



## Agenda

### **\*Special Meeting of the Oakland Parks and Recreation Advisory Commission (PRAC)**

**Wednesday, November 18, 2020, 4:30 PM**

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### **Meeting Participation Information**

**PARKS AND RECREATION ADVISORY COMMISSION (PRAC)**  
**The public may observe and/or participate in this meeting as follows.**

When: Nov 18, 2020 04:30 PM Pacific Time (US and Canada)  
Topic: Parks and Recreation Advisory Commission (PRAC) Special Meeting for November 18, 2020

#### **Observe:**

Please click the link below to join the webinar:

<https://zoom.us/j/97306524967>

#### **Listen**

Or iPhone one-tap :

US: +16699006833,,97306524967# or +14086380968,,97306524967#

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US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 646 876 9923 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 973 0652 4967

International numbers available: <https://zoom.us/u/aeuOFjZfFZ>

If asked for a participant ID or code, press #. Instructions on how to join a meeting by phone are available at <https://support.zoom.us/hc/en-us/articles/201362663> - Joining-a-meeting-by-phone.

**Public Comments:**

Public comments on action items will be taken after the presentation of each report on the agenda. Comments on items not on the agenda will be taken during Open Forum.

**How To Submit Public Comments:**

1. To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Open Forum comments are being taken or on an eligible agenda item after it has been presented. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129> - Raise-Hand-In-Webinar.
2. To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “\*9” to speak when Open Forum is taken or after an eligible agenda item has been presented. You will be permitted to speak during your turn, allowed to comment, and after the allotted time, re-muted. Please unmute yourself by pressing \*6.
3. To submit comments to the PRAC, send an email to: [publiccomments2prac@oaklandca.gov](mailto:publiccomments2prac@oaklandca.gov) by 10:00 a.m. the day before. List the following information on the “subject” line of your email:  
**Public Comments: PRAC item #\_\_\_\_, dd/mm/yy (date of the scheduled meeting)**  
>>>Replies will not be sent from this email address<<<

If you have questions, email Diane Boyd, Executive Assistant to the Director of Oakland Parks, Recreation and Youth Development [dboyd@oaklandca.gov](mailto:dboyd@oaklandca.gov) .

Thank you.



**\*Special Meeting of the Oakland Parks and Recreation Advisory Commission**

**Agenda**  
**Wednesday, November 18, 2020, 4:30 P.M.**  
**Zoom Teleconference**

1. CALL TO ORDER:
2. ROLL CALL:  
**AIKENS, COLE, DUHE, HA, HOWZE, KOS-READ, MOORE, REILLY, SMITH, TORRES**
3. DISPOSITON OF MINUTES:  
**October 14, 2020 Special Meeting Minutes**
4. OPEN FORUM
5. MODIFICATIONS TO THE AGENDA:
6. CONSENT NEW BUSINESS:
7. NEW BUSINESS:
  - A. **Tree Permit Appeal for 1125 Hollywood Avenue**
  
  - B. **Request For Parks And Recreation Advisory Commission To Approve Leasing Of Lowell Park For Squashdrive**
8. PLANNING AND CONDITIONAL USE PERMITS:
9. MEASURE Q: OVERSIGHT/UPDATES/REPORTS
10. COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:
11. ANNOUNCEMENTS AND COMMUNICATIONS:
12. CONTINUATION OF OPEN FORUM:
13. ADJOURNMENT:

**Next Meeting:**

**Wednesday, December 9, 2020**

**TeleConference**



## **\*Special Meeting of the Oakland Parks and Recreation Advisory Commission**

### **Minutes Wednesday, October 14, 2020, 4:30 P.M. Zoom Teleconference**

1. CALL TO ORDER:
2. ROLL CALL: 4:30 P.M.  
**AIKENS, COLE, DUHE, HA, HOWZE, KOS-READ, MOORE, REILLY, SMITH,  
TORRES, WOLFSON**

**Present – 9:** Commissioners Aikens, Cole, Duhe, Howze, Kos-Read, Moore  
Smith, Torres, and Wolfson. **Excused -1:** Commissioner Ha.  
**Absent -1** Commissioner Reilly

3. DISPOSITION OF MINUTES:  
**September 16, 2020 Special Meeting Minutes**

**Motion:** Commissioner Cole entertained a motion to recommend that PRAC approve the September 16, 2020 Special Meeting Minutes. **Moved by:** Commissioner Aikens. **Second by:** Commissioner Duhe. **Vote:** Yes (8): Aikens, Cole, Duhe, Howze, Kos-Read, Smith, Moore. and Wolfson. **Abstained:** 1 – Commissioner Torres. **Motion:** Passed.

4. OPEN FORUM
5. MODIFICATIONS TO THE AGENDA:
6. CONSENT NEW BUSINESS:
7. NEW BUSINESS:

#### **A. Tree Permit Appeal for 863 Vermont Street**

The Parks and Recreation Advisory Commission reviewed report7A presented by Tod Lawson, Arboricultural Inspector, Oakland Public Works Tree Division.

On November 18, 2019, the Tree Services Division approved tree removal permit ND19-172 for 863 Vermont Ave. After the property inspection, Tree Services approved the applicant's request for the removal of two black acacia trees and one beefwood tree as

requested by the applicant and property owner.

Staff findings cited various structural defects including cracking seams, bark seam bulging, unbalanced canopies, high risk of trunk failure by splitting, dried and splitting stems. And one tree leaning at such an angle as to cause total failure on collapse.

All three trees were recommended for removal under section 12.36.050(A) of the Protected Tree Ordinance.

Applicant:

The applicant asserted that once the trees have been removed, and in keeping with Tree Ordinance 12:36.05(A) requirement to provide drainage, erosion and land stability or windscreen, plans to supplement the area with 5 new trees and 3 to 4 terraces and other vegetation will be installed.

Appellant:

The property owner at 872 Walker Avenue submitted an appeal for Tree permit ND19-172 on November 26, 2019. The appellant cited that both properties are in a landslide area and claimed removal of the trees at the Vernon Avenue address would cause soil erosion and subsequent landslide and considerable damage to the Walker Avenue property located below. It was suggested that young trees would not control soil erosion and must be supplemented. In addition, it was stated that if the trees in question are removed, they must be replaced with mature trees and adequate provisions must be made for drainage. The applicant requested a copy of the drainage plan and that a licensed GEO Tech engineer sign off on the project.

The Parks and Recreation Advisory Commission (PRAC) Tree Committee toured the site in early March

The Commission inquired about nesting birds and learned that the tree removal would not occur during the spring to fall months. The applicant informed the Commission that there was motivation to have the trees removed between November and December 2020. The tree stumps will be retained through spring or until they dry out.

Staff informed the Commission that the City does not remove trees from private property and recommended that the US Wildlife Fish and Game Office be contacted for additional information on the project.

PRAC Tree Committee members agreed with staff findings regarding the declining health of the trees and the possibility of one falling in the sloped area.

**Motion:** Commissioner Cole entertained a motion to recommend that PRAC agree with the City Tree Division staff assessment to deny the appeal to not remove the trees as cited by the appellant. **Moved by:** Commissioner Moore **Second by:** Commissioner Wolfson. **Vote:** Yes (9): Aikens, Cole, Duhe, Howze, Kos-Read, Moore, Smith, Torres and Wolfson. **Motion:** Passed.

