


Oakland City Attorney's Office

OFFICE

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2006 SEP 26 11:13

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER _____

RESOLUTION DENYING THE APPEAL FILED BY ERIN VANG AGAINST THE DECISION OF THE PUBLIC WORKS AGENCY APPROVING THE ISSUANCE OF TREE REMOVAL PERMIT DR06-028 FOR AN UNDEVELOPED LOT AT 6468 OAKWOOD DRIVE (ASSESSOR'S PARCEL # 048F 7375 017)

WHEREAS, on March 13, 2006, John Newton, ("Applicant") submitted an application for Tree Removal Permit (TRP) DR06-028 to remove three trees from an undeveloped lot at 6468 Oakwood Drive (Assessor's Parcel # 048F 7375 017) in order to build a single family home; and

WHEREAS, due notice of the application was given to all affected and interested parties; and

WHEREAS, on July 11, 2006, the Public Works Agency (PWA) approved the issuance of TRP DR06-028 for the removal of three protected trees from said property; and

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

WHEREAS, on July 19, 2006, Erin Vang ("Appellant"), filed an appeal with the Office of the City Clerk against the PWA decision approving TRP DR06-028; and

WHEREAS, the appeal came before the City Council on October 3, 2006, and the appellant, 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 October 3, 2006, after a public hearing of said appeal was conducted, and a motion to deny the appeal and to approve issuance of TRP DR06-028 subject to certain conditions noted below was passed; now, therefore, be it

RESOLVED: That the decision of the Public Works Agency is hereby affirmed; and be it

FURTHER RESOLVED: That the appeal filed by Erin Vang against the decision of the PWA approving the removal of trees in TRP DR06-028 is hereby denied; and be it

FURTHER RESOLVED: That in accordance with the criteria established in Sections 12.36.050 (A) (1) of the Oakland Municipal Code, the removal of three trees in TRP DR06-028 is hereby approved by the Office of Planning and Building; and be it

FURTHER RESOLVED: That in accordance with Section 12.36.060 (A) and (B) of the Oakland Municipal Code, the conditions of approval in the tree permit 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 application, finds, for all the reasons stated in this resolution that the appeal should be denied. Therefore, the decision of the Director, PWA, approving tree removals is affirmed, the appeal is denied, and the application for tree removals is approved subject to the conditions of approval; and be it

FURTHER RESOLVED: That the record relating to this application and appeal 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 enactments 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 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 15303 and directs that the Review Officer prepare a Notice of Exemption for filing at the County Recorder; and be it