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CITY OF ALAMEDA
HISTORICAL ADVISORY BOARD

RESOLUTION HAB-25-5

A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA REGARDING APPLICATION PLN25-0664, GRANTING A CERTIFICATE OF APPROVAL FOR THE REMOVAL OF THREE COAST LIVE OAK (QUERCUS AGRIFOLIA) TREES THAT ARE APPROXIMATELY 18, 14, & 14 INCHES IN DIAMETER AT FOUR AND ONE HALF FEET ABOVE THE GROUND, RESPECTIVELY, LOCATED WITHIN THE PUBLIC LAND AREA ALONG TILDEN WAY AS PART OF A CAPITAL IMPROVEMENT PROJECT.

WHEREAS, applicant made an application on November 12, 2025, proposing the removal of three existing Coast Live Oak trees located on public property immediately north of Tilden Way to facilitate the Clement/Tilden Improvement Project; and

WHEREAS, the General Plan designation of the site is Community Mixed-Use; and

WHEREAS, the parcel is located within the C-2 Central Business Zoning District; and

WHEREAS, the subject property is not a Historic Monument; and

WHEREAS, the three Coast Live Oak trees proposed to be removed each exceeds ten inches in diameter, which qualifies them as protected trees under Alameda Municipal Code section 13-21.7(c); and

WHEREAS, on November 24, 2025, the certified arborist's report was submitted by Leonardo Tuchman surveying the current condition of the trees and providing an evaluation, and the document was thereafter submitted to the City; and

WHEREAS, on December 4, 2025, the Board held a duly noticed public hearing and reviewed and considered the application, including the staff report, exhibits, and other relevant documents including the arborist's report and community testimony in writing and during the hearing.

NOW THEREFORE, BE IT RESOLVED that the project is being reviewed consistently with the 2040 General Plan Environmental Impact Report (GP EIR), and that no further environmental review is necessary, because the GP EIR previously evaluated the potential impacts of the removal of protected trees to facilitate new development and found that adherence to the Historical Advisory Board review process would result in less-than-significant impacts by ensuring that such tree removals would avoid conflicts with City policies and that additional mitigation was not required. Further, the Clement/Tilden Improvement Project was evaluated by, and this action is thereby covered by, the 2009 Environmental Impact Report (EIR) (SCH No. 2007072075) for the Transportation Element.

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BE IT FURTHER RESOLVED that the Historical Advisory Board has made the following findings on the subject Certificate of Approval request:

1. **Removal. The Historical Advisory Board shall determine whether to issue a certificate of approval for the removal with or without conditions of approval, based on whether it finds that the site to which the Historical Monument will be moved contains the appropriate architectural or cultural context.**

   The subject property has not been designated a Historical Monument, however a Certificate of Approval is required for removal of protected trees under Alameda Municipal Code Section 13-21.7(c), because the trees in question are Coast Live Oaks with at least ten-inch diameters at four and one-half feet above the ground. The determination that the trees do not meet the criteria for a Historical Monument is consistent with the Secretary of Interior standards insofar as the trees are not the first, last, only or most significant on their kind, nor are they associated with an individual or group having profound influence on the history of California. The trees will be replaced with oak trees of at least ten-gallon size or greater, at the project site such that the replacement trees will benefit from the same site-specific context that the existing trees enjoy. Removal is necessary to facilitate the Clement-Tilden capital improvement project and implement long-planned right-of-way, bicycle, and pedestrian improvements. The replacement trees will be planted according to an approved planting plan, providing sixteen new oak trees, Engleman's Oaks and Island Live Oaks, positioned to complement the reconfigured urban canopy and public improvements.

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.**

   The applicant has submitted an arborist's report prepared by Leonardo Tuchman, a certified arborist, which recommends removal of the trees. The arborist's determination for each individual tree states that "[the] tree is recommended for removal given project conflicts that cannot be resolved with practical and reasonable alternatives". As discussed above, Removal of the subject trees is necessary to accomplish beneficial public improvements, which cannot be implemented without altering the trees' branch and root systems in a manner that is likely to be detrimental and result in a health decline in the trees. Replacement according to the planting plan will provide new on-site oak trees in locations that are compatible with and enhance the new site context.

BE IT FURTHER RESOLVED that the Historical Advisory Board hereby issues a Certificate of Approval for the proposed removal of trees at the subject property, subject to the following conditions:

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(1) The tree removal shall be in substantial compliance the licensed arborist's report received November 24, 2025, prepared by Leonardo Tuchman, on file in the office of the City of Alameda Planning Building and Transportation Department, except as modified by the conditions listed in this letter.

(2) This approval is limited to the scope of the project defined in the project description and does not represent a recognition and/or approval of any work completed without required City permits.

(3) The applicant shall plant two (2) 10-gallon coast live oak trees for each tree removed, on- site at a location to be approved by the Secretary to the Historical Advisory Board. The applicant shall receive a $750 refund for each individual 10-gallon coast live oak tree planted on-site, to be drawn from the $4,500 deposit the applicant has paid to the City's Oak Tree Mitigation Fund.

(4) The property owner shall ensure that the planting and maintenance of any new Coast Live Oak trees planted to replace the removed trees is conducted in accordance with chapter two of the City of Alameda Master Street Tree Plan Volume 2, "arboricultural best practices", incorporated herein by reference (see attached).

(5) INDEMNIFICATION. To the maximum extent permitted by law, the applicant (or its successor in interest) shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Alameda, its City Council, City Planning Board, officials, employees, agents and volunteers (collectively, "Indemnitees") from and against any and all claims, actions, or proceedings against Indemnitees to attack, set aside, void or annul an approval by Indemnitees relating to this project. This indemnification shall include, but is not limited to, all damages, losses, and expenses (including, without limitation, legal costs and attorney's fees) that may be awarded to the prevailing party arising out of or in connection with an approval by the Indemnitees relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding and the applicant (or its successor in interest) shall reimburse the City for its reasonable legal costs and attorneys' fees.

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

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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.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Historical Advisory Board of the City of Alameda during the Regular Meeting of the Historical Advisory Board on the 4th day of December, 2025 by the following vote:

AYES: HERNANDEZ, BRITO, BEVAN & CROTTY

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Signed by:
Steven Buckley _____
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Steven Buckley, Secretary

City of Alameda Historical Advisory Board