**B. Request For The Parks And Recreation Advisory Commission To Review, Provide Comments, And Recommend Acceptance Of A Gift From Under Armour, In Partnership With Eat. Learn. Play. Foundation, And Project Delivery Partners Connor Sports, And Oakland Artist Hueman, For The Manzanita Recreation Center Outdoor Basketball Court Project**

The Parks and Recreation Advisory Commission reviewed report 7B by Donte Watson, General Recreation Supervisor from Oakland Parks, Recreation and Youth Development (OPRYD).

Staff from OPRYD requested PRAC approved the request to accept the gift to renovate and enhance the aging outdoor basket courts at the Manzanita Recreation. The scope of the project would include cleaning and patching surface cracks, and installing basketball court surface tiles manufactured by Sports Courts.

Jose Corona representing Eat. Learn. Play Foundation

The Eat. Learn. Play Foundation was established by Steph and Ayesha whose goal is to promote childhood food security and to create safe spaces for children to play.

Eat. Learn. Play. and their Under Armour partners collaborated and sponsored other basketball court projects as well as OPRYD's Town Camp summer program. Mr. Corona informed the PRAC that the Foundations looks forward to creating more opportunities to work on with Director Williams. They have identified local artist, Hueman, to provide minimal artwork for the Manzanita project.

The Commission learned that the proposed gift and upgrade to the Manzanita basketball courts is valued at \$49,000.00 and equitability benefits the community as funding for the work in not in the department's budget.

Staff acknowledge that there will be no ongoing maintenance of the courts and that basic grounds work will be performed by Oakland Public Works (OPW) without burden.

The Commission expressed concern that OPRYD's logo is not represented.

Eat. Learn. Play. offered willingness to work with the design team in incorporating OPRYD's logo on current and future projects. In addition, the Commission confirmed

that because of the City's position, that project logos do not include Chase Bank. Eat. Learn. Play. acknowledged OPRYD's position and that their major brand partners are committed to supporting the work in Oakland. Looking forward to a long partnership with the community and the department.

**Motion:** Commissioner Cole entertained a motion to recommend that PRAC approve the staff request to accept the gift to renovate the outdoor basketball courts at Manzanita Recreation Center for the Under Armour, in Partnership with Eat. Learn. Play. **Moved by:** Commissioner Aikens. **Second by:** Commissioner Duhe. **Vote:** Yes (7): Aikens, Cole, Duhe, Howze, Kos-Read, Moore, and Wolfson. Abstained (2) Commissioners Smith and Torres): Motion: Passed.

C. **Information Report and Overview of the 2020 City of Oakland Parks and Recreation Preservation, Litter Reduction, and Homeless Support Act (Measure Q, 2020)**

Measure Q Co-Chairs, John Bliss and Brooke Levin, provided the 7C information report for review by the Parks and Recreation Advisory Commission.

The Co-Chairs recommended that PRAC evaluate compliance with and provide detailed review and input on three critical elements of Measure Q including: 1) Allocation of Revenue – 64% for parks, 30% for homelessness services, 5% for water quality and 1% toward evaluation and auditing the Measure Q program. 2) Service Deliverables specific to park maintenance, equipment and staffing. 3) Maintenance of Effort allocates 55% of the budget to be used to balance the parks maintenance budget, while 45% may be spent on new or additional landscaping maintenance and recreational services.

Measure Q Co-Chairs announced that Daniel Hamilton from Oakland Public Works (OPW) would be the staff liaison for Measure Q and recommended the PRAC request a presentation from (OPW) in preparation for monitoring Measure Q and the two-year budget due in early spring 2021. The areas suggested to be integrated in the presentation include services related to parks and park assets such as ballfields, facilities, trees, vandalism, repairs, landscaping, clean water and storm water programs.

In addition, it was recommended that PRAC require a monthly update and matrix for hiring to show the progress. Required deliverables cannot be met without new staff.

Regarding financial oversight, Co-Chairs Levin and Bliss recommended the PRAC request a detailed financial and service level analyses from OPW and the Finance department every 6 months for the first 36 months and annually afterward.

To assist with monitoring the Measure Q deliverables and receive community feedback, it was recommended that OPW staff be available at the monthly PRAC meetings.

**Motion:** Commissioner Cole entertained a motion to recommend that PRAC accept the information report and move forward with the requests from the Measure Q Co-Chairs as cited therein. **Moved by:** Commissioner Cole. **Second by:** Commissioner Kos-Reed. **Vote:** Yes (8): Aikens, Cole, Duhe, Howze, Kos-Read, Moore, Smith, and Wolfson. Abstained (1) Commissioner Torres. **Motion:** Passed.

8. PLANNING AND CONDITIONAL USE PERMITS:
9. DIRECTOR'S REPORT/COMMITTEE AND/OR ADVISORY COUNCIL UPDATES:
10. ANNOUNCEMENTS AND COMMUNICATIONS:
11. CONTINUATION OF OPEN FORUM:
12. ADJOURNMENT: 6:16 P.M.

Respectfully submitted,

/s/ J. Nicholas Williams  
J. Nicholas Williams  
Secretary

/s/ Diane L. Boyd  
Diane L. Boyd  
Recording Secretary

**Next Meeting:**  
***Wednesday, November 18, 2020***  
***TeleConference***





CITY OF OAKLAND

## *INFORMATIONAL REPORT*

**TO:** Amy Cole, Acting Chair, Parks and Recreation Advisory Commission  
**FROM:** David Ferguson, Interim Director, Public Works Agency  
**DATE:** November 18, 2020  
**SUBJECT:** Tree Permit Appeal for 1125 Hollywood Ave.

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The following report is prepared for the PRAC's consideration.

### **SUMMARY**

On April 3, 2020, the Tree Services Division made a decision for tree removal permit ND20-032 (**Attachment A**) for 1125 Hollywood Ave. The Applicant (Charlotte Hennessy) wanted to remove a 42" diameter at breast height (DBH) Canary Island pine tree on her property. After inspection, Tree Services approved the removal of the tree.

The Appellants (John Kenny, Robin Mogavero, Laura Wolff, Steve Wolff) appealed the tree permit decision on April 6, 2020 (**Attachments B & C**). On the appeal claim forms the appellants have stated 3 reasons why the tree should not be removed. 1) All birds use this tree to move throughout the neighborhood and in particular the Great Horned Owl, that they have stated, use this tree for foraging and courting. They continue to explain that if the tree was removed the birds would go missing from the neighborhood. 2) Mayor Jean Quan initiated the registry as a way to prevent unnecessary tree loss. 3) The appellants claim that every tree is flawed, and the applicant is the one who topped the tree 5 years ago. The PRAC is the hearing body for non-development tree removal permit appeals, per Chapter 12.36.110 of the Oakland Municipal Code (OMC), the Protected Trees Ordinance (PTO).

### **BACKGROUND**

On March 6, 2020 Tree Services received a non-development tree removal application ND20-032 for 1125 Hollywood Ave. (**Attachment D**). The applicant and property owner is Charlotte Hennessy. She requested the removal of the Canary Island pine on the grounds of: (a) The large cones fall from the tree and are a danger to her and her guests. (b) The tree is a fire hazard. (c) At the time of the inspection she verbally said that she had concerns of limbs falling and her liability. On April 3, 2020 Tree Services approved tree permit ND20-032 on the basis that the tree has poor structure from being repeatedly topped and over thinned. Section 12.36050(A) of the Protected Trees Ordinance states a tree can be removed to insure the public health and safety as it relates to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.

