

Proposed Amendments per Council Referral to Increase Protection of Historic/Heritage Trees – April 2018

Section 13-21.2 – Definitions.

“Certified arborist” shall mean an arborist who is registered with the International Society of Arboriculture, including Board Certified Master Arborist and Certified Arborist, as well as Registered Consulting Arborist as defined by the American Society of Consulting Arborists.

Section 13-21.7 - ~~Interim Review~~Procedure for Demolition or Tree Removal.

a. Any building that was constructed prior to 1942 shall not be demolished or removed without the approval of a certificate of approval issued by the Historical Advisory Board. The age of the building shall be determined by a review of the City records.

b. No protected structure shall be demolished or removed without the approval of a certificate of approval issued by the Historical Advisory Board. Protected structures shall mean non-building building resources listed on the Historical Building Study List.

c. No protected tree shall be removed without the approval of a certificate of approval from the Historical Advisory Board. Protected trees shall include: ~~the palm trees in the public right of way on Burbank Street and Portola Avenue; any street tree on Thompson and Central Avenues; and any Coastal Live Oak (Quercus agrifolia) with a ten (10”) inch or greater diameter measured four and one half (4.5’) feet above the ground.~~

1. All coast live oaks (Quercus agrifolia) in Alameda with a ten inch (10”) or greater diameter measured four and a half feet (4.5’) above ground.
2. All Mexican fan palms (Washingtonia robusta) and California fan palms (Washingtonia filifera) in the public rights of way on both sides of Burbank Street, Portola Avenue, and Eighth Street between Central and Portola Avenues.
3. All trees in the three median islands on Thompson Avenue between High Street and Fernside Boulevard, known as Christmas Tree Lane. First island: Atlas Cedar (Cedrus atlantica); Coast Redwood (Sequoia sempervirens). Second island: Atlas Cedar (Cedrus atlantica); Coast Redwood (Sequoia sempervirens); Monterey Pine (Pinus radiata). Third island: Atlas Cedar (Cedrus atlantica); Coast Redwood (Sequoia sempervirens); Jellicote Pine (Pinus patula); Bradford Pear (Pyrus calleryana).
4. All sycamore (London plane trees) (Platanus acerifolia) in the public rights of way on both sides of Central Avenue between Fernside Boulevard and Fifth Street.
5. Any tree located on property designated as a Historical Monument.

A request for a certificate of approval to remove a protected tree on private property shall include a Tree Appraisal. A “Tree Appraisal” shall be done in accordance with the then-current edition of the “Guide for Plant Appraisal” by the Council of Tree and Landscape Appraisers under the auspices of the International Society of Arboriculture and the current edition of the Western

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Chapter of the International Society of Arboriculture's Species Classification and Group Assessment. The Tree Appraisal shall be performed by a certified arborist at the applicant's sole expense, and the appraiser shall be subject to the City's approval. Applicants shall submit an arborist's report in a case where the health of the tree is the reason for the requested removal of the tree, or a contractor's report in a case. A licensed contractor's report shall be included where damage to foundation or other structures is the reason for the requested removal of the tree. Requests to remove a protected tree on private property shall be noticed and posted consistent with the requirements of subsection g. below. The Historical Advisory Board may place conditions of approval on a certificate of approval to remove a protected tree on private property, including but not limited to, a requirement for replacement tree(s) to be planted or payment of in-lieu fees to the City per the Master Fee Resolution. Any street tree shall be replaced, at the applicant's expense, to the satisfaction of the Public Works Director consistent with the Street Tree Master Plan. Any oak tree shall be replaced with a minimum of two (2) oak trees of ten (10) gallon size or larger to the satisfaction of the Planning and Building Director.

d. Findings for Tree Removals. To grant a Certificate of Approval for a tree removal, one of the following findings must be made:

1. The subject tree is in declining health, encountering decay, and other structural defects that present a potential for failure, which could result in injury to persons and damage to property. These cannot be controlled or remedied through reasonable preservation practices or procedures.
2. Due to alterations, such as removal of branches, removal of major roots or root systems, or other impacts the health of the subject tree will continue to decline resulting in decay and other structural defects that increases the potential for the tree to fall, which could result in injury to persons and damage to property. These cannot be controlled or remedied through reasonable preservation practices or procedures.
3. Good forestry practice suggests a reduction in the number of trees due to incapacity of the property to sustain the present number in a healthy condition.
4. The condition of the tree, with respect to disease, maturity, danger of falling, proximity to existing structures, parking, high pedestrian traffic areas, activity areas or interference with utility services, cannot be controlled or remedied through reasonable preservation procedures and practices.

de. Appeals. Any interested person may appeal a decision of the Board to issue or deny a certificate of approval by filing a written appeal within ten (10) days to the City Council. The City Council shall reverse the decision of the Board only if it finds, upon the evidence of qualified sources, that the historical resource is incapable of earning an economic return on its value. If the Council so finds it may grant the appeal.

ef. Validity of Certificate of Approval. Certificates of Approval shall be valid for a period of three (3) years from the date of approval.

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fg. Notification. Notice of a hearing before the Historical Advisory Board shall be given by postal card or letter mailed to owner, as shown on the latest assessment roll, of all properties within three hundred (300') feet of the subject property.

(Ord. 2898 N.S. § 5)

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