 550/552 VERNON ST. (DUPLEX)
5. Date of City Staff Decision: MARCH 2, 2015

6. Statement of why there was either error or abuse of discretion by city staff or why the city staff decision is not supported by the evidence in the record

(attach any additional pages if needed): Decision contains multiple errors, having disregarded facts and statements by experts presented to staff during public comment period. Disregard of serious public health and safety threats staff was requested specifically to consider and address. Mistaken assumptions regarding history of property.
• Failure to address reasonable alternatives • Conflict with city ordinances and policy.

ADDITIONAL PAGES SUBMITTED ELECTRONICALLY

I hereby certify under penalty of perjury that I am the owner of:

The real property described in (4) above, or

Real property adjoining and/or confronting the real property described in (4) above.

Signature: James David Callahan Date: 3-6-15
Susan E. Borowi 3/6/15

(MARRIED CO-OWNERS OF 554 VERNON ST, ADJOINING PROPERTY)

* ITEMIZED DETAILS AND SUMMARY OF BASIS OF APPEAL, #6 ABOVE, TO BE SUBMITTED ELECTRONICALLY (BY EMAIL AND FAX) ON MARCH 8, 2015. FUNDS AND NOTICE OF APPEAL MAILED MARCH 6, 2015.

This appeal must be filed no later than 3:00 pm on March 9, 2015 to the office of: City of Oakland, Tree Division, 7101 Edgewater Dr, Oakland, CA 94621. Please submit an application fee with a check for \$200 made out to the City of Oakland.

For Office Use Only

.....
Appeal Hearing Date: **To Be Determined** April 8, 2014
Received By: COAY LISTER
Receipt #: ck #407

Luster, Gay

From: susan borows <james_and_susan@sbcglobal.net>
Sent: Monday, March 09, 2015 5:57 AM
To: Luster, Gay
Subject: Fw: Attachments to Appeal of ND14-144, Tree Removal Permit Decision
Attachments: Appeal to ND14-144 -- Compiled Documentation.docx

On Monday, March 9, 2015 5:53 AM, susan borows <james_and_susan@sbcglobal.net> wrote:

On Monday, March 9, 2015 5:44 AM, susan borows <james_and_susan@sbcglobal.net> wrote:

Dear Gay Luster,

Attached, please find the attachments to the appeal we are filing on the Tree Removal Permit #ND14-144. This document is being sent electronically both by email and fax.

The \$200 check and appeal application form was sent to your office in two ways, to assure delivery.
== First by certified mail, sent March 6, 2015
== Second, hand delivered, delivered under the door of your office on March 7, 2015.

Thank you for your always kind attention to this matter.

We realize that you are simply carrying out policy as directed by superiors.

Respectfully Yours,

-- James Callahan and Susan Borows
554 Vernon Street, Oakland CA
Adjoining Property Owners to 550/552 Vernon Street
Cell: 510-910-4751

Basis of Appeal, Errors by City Staff and Administrators

Tree Removal Permit Decision

City of Oakland Public Works

Decision date: March 2, 2015

Permit Number: ND14-144

Appeal by Adjoining Property Owners

James Callahan and Susan Borows

Electronically submitted the morning of March 9, 2015

Provided as the attachment to Application Form and Check Sent by Certified Mail March 6

With a duplicate form and backup check hand delivered to Tree Services Office March 7, 2015.

Summary

We are handling this appeal based on the description of the process as framed and controlled by the City of Oakland's Tree Division. Staff and Administrators have made their decision based on numerous errors and incorrect assumptions, not based on fact. Including:

== Misrepresentations of the history of the property and of our neighborhood in what constitutes "restoration" of a time of wider driveways, in a vision of the past that never was.

== Ignoring the value of large urban trees, in relation to threats to public health and safety posed by climate change. The city did correctly determine that the this 120 year old native tree is not a threat to public health and safety, yet places more value on creating more space for large motor vehicles.

== Failing to consider in the decision reasons to deny the permit; as under Oakland Municipal Code 12.36.050 Section B, Subsection 1b: Trimming of Trees and Reasonable Treatment of Trees . This relates to the Public Works Agency stated position of placing little or no value on comments received during the public comment period; instead leaving consideration of information provided by neighbors to only first be heard in the appeal stage.

== Failing to recognize and include in the decision reasons to deny the permit; as under Oakland Municipal Code 12.36.050 Section B, Subsection 2: Drainage . Removal of the tree threatens three properties, including a very large condominium complex.

== The city's decision is based on a misunderstanding and misapplication of a reference book on urban development; and fails to take into account the scientific evidence developed by the community over decades in how large native trees can and do grow closer to buildings than older forestry textbooks assumed, in a way that benefits and does not harm public health and safety.

== The Parks and Recreation Advisory Commission is asked to consider and make a ruling on whether this permit was misclassified as a non-development permit, since the stated plans of the applicants is to commence major development work as soon as possible over the land where the tree now stands.

Appeal Process as Described, Directed and Framed by the City of Oakland's Public Works Tree Division

In the way we are applying for the appeal and the way we are preparing for the appeal hearing, we are following the directions of the Oakland Public Works Tree Division. We wish to exercise our rights for an appeal, on behalf of ourselves as adjoining property owners, our neighbors, the citizens of Oakland and in consideration of the value of the trees and wildlife in Oakland, in relation to the public's health and safety.

During the public comment period, I (James Callahan) wrote and called city staff specifically to receive direction on what is appropriate during the public comment period. Then, by contrast, what is to take place during the appeal process, if an appeal is necessary. I also consulted what published documentation is there to be found.

It was Gay Luster of the Tree Division that furnished the responses to specific questions. I checked with administrators at higher levels and with the Public Works service center, as well as with the Office of Parks and Recreation. All stated and confirmed that Gay Luster is the authority to consult, and the person that represents the city on such matters.

Gay Luster, Administrative Assistant I, described the appeal hearing process as "your day in court". That it is during the appeal that : you will have the opportunity to present evidence that will be considered by the city, for expert testimony to be made, as well as to state any disagreements we have with the city's decision.