Tree permit ND20-032 was appealed on April 6, 2020 by John Kenny & Robin Mogavero, the property owners of 1131 Hollywood Ave. and Laura & Steve Wolff the property owners at 1111 Hollywood Ave. The appellants have stated 3 claims as grounds for appeal. a) If the Canary Island pine tree is removed, there will be no nesting raptors in the trees in our neighborhood. Great Horned Owls, which have expanded into the upper Glenview neighborhood in the last 2 years, use this tree for foraging and courting. Many birds need this tree. This hilltop is a beacon for birds moving through the hills. This is how they move - from canopy to canopy like island hopping above the streets - If this tree were lost then they would go missing from the neighborhood. B) Mayor Jean Quan initiated the registry as a way to prevent unnecessary tree loss. C) Every tree is flawed - but comments from inspector regarding “the tree has poor structure from being topped”. This tree (NEVER) topped until Charlotte Hennessy, owner of 1125 instructed her tree trimmers 5-years ago to top the tree, for over 15 years prior to Charlotte Hennessy moving into 1125 Hollywood, all 3 trees were NEVER topped.

## DISCUSSION

Tree Services approved the removals of tree removal permit application ND20-032 on April 3, 2020. City staff determined that the tree has poor structure from topping and over thinning (lions tailing) that causes the lateral limbs to have poor taper with weighted tips. See detailed account listed below of staff findings:

Tree (#1) (**Attachment E**), is a 42” DBH Canary Island pine located in the backyard at 1125 Hollywood Ave. The tree has poor structure from topping and over thinning (lions tailing) that causes the lateral limbs to have poor taper with weighted tips. Topping a tree significantly changes how a tree grows and reacts in wind loading events. This is especially true with single stem conifer trees. First there is a heading cut that is hard for the tree to callus over. The wound area is exposed deadwood that is susceptible to fungal decay. Second, topping redirects the growth to the lateral limbs causing them to grow unnaturally long. Third, over thinning (lions tailing) is the practice of removing all the interior secondary limbs creating a tree that looks like an umbrella. This compounds the problem by leaving the only active buds on the tree at the end of the limbs. The secondary limbs in the interior of the tree provide much needed carbohydrates to the main lateral limbs so they can increase their diameter, known as taper. Over thinning, (lions tailing) is commonly done in the tree industry because this type of pruning appeals to many home owners and is easier on the contractor. Fourth, the lateral limbs have been headed back which create more irregular growth. Canary Island pines should look like a Christmas tree with the smallest limbs at the top of the tree and the largest limbs at the bottom of the tree. See (**Attachment F, G**) photos of good structure of Canary Island pines. The tree at 1125 Hollywood Ave. is round in shape with the largest diameter limbs at the top of the tree. (**Attachment H**). This tree has been cut many times for many years causing poor structure with a high likelihood of limb failure. The canopy of the tree is over 3 backyards, 3 homes, a deck and a patio. (**Attachment I**) The tree is recommended for removal under section 12.36.050(A)1 of the Protected Trees Ordinance.

The Appellants, John Kenny, Robin Mogavero, Laura Wolff, and Steve Wolff have stated 3 reasons why the tree should not be removed.

1) If the Canary Island pine tree is removed, there will be no nesting raptors in the trees in our neighborhood. Great Horned Owls, which have expanded into the upper Glenview neighborhood in the last 2 years, use this tree for foraging and courting. Many birds need this tree. This hilltop is a beacon for birds moving through the hills. This is how they move - from canopy to canopy like island hopping above the streets - If this tree were lost then they would go missing would go missing from the neighborhood.

*Tree Services Response – The Protected Trees Ordinance does not have a section pertaining to birds. Therefore, the City of Oakland Tree Services cannot consider birds as a reason to approve or preserve a tree for removal.*

2) Mayor Jean Quan initiated the registry as a way to prevent unnecessary tree loss.

*Tree Services Response – The Protected Trees Ordinance does not have a section pertaining to the Big Trees Registry. Therefore, the City of Oakland Tree Services cannot consider the Big Trees Registry as a reason to approve or preserve a tree for removal.*

3) Every tree is flawed - but comments from inspector regarding “the tree has poor structure from being topped”. This tree (NEVER) topped until Charlotte Hennessy, owner of 1125 instructed her tree trimmers 5-years ago to top the tree, for over 15 years prior to Charlotte Hennessy moving into 1125 Hollywood, all 3 trees were NEVER topped.

*Tree Services Response – When the City of Oakland Tree Services received a tree removal permit application, staff evaluate each tree that is proposed for removal and make judgements of the condition of each tree. This includes field observations and measurements as well as referencing historical imagery. According to Google Maps Street View History dated May 2011, the tree was already topped at this time. (Attachment J) It is unclear as to the specific date the tree was topped. This type of punning (topping) over a long period of time negatively and permanently changes the structure of the tree.*

Chapter 12.36.110(C) of the OMC states, “In considering the appeal, the Park and Recreation Advisory Commission shall determine whether the proposed tree removal conforms to the applicable criteria. It may sustain the decision of the Public Works Agency or require such changes or impose such reasonable conditions of approval as are, in its judgment, necessary to ensure conformity to said criteria.”

## RECOMMENDATION

The Public Works Agency recommends that the Park and Recreation Advisory Commission:

- Deny the appeal by John Kenny & Robin Mogavero of 1131 Hollywood Ave. and Laura & Steve Wolff of 1111 Hollywood Ave.

Respectfully submitted,



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Prepared by:  
Tod Lawsen  
Arboricultural Inspector



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Approved by:  
David Ferguson  
Interim Director

For questions please contact David Moore, Senior Forester, at 510-615-5852

## ATTACHMENTS

- A – Tree removal Permit Decision, ND20-032
- B – Tree Appeal Claim Form dated April 6, 2020 From John Kenny, Robin Mogavero
- C – Tree Appeal Claim Form dated April 6, 2020 From Laura Wolff, Steve Wolff
- D – Non-development tree removal application for 1125 Hollywood Ave.
- E – Photo of tree (#1) a 42" DBH Canary Island pine tree
- F – Photo of a Canary Island pine tree with good structure
- G – Photo of 2 Canary Island pine trees with good structure
- H – Photo of the tree at 1125 Hollywood Ave showing the upper canopy limb structure.
- I – Photo of the canopy spread extending over neighboring properties.
- J – Photo from May 2011, Google History, showing that the tree was topped at that time.

**TREE PERMIT DECISION**

**City of Oakland, Public Works Agency**  
 Tree Services Division, 7101 Edgewater Drive, Oakland, CA 94621, (510) 615-5934  
 Chapter 12.36, Oakland Municipal Code, Protected Trees Ordinance

**Permit # ND20-032**  
**Address: 1125 Hollywood Ave.**  
**Expires: One year from date of issuance**

**Decision: 4/3/20**  
**Applicant: Charlotte Hennessy**  
**Permit Type: Non Development**

Removal Approved		Preservation Required		Replacement Tree Required	In Lieu Fee- \$619 per tree
Tree Quantity	Identified As	Tree Quantity	Identified As		
1	Canary Island Pine 42" DBH				

**SITE INSPECTION / FINDINGS**

There is a 42" diameter at breast height (DBH) Canary Island pine growing in the backyard at 1125 Hollywood Ave. The tree has poor structure from being topped. The lateral limbs are long with poor taper. Half of the canopy is over the neighbor's backyard patio. The tree is approved for removal.

