

**Alameda County Public Works Agency
Tree Advisory Board Meeting
Wednesday, May 20, 2015
Public Works Building, 951 Turner Ct., Hayward
Room 230**

MINUTES

MEMBERS PRESENT: Chair, Kathie Ready; Dan Gallagher; Walt Fuji; Vice-Chair, Dee McDonough; Don Nelson

OTHERS PRESENT: Inta Brainerd; Jim Browne; Lupe Serrano; Judy Jung; Steve Kirk; Susan Kleebauer

CALL TO ORDER: The Chair called the meeting to order at 4:05 p.m.

I. PUBLIC COMMENT: None

II. ANNOUNCEMENTS: Inta asked the TAB if it would be okay to move 17459 Via Estrella to the top of section IV. TAB approved agenda change.

III. MINUTES

- February 18th, 2015 TAB meeting: Minutes approved 5 - 0

IV. VIOLATION HEARINGS:

17459 Via Estrella, San Lorenzo

- Lupe Serrano provided Spanish translation.
- Inta reported that a tree had been topped at this location. A fine of \$500 for loss of value and a \$100 fine for work without a permit were proposed and it was recommended that the tree be removed and replaced.
- Mr. Rafael Ramirez (property owner) reported that he spoke with someone on the 2nd floor at Public Works regarding permit needs and was told that if he used a licensed contractor he did not need a permit.
- He reported that the tree had dropped 2 major limbs and he was worried for the safety of his family and wanted to have the tree trimmed.
- Mr. Ramirez hired Juan Rodrigues Landscaping to prune the tree. The landscaping company has a business license but no contractor's license.
- The owner reported that the landscaper recommended the type of pruning (topping).
- Dee motioned to propose a fine of \$500 for loss of value, a \$100 fine for work without a permit, and the tree be removed and replaced with a 24" boxed tree.

- Dan amended the motion to levy the fine against the landscaping company and require the property owner to be responsible for the removal and replacement. Don seconded the amended motion.
- The motion was approved 4-1 with Walt opposing.

16184 Hesperian Blvd. San Lorenzo

- Lupe Serrano provided Spanish translation.
- Inta reported that a Privet tree has been pruned and no permits were issued for the work. The proposed fine is \$500 for loss of value, \$100 for work without a permit, and remove and replace the tree.
- The property owner reported that he has a special needs child with severe allergies to the tree that are documented by a doctor.
- He stated that he didn't realize he needed a permit and just wanted to prune the tree back to reduce the allergen potential.
- Some discussion ensued regarding CC&Rs being given to new property owners. SLVHA clarified that they give the CC&Rs to the title company which are then to be given to the new property owners.
- The property owner stressed that his intentions were not to damage the tree and that he would prefer to remove it.
- Walt motioned to give the owner a warning.
- Dee amended the motion to include that when the property owner can afford removal he is to obtain a permit, remove the tree, and replace with a 15 gallon sized tree.
- Dan seconded the motion.
- The motion was approved unanimously.

17845 Via Valencia, San Lorenzo

- Judy Jung provided Mandarin translation.
- Inta reported that a Sycamore had been topped at this location and no permits were issued. The proposed fine is \$6800 for the loss of value, \$100 for work without a permit, and remove and replace the tree.
- Shirley Zai, friend of the property owners, was also present to help with translation.
- The property owners explained that they had only recently moved into the property, January 2015. Mr. Yen was home ill and saw a contractor pruning a neighbor's tree. He asked the contractor to prune his tree back from the house. He did not have contractor information and he paid cash for the work.
- Dee inquired whether or not the owners received the packet provided by SLVHA upon moving in. The property owners responded that they did not know.
- Kathie inquired who the real estate agent was. The owners responded that it was Vivian Tan with Century 21 out of San Francisco and that she did not explain anything about being in a homes' association to the owners.
- Discussion ensued regarding the difference in value pre and post pruning and whether or not the tree can be saved.

- Property owner asked for lenience because he trimmed it to try and be safe. He knows he's at fault and explained that he and his wife are seniors and do not speak English.
- Walt motioned that the tree be removed and replaced with a 36" boxed Sycamore Colombia and levy a fine of \$9000 fine based on the moderated value of the tree.
- Dee seconded motion.
- Motion passed unanimously.

1787 Via Buena Vista, San Lorenzo

- Inta reported that a Sycamore tree was improperly pruned at this location.
- Property owner reported that their insurance company was threatening to cancel their insurance if they did not prune the tree back from the house. Property owner had asked a contractor he saw doing work in the area to prune his tree. The contractor was Javier Saunders Tree Service.
- Kathie pointed out that the contractor did not prune any limbs back from the house.
- The contractor ignored SLVHA's stop work order.
- Jim Browne also went out to the site and cautioned contractor to stop work and spoke with owners.
- Kathie requested that PWA follow up with County Counsel to see if we have any recourse against the contractor even though we have no property address and he's not responding to voice messages. SLVHA did provide the license plate number and will that help?
- Discussion ensued regarding insurance requirements.
- Walt motioned that the property owner be fined \$4550 for the loss of value, \$100 for work without a permit, and that the owner be required to hire an arborist to correctively prune the tree. The first pruning to be completed soon and should attempt to balance the canopy and prune the tree for aesthetics. The owner is to provide the County notice that the work has been completed. Part II of the motion is that the tree contractor be fined two times the loss of value (\$9100) plus the \$100 fine for work without a permit. Walt added a note to staff to pursue the contractor with County Counsel aggressively.
- Dan seconded the motion.
- Motion approved unanimously.
- Owner inquired about appeals process. Inta indicated she would include the information in her correspondence.

1627 Via Sarita, San Lorenzo

- The property owner nor the tenant attended the hearing.
- Inta reported that the owner reported that his tenant had pruned his tree without his permission. No permits were ever issued for the work.
- Dee motioned that a \$1500 (three times the minimum loss of value) fine be levied along with a \$100 fine for work without a permit.

- Walt amended the motion to include that the tree be removed and replaced with a 36” boxed Sycamore Columbia. Dan added that it must be planted within the right of way.
- Don seconded the motion.
- Motion approved unanimously.

V. OTHER:

- Inta announced that TAB would likely not be able to have this agenda item in the future.
- Kathie asked that they be allowed to have a Board comments or Board announcements Agenda item.
- Kathie announced that she was being replaced by Vivian Wong and asked the TAB to continue supporting tree preservation. Inta clarified that Vivian has not yet been appointed.
- The question was raised can ordinance information be sent out with taxes.
- 1672 Via Sarita was reported as a violation.
- Inta explained the process for addressing pollarded trees.
- It was requested that Inta clarify bullet #6 of the previous meetings minutes.

VI. Wrap up and adjourn: Meeting adjourned at 5:25 p.m.