Further, when asked about the process of the Public Works Tree Division, I was told that the decision is almost entirely based on the findings by the city arborist from his visit to the site. There would be no discussion with the arborist; he would conduct no interviews, either with the community or with expert witnesses on the matter.

When asked about the public comment period, I asked to what degree the content of community comments would be considered by the Tree Division in making their decision. The answer was: "public comments have very little affect on the decision." She then stressed again: "The appeal is your day in court."

I asked how frequently the Parks and Recreation Advisory Commission hears appeals on Tree Removal Permits. Administrative Assistant Luster stated that the “commission holds hearings on tree removal permit appeals all the time.”

Seven hours before the closing of the public comment period, I called again to ask about a specific detail. At that time, Administrative Assistant Luster, stated that she was mistaken in some of what she had said earlier: that any *written expert* testimony should be submitted during the public comment period, rather than after. Again, she repeated the phrase: “the appeal will be your day in court.”

Assuming that the above information we were provided is correct, we indeed respectfully wish to receive our day in court before the Park and Recreation Advisory Commission. We do have evidence to present that the Public Works Tree Division has made many serious errors, with assumptions not based on the facts, and that this has lead to an improper decision.

If by chance, the Office of Parks and Recreation and/or the Parks and Recreation Advisory Commission takes issue with how the Public Works Agency is representing the appeal process and directing the public, then we add to the basis of our appeal if the city has misdirected and misinformed the public during the process. This itself would be a clear reason for an appeal to be heard.

The community has yet to receive its day in court and for its statements to actually be considered on the tree removal permit decision.

Misrepresentation of, Failure to understand history of the City of Oakland's Rose Garden Area and Specific Property and its Driveway and Foliage. Troubling View of What Constitutes "Restoration".

The Tree Division's decision frames the choices as being between removing portions of the coast redwood's root crown and the tree's trunk on the one hand or cutting the tree down all together on the other. The goal being sought by the city in either case is to "restore" the driveway width. This represents a misunderstanding of the history of this house and this neighborhood.

The city is placing greater value on creating additional space to allow rapidly accessible off-street parking for one large commercial vehicle than it does on preservation of the neighborhood's oldest historic tree, a very healthy juvenile native.

The City's Arboricultural Inspector proposes "restoring" the driveway to a width it historically has never had. In our neighborhood, driveways may be narrow compared to those typically found in suburbia, but they are quite sufficient for average size cars, and small trucks.

Inspector Thomson is essentially approving of the new owners' desires, as part of a larger planned development project, which would allow expansion of the width of their driveway by first removing of the tree, before permits are applied for.

The 550 Vernon Street house was the first built on the tract, circa 1898. This was a time before widespread motor vehicle use. Public transportation, walking and bicycles and horse drawn carriages were the common modes of transportation. Where there were driveways, they were narrow. Prior to 1700, what is now our neighborhood was brimming with trees; clear cut over time by European arrivals.

The houses on our block were built with narrow driveways, and neighbors get along just fine with not enlarging them. At its narrowest, the driveway at 550 Vernon Street is currently still above average in width among the driveways on our block – considering the single unit and duplex homes.

It is a curious choice of words that our city's arborist refers to the cutting down of a native redwood in order to expand a driveway as being "restoration." This is the view of the official in charge of protecting the trees in our city? Is it city policy to attempt to return to a time of large cars and wide driveways? This was a short lived era, proven to be unsustainable, with a breadth of driveway our community has never embraced.

The 550/552 Vernon driveway width is essentially the same as it has been for at least 3 previous owners and for 30-50 years. It is the width it was when the new owners bought the house less than a year ago. Approximately 50 years ago, when first paved, the driveway was perhaps 2 to 3 inches wider AT GROUND LEVEL at the location of the redwood on the Santa Clara Street side of the driveway.

Since that time, the owner third previous made major changes to the house structure, which included raising the house one level. This work narrowed the driveway significantly at chest and head level on the Rose Garden side of the driveway. Each previous owner since has lived happily with the driveway

and proudly cared for the trees beside it. To restore the driveway to its historically widest width would mean removing large portions of the house structure. That would be as silly as the idea of taking chunks of out the tree trunk, in our view.

Inspector Thomson proposes going back to a point in time that never was, and suggests alternatives that would not be satisfactory to any parties concerned.

When considering measurements of driveway width, it is common sense and the experience of those in our neighborhood that one should consider the width at various heights –in cases where width changes with height.

The redwood tree narrows the driveway by few inches at ground level – that is, tire level. That is not the height where the truck or other vehicles are widest. The tree poses little problem with its root crown – why does Inspector Thompson focus on cutting the root crown as a solution? Fender level is the level that is least flexible. The narrowest portion of the driveway at fender level is near the street, and the truck is regularly parked there already – removing the redwood will not widen the driveway clearance at fender level. The problem for driving a large truck to the back of the house quickly is mirror level – especially on the house side, not the tree side. The city inspector has not considered reasonable alternatives other than cutting down the tree or slicing out chunks of the trunk so a truck can pass by quickly.

We recognize that the proximity of the driveway width and the line of large trees poses challenges, and very much want for a win-win solution to be taken. Yet, careful study and evaluation of the conditions and history, with consultation of experts from many professions, should be made before rushing to judgment on what solution is best.

There is total agreement of all neighbors who have commented that maintenance to the driveway, drainage and updating a buffer zone between tree roots and the house would be wise to take in a proactive manner.

It is clear that, given the tree's natural 2,000 year old life span, a point where will be reached at some time in the future that either the house or the tree or both will no longer be present: perhaps in the years or decades ahead. The city's decision that now is an appropriate time for the tree to be killed is unfounded, and not based on an accurate history of the property.

Our city and community cannot plan well for our future if our understanding of the past is deeply flawed.

At the time of the appeal hearing, we wish to present testimony from a 90 year old neighbor who can address more reasonable alternatives to cutting down the tree, given the difficulty the new owners find in passing between the tree and the house without a resulting collision. She continues to use a driveway narrower than that at 552 Vernon on the same block, as she has for the last 30 years without a single instance of hitting objects on either side. She has also researched the make and model of the commercial truck used by the new property owners in their racing motorcycle trading business. She is prepared to offer to the new owners and to the Public Works Department, tried and true techniques for

how to drive trucks without hitting trees. That it is possible to pass through narrow openings that have sufficient clearances as the driveway in question does.

