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Homeowners Seek Special Preservation Status for Oak

By Andrea A. Firth



Live Coast Oak on Donna Maria Way. Photo A. Scheck

Orinda's City Council recently considered a request from Charlotte and Jim Smith to designate a large Coast Live Oak tree on their property on Donna Maria Way as a Heritage Tree. A rarely, if ever, employed section of the Orinda Municipal Code provides that a tree may be designated a Heritage Tree by the City Council because of an association with a person or event of historical significance or because of exceptional size condition, or aesthetic qualities. Planning Director Emmanuel Ursu reviewed the City records and found no evidence of any Heritage Tree designations in the Orinda. With a 39" diameter and branches that span an estimated 100 feet across, the Smith's Oak tree appears to qualify for heritage status, and if the Council approves the application, their tree may be the first to be recognized with this designation.

"This tree is a place where we meet with neighbors," stated Jim Smith. "It's a community meeting place," he added, explaining that he and his wife were pursuing the Heritage Tree designation in order to protect and preserve the tree. Several residents from Donna Maria Way were present and echoed Jim and Charlotte's sentiments and described attending an annual block party in the shade of this tree each summer. "It would be a shame to see anything happen to this central feature that unites us," stated neighbor Steven Austin.

Per the City Code, Heritage Trees receive greater protection than other protected trees through stringent standards on pruning, relocating, and removing. In order to protect the Heritage Tree, the Code also includes special requirements if grading or building is to take place near the tree.

The Smith's Oak tree sits adjacent to Donna Maria Way between their driveway and the entrance to a 20-acre parcel more commonly referred to as the Moraga Adobe property. Developer Michael Olsen and a couple of partners have owned the property for 18 months and propose to create a 13-lot subdivision at the site. Branches of the Smith's oak tree extend across the existing paved road entrance to the Adobe property.

"We have no intention to harm the tree, but we do plan to have a road that goes under the dripline [the outermost edge of the tree's canopy] of the tree," stated Olsen in his comments to the Council. Olsen has already placed pink tape on a large branch that hangs over the drive as guide for construction vehicles entering his property. He added that the new entrance road would have utility lines under it, and that he was willing to work with an arborist to protect the tree's roots. "We are trying to add positively to an existing neighborhood, said Olsen, who estimated that his property has ten or more oak trees of similar size to the Smith's tree.

"This is a precious tree and one that should be preserved as part of the tradition of our City and this Council," stated Council Member Steve Glazer, but he added, "The map [in the staff report] is not clear and so it is not possible to make a thoughtful decision. There may be others affected by what happens around this tree." Council Member Amy Worth agreed, "The plan is incomplete. We need to see the dripline and easement delineated...And we need to know what are the impacts on others." In addition, several Council members struggled with unclear language in the Code and asked the City Attorney to review and clarify the Code. "This statute may not encompass the situation the City faces," stated Vice Mayor Victoria Smith.

Both Mayor Tom McCormick and Glazer encouraged the Smiths and Olsen to communicate directly regarding their concerns regarding the preservation of the tree and the impact of the access to the proposed development. During a break in the public hearing and after the meeting, it appeared that the two landowners and neighbors had begun a dialogue.

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