**PERMIT REVIEW – FINDINGS 12.36.050(A)**

The applicant's request accomplished the following objective(s):

- 1. Insured the public health and safety as it related to the health of the tree, potential hazard to life or property, proximity to existing or proposed structures, or interference with utilities or sewers.
- 2. Avoided an unconstitutional regulatory taking of property.
- 3. Took reasonable advantage of views, including such measures mandated by the resolution of a view claim in accordance with the view preservation ordinance (Chapter 15.52 of the Oakland Municipal Code).
- 4. Pursued accepted, professional practices of forestry or landscape design. Submission of a landscape plan acceptable to the Director of Public Works shall constitute compliance with this criterion.
- 5. Implemented the vegetation management prescriptions in the S-11 site development review zone.
- None of the objectives above were accomplished by the proposed removal(s).*

**PERMIT REVIEW – FINDINGS 12.36.050(B)**

Any one of the following situations was grounds for permit denial, regardless of the findings in section (A) above:

- 1a. Removal could be avoided by reasonable redesign of the site plan, prior to construction.
- 1b. Removal could be avoided by trimming, thinning, tree surgery or other reasonable treatment.
- 2. Adequate provisions for drainage, erosion control, land stability or windscreen were not made.
- 3. The tree(s) were a member of a group of trees in which each tree was dependent upon the others for survival.

*There were no grounds to deny the permit based on criteria listed in OMC 12.36.050(B)*

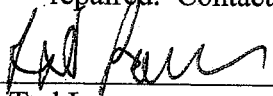
**OAKLAND MUNICIPAL CODE SECTION 12.36.060 CONDITIONS OF APPROVAL**

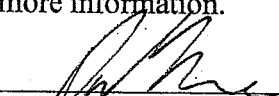
The following conditions were imposed. Conditions #11 - #13 were imposed if they were check marked:

1. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant and its contractor shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City for or on account of any damage to property or bodily injury, including death, or damage sustained or arising out of, related to or caused by in any way from the performance of work in this tree permit matter. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
2. **Defense, Indemnification and Hold Harmless.** To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Public Works Agency and its respective agents, officers, employees and volunteers (hereafter collectively called City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorneys' fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs) (collectively called "Action") against the City to attack, set aside, void or annul, (a) an approval by the City relating to this tree permit matter, City's CEQA approvals and determination, and/or notices in the tree permit matter; or (b) implementation of such. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys' fees.
3. **Letter of Agreement.** Within ten (10) calendar days of the filing of any Action as specified in conditions 1 or 2 above, the applicant and/or its contractor shall execute a Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter of Agreement does not relieve the applicant of any of the obligations contained in this Section or any other requirements or conditions of approval that may be imposed by the City.
4. **Debris.** All debris created as a result of any tree removal work shall be removed from the property by the applicant within two weeks of debris creation, and such debris shall be properly disposed of by the applicant in accordance with all applicable laws, ordinances, and regulations.
5. **Hazards.** The removal of extremely hazardous, diseased, and/or dead trees shall be required where such trees have been identified by the City Arborist.
6. **Insurance.** Workers compensation, public liability, and property damage insurance shall be provided by any person(s) performing tree removal work authorized by a tree removal permit.
7. **Nesting Birds.** To the extent feasible, removal of any tree and/or other vegetation suitable for nesting of raptors shall not occur during the breeding season of March 15 and August 15. If tree removal must occur during the breeding season, all sites shall be surveyed by a qualified biologist to verify the presence or absence of nesting raptors or other birds. Pre-removal surveys shall be conducted within 15 days prior to start of work from March 15 through May 31, and within 30 days prior to the start of work from June 1 through August 15. The pre-removal surveys shall be submitted to the Planning and Zoning Division and the Tree Services Division of the Public Works Agency. If the survey indicates the potential presences of nesting raptors or other birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with the CDFG, and will be

based to a large extent on the nesting species and its sensitivity to disturbance. In general, buffer sizes of 200 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

8. **Permit.** Tree removal, as defined in the Protected Trees Ordinance, Section 12.36.020 of the Oakland Municipal Code, may not start unless and until the applicant has received this permit from Tree Services.
9. **Posting.** The applicant shall post a copy of the tree removal permit in plain view on site while tree removal work is underway.
10. **Tree Damage.** If any damage to a protected tree should occur during or as a result of work on the site, the applicant shall immediately notify the Tree Services Division of such damage. If, in the professional opinion of the City Arborist, such tree cannot be preserved in a healthy state, the Arborist shall require replacement of any tree removed with another tree or trees on the same site deemed adequate by the Arborist to compensate for the loss of the tree that is removed.
11. **In Lieu Fee.** If replacement trees are required, but cannot be planted due to site constraints, an in lieu fee as determined by the City’s master fee schedule may be substituted for required replacement plantings. The permit is valid and issued only after payment is received by Tree Services.
12. **Replacement Trees.** The property owner shall plant \_\_\_\_ replacement trees on the property. The replacement trees shall be excellent quality nursery stock and maintained by the applicant until established. Any replacement planting which fails to become established within one year of installation shall be replanted at the applicant’s expense. Plantings shall be installed within 30 days of tree removal. A photograph of the replacement trees, installed in the landscape of the property, shall be mailed or emailed to Tree Services within one week of the replacement trees being installed.
  - a. The minimum size replacement tree shall be a twenty-four (24) inch box, except that three, fifteen (15) gallon size trees may be substituted for each twenty-four (24) inch box size tree where appropriate, if approved by the City Arborist.
  - b. Replacement tree species shall consist of *Sequoia sempervirens* (coast redwood), *Quercus agrifolia* (coast live oak), *Arbutus menziesii* (madrone, *Arbutus ‘Marina’* can be substituted), *Aesculus californica* (California buckeye) or *Umbellularia californica* (California bay laurel).
13. **Sidewalks.** The damaged sidewalk shall be repaired in compliance with the rules and regulations of the City of Oakland. A sidewalk repair permit is required if more than 25 square feet of sidewalk will be repaired. Contact the Sidewalk Division at 238-3499 for more information.

