



January 22, 2026

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**Re: Violation Of The Oakland Municipal Code Chapter 12.36 (Protected Tree Ordinance) At Assessor Parcel Number 48H-7672-18  
From: Oakland Public Works Department**

Dear Members of the Oakland City Council and Mayor Lee,

Trees for Oakland is currently Oakland's longest-serving nonprofit group dedicated solely to tree planting, with specific emphasis on planting in flatlands neighborhoods. Since our formation in 2015, we have planted more than 3,000 trees in the City in coordination with City Tree Services. We continue to host monthly events to plant, maintain and prune trees. We are proud of our contribution to Oakland's urban forest and remain dedicated to our mission to educate people about trees, combat climate change, and provide a more equitable distribution of trees within Oakland.

The case of Oakland home owners Matthew Bernard and Lynn Warner, who have been cited by City Tree Services for removing approximately 50 protected trees without permits on their and adjoining neighbors' properties and on city property, was reported about in a [December 21 article in the San Francisco Chronicle](#). We watched the hearing at the December 16th City Council meeting, where Tree Services staff provided extensive evidence outlining the illegal tree removals as well as their rationale for the large fine. It is clear from both their testimony and that of Mr. Bernard, that he destroyed numerous statutorily protected trees, that he did not obtain necessary permits before doing so, despite being told multiple times he needed them, and that he ignored City Tree Services Staff and refused to stop when confronted on his property while operating a chainsaw.

We believe this is a blatant and deliberate case of misconduct. It cannot be ignored, or treated with leniency, since others will conclude that they too can commit such violations with no fear of consequence. In sum, the \$915,000 fine is fully justified and should be approved, making clear that Oakland's laws will be fully enforced. During testimony at the Council Meeting, Mr. Bernard offered no excuse other than ignorance of the law and made false statements regarding the number of trees he cut down, despite overwhelming evidence to the contrary.

We feel the City needs to enforce its own laws. Failing to do so would create extremely negative impacts for our climate goals, our urban forest, be bad for local ecology and birds, and bad for community health. Healthy trees are a community resource; destroying them illegally, as Mr. Bernard has done, is a violation against the entire community.

Sincerely,

A handwritten signature in blue ink that reads "Kent Swandowski". The signature is written in a cursive, flowing style.

On Behalf of the Trees for Oakland Advisory Board

Attached: Dec 16<sup>th</sup> City Council Agenda Report for this Item