

TREE REMOVAL AND REPLACEMENT POLICY AND PROCEDURES

All applicants for removal and/or replacement must submit to the Association, on an Association Tree Removal Request Form, an explanation of their intentions. Supplementary sketches, drawings and photographs should be attached as necessary to convey the details of the proposed removal and replacement and in justification of removal. This application may be obtained from and should be returned to the Association Office, preferably one week prior to the Review Date, to assure a position on the Neighborhood Preservation review calendar. Additional forms may be obtained by calling the Association Office at (510) 451-7160.

In some cases, after due consideration, the Association, at the Committee or the Board level, may require the applicant to secure the services of a Tree Reviewer (licensed arborist; see Definitions) to review the possible alternatives to removal and/or replacement.

For those cases in which the Neighborhood Preservation Committee has determined that the Tree Removal Request is for a tree which has died a natural death, no application fee will be required. For all other cases, a one hundred dollar (\$100.00) fee for each tree proposed for removal shall be paid to the Association before the Board will consider the Tree Removal Request.

For those cases in which the Association denies the Request, the application fee will be returned to the applicant within two calendar weeks following the Association Decision Date.

For those cases in which the Association approves the application and the homeowner agrees to replace the tree with another approved tree (the applicant shall propose species and size and location and proposed calendar date for completion along with the Tree Removal Request) on the applicant's property, the Association will retain the fee until the replacement is planted and will then refund the full amount. Should the tree not be planted within eighteen (18) months of application date, the homeowner will forfeit the entire fee. Forfeited fees are used for the planting of Public Trees (and other enhancements to the tree inventory) in the Public Areas of the Association.

For those cases in which the Association approves the application and it is impractical for the homeowner to plant a Private Tree, the Association will use such fees exclusively for the planting of Public Trees (and other enhancements to the tree inventory) in the Public Areas of the Association.

In the event that a Tree Removal is denied by the City of Oakland, the Association will refund fees which have been collected to the applicant within two calendar weeks.

Persons failing to obtain Association approval for tree removal in accordance with these provisions shall be assessed \$500.00 for each tree removed depending on its stature.

APPROVED BY THE BOARD OF DIRECTORS, LAKESHORE HOMES ASSOCIATION

Date _____ By _____

1. OBJECTIVE

The objective of this policy and procedures document is to establish a fair and equitable framework to evaluate and reach conclusions regarding homeowner requests for tree removal and replacement.

Among the many features that contribute to the attractiveness and desirability of our neighborhood, one stands above the rest - that is the abundance of trees that line our streets and shade our homes. Trees enhance the real value of our property and provide psychological benefits. Trees provide a haven for those wild creatures that share this area with us and make other environmental contributions as well. It is the policy of the Lakeshore Homes Association to promote preservation of this important amenity.

It is in the interest of all residents in the Association to voluntarily comply with the following regulations in order that we and our children may enjoy our surroundings now and in the years to come.

2. BASIS OF AUTHORITY

The basis of authority for Association policy and procedures regarding tree removal and replacement stems from the First Amended and Restated Declaration of Restrictions (1979) to which all property owners in the Association are subject:

“3.4 Preservation of Trees. No tree having a diameter of twelve (12) inches at a height of four (4) feet above the ground shall be cut down, or in any way mutilated, unless removal or trimming of the tree is necessary to provide space upon which to erect the principal residence. is necessary to protect persons or property from eminent (sic) injury or damages, or is necessary to comply with governmental regulations. Written permission to remove trees otherwise situated shall be obtained from the Association.

“3.5 Preservation of View. No tree, shrubbery, or other obstruction of any kind shall be planted, erected, or maintained on any Lot in such a manner as to unreasonably obstruct or interfere with the view obtainable from the building plot for the principal residence of any other Lot. The question of unreasonableness shall be determined by the Association. The determination of the Association shall be final and shall be binding upon every Lot Owner in the Property.

“7.4 Individual Assessment. Each Lot shall be assessed from time to time for all assessments and penalties to which its Owner is subject as a result of the violations of the terms of the Declaration or any rules prescribed by the Association and for any other liability, indebtedness or other obligation of the Owner to the Association arising under other provisions of this Declaration or otherwise.”

3. DEFINITIONS

Association Lakeshore Homes Association.

Association Approval Date The Board of Directors of the Association meets on the third Wednesday of the month to act upon the recommendation of the Neighborhood Preservation Committee.

Association Review Date The Neighborhood Preservation Committee of the Association meets on the first Wednesday of the month to review tree removal requests and formulate recommendations to the Board of Directors.

City of Oakland Tree Policy "The Tree Preservation Ordinance," (Chapter 7, Article 6, of the Oakland Municipal Code) as well as other requirements of the City of Oakland which may from time to time be adopted.

Private Tree Any tree located on privately owned property, either developed or undeveloped.

Public Tree Any tree located on Association property or land held by a public or quasi-public agency.

Stature Maturity, form and importance to the landscape of a tree when subjectively taken as whole.

Topping Removal of the upper twenty-five (25) percent or more of a tree's trunk or main leaders.

Tree Any tree having a diameter of twelve (12) inches or greater at a height of four (4) feet above the ground; for a multi-trunk tree, a combined diameter of twelve (12) inches or greater at said height; and further being any woody perennial attaining a height of at least eight (8) feet at maturity.

Tree Removal Destruction of any tree by cutting, girdling, re-grading, interfering with its water supply, applying chemicals or distortion of its visual proportions by topping.

Tree Reviewer A licensed arborist who is currently practicing and qualified in the analysis of tree problems/diseases and in making recommendations in this regard.

All other Capitalized terms herein follow the definitions as set forth in the CC&R's.

4. POLICY

It is a policy of the Association to encourage the long term maintenance and net gain in numbers of desirable mature trees in its neighborhoods. This will be accomplished by discouraging removal of existing trees. In those cases in which tree removal is sanctioned by the Association, a replacement tree shall be planted, preferably on the property from which the tree is removed and, where that is impractical, a Public Tree shall be planted or other enhancements to the tree inventory within the Association boundaries will be made.

It is a policy of the Association to encourage compliance with City of Oakland Tree Policy as a minimum standard. *Approval of a removal by the City will not be considered as a basis for the sanctioning of a removal by the Association.*

5. BASIS OF APPROVAL

The Association understands that there are good causes for tree removal. These include but are not limited to:

- (a) Tree is dead from natural causes;
- (b) Unreasonable obstruction of view(s);
- (c) Damage to property, imminent or potential;
- (d) Imminent danger to persons;
- (e) Construction of a principal residence.

The Association will use the above considerations in reaching a conclusion regarding the sanctioning of a tree removal.

The Association will further consider the *stature* of trees proposed for removal. The actual cost for replacement with a tree of equivalent maturity and form will be considered in sanctioning a removal. Trees are an amenity shared by the entire Association membership. Members have a right to expect that replacements will be of similar stature within a short period of time where practical.

In those cases in which a tree removal is sanctioned by the Association (except in the case of a dead tree), a replacement tree shall be planted by an applicant or the applicant shall cause a replacement tree to be planted. The species and size of tree and a schedule for planting shall be approved by the Association as a part of the overall approval process.

6. PROCEDURES

All applicants for Tree Removal shall comply with the City of Oakland Tree Policy by applying for approval as may be required by the City. Prior to final approval by the Association, the Association Administrator must be shown proof that the City has approved the removal.