  
 \_\_\_\_\_ 4/3/20  
 Tod Lawsen Date  
 Arboricultural Inspector  
 Certified Arborist © WE-6321A  
 ISA Tree Risk Assessment Qualified

  
 \_\_\_\_\_ 4-3-20  
 David Moore Date  
 Senior Forester  
 Certified Arborist © NY-5626A  
 ISA Tree Risk Assessment Qualified

*\*This decision of the Public Works Agency, Tree Services Section, may be appealed by the applicant, or the owner of any “adjoining” or “confronting” property, to the Parks and Recreation Advisory Commission within five (5) working days after the date of this decision and by 3:30 p.m., otherwise the permit is effective. The term “adjoining” means immediately next to, and the term “confronting” means in front of or in back of. An appeal shall be on a form prescribed by and filed with Tree Services, at 7101 Edgewater Drive, Building #4. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the City or wherein such decision is not supported by the evidence in the record. There is a \$618.90 fee to file an appeal. Failure to timely appeal this decision and raise any and all issues in your appeal may preclude you from challenging this determination in court. If the appeal is not finally disposed of by the Park and Recreation Advisory Commission within thirty (30) working days of the date of the decision by the Tree Services Section, the decision shall be deemed affirmed, and the permit appeal denied.*

CITY OF OAKLAND  
PUBLIC WORKS AGENCY  
PROTECTED TREE APPEAL CLAIM FORM FOR NON DEVELOPMENT TREES  
(Oakland Municipal Code Section 12.36.110)

1. Date: 04/06/2020

2. Appellant's Name: John Kenny & Robin Mogavero

3. Appellant's Address: 1131 Hollywood Avenue

City, State & Zip: Oakland, CA 94602

4. Address of Tree(s) Removal: 1125 Hollywood Avenue, Oakland, CA 94602

5. Date of City Staff Decision: 04/06/2020

Statement of why there was either error or abuse of discretion by city staff or why the city staff decision is not supported by the evidence in the record (attach any additional pages if needed): If the Canary Island Pine tree is removed, there will be no nesting raptors in the trees in our neighborhood. Great Horned Owls, which have expanded into the upper Glenview neighborhood in the last two years, use this tree for foraging and courting. Many birds need this tree. This hilltop is a beacon for birds moving through the hills. This is how they move- from tree canopy to canopy like island hopping above the streets - If this tree were lost then they would go missing from the neighborhood.

Mayor Jean Quan initiated the registry as a way to prevent unnecessary tree loss.

Every tree is flawed - But comment from inspector regarding "The tree has poor structure from being topped". This tree was (NEVER) topped until Charlotte Hennessy, owner of 1125 instructed her tree trimmers 5 years ago to top the tree, for over 15 years prior to Charlotte Hennessy moving into 1125 Hollywood, all 3 tree's were NEVER topped.

I hereby certify under penalty of perjury that I am the owner of:

The real property described in (4) above, or

Real property adjoining and/or confronting the real property described in (4) above.

Signature: John Kenny Robin Mogavero

Date: 04/06/2020



CITY OF OAKLAND  
PUBLIC WORKS AGENCY  
PROTECTED TREE APPEAL CLAIM FORM FOR NON DEVELOPMENT TREES  
(Oakland Municipal Code Section 12.36.110)

1. Date: 04/06/2020  
2. Appellant's Name: Laura Wolff & Steve Wolff  
3. Appellant's Address: 1111 Hollywood Avenue

City, State & Zip: Oakland, CA 94602

4. Address of Tree(s) Removal: 1125 Hollywood Avenue, Oakland, CA 94602

5. Date of City Staff Decision: 04/06/2020

Statement of why there was either error or abuse of discretion by city staff or why the city staff decision is not supported by the evidence in the record (attach any additional pages if needed): If the Canary Island Pine tree is removed, there will be no nesting raptors in the trees in our neighborhood. Great Horned Owls, which have expanded into the upper Glenview neighborhood in the last two years, use this tree for foraging and courting. Many birds need this tree. This hilltop is a beacon for birds moving through the hills. This is how they move- from tree canopy to canopy like island hopping above the streets – If this tree were lost then they would go missing from the neighborhood.

Mayor Jean Quan initiated the registry as a way to prevent unnecessary tree loss, please follow her leadership.

Every tree is flawed - But comment from inspector regarding "The tree has poor structure from being topped". This tree was (NEVER) topped until Charlotte Hennessy, owner of 1125 instructed her tree trimmers 5 years ago to top the tree, for over 15 years prior to Charlotte Hennessy moving into 1125 Hollywood, all 3 tree's were NEVER topped.

I hereby certify under penalty of perjury that I am the owner of:

The real property described in (4) above, or

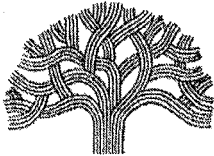
Real property adjoining and/or confronting the real property described in (4) above.

Signature: Laura and Steve Wolff

Date: 04/06/2020

3-6-20

4-3-20



CITY OF OAKLAND  
TREE DIVISION - BLDG 4  
7101 EDGEWATER DRIVE  
OAKLAND, CA 94621

Permit # N020-032

PLEASE CALL (510) 615-5934 FOR AN APPOINTMENT  
BUSINESS HOURS Monday - Friday 8:00am - 3:30pm

### TREE REMOVAL PERMIT APPLICATION NON-DEVELOPMENT RELATED

Application is hereby made pursuant to the Tree Preservation Ordinance,  
Chapter 12.36, of the Oakland Municipal Code

#1108964

- ❖ One or more trees 9 inches or greater in diameter at breast height.
- ❖ One or more Coast Live Oak trees, 4 inches or greater in diameter at breast height.
- ❖ Eucalyptus and Monterey Pine trees are exempt.

NAME OF APPLICANT Charlotte Hennessy  
LOCATION OF PROPERTY 1125 Hollywood Ave. Oakland 94602

DESCRIPTION OF TREE(S) PROPOSED FOR REMOVAL (quantity, species and diameter)  
Canary Island Pine (one). Very tall + wide

REASON FOR REMOVAL OF TREE(S)  
this tree presents a danger because the pine cones, which are long + when closed, are like missiles. Also, a fire hazard. In an earthquake, if

ATTACHMENTS One of the following three choices are required showing the number and location of tree(s) described on the application. it caught fire, we'd all be toast.

- 1. Hand Drawn Sketch
- 2. Site or Landscape Plan
- 3. Photographs

BY SIGNING BELOW I CONFIRM THE INFORMATION SUBMITTED FOR APPLICATION AND I UNDERSTAND THE NON-REFUNDABLE APPLICATION FEE IS \$434.20.

I further certify under penalty of perjury that all the information provided on this tree removal permit application is true and correct and that no zoning, land use, grading, demolition, building or other City permits have been applied for as a result of this tree(s) removal being accomplished.

