



City of Alameda • California

Historical Advisory Board Certificate of Approval

This notice is provided to declare that on April 1, 2024, the Secretary of the Historical Advisory Board of City of Alameda approved Certificate of Approval No. **PLN24-0075** at **301 Santa Clara Avenue**. This determination has been made following a review for consistency with the Historic Preservation Ordinance (AMC Section 13-21), the Zoning Ordinance (AMC Chapter XXX) and Historical Advisory Board Resolution HAB-12-21.

This is not a Building or Demolition Permit: This Certificate of Approval allows the applicant to apply for a building or demolition permit. Separate application forms, plans, and fees are required for the permit application process. Construction on the project shall not commence until issuance of a building and/or demolition permit.

This Decision May Be Appealed or Called for Review: An appeal of this decision may be made to the Planning Board within ten (10) calendar days from the date the notice of decision. AMC Section 30-25 also allows the Historical Advisory Board or City Council to call a project for review, in which case the project will be scheduled for hearing at the next available Historical Advisory Board meeting. Therefore, this approval does not become final until the ten days after its issuance without an appeal or a call for review.

Project Description: The project consists of the removal of a hazardous coast live oak (*quercus agrifolia*) tree that is approximately 42 inches in diameter at 5 feet above the ground, located on private property in the northeast corner of the lot, as recommended by a certified contractor.

General Plan: Medium-Density Residential.

Zoning: R-2 Residential District.

Conditions of Approval:

- (1) The tree removal shall be in substantial compliance the certified contractor's report dated February 21, 2024 prepared by Tom Carroll, 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 \$1,500 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 tree is conducted in accordance with chapter two of the City of Alameda Master Street Tree Plan Volume 2, "arboricultural best practices", herein incorporated 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.

Environmental Determination:

This project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15304 – Minor Alterations to Land, because the project involves the removal of problematic vegetation for the protection of public health and safety.

Findings:

- 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. 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.

Approved: Steven Buckley, Secretary to the Historical Advisory Board

Prepared by: Tristan Suire
Tristan Suire, Project Planner

Date: April 1, 2024