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### **RESOLUTION NO. 2023-77**

## A RESOLUTION OF THE ALBANY CITY COUNCIL ACCEPTING THE NON-EMERGENCY STREET TREE REMOVAL APPLICATION OF A STREET TREE LOCATED AT 1444 PORTLAND AVENUE

WHEREAS, the property owner at 1444 submitted a Non-Emergency Street Tree Removal Application in January 2023 to a mature American Sweetgum (*Liquidambar styraciflua*) tree located in the public right-of-way at 1444 Portland Avenue (Tree ID #672) citing repeated sidewalk damage, numerous limb failures, impacts to utility services and the condition of the tree as a basis for the removal; and

WHEREAS, the tree removal application was presented to the Parks, Recreation, and Open Space (PROS) Commission at the October 12, 2023 with a staff recommendation to deny the application which was accepted by the Commission on a 5-0 vote with 2 Commissioners absent; and

WHEREAS, the staff recommendation was based on a 3<sup>rd</sup> party risk assessment of the tree that evaluated the overall condition of the tree and risk associated with failure which and recommended that the tree be retained with pruning to address the issues raised by the property owner; and

WHEREAS, the property owner submitted an appeal of the PROS Commission decision within the required timeframe citing risk associated with the tree, sidewalk damage and damage to the property at 1444 Portland as a basis for the appeal; and

WHEREAS, during the evaluation of the appeal, staff considered an additional large limb failure (6"-8" diameter and 15' feet long) that occurred in September or October 2023 and confirmed that the sidewalk which was repaired in May 2016 as part of Phase 0 of the

sidewalk repair program, again is showing a vertical discontinuity of 1.0" due to root damage.

WHEREAS, staff, considering the recent large limb failure, reemergence of sidewalk damage due to the tree and overall risk posed by the tree, now supports removal of the tree under the City's Non-Emergency tree removal criteria contained in the City Tree Removal Policy and Procedures, and

WHEREAS, the removal of this tree is Categorically Exempt from California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) and Section 15302 "Replacement or Reconstruction" of CEQA Guidelines; and

NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby accepts the Non-Emergency Street Tree Removal Application of a street tree located at 1444 Portland Avenue (Tree ID #672).

AARON TIEDEMANN, MAYOR



# City of Albany

1000 San Pablo Avenue • Albany, California 94706 (510) 528-5710 • www.albanyca.org

#### **RESOLUTION NO. 2023-77**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 4h day of December, 2023, by the following votes:

AYES: Council Members Jordan, López, Miki and Mayor Tiedemann

NOES: none

ABSENT: Council Member Hansen-Romero

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this

5th day of January, 2023.

Anne Hsu

CITY CLERK