DATE 2/25/2020  
SIGNATURE Charlotte He

ADDRESS 1125 Hollywood Ave.  
CITY, STATE, ZIP Oakland, CA 94602

Property Owner  
 Agent for Owner\*

TELEPHONE 510-336-9286 2<sup>nd</sup> PHONE 510-509-6682

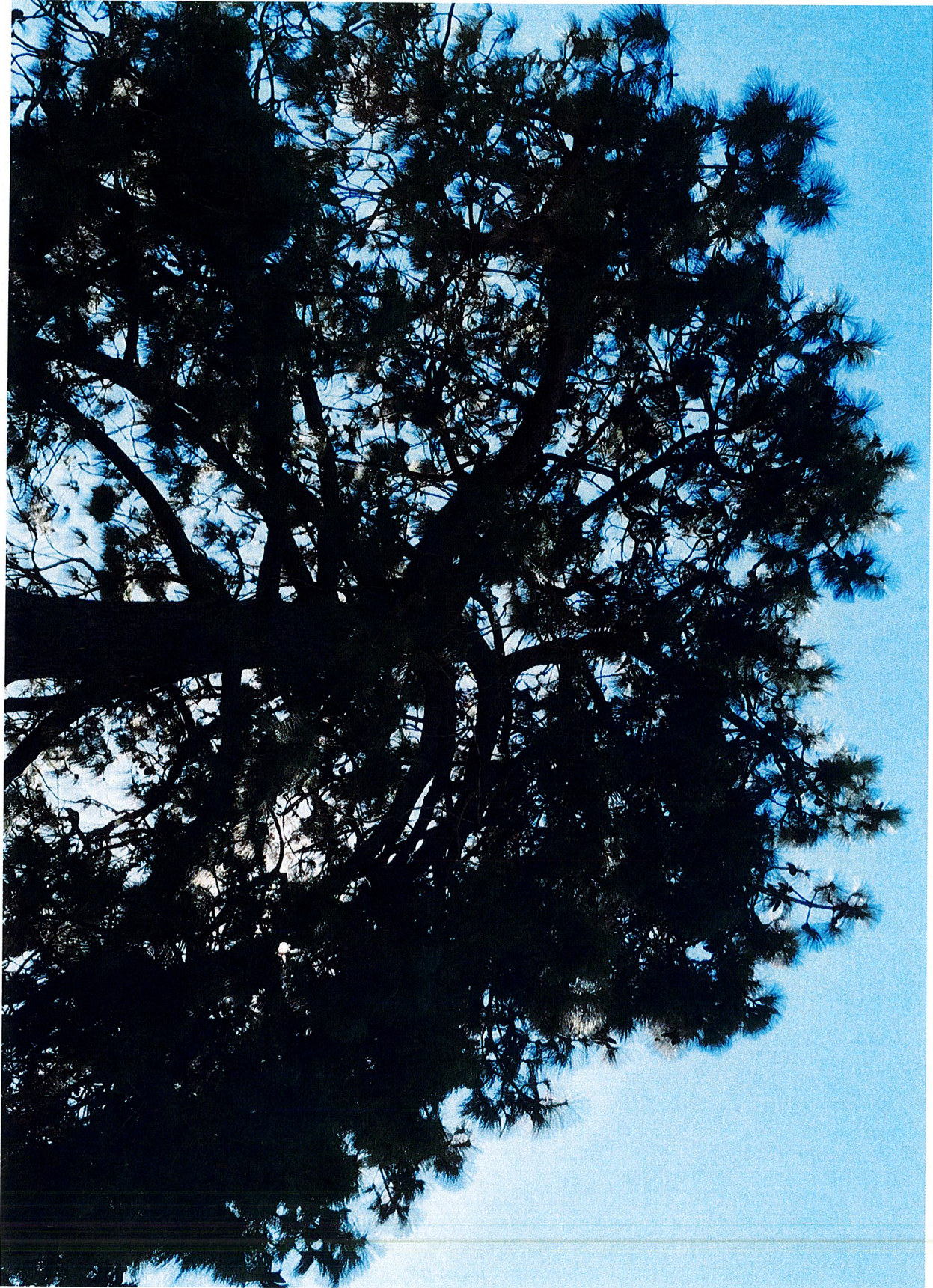
EMAIL charlottehennessy@att.net

\*Please submit a letter from the property owner if acting as their agent.

