

ORDINANCE NO. 6,905-N.S.

AMENDING SECTION 1 OF ORDINANCE 6,321-N.S., AS AMENDED (ORDINANCES 6,462-N.S., 6,484-N.S., 6,550-N.S., AND 6,796-N.S.), DECLARING A MORATORIUM ON THE REMOVAL OF COAST LIVE OAK TREES, TO PROHIBIT ANY PRUNING OF A COAST LIVE OAK THAT IS EXCESSIVE AND INJURIOUS TO THE TREE

BE IT ORDAINED by the City Council of the City of Berkeley as follows:

Section 1. That Section 1 of Ordinance No. 6,321-N.S., declaring a Moratorium on the removal of Coast Live Oak Trees, as amended, by Ordinances 6,462-N.S., 6,484-N.S., 6,550-N.S., and 6,796-N.S., is hereby amended to read as follows:

Section 1.

- a. A Moratorium is declared on the removal of any single stem Coast Live Oak tree of a circumference of 18 inches or more and any multi-stemmed Coast Live Oak with an aggregate circumference of 26 inches or more at a distance of four feet up from the ground within the City of Berkeley.
- b. Any pruning of a Coast Live Oak that is excessive and injurious to the tree is prohibited. Excessive and injurious pruning is defined as the removal of more than one-fourth of the functioning leaf, stem or root system of a tree in any 24 month period.
- c. An exception may be made to this Section if the City Manager, or his designee, finds that any tree described in this Ordinance is a potential danger to life or limb due to the condition of the tree, or is a danger to property, and that the only reasonable mitigation would be removal of the tree.
- d. This Section will not prevent the one-time removal, to be determined by the Director of Parks and Waterfront in consultation with the Parks and Recreation Commission of up to four young Coast Live Oaks, 14 inches or less in diameter (DBH), from the area adjacent to the Berkeley Rose Garden deer fence at the Euclid Avenue Overlook, for the purposes of restoring or maintaining public view corridors at the Berkeley Rose Garden.
- e. This Section will not prevent the one-time relocation on-site of one Coast Live Oak tree at 3000 Shasta Road, on the site of the proposed Hills Fire Station, consistent with condition 16 of Use Permit 01-1000057 as approved by the Zoning Adjustments Board, or, removal of said tree if the City Council so determines on appeal of said Use Permit. This paragraph shall be ineffective if the Hills Fire Station is not built.

Section 2.

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King, Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on January 24, 2006, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, and Wozniak.

Noes: None.

Absent: Mayor Bates.

At a regular meeting of the Council of the City of Berkeley held on February 7, 2006, this Ordinance was adopted by the following vote:

Ayes: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak, and Mayor Bates.

Noes: None.

Absent: None.

ATTEST:

Sara T. Cox
Sara T. Cox, City Clerk

Tom Bates
Tom Bates, Mayor

In effect: March 9, 2006