

APPROVED AS TO FORM AND LEGALITY

  
Carlos Ortiz (Jul 23, 2023 4:06 PDT)

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION DENYING THE APPEAL FILED BY MANUEL JOSEPH SCANLON JR AGAINST THE DECISION OF OAKLAND PUBLIC WORKS DEPARTMENT APPROVING THE ISSUANCE OF DEVELOPMENT-RELATED TREE REMOVAL PERMIT T22-154 FOR AN UNDEVELOPED LOT ADJACENT TO 9 HOMEGLLEN LANE**

**WHEREAS**, On December 16, 2022, Leila Porter (“Applicant”) submitted an application for Tree Removal (T22-154) to remove four trees from an undeveloped lot adjacent to 9 Homeglen Lane in order to build a single-family home; and

**WHEREAS**, On June 9, 2023, Oakland Public Works (OPW) approved the issuance of T22-154 for the removal of four protected trees on said property; and

**WHEREAS**, the decision was justified on the basis that Section 12.36.050 (A)(1) of the Protected Tree Ordinance justifies the approval of the tree removals based on the trees’ proximity to a proposed structure; and

**WHEREAS**, On June 16, 2023, Manuel Joseph Scanlon Jr (“Appellant”) filed an appeal with the Office of the City Clerk against the OPW decision approving permit T22-154; and

**WHEREAS**, The appeal came before the City Council on June 28, 2023, and the appellants and interested neutral parties were given ample opportunity to participate in the public hearing and were given a fair opportunity to submit relevant evidence to the City Council; and

**WHEREAS**, the public hearing on the appeal and application was closed by the City Council on June 28, 2023, after a public hearing of said appeal was conducted, and a motion to deny the appeal and to approve issuance of permit T22-154 subject to certain conditions noted below was passed; now, therefore, be it

**RESOLVED:** That the decision of OPW is hereby affirmed; and be it

**FURTHER RESOLVED:** That the appeal filed by Manuel Joseph Scanlon Jr. against

the decision of OPW approving the removal of trees in permit T22-154 is hereby denied; 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 application, finds, for all the reasons stated in this resolution that the appeal should be denied; and be it

**FURTHER RESOLVED:** That the decision of the Oakland Public Works Director to approve removal of the trees is affirmed, the appeal is denied, and the application for tree removals is approved subject to the conditions of approval (attached as Attachment A and hereby incorporated by reference as if fully set forth herein); and be it

**FURTHER RESOLVED:** That the record relating to this application and appeal includes, without limitation the following:

1. The application;
2. All plans submitted by the applicant and her 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 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 all applicable state and federal laws, rules and regulations; and be it

**FURTHER RESOLVED:** That the City Council hereby adopts the California Environmental Quality Act (CEQA) findings of the City's Environmental Review Officer and finds that the Project is exempt from CEQA under CEQA Guidelines Section 15311; – New Construction or Conversion of Small Structures and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and be it

**FURTHER RESOLVED:** That the Office of the City Attorney has approved this resolution and a copy will be on file in the Office of the City Clerk; 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, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES – FIFE, GALLO, KALB, KAPLAN, REID, RAMACHANDRAN, JENKINS and  
PRESIDENT FORTUNATO BAS

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
Asha Reed  
City Clerk and Clerk of the Council  
of the City of Oakland, California