The neighbor in question is a great grandmother and retired supervisor for Oakland's Office of Parks and Recreation. We hope that you will be willing to consider the facts she is prepared to present as a member of the community. The tree division showed little or no interest in what she had to say during the public comment period, as reflected in the decision.

In further discussion in sections to follow, we will present several good faith alternatives to tree removal which we feel are far more reasonable and productive than the city inspector's discussion of chain sawing out gaping sections of this very healthy tree, then to stand back and watch it suffer a slow death.

Public Health and Safety – It is 2015 and yet the City Public Works Agency still doesn't recognize or apply climate change science.

Contributing factor to flawed decision by city, as it acts contrary to official policy.

Let this Case Lead to a Review, Investigation, and to Corrections in Policy Implementation and Continued Education of Administrators and Staff.

From Oakland's Tree Protection Ordinance

12.36.010 - Intent and findings.

- C.

For all these reasons, it is in the interest of the *public health, safety and welfare* of the Oakland community to protect and preserve trees by regulating their removal; to prevent unnecessary tree loss and *minimize environmental damage from improper tree removal*; to encourage appropriate tree replacement plantings; to effectively enforce tree preservation regulations; and to promote the *appreciation and understanding of trees*.

The Tree Division's decision cites public health and safety as the reason for their highly flawed decision to approve tree removal. [Box #1 is checked.]

During the public comment period, we specifically asked the Tree Division to address the issue of climate change and public health and safety in their investigation and decision. No consideration or mention was made.

This has apparently been the policy of the Public Works Agency, at least going back to 2009. When climate science is addressed by the public in a comment period or in appeals, the Tree Division simply ignores the entire subject. For instance, the amount carbon drawn from atmospheric of carbon dioxide sequestered by Sempervirens doesn't even appear on the City's radar when making a decision to save or remove a tree.

This should be unacceptable. Climate change is not a joke in eyes of the people of Oakland.

This Public Works Agency is working contrary to City ordinances and policy.

We ask the Park and Recreation Advisory Commission (or the City Council if this appeal is kicked over to the council) to issue a directive that action be taken to correct the implementation of policy regarding protection of trees and climate change.

In this case, the city has already found that this tree is healthy and NOT a threat to public health and safety. Yet, city continues to ignore far greater and more serious threats to public health and safety faced by its citizens as a whole.

Drought, firestorms, heat waves, air quality, asthma. Bay Tide Level Rise, Bay Water Acidification. Effects especially on the elderly, young and poor. It continues to be the Tree Division's SOP to ignore the factors related to carbon dioxide and global warming. No value given in decisions. Yet ostensibly, city policy draws clear links between the value of large older growth trees in pushing back climate change and protecting the health and safety of its citizens. Specific examples where city is violating own ordinances will be given at the appeal hearing.

We will provide expert testimony at appeal hearing on this matter. References are given at the end of this document.

We are optimistic that the commission will help to take effective corrective on this subject. On the other hand, in the unlikely event that the commission agrees with the Public Works Agency that climate change should not be taken as a serious concern in relation to public health and safety concerns and in relation to our urban forests, it will be beneficial to obtain clarity on the issue. The public should know where City bodies and officials stand.

We particularly look forward to the expert and very helpful guidance Commissioner Wu will surely provide on the subject of public health and safety.

It is in the interests of public health and safety to the people of Oakland, considering the tree's value in relation to the threats of climate change, that yet another strong reason emerges in why the permit should be denied.

Reasonable Treatment of the Tree to Avoid Tree Removal

Denial of the Permit is warranted under Oakland Municipal Code Chapter 12.36.050 Section B, Subsection 1b. Reasonable Treatment of Trees.

Based on Chapter 12.36 of the Oakland Municipal Code, there are adequate grounds for the permit to be denied. It is not necessary or appropriate for the tree to be removed.

12.36.050 - Criteria for tree removal permit review.

- B. finding of any one of the following situations is grounds for permit denial, regardless of the findings in subsection A of this section:
 - 1. Removal of a healthy tree of a protected species could be avoided by:
 - b. Trimming, thinning, tree surgery or *other reasonable treatment*.

Is it possible for the tree to receive reasonable treatment and avoid its removal?

Absolutely.

Shall we not apply one of the principle precepts of bioethics:

Primum non nocere [Latin for: "first do no harm"]

We are astonished that this is not a principle familiar to and considered reasonable by staff at the City of Oakland's Public Works.

[It's better not to do anything then to mess something up.]

Primarily, this means in this case, how it is reasonable to treat a tree:

== Do not drive vehicles into trees, drive past trees.

== Drive at a reasonable speed through narrow passages.

== Do not drive while intoxicated.

== Park respectfully of your neighbors, based on local conditions.

Cars, vans and small trucks can use the driveway at 552 Vernon Street and pass the tree with full clearance.

Fold in the mirrors for the larger commercial vehicle

Regarding the large commercial vehicle the new owners wish to drive to the back of their property:

The vehicle is a Dodge Sprinter Cargo Truck, used to shuttle vehicles bought and sold related to a business, stored on the property.

The specific vehicle in question has fold-in mirrors standard to this make and model. Mirrors on either side can be easily folded in, then folded back out to the exact previous location. With mirrors on either or both sides, the vehicle can pass by the redwood with no trouble. Neighbors have made good faith offers to purchase any additional equipment necessary to adapt the vehicle for backing out easily.

Drive at a Reasonable Speed on the Driveway.

It should be noted that because of this vehicle model's design, it is very wise to drive slowly on this driveway for reasons totally independent of the existence of the redwood or the current condition of the current pavement. The vehicle is very front heavy and can become unstable and unsafe if driven too fast over bumps such as at the base of this driveway. Cutting down the redwood will not actually solve the problem the city inspector believes he is addressing. The new owners might want to simply accept the fact that one must drive slowly up this driveway when using a larger business vehicle.

Consider Parking where most neighbors do

Another alternative is to consider parking in the front portion of the property, or on the street. Most neighbors do this. The new owners' tenant must park on the street and not in the driveway. The other owner of a similar vehicle parks on the street. Is that an unreasonable alternative solution?

The new owner's cars can continue to be parked up and down the driveway.

Trimming and Thinning the Tree. Previous neighbors cared for the tree, in a way that kept it healthy, while slowing its growth. This included thinning and trimming over the years. Further reasonable alternatives to killing the tree.

Provide maintenance to the driveway pavement. The existing pavement is at least 30 years old. Improve drainage.

Update and modernize the buffer zone between the house foundation and the tree's roots. Work on this has not been done for at least 30 years.

Based on the above, we submit to the Parks and Recreation Advisory Commission that this is among the important reasons that approval for the tree removal permit should be withdrawn. Carving off large sections of a protected tree is not a reasonable treatment, nor should it be regarding an "accepted practice of forestry and landscape design" in the City of Oakland. Reasonable treatment includes those above. The tree need not be removed.

Denial of the Permit is warranted under Oakland Municipal Code Chapter 12.36.050 Section B, Subsection 2. Drainage.

12.36.050 - Criteria for tree removal permit review.

- B.

A finding of any one of the following situations is grounds for permit denial, regardless of the findings in subsection A of this section:

- 2.

Adequate provisions for drainage, erosion control, land stability or windscreen have not been made in situations where such problems are anticipated as a result of the removal.

The city inspector failed to investigate the issue of adequate provisions for drainage where such problems are anticipated as a result of the removal. Nor did he bother to discuss the matter with property owners who had expressed the desire to share relevant information. If he had bothered, it would have been quickly apparent that there will be major problems if the tree is removed – existing problems on three properties will become far worse.

During the comment period, we specifically requested that the inspector consult with us and the property manager at 500 Vernon Street condo complex about the issue of the driveway, drainage and the redwood. Administrative Assistance Luster made clear to us on the last day of the public comment period that under Public Works standard policy this would NOT happen. She stated that the Tree Division has been directed to place very little weight on the actual content of what the public writes or calls in to say, and the inspector does not conduct interviews. Decisions are based on what he sees during his visit, as he is the city's expert on these matters.

First to the 500 Vernon Street Complex. A significant portion of the water run off from 552/550 Street currently is being piped to run off directly onto the 500 Vernon Street property. In this area, the 500 Vernon Street foundation is sinking under the burden of water saturation. If the redwood is removed, even more water will flow into the pool of saturated soil. Currently, the tree and its root system is absorbing a great deal of water and stabilizing the soil above the 500 Vernon Street Condo complex property.

Second, the 550/552 Vernon Street duplex property. Historically, since the house was elevated one floor, with a new semi submerged ground floor created, the basement has leaked. This is not and has not been caused by the presence of the redwood, but stems from a number of other conditions. The new property owners plan to move ahead with engineering and site work, applying for permits, after they are successful in receiving the Tree Division's help to remove the tree improperly under a non-development permit. The driveway side of the house does not have proper drainage. Removal of the tree will only make matters worse, as even more water will flow into the basement during storms; water that previously would have been absorbed by the tree and its root system.

Third, and least important: 554 Vernon Street. During and after storms, water pools at the base of the driveway in the street gutter at 550/552 Vernon Street. This frequently backs up into our driveway at 554 Vernon. Removal of the redwood will make matters worse.

If the city continues to attempt an end run around municipal ordinances and grants a tree removal non-development permit, this will cause problems for us which would require work be done paid for by the city's Public Works Agency. The pooling of water is due to the street grading on Vernon Street in the storm run off gutter. There is a dam effect in front of the 500 Vernon Street property. Apparently it is not a concern of the Tree Division that level of this dam water will rise even higher with the removal of the tree.

Lastly, and perhaps most importantly considering the public at large: Apparently, city Public Works inspectors, such as Mr. Thomson are not concerned about the costs and difficulties generated to the city when they approve expansion of paved driveways under non-development tree removal permits. Storm run off is increasingly diverted into the already over burdened storm drain system, that previous was retained by large trees and their roots.

Adequate provisions have not been made for drainage problems that should have been easily anticipated if the removal of the coast redwood is approved. The proper decision would have been to deny the non-development permit, at least until proper planning is done for the development work in the area around the tree that will be happening in the coming years.

Neighbors are well aware of these plans. There has been much discussion on the subject. When the property was sold to the latest owners, at least \$10,000 was held back from the purchase price to be used toward construction work that is planned to be done soon near the redwood.

In an email specifically to Inspector Thompson before he visited the site, I called to his attention that there was important information to be shared about plans to develop the driveway. This was not reflected in the Tree Division's decision.

Out of Date and Downright Wrong Information Being Used and Promoted By City in Relation to Tree Removal Permits

We ask the commission to consider these factors in order to recognize that the Public Works Tree Section is in need of helpful guidance. It's operational and decision making processes are in serious need of attention. This has contributed to a deeply flawed decision in this case, which should be overturned.

The City of Oakland's Protected Tree Ordinance has obviously not been updated in quite some time. For instance, official website information is sadly out of date, and leads to wasted time and confusion.

According to the current ordinance, the location to obtain an appeal form for a decision of the Tree Division is 1520 Lakeside Drive. One might wonder: exactly where and from whom one obtains appeal forms at 1520 Lakeside Drive?

Is it from a waiter while ordering food at the Lake Chalet Sea Food Bar and Grill?

Perhaps a gondolier will hand you a form to appeal to the Parks and Recreation Advisory Commission during a romantic boat tour of Lake Merritt.

The Tree Division was alerted to this out of date information months ago. The wrong information remains up as the official information.

The City Arboricultural Inspector relies on information that is quite old and behind the times regarding urban forests and tree removal. If anyone from the commission is interested in discussion on this, the appeal is an opportunity to bring examples to the attention of the most relevant people.

For instance, in his decision, he turns recommendations made in reference books on their head. Recommended distances between new trees and structures planted during planned construction development, intended to PROTECT trees, are used as an argument to condemn thriving healthy existing mature trees in high density cities – and this is done with the goal of creating more space for cars.

We can do better than that, in what we expect and require from our city's experts.

The city clearly is not learning from the experience of its own communities. It is true that there are ideal spread distances for planting new trees in the suburbs or the tops of low density hills. Yet mature coast redwoods are thriving quite close to buildings in high density neighborhoods, and both trees and buildings remain healthy. We have found ways for large trees to grow in building dense neighborhoods. It's time to learn from the results of practical experimentation over many decades the public and the trees have produced.

By the inspector's incorrect thinking, the majority of coast redwoods in our city's high density neighborhoods are "too close" to homes. If asked for his decision, he favors the chainsaw. Where would our city's canopy percentage be, if our communities do not question his authority to pass verdicts without review.

The Tree Division was specifically asked to consider why this coast redwood – that he has suggested must be either be sliced up or cut down – is so healthy. Our communities have provided the scientific evidence that redwoods growing between large buildings can often continue to grow and thrive. Granted, this in some ways this is contrary to conventional undergraduate forestry teaching. As it turns out, the buildings act as a proxy for a grove of redwoods. Coast redwoods do best in groves. They provide shade protect for each other, and minimize the impact of high winds on one another. Experience shows, buildings and redwoods can survive side by side, especially if aided by proper maintenance.

This is good news for our city, our communities, our trees and our response to climate change. We realize that it might not be the best news to people whose main skills are limited to the use of chain saws. For such people, please don't worry, there is plenty to be done to help grow and maintain our urban forests. But, you must be willing to learn a few new things once in a while and to discard old and flawed thinking.

The inspector's conclusion is that the redwood tree listed under tree removal permit number ND14-144 is simply too close to the house. Even though both the tree and the house are in good shape, he has granted the tree removal permit.

He is using old and not site specific information, and he is misreading and misapplying the guidelines in the sources he himself is quoting.

The permit approval should be overturned. This is a bad decision.

There is still time to correct it.

We hope that the outcome of all this is positive corrective action.

We ask that the Public Works Agency and the inspector please consider this. There is no shame when we learn from each other.

We look forward to help from the Parks and Recreation Advisory Commissions help in these matters.

Spoken Expert and Well Informed Factual Community Testimony to be Presented at Appeal Hearing

We are prepared to present expert factual testimony at the hearing in concise form on the following subjects. Note: the Tree Division explicitly stated that they do not place weight on what is said in the public comment period, that the appeal is the place to present such information.

== Public Health and Climate Change: Medical doctor, Biologist, and Educator are prepared to speak.

== Respected Arborists, who work *with* the communities of Oakland to help green the city.

== Reasonable alternatives to removal of the tree.

== Efforts by communities to ease the disparity of where some districts are surrounded by large trees and wildlife (high elevation, low density, low melanin skin-content neighborhoods), while others live surrounded by pavement and few trees (low lands, high density, high melanin skin content.) We would ask that the city not stand in the way of the efforts to improve the situation, including how the city government considers tree removal permit decisions.

== History of the neighborhood, its trees and the specific property.

== Experts in landscaping, drainage, site work, and tree maintenance in high density urban environments in Oakland.

**Request for Ruling By the Parks and Recreation Advisory Commission on
Whether This Was Properly Classified as a Non-Development Tree Removal
Permit**

Based on information you are reading elsewhere in this appeal document and answers to questions you wish to pose to neighbors attending the appeal hearing, we would respectfully request that the Commission specifically issue a ruling on whether this was appropriately classified as a non-development case rather than a development case, and that therefore this appeal was properly directed to the Commission rather than to the City Council.

References

Relevant City Of Oakland Ordinances and Policies

Protected Tree Ordinance

https://www.municode.com/library/ca/oakland/codes/code_of_ordinances?nodeId=TIT12STSIPUPL_CH12.36PRTR

Oakland's Energy and Climate Action Plan

<http://www2.oaklandnet.com/Government/o/PWA/s/SO/OAK025294>

Friendly Bay Ordinance

<http://ec2-54-235-79-104.compute-1.amazonaws.com/oak/groups/pwa/documents/policy/oak029613.pdf>

Reference Used By Tree Division Inspector in his decision, as cited authority that a high percentage Oakland's existing trees are too close to buildings, and should be allowed to be removed.

Matheny, Nelda and James Clark. Trees and Development: A Technical Guide to Preservation of Trees During Land Development. International Society of Arboriculture, Champaign Il. 1998 [\$50]

References by same authors cited above warning against making the errors committed by City of Oakland's inspector in this decision

<http://www.kirklandwa.gov/Assets/RFP+Urban+Forestry+Mgmt+Plan-Attach+B.pdf>

Education, Continued Education, and Experience of City Inspector in relation to expertise as person in authority to protect trees. Drainage; Landscaping; Climate Change; Public Health and Safety etc.

Inspector Thomson's Link-in page: <https://www.linkedin.com/pub/mitch-thomson/82/804/774>

Past Decisions of the Tree Division on Tree Removal Permits

Dozens available on-line.

Decisions by Tree Division Recognizing Climate Change as a serious concern and an important factor when making tree protection and/or removal decisions:

None Found.

Useful References, Available Free and On-line

A Technical Guide to Urban and Community Forestry in Washington, Oregon and California

<http://www.na.fs.fed.us/spfo/pubs/uf/techguide/toc.htm>

<http://www.na.fs.fed.us/spfo/pubs/uf/techguide/selection.htm>

http://www.fs.fed.us/psw/programs/uesd/uep/products/2/cufr_646_Muncpl%20For%20Bnfts%20Csts%20Five%20Cty.pdf

<http://www.sactree.com/assets/STF%20Greenprint%20Booklet.pdf>

<http://www.epa.gov/heatisland/mitigation/trees.htm>

<http://www.wnps.org/npsp/king/documents/bchaney-OverviewofTreeAssessmentMethods021210.pdf>

Practices and Policies of Leading Cities in Urban Forest Development and Maintenance

A Compilation – [Oakland has dropped out as being recognized as a leader]

<http://www.usmayors.org/trees/treefinalreport2008.pdf>

Portland OR

<http://www.portlandoregon.gov/parks/article/226238>

New York City

http://www.milliontreesnyc.org/downloads/pdf/ufore_study.pdf

Berkeley Ca

http://www.ci.berkeley.ca.us/Parks_Rec_Waterfront/Trees_Parks/Trees_and_Urban_Forestry_Management.aspx

<http://ec2-54-235-79-104.compute-1.amazonaws.com/Government/o/PWA/o/FE/s/SO/a/AdoptedPolicies/index.htm>

Oakland Ordinances and Policy

[Sustainable Development Resolution \(PDF\)](#) (No. 74678 C.M.S., 1998)

[Climate Protection Resolution](#) (No. 72809 C.M.S., 1998)

Urban Environmental Accords Resolution (PDF) (No. 79808 C.M.S., 2006)

Civic Bay Friendly Landscaping Ordinance (PDF) (No. 12950 C.M.S., 2009)

Public Health and Safety, Climate Change and Urban Trees

References and testimony to be provided at appeal hearing.

CITY OF OAKLAND
Interoffice Memorandum



Oakland Parks and Recreation

TO: Barry Miller, Chair, Parks and Recreation Advisory Commission
FROM: Catherine Payne, Planner III, Major Projects Division, Bureau of Planning
DATE: April 8, 2015
SUBJECT: INFORMATION REPORT REGARDING FINAL DEVELOPMENT PERMIT APPLICATION FOR SHORELINE PARK (BROOKLYN BASIN)

SUMMARY

The purpose of this report is to provide the PRAC with background and information related to implementation of the Brooklyn Basin Project (formerly known as “Oak Street to Ninth Avenue”). The Brooklyn Basin Project land use entitlements were originally approved in 2006 and 2009. At this time, the applicant, Zarsion-OHP 1, LLC (ZOHP) is initiating Phase I improvements. Specifically, the applicant is seeking a Final Development Permit to construct Shoreline Park, including the demolition of a large portion of the 9th Avenue Terminal, as approved under the Preliminary Development Permit. Later this year, staff will request the PRAC to consider FDP findings for Shoreline Park.

PROJECT SITE AND SURROUNDING AREA

Brooklyn Basin generally encompasses a 64-acre site that adjoins the Oakland Estuary to the south, the Embarcadero and I-880 freeway to the north, 10th Avenue to the east, and Fallon Street to the west. The Shoreline Park site is located in the eastern portion of Brooklyn Basin, generally between 9th Avenue and the Oakland Estuary. The Shoreline Park site previously hosted commercial and industrial uses (including the Ninth Avenue Terminal, a retail furniture store, a metal recycling facility, and outdoor storage of shipping containers).

FISCAL IMPACT

There will be no fiscal impact to the City of Oakland related to development and maintenance of Shoreline Park. The project is responsible for both development and maintenance of all Brooklyn Basin parks, including Shoreline Park.

Regarding development costs and responsibilities, the Development Agreement between City of Oakland, Redevelopment Agency of the City of Oakland, and Oakland Harbor Partners, LLC (Development Agreement) Section 4.4.2 states that:

“Developer, at it[s] sole cost, shall be responsible for the construction of the Public Open Space improvements for that portion of the Public Open Space located east of the Lake Merritt Channel pursuant to plans approved by the City, which plans shall be substantially similar to the conceptual plans included within the Project Approvals... Notwithstanding the foregoing to the contrary, Developer shall have the right to fund all or a portion of the costs associated with the construction of the Public Open Space improvements through the CFD {Community Facilities District}.”

In summary, the Development Agreement states that the developer, ZOHP, is responsible for construction and delivery of park improvements to the City of Oakland.

Regarding future ongoing park maintenance, the Development Agreement assumes maintenance to be undertaken by the project:

“The City and Developer shall work together to form the CSD {Community Services District} (Section 4.4.4)... The CSD would be responsible for day to day maintenance of the following public improvements pursuant to the Minimum Maintenance Standards attached hereto as Exhibit F: (i) the improvements within the Public Open Space (including, without limitation, the pile supported deck underlying Shoreline Park) (Section 4.4.4.2)... Regardless of whether or when the CSD is formed, (i) the CFD shall be formed, and (ii) full funding established and authorized as necessary to fulfill in perpetuity (A) the maintenance and service obligations specified in this Section 4.4 or otherwise specified for inclusion in the CSD or CFD budget...” (Section 4.4.4.4)

In summary, the DA states that a CSD and/or CFD or other separate financial tool, acceptable to the City will fund park maintenance and not the City of Oakland.

Staff is currently working with the developer, ZOHP, to establish a Community Facilities District and other financial tools to provide park maintenance that ensure no City of Oakland responsibility, consistent with the terms of the Development Agreement.

PROJECT DESCRIPTION

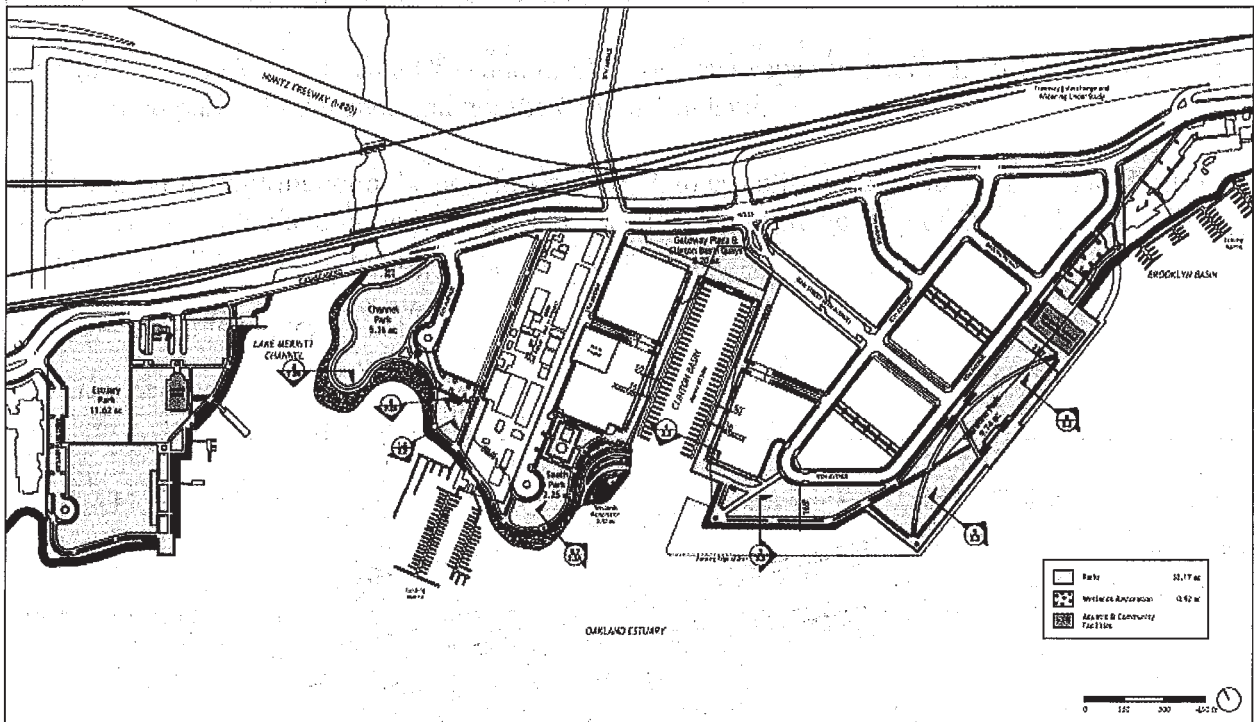


Figure 1: Brooklyn Basin Parks (Shoreline Park is the southeastern most park)

ZOHP is initiating final permit applications to develop Shoreline Park. Shoreline Park is the first of three new parks that are planned as part of the approved Brooklyn Basin project. Shoreline Park is the southeastern most park at the Brooklyn Basin site (immediately east of 9th Avenue), sited generally where the 9th Avenue Terminal is currently located. ZOHP received preliminary land use entitlements for the park and demolition of the 9th Avenue Terminal in 2009. At this time, the remaining City of Oakland requirements to allow issuance of construction-related permits for the park include:

- Demolition Findings for the 9th Avenue Terminal (Landmarks Preservation Advisory Committee—LPAB-- recommendation to Planning Commission--PC);
- Submittal of an application to designate the 9th Avenue Terminal as a City of Oakland Landmark (LPAB and PC recommendation to City Council); and
- Final Development Permit for Shoreline Park, including the remaining portion of the 9th Avenue Terminal (LPAB and Parks and Recreation Advisory Committee—PRAC-- recommendation to PC).

ZOHP has submitted a Final Development Permit (FDP) application for Shoreline Park, as well as a Landmark Application for the 9th Avenue Terminal. As of this writing, staff has not deemed either application complete. However, in the interest of seeking early public and City input, staff is providing information to and seeking guidance from the PRAC regarding the project status and proposed design.

The planned Shoreline Park is approximately 10 acres, much of which is located on an existing pile-supported wharf over the Bay. The approved design includes demolition of approximately 90 percent of the 9th Avenue Terminal, and historic preservation of the southeastern portion of the building. The park is envisioned to host periodic special events. There are 30 off-street parking spaces and up to 60 on-street parking spaces (public spaces located on 9th Avenue, adjacent to the park). The FDP included an open lawn area occupying up to four acres of the site; however, due to structural limitations of the wharf, the FDP application includes wood decking in lieu of lawn.

Attachment A provides the plans submitted by ZOHP to initiate the FDP application, and includes both conceptual park plans and the proposed 9th Avenue Terminal building design.

BACKGROUND

City of Oakland Land Use Entitlements

The planned Brooklyn Basin Project consists of a mix of residential, retail/commercial, civic, and parks and open space uses preliminarily approved by the Planning Commission on March 15, 2006, and for which a Development Agreement was executed on July 18, 2006 by the City Council. Following a legal challenge, final entitlements were granted in 2009. The project sponsors plan to construct up to 3,100 residential units, 200,000 square feet of ground-floor commercial space, a minimum of 3,950 parking spaces, 29.9 acres of parks and public open space, two renovated marinas (total of 170 boat slips), and an existing wetlands restoration area. The existing buildings on the site will be demolished with the exception of a portion of the Ninth Avenue Terminal shed building and the Jack London Aquatic Center. The project does not include approximately six acres of privately-

held property along and east of 5th Avenue that contains a mix of commercial and industrial uses, as well as a small community of work/live facilities.

Over the past year, ZOHP has worked with the City of Oakland to comply with the terms of the zoning regulations, Development Agreement (DA), Planned Unit Development permit (PUD), Environmental Impact Report (EIR) and the adopted project Conditions of Approval (CoAs) to prepare the Phase I site for parcel development activities. Parcel development cannot occur until a Final Map is issued, and specific CoAs must be met prior to issuance of the first Final Map. To this end, the applicant has worked to complete the following milestones toward issuance of the first Final Map (this matrix represents the highlights of the applicant's activities and is not exhaustive):

Summary of Brooklyn Basin Milestones March 2015

Milestone	Required by	Status
Land Use Entitlements (DA, PUD/PDP, GPA, Rezone, EIR)	Oakland Municipal Code	Complies: Initial (challenged) approval 7/18/2006; Final approval 1/2009
Schematic Master Improvement Plan	CoA 33, Prior to issuance of site development grading permit	Complies: Submitted to the City of Oakland and revised based on City comments 3/2014; City Engineer approval 5/2014
Soil remediation (grading/surcharge permits)	EIR MM H, Prior to issuance of site development building permits	Complies: Activities initiated 6/2014
Sale of Parcels F, G and T to the City of Oakland	CoA 48: 90 days after determination of Finished Lots or earlier	Complies: Close of escrow 8/2014 (prior to Finished Lot)
Phase I Infrastructure FDP	Zoning regulations	Approved by Planning Commission 11/14
CFD	CoA 38, Prior to issuance of first Final Map	In process as of this writing
Final TDM	EIR MM B and C, CoA 22, Prior to approval of FDP	Complies: Planning Commission recommendation 11/5/14; City Council consideration pending
Submittal of CC&Rs	CoA 30, Prior to submittal of First Final Map	Complies: 8/2014

The PUD includes two permitting phases: the Preliminary Development Permit (PDP) and the Final Development Permit (FDP). The PDP was approved as part of the PUD approval in 2006. The PDP represents schematic design of Shoreline Park (and is shown in Attachment B to this report). The FDP is intended to represent design development of the approved PDP—it should be consistent with and an evolution and refinement of the approved PDP. In considering approval of an FDP application, the Planning Commission is asked to make “written findings that the Final Development Plan is in substantial conformance with the Preliminary Development Plan...” (Planned Waterfront Zoning District Section PWD-4.060). The PRAC, in turn, will be asked to make a recommendation to the Planning Commission for all future Brooklyn Basin Park FDP applications based on the required findings.

State Lands Jurisdiction

The Public Trust Policy for the California State Lands Commission controls waterfront land uses generally (and Shoreline Park, specifically), as follows:

Uses of trust lands, whether granted to a local agency or administered by the State directly, are generally limited to those that are water dependent or related, and include commerce, fisheries, and navigation, environmental preservation and recreation. Public trust uses include, among others, ports, marinas, docks and wharves, buoys, hunting, commercial and sport fishing, bathing, swimming, and boating. Public trust lands may also be kept in their natural state for habitat, wildlife refuges, scientific study, or open space. Ancillary or incidental uses, that is, uses that directly promote trust uses, are directly supportive and necessary for trust uses, or that accommodate the public's enjoyment of trust lands, are also permitted. Examples include facilities to serve visitors, such as hotels and restaurants, shops, parking lots, and restrooms. Other examples are commercial facilities that must be located on or directly adjacent to the water, such as warehouses, container cargo storage, and facilities for the development and production of oil and gas. Uses that are generally not permitted on public trust lands are those that are not trust use related, do not serve a public purpose, and can be located on non-waterfront property, such as residential and nonmaritime related commercial and office uses.

In summary, applicable State Lands jurisdiction requires Shoreline Park uses to be waterfront-related and public in nature.

Bay Conservation and Development Commission

With regards to the Shoreline Park project, The Bay Conservation and Development Commission (BCDC) has jurisdiction over the 100 feet of land inland from the San Francisco Bay shoreline and requires the provision of a minimum 10-foot wide section of the Bay Trail through all redeveloped bayfront parcels in their jurisdiction, as well as “maximum feasible public access” (Shoreline Spaces: Public Access Design Guidelines for the San Francisco Bay, BCDC). More specifically, Shoreline Park is subject to a BCDC Permit (No. 2006.007.01) that is generally consistent with the PDP (see Attachment B), and includes: 345,000 square feet of access, including a public fountain, 40 benches, pedestrian-scale lighting, wharf railings, one Bay Trail directional map, four interpretive/historic markers, a vertical trail marker; a 24,600 square-foot rain garden for stormwater

detention, as well as public access improvements along the train trestle located to the northeast of the Ninth Avenue Terminal.

Public Comments to Date

The LPAB previously reviewed the Shoreline Park FDP application at their regularly scheduled meeting on March 9, 2015. In addition, the LPAB held a public hearing on the information item. The following comments were received:

- LPAB:
 - Landmark application:
 - Prefer to process Landmark application sooner rather than later (prior to demolition)
 - Would like to receive an application to landmark entire building
 - *Staff note: CoA 25.b(5) states project requirement as: ...an application to nominate the remaining portion of the building and the site as a City of Oakland landmark*
 - Can 2004 landmark application be revived?
 - Would like applicant to work with community to submit application
 - LPAB might receive two separate applications at two different times
 - Design:
 - Park design should incorporate references to extent and footprint of historic building: carry evidence of building out into landscape (keep pedestals/columns)
 - Ensure long-term maintenance of unique park features
 - Need more public amenities: restrooms, seating and gathering areas
 - Park feels vast and empty:
 - Invigorate space with pop-up retail and activities;
 - Indicate immense scale of 9th Avenue Terminal;
 - Express landscape that might have been there historically
 - Established a subcommittee:
 - Andrews and MacDonald volunteered to be on subcommittee
- Public Speakers:
 - Naomi Schiff:
 - Likes Michael Willis design for the remaining portion of the 9th Avenue Terminal
 - Mark the original portion of the building to indicate the earlier (vs. the later) construction phase of the building
 - Park design is not adequately detailed
 - Does not support landmarking the building: this is a remnant of a facility and landmarking such would be an insult
 - Believes the wharf may be historic given its' age
 - No high-end restaurant
 - Integrate indoor/outdoor space
 - Joyce Roy:
 - How many building bays is the project required to preserve?
 - *Staff note: The required retention of twenty thousand square feet of the original building is accommodated by retention of four building bays;*

keeping an additional two bays as outdoor space is not part of the required building retention

- Designate entire building as a landmark, as the planned project may never happen

NEXT STEPS

The purpose of this report is to provide background information regarding the Brooklyn Basin Shoreline Park PDP, provide the PRAC with the preliminary Shoreline Park FDP submittal, and provide clarity to and respond to questions from the PRAC and community members regarding the remaining decision-making process for development of the park.

In the future, the PRAC will be asked to conduct design review and make a recommendation regarding the required FDP findings. As noted above, the required Planning Commission findings are "that the Final Development Plan is in substantial conformance with the Preliminary Development Plan..." (Planned Waterfront Zoning District Section PWD-4.060).

RECOMMENDATION

Staff recommends the PRAC:

- A. Accept this informational report;
- B. Review the attached plans (Attachment A);
- C. Provide early comment on the FDP submittal and required findings; and
- D. Identify any outstanding information needs.

Respectfully submitted,

CATHERINE PAYNE, Planner III
Development Planning Division

Attachment A: Shoreline Park FDP Submittal (February 2015)

Attachment B: Brooklyn Basin Approved PDP (2006)

Attachment C: Development Agreement Exhibit F