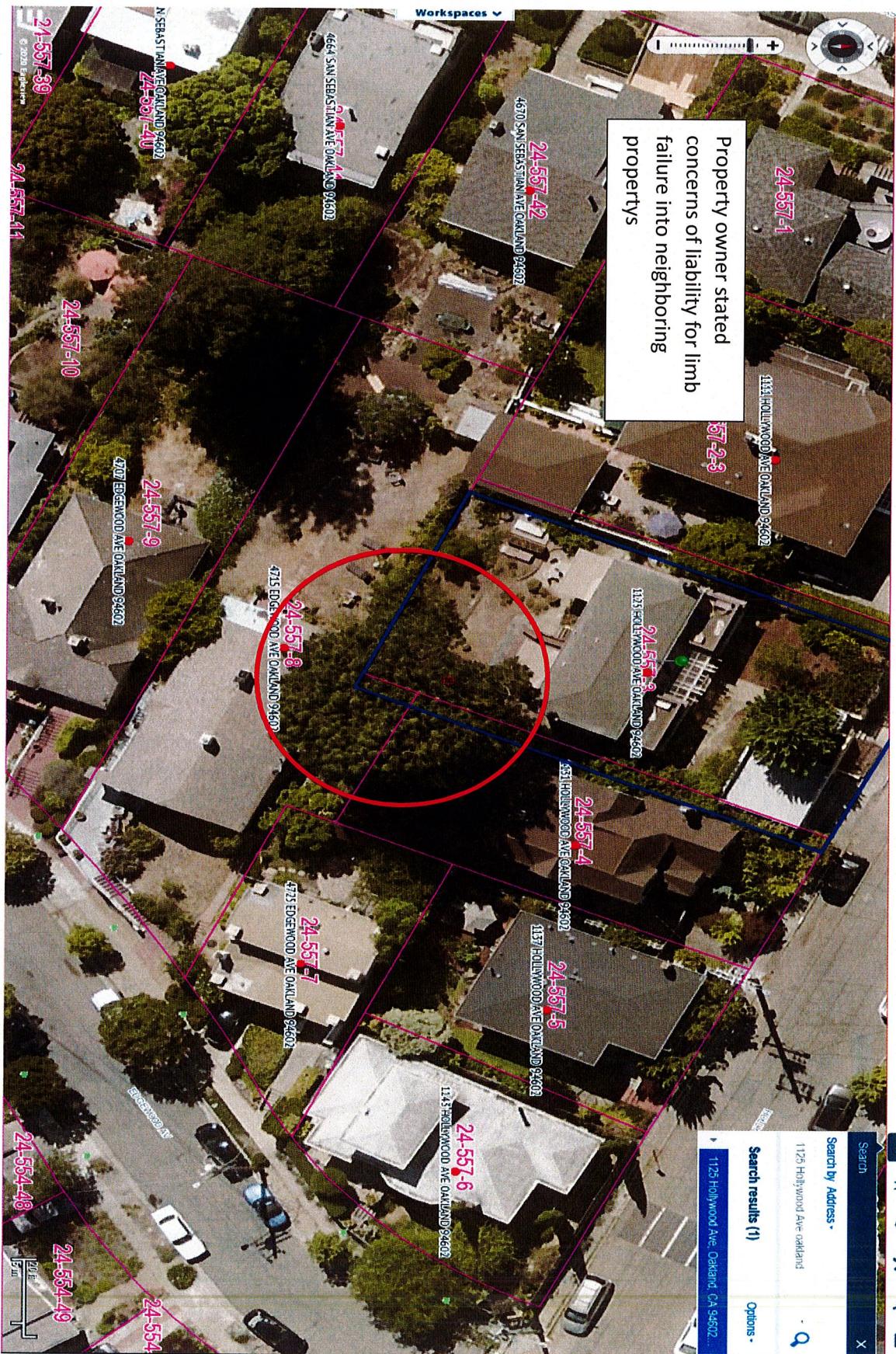


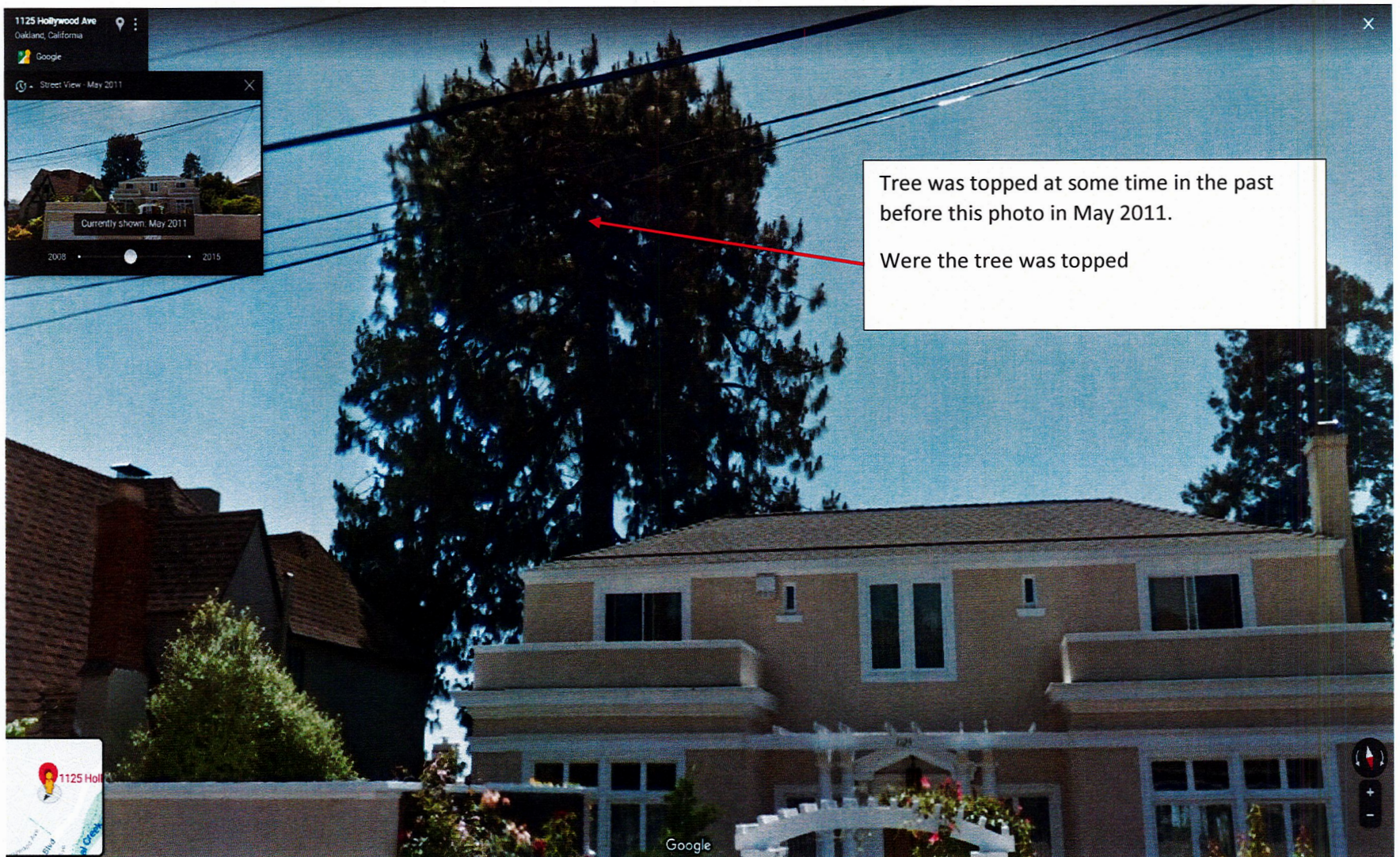






CONNECT EXPLORER





May 2011 Google History





**CITY OF OAKLAND  
Oakland Parks & Recreation**

**TO:** Amy Cole, Acting Chair, Parks and Recreation Advisory Commission  
**FROM:** Squash Drive  
**DATE:** 11/18/2020  
**SUBJECT:** Request For Parks And Recreation Advisory Commission To Approve Feasibility Study Of Lowell Park For SquashDrive

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**SUMMARY**

SquashDrive, an Oakland non-profit founded in 2010, is looking for PRAC to approve a feasibility study at Lowell Park in West Oakland to build 2 - 4 portable outdoor squash courts.

The outdoor squash courts will be used for the SquashDrive program currently serving 80 black and brown Oakland youth. SquashDrive will also create instructional programs to introduce the Oakland community at large to a healthy, active and fun sport.

SquashDrive will fully fund this project through its Board and its donor community.

**FISCAL IMPACT**

It is not anticipated that OPRYD will incur any one-time or recurring annual costs. SquashDrive will be responsible for the purchase and construction of the portable squash courts, working with OPRYD as needed to meet all zoning and other requirements.

SquashDrive is in discussions with several vendors of portable outdoor squash courts, all of whom are based in the USA. The cost of one portable outdoor squash court is somewhere between \$85,000 and \$150,000. SquashDrive would like the option to build 4 courts, estimated costs of \$600,000, to be fully raised by the SquashDrive Board and its community of donors. SquashDrive will maintain the courts.

**PROJECT / PROGRAM DESCRIPTION**

SquashDrive would like to temporarily construct 2 - 4 portable outdoor squash courts on a piece of OPRYD land. Squash is rated as one of the healthiest sports, but traditionally has had a high cost of entry. We see this as an opportunity to offer a new sport to improve the health and wellness of the community.

SquashDrive is a long-term community-oriented program creating opportunities for East Bay students to thrive through character development, academic pursuit, and squash & fitness instruction. SquashDrive currently serves 80 Oakland 4th - 12th graders and college students. Our long-term goal is to grow the program to serve 150 students.

The parks land that SquashDrive and OPRYD have considered so far are:

1. Lowell Park
2. Wade Johnson Park
3. South Prescott Park

Lowell Park is SquashDrive's first choice because there is a small part of the park, next to the basketball courts (see Exhibit A) which seems ideal for 2-4 squash courts, and is also very close to several OUSD elementary and middle schools, whose students would be potential participants in SquashDrive's program.

When a location is selected and approved, SquashDrive will be ready to begin to take next steps for permitting and move forward with the temporary construction process as soon as possible. SquashDrive would need approximately four months to complete the requisitioning and assembly of the squash courts. The goal would be to have the courts up and running by May or June of 2021.

SquashDrive will run programming on the portable outdoor squash courts on weekdays after school, from approximately 3 - 6pm, and on Saturdays from 10am - 2pm.

SquashDrive would be happy to provide community access to the squash courts for Oakland citizens of all ages outside of the above timeslots. Community hours will be available outside of programming hours.

SquashDrive would like to utilize the booking system, using current OPRYD Registrations systems

SquashDrive would be responsible for maintaining the outdoor squash courts. SquashDrive anticipates needing to provide some perimeter protection for the squash court(s) to protect the courts from vandalism, homeless encampments and other risks. SquashDrive has seen evidence that OPRYD has discovered some remarkable means of protecting its park spaces from becoming homeless encampments, so SquashDrive will subscribe to whatever methods and procedures have made OPRYD successful on this front.

SquashDrive could collect data over the agreed upon period for usage, access and opportunities created for Oakland community members. This data could drive the decision to keep the outdoor courts and or make space for a more permanent squash structure or additional squash courts.

