

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION DENYING THE APPEAL FILED BY IFEMOA ADAMS AGAINST THE DECISION OF OAKLAND PUBLIC WORKS DEPARTMENT APPROVING THE ISSUANCE OF DEVELOPMENT-RELATED TREE REMOVAL PERMIT T23-094 FOR AN UNDEVELOPED LOT LOCATED AT 13193 SKYLINE BLVD

WHEREAS, On August 17, 2023 Charles Debbas Architecture (“Applicant”) submitted an application for Tree Removal (T23-094) to remove two trees from an undeveloped lot located at 13193 Skyline Blvd in order to build a single-family home; and

WHEREAS, On October 17, 2023, Oakland Public Works (OPW) approved the issuance of T23-094 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’ potential hazard to life or property and proximity to a proposed structure; and

WHEREAS, On October 19, 2023, Ifeoma Adams (“Appellant”) filed an appeal with the Office of the City Clerk against the OPW decision approving permit T23-094; and

WHEREAS, The appeal came before the City Council on November 7, 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 November 7, 2023 after a public hearing of said appeal was conducted, and a motion to deny the appeal and to approve issuance of permit T23-094 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 Ifeoma Adams against the decision of OPW approving the removal of trees in permit T23-094 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 Director of Oakland Public Works to approve tree removals is affirmed, the appeal is denied, and the application for tree removals is approved subject to the conditions of approval (attached as Attachment 1 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 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