


Tarisha Bal (Nov 26, 2025 12:14:49 PST)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION FINDING MATTHEW BERNARD AND LYNN WARNER, OWNERS OF RECORD OF ASSESSOR PARCEL NUMBER 48H-7672-18, IN VIOLATION OF OAKLAND MUNICIPAL CODE CHAPTER 12.36 (PROTECTED TREES) BY ILLEGALLY REMOVING THIRTY-EIGHT PROTECTED TREES AT SAID PARCEL AND IMPOSING A PENALTY, PER CHAPTER 12.36.150 OF THE OAKLAND MUNICIPAL CODE, OF A TOTAL SUM OF NINE HUNDRED AND FIFTEEN THOUSAND, ONE HUNDRED AND THIRTY-FIVE DOLLARS, AND FORTY CENTS (\$915,135.40), TO PLACE ON HOLD ANY BUILDING PERMITS, AND PLACE A LIEN FOR SAID PROPERTY UNTIL THIS PENALTY IS PAID IN FULL

WHEREAS, Chapter 12.36 of the Oakland Municipal Code (Protected Trees Ordinance) protects and preserves trees by regulating their removal, to prevent unnecessary tree loss and minimize environmental damage from improper tree removal, to effectively enforce tree preservation regulations, and to promote the appreciation and understanding of trees; and

WHEREAS, Chapter 12.36.030-120 of the Oakland Municipal Code defines the permitting process for removing protected trees; and

WHEREAS, on February 2, 2021, Oakland Public Works Tree Division staff (staff) responded to a report of illegal tree removals at Assessor Parcel Number (APN) 48H-7672-18 on Claremont Avenue and observed approximately eight (8) protected trees that were recently removed or in the process of being removed; and

WHEREAS, during that visit, staff informed the property owner, Matthew Bernard, who was present on site, that he was in violation of Chapter 12.36 of the Oakland Municipal Code and that all tree removal work needs to stop and cannot continue without permits; and

WHEREAS, Matthew Bernard refused to stop work and abruptly stated that he would not engage in dialogue or respect the authority or jurisdiction of the staff member; and

WHEREAS, on March 2, 2021, Oakland Public Works Tree Division sent a notification of illegal tree removal to the recorded owners of this parcel, Matthew Bernard and Lynn Warner; and

WHEREAS, on March 25, 2021, and June 3, 2021, staff re-inspected said parcel and determined that thirty (30) total protected trees had been illegally removed without a permit; and

WHEREAS, on June 4, 2021, Matthew Bernard submitted Service Request No. 1118697 for a Tree Removal Permit Waiver, and a meeting was scheduled for 1:00 PM on June 7, 2021; and

WHEREAS, on the morning of June 7, 2021, Matthew Bernard canceled the meeting; and

WHEREAS, on June 25, 2021, Julian Tree Care, Incorporated, submitted an incomplete Tree Removal Permit Application for said parcel on behalf of Matthew Bernard; and

WHEREAS, on June 25, 2021, Oakland Public Works Tree Division staff requested more information from Julian Tree Care, Incorporated, in order to process the permit application, and was informed that they were no longer representing Matthew Bernard; and

WHEREAS, on August 10, 2021, staff denied the Tree Removal Permit Application due to a lack of essential information and an inability to acquire said information; and

WHEREAS, on March 18, 2022, staff responded to another report of an illegal tree removal at said parcel to find Matthew Bernard removing four (4) additional protected trees; and

WHEREAS, staff called the Oakland Police Department (OPD) to assist due to Matthew Bernard's refusal to cooperate with staff when told to stop work; and

WHEREAS, on April 30, 2022, staff responded to another report of an illegal tree removal at said parcel to find an additional protected tree removed that was partially growing on a neighboring parcel; and

WHEREAS, on May 9, 2022, staff responded to another report of an illegal tree removal at said parcel to find that two additional protected trees; and

WHEREAS, on May 17, 2022, staff responded to another report of an illegal tree removal at said parcel to find Matthew Bernard and his workers removing another protected tree located on City-owned property, and he and his workers refused to cease work when instructed to do so by staff; and

WHEREAS, staff called OPD for assistance and an officer arrived and took a report, but Matthew Bernard and his workers had already finished removing the tree and had left the site by the time OPD arrived; and

WHEREAS, staff identified a total of thirty-eight (38) protected trees had been removed without permits, with thirty-one (31) having been on said parcel, one (1) on City-owned property, and six (6) on neighboring properties; and

WHEREAS, on July 16, 2025, a Notice of Violation of Chapter 12.36 of the Oakland Municipal Code with descriptions and associated dollar-amount values of each of the thirty-eight (38) illegally removed trees was sent via certified mail and email to Matthew Bernard and Lynn Warner; and

WHEREAS, this action does not constitute a project within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is an administrative activity that will not result in direct or indirect changes in the environment and, in the alternative, is otherwise exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that this action will not have a significant effect on the environment; and

WHEREAS, on July 23, 2025, a Notice of Scheduling a Hearing was sent to Matthew Bernard and Lynn Warner; now, therefore, be it

RESOLVED: That the City Council charges Matthew Bernard and Lynn Warner, the legal owners of APN 48H-7672-18, with willful violation of Chapter 12.36 of the Oakland Municipal Code by the removal of thirty-eight (38) protected trees without permits; and be it

FURTHER RESOLVED: That the City Council impose a penalty of a total sum of nine hundred and fifteen thousand, one hundred and fifty dollars, and ninety-four cents (\$915,135.40) for the illegal removal of these thirty-eight (38) trees; and be it

FURTHER RESOLVED: That the City Council directs the Director of the Oakland Planning and Building Department to place on hold any building permits for APN 48H-7672-18 until this penalty is paid in full.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California