### **BACKGROUND / LEGISLATIVE HISTORY**

SquashDrive was founded in 2010 by Lauren Patrizio Xaba. SquashDrive partners with Berkley Maynard Academy in North Oakland and primarily uses the squash courts at UC Berkeley, where

we have office and academic space across the street from the squash courts. Students participate 3 days a week after school and on Saturday's and they are offered over 100 hours of squash instruction and academic support & enrichment. We have high expectations for our students and want to create and give our students life changing opportunities.

SquashDrive has just under \$1MM annual budget including significant and consistent support from our board and leading foundations. Through a successful collaboration with OPRYD with our pilot program we would be able to financially support growth to build more courts.

SquashDrive is a member of the Squash and Education Alliance (SEA) which has a proven model for promoting urban squash programs. 2,500 students have been a part of the 20 programs around the US. 68 percent of students in urban squash programs earn a B.A. within 6 years, compared with the national average of 20 percent for low-income students. SEA organizations have executed five permanent facilities over the last 10-15 years which provides us with significant in-house knowledge and expertise on how to execute on a project like this.

To learn more about SquashDrive: [LINK TO THE SQUASHDRIVE VIDEO](#)

SquashDrive's staff can be found here: <https://www.squashdrive.org/our-team>, and our board members can be found at this link: <https://www.squashdrive.org/board-of-directors>.

### **Squash Court Physical Requirements**

One squash court has dimensions of approximately 21 feet wide, 32 feet long, and needs vertical clearance of about 20-25 feet high. The footprint required for one squash court is 672 square feet. Squash courts typically are indoors, made of concrete, wood, plaster and glass. See Exhibits B and C for examples of an indoor and an outdoor squash court.

SquashDrive estimates that additional space would be required outside of the actual squash courts for protection and access of about 25%. For example, if SquashDrive were to build two squash courts, they would need 1,344 square feet, plus an additional 25% of that, for a total of 1,680 square feet.

The ground space requirements, depending on the number of squash courts, would be approximately:

- 2 squash courts - 1,680 square feet
- 4 squash courts - 3,360 square feet

SquashDrive is also interested in exploring some overhead covering that could be installed over the squash courts to make them usable during the rainy season in winter months. This isn't a

requirement, but would be nice-to-have and would make it much more usable for SquashDrive students and community members alike.

## **RECOMMENDATION**

Approval to erect temporary Squash structure, approval to conduct feasibility study and community engagement around building a permanent structure. The department seeking PRAC's recommended approval or denial of the item.

Respectfully submitted,

/s/ Lauren Xaba (Signature)

Prepared by:

Lauren Patrizio Xaba

Squash Drive Executive Director

/s/ J. Nicholas Williams (Signature)

Approved by:

J. Nicholas Williams

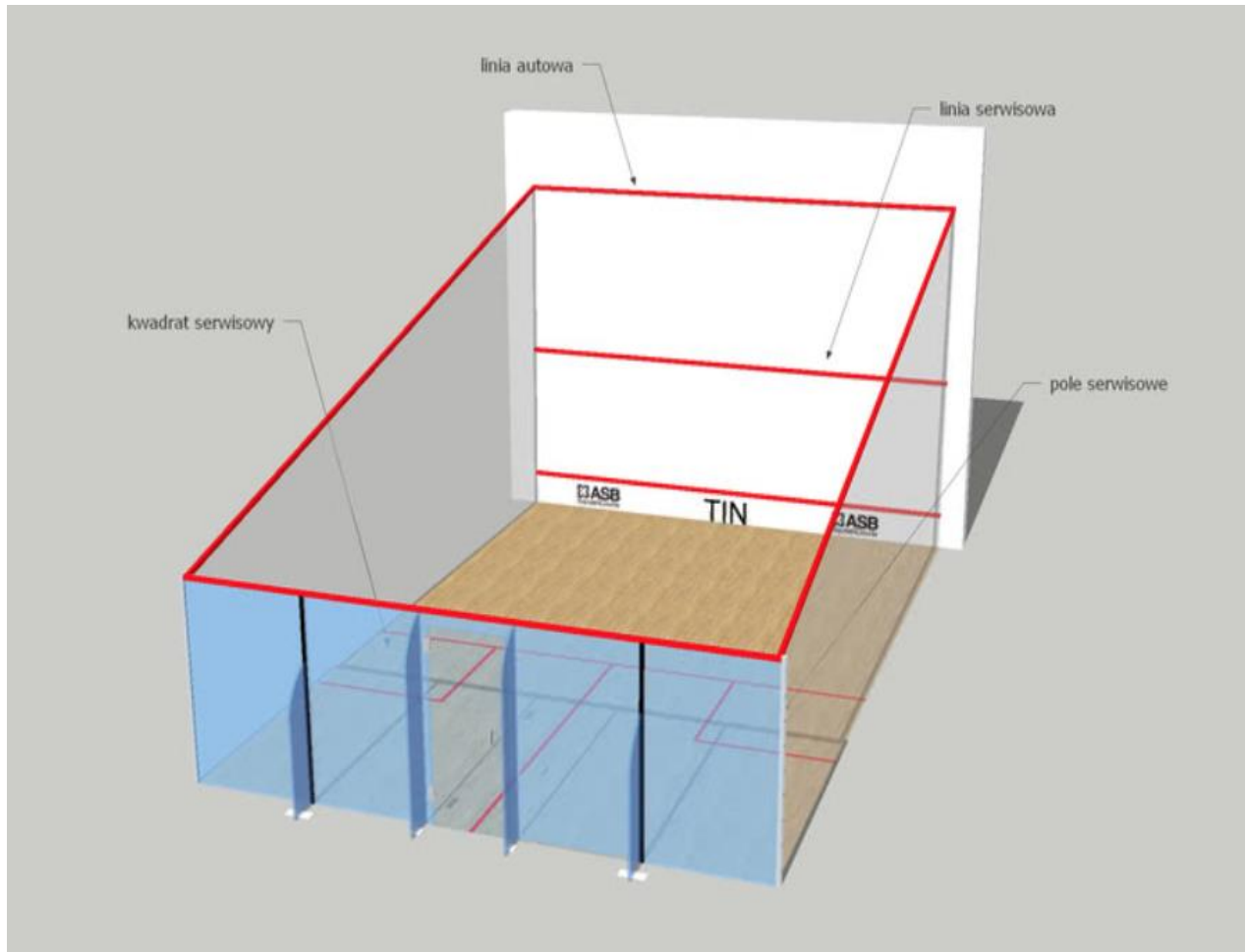
Director

Attachments: Exhibit A – Project Area Map. Potential location shown as blue box  
Exhibit B – Example of indoor squash court design  
Exhibit C – Example of an outdoor squash court

**EXHIBIT A**



## EXHIBIT B



**EXHIBIT C**



## STATISTICS:

### SquashDrive Participant Demographics:

34 African American

44 Latin X

6 Asian

32 Female participants

48 Male participants

120 Hours of Academic Support per student

125 Hours of Squash and Health Wellness

16 Nationally ranked squash players

### College Support, Readiness and Success:

- SquashDrive has 12 Oakland alumni from our program are pursuing meaningful post-secondary opportunities
- Raji Davenport, class 2020, on a scholarship for squash to Hobart William Smith
- Supported our high school seniors' class of 2020 to apply 65 colleges, received acceptances at 29 schools
- \$109,000 of total college scholarship money awarded to our students in 2018-2019