

CITY OF ALAMEDA
HISTORICAL ADVISORY BOARD
RESOLUTION HAB-12-21

A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA AUTHORIZING THE SECRETARY OF THE HISTORICAL ADVISORY BOARD TO ACT ON CERTIFICATES OF APPROVAL FOR REMOVAL OF PROTECTED COAST LIVE OAK TREES (QUERCUS AGRIFOLIA) ON PRIVATE PROPERTY.

WHEREAS, Alameda Municipal Code Section 13-21.7, mandates that no protected tree shall be removed without approval of a certificate of approval and identifies any Coast Live Oak with a ten (10") inch or greater diameter measured four and one-half (4.5') feet above the ground as a protected tree; and

WHEREAS, Alameda Municipal Code Section 13-21.5(d) allows the Historical Advisory Board by resolution to delegate its review powers on specific project or categories of projects to the Board Secretary upon making the specific finding that such delegation is necessary to facilitate and streamline the review process, and after approving appropriate guidelines to be followed by the Board Secretary; and

WHEREAS, delegation of oak tree removal projects to the Board Secretary would facilitate and streamline the review process by reducing processing time and associated costs to applicants;

NOW, THEREFORE, BE IT RESOLVED that the Historical Advisory Board hereby delegates the Secretary of the Historical Advisory Board to act on Certificates of Approval for protected Coast Live Oak trees, subject to the following conditions:

1. The Board Secretary shall use the following guidelines to determine if a Certificate of Approval shall be granted:
 - a. The Board Secretary finds an appropriate environmental exemption with respect to the proposed tree removal, such as: California Environmental Quality Act Guidelines Section 15304, Class 4 Exemption for minor alterations to land that involve the removal of a tree for forestry purposes; and
 - b. The Board Secretary makes one or more of the following findings with respect to the proposed Coast Live Oak tree removal:
 - i. 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.

- ii. 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.
 - iii. 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.
 - iv. 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.
2. No protected tree shall be removed without the approval of a certificate of approval. Protected trees shall include: 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. 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 where damage to foundation or other structures is the reason for the requested removal of the tree.
3. The Board Secretary shall require one of the following conditions if a Certificate of Approval shall be granted:
- a. Within 10-days of the approval, the Applicant shall submit a \$250 in-lieu fee, equal to the cost of two fifteen gallon trees, to be collected for the purchase and planting of trees on City owned property.
 - b. The applicant shall replant two 10 gallon oak trees on-site at a location to be approved by the Community Development Department Director.

NOTICE. The decision of the Historical Advisory Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

INDEMNIFICATION. The applicant, or its successors in interest, shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda and their respective agents, officers, and employees from any claim, action, or proceeding against the City of Alameda and their respective agents, officers or employees to attack, set aside, void or annul, any approval or related decision to this project. This indemnification shall include, but is not limited to, all damages, costs, expenses, attorney fees or expert witness fees arising out of or in connection with the project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

AYES: (5) Chair Owens, Vice Chair Rauk, Board Members Hoffman, Jasper, and, Lynch

NOES: (0)

ABSENT: (0)

ATTEST:

Andrew Thomas, Secretary
City of Alameda Historical Advisory Board