

**Alameda County Public Works Agency
Tree Advisory Board Meeting
Wednesday, August 19, 2015
Public Works Building, 951 Turner Ct., Hayward
Room 230**

MINUTES

MEMBERS PRESENT: Chair, Kathie Ready; Dan Gallagher; Vice-Chair, Dee McDonough;

OTHERS PRESENT: Inta Brainerd; Jim Browne; Lupe Serrano; Steve Kirk; Susan Kleebauer; Huy chau; Allen Robello; Debra Dedek; Minh Huyhn; Gia Leyva; Ruben Garcia; Yolanda Pliscencio; Tiale (?)

CALL TO ORDER: The Chair called the meeting to order at 4:00 p.m.

I. PUBLIC COMMENT: None

II. ANNOUNCEMENTS: Inta

III. MINUTES

- Ammended February 18th, 2015 meeting: Minutes approved 3 - 0
- May 20th, 2015 TAB meeting: Minutes approved 5 - 0

IV. VIOLATION HEARINGS:

1627 Via Sarita, San Lorenzo

- Inta explained that due to notification being sent to the wrong address, the Director agreed to give the property owner a chance to attend the hearing.
- 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.
- Minh Huyhn reported that his tenant hired the contractor to prune the tree and was suing him for the associated costs.
- Mr. Huyhn counter sued but since there was not a final decision from PWA his counter suit was dismissed. His tenants suit was also dismissed.
- Dan motioned that a \$1500 (three times the minimum loss of value) fine be levied along with a \$100 fine for work without a permit. Also the tree needs to be removed and replaced with a 36" boxed Sycamore Columbia.
- Mr. Huyhn asked that he be able to plant a different species than the Sycamore as his front yard is small.
- Dan amended the motion to include that replacement tree needs to be approved by the County Arborist.

- Dee seconded the motion.
- Motion approved unanimously.

2889 Kelly St. Castro Valley

- Inta reported that an Acacia tree has been removed and no permits were issued for the work. The proposed fine is \$500 for loss of value, \$100 for work without a permit, and replace the tree.
- The property is a church and Tially (?) was present to represent the property owner.
- She reported that the tenant was afraid of the tree doing damage to the building.
- Dan motioned that the property owner pay a fine of \$100 for work without a permit and be required to plant two 24" boxed trees within the County road right of way. One is to be planted on Kelly and the other on Maud. Both are to be approved by the County Arborist. Stumps must also be removed.
- Dee seconded the motion
- Motion approved unanimously.

17362 Via San Ardo, San Lorenzo

- Inta reported that a Sycamore had been topped at this location and no permits were issued. The proposed fine is \$2,700 for the loss of value, \$100 for work without a permit, and remove and replace the tree.
- Mr. Allen Robello, the property owner, reported that he did the pruning over 5 years ago and did not understand why only now he has received notice of the violation.
- Kathie reminded Mr. Robello that the Village Briefs inform SLVHA residents that permits are required for tree work.
- Mr. Robello responded that he is dyslexic and has difficulty reading and therefore, was not aware of any restrictions regarding trees in the front yard.
- Discussion ensued regarding pollarding, corrective pruning, and removing and replacing the tree.
- Jim Browne pointed out the dieback in the picture and a woodpecker hole in one of the limbs. The tree is not viable and should be removed and replaced.
- Dee motioned that the tree be removed and replaced with a 24" boxed sized tree from the recommended tree list and levy a fine of \$3800 for a total loss of value and a \$100 fine for work without a permit.
- Dan seconded motion.
- Motion passed unanimously.
- The homeowner was very upset and did not understand the reason for his fine being substantially more than the church's fine.

1528 Bandoni Ave, San Lorenzo

- Inta reported that a Modesto Ash tree was improperly pruned at this location. The proposed fine is \$500 for loss of value, \$100 fine for work without a permit, and the tree be removed and replaced.
- Property owner reported that that 2 limbs dropped.
- He contacted Hayward, San Leandro, and San Lorenzo to inquire about removal and was told he would need a permit to remove.
- He asked his contractor what he could do as he was worried about safety. The contractor told him they could top the tree and not need a permit.
- Inta pointed out that had the owner applied for a permit to remove the tree it would have been approved.
- Discussion ensued regarding the fine.
- Dee motioned that the property owner be fined \$500 for loss of value, \$100 for work without a permit and be required to remove and replace with a 24” boxed size tree to be approved by the County.
- Dan seconded the motion and clarified that the Contractor be fined \$1500 for three times the loss of value of the tree.
- Motion approved unanimously.

17450 Via Melina, San Lorenzo

- Inta reported that a Privet tree was removed from this location. No permits were ever issued for the work.
- Privet trees are on the nuisance tree list and would have been approved for removal had the property owner submitted an application.
- Discussion ensued regarding the species, power lines, and the fine.
- Dan motioned that a \$100 fine for work without a permit be levied along with requiring the property owner to plant a 24” boxed size tree from the recommended tree list.
- Dee seconded the motion.
- Motion approved unanimously.

16132 Via Primero, San Lorenzo

- Lupe provided Spanish translation.
- Inta reported that an Australian Willow had been topped and no permits had been issued.
- The property owner reported that he had the tree trimmed because it was growