

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND
B. P. [Signature]

RESOLUTION No. 78789 C.M.S. 2004 JUL -8 PM 6:05

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION TO AMEND RESOLUTION NO. 77953 C.M.S. AND TREE REMOVAL PERMIT DR01-154'S CONDITIONS OF APPROVAL REGARDING A TREE REMOVAL PERMIT APPEAL AT 6036 CONTRA COSTA ROAD

WHEREAS, on December 24, 2001, Guita Boostani, Steven Glaudemans Architects ("Applicants") submitted an application for Tree Removal Permit (TRP) DR01-154 to remove five (5) protected trees from the property located at 6036 Contra Costa Road; and

WHEREAS, to address neighbor's concerns, the proposed plans were modified by reducing the size of the house to provide additional growing space to two Oak trees to be preserved; and

WHEREAS, on February 4, 2002, the Office of Parks and Recreation (OPR) approved the issuance of TRP DR01-154 for the removal of five (5) trees from said property; and

WHEREAS, on February 10, 2001, William and Jill Meyer and Michael and Kathy Bracco ("Appellants") filed an appeal with the Office of the City Clerk against the OPR decision approving TRP DR01-154; and

WHEREAS, the appeal came before the City Council on March 26, 2002, and the applicants and appellants jointly agreed to additional conditions of approval to be included in the tree permit and to hold the final decision on this appeal pending the decision of the storm drain location; and

WHEREAS, the adjoining property owner, East Bay Regional Park District, granted an access easement to the City of Oakland for the purpose of maintaining storm drain facilities on the applicant's property; and

WHEREAS, the appeal came before the City Council on July 15, 2003, the appeal was denied and the permit was approved subject to certain conditions; and

WHEREAS, on February 27, 2004, the Building Services Department approved the building plans; and

WHEREAS, it has been recognized that the location of the tree protection fence required by the tree permit's conditions of approval conflicts with the proposed location of the right front corner of the living room, front porch and the edge of the driveway, and

WHEREAS, the Building Services Division has recommended that the driveway be 16-feet wide, and

WHEREAS, an exploratory trench was dug along the edge of the proposed driveway and it was determined that significant roots do not exist in the area of the driveway, and

WHEREAS, it is reasonable to allow the property owners to install a flagstone walkway from the driveway to the front door, and

WHEREAS, these four amendments to the conditions of approval will not have a significant impact on the health of the trees to be preserved, now, therefore, be it

RESOLVED: That the Additional Conditions of Approval contained in Tree Removal Permit DR01-154 and Resolution No. 77953 C.M.S be amended; and be it

FURTHER RESOLVED: That the amended Additional Conditions of Approval, (attached as Attachment A and hereby incorporated by reference as if fully set forth herein), shall be provided during the construction period; and be it

FURTHER RESOLVED: That the City Council, having heard, considered and weighed all the evidence presented on behalf of all parties and being fully informed of the permit and site conditions, finds, for all the reasons stated in this resolution and any additional reasons brought before the Council, that Resolution No. 77953 C.M.S. shall be amended; and be it

FURTHER RESOLVED: That the record relating to this permit includes, without limitation the following:

1. The application, including all accompanying maps and papers;
2. All plans submitted by the applicant and his representatives;
3. All staff reports, decision letters and other documentation and information produced by or on behalf of the City, and all notices in relation to the application and attendant hearings;
4. All oral and written evidence received by the City staff, and City Council before and during the public hearings on the application and appeals;
5. All matters of common knowledge and all official enactment's and acts of the City, such as (a) Oakland Municipal Code, (b) other applicable City policies and regulations; and (c) all applicable state and federal laws, rules and regulations; and be it

FURTHER RESOLVED: That the recitals contained in this resolution are true and correct and are an integral part of the City Council's decision.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 20 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~, WAN AND

PRESIDENT DE LA FUENTE - 7

NOES- 0

ABSENT- REID - 1

ABSTENTION- 0

ATTEST:



CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

Attachment A

OFFICE OF PARKS AND RECREATION
Additional Conditions of Approval
Tree Permit DR01-154
6036 Contra Costa Road: APN 048A-7101-003-13

1. Fencing Requirement

The existing cyclone fencing must remain in place until all construction activities relating to the house and driveway are completed. Fence removal must be pre-approved by the Tree Services Section. Please telephone (510) 615-5850 to schedule the approval of this requirement.

- Tractor work, storage of material, depositing soil, removing soil, cutting roots, parking of equipment or any other work activities are prohibited within the fenced area.
- Excavation or removal of soil within the protected perimeter of Tree A will only be permitted in the installation of the flagstone walkway and the planting of the approved landscape plants.
- **Failure to comply with this requirement will result in fines and/or replacement trees for working illegally around protected trees.**

2. Additional Requirements

- Pruning of tree 'A' shall be limited to the minimum amount that will allow construction to occur. The pruning must be done by a Certified Arborist and follow the International Society of Arboriculture's Tree Pruning Guidelines.
- Heavy machinery will be kept 15 feet away from tree 'A'.
- The driveway shall be 16 feet wide for its entire length with the fill section utilizing a structural soil mix of aggregate and topsoil.
- Interlocking pavers or an equivalent material shall be installed as the driveway so that water infiltration and gas exchange can occur in the soil for the root system's benefit.
- Tree roots within the construction area must be cut cleanly with hand tools. Roots may not be severed by bulldozer blade, backhoe, or other motorized equipment that will fracture and damage tree roots. All exposed roots shall be cut clean and the root ends are not to be left exposed to the air.
- The dry stone retaining wall construction along the driveway shall be limited to the excavation necessary for the minimum wall foundation and step up from the street level to the existing grade. No other grade changes shall occur under the canopy of tree 'A' within the entire root protection perimeter.
- A four to six inch layer of mulch shall be applied to the soil surface under the canopy of tree 'A' in order to mitigate the affects of any root loss. The mulch material shall be shredded bark, woodchips or an equivalent. The mulch shall be kept at least one foot away from the tree trunk.
- No trenching will be permitted within the protected perimeter of tree "A". This includes installation of any drainage, utility or irrigation lines.
- All landscape plants within the drip-line area of tree 'A' shall be listed in the California Oak Foundation's guide, "Compatible Plants Under and Around Oaks".

3. Tree Planting Requirement

The applicant shall plant (4) 24" box size or (12) 15-gallon size replacement tree(s) within the property boundaries or on the adjacent park property with written permission from the East Bay Regional Park District.

1. The tree species shall be your choice of:
 - Sequoia sempervirens (Coast Redwood)
 - Quercus agrifolia (Coast Live Oak)
 - Arbutus menziesi (Madrone)
 - Aesculus californica (California Buckeye)
 - Umbellularia californica (California Bay Laurel)
 2. If the Tree Reviewer determines that the replacement trees cannot be planted due to site constraints, an off-site planting fee shall be paid to the City of Oakland. This fee shall be \$300 per tree for each 24 inch box size tree required.
 3. If the 24 inch box size trees are planted, the tree(s) shall be:
 - Eight to nine feet tall
 - One and a half inch caliper
 - Crown spread of three to four feet
 4. Tree Section staff must approve the tree(s) quality before planting, and inspect again after planting to insure correct installation. The property owner and the department must mutually agree upon the location of the tree(s). The tree(s) must remain on the property as a permanent part of the landscape.
 5. The trees must be watered appropriately to establish them in the landscape by watering once a week with ten to fifteen gallons of water, for three years. An irrigation system with a timer must be installed to water the trees. During the rainy season it may be possible to water less depending how much precipitation is received each week. Any tree not alive and healthy one year after the final inspection shall be replaced.
 6. The trees must be planted or an off-site planting fee paid prior to the final inspection and certificate of occupancy, or the Department will consider the tree(s) that were removed as illegal tree work. The penalty for illegal tree work is a fee; not to exceed the value of the tree(s) illegally removed as evaluated by the formula developed by the International Society of Arboriculture. The fee could be attached as a lien against the property if the fee is not paid.
- 4. Building Requirements (agreed to 3/26/02 as item from permit appeal discussions and approved by City Council Resolution on 7/15/03.)**
- The architects agree to put skylights on the roof instead of a light well, and the skylight will be no higher than 6 inches above the rooftop and no wider than 10% of the aggregate horizontal building area.
 - The existing storm drain will be rerouted pursuant to Private Job Permit # PX0200030 along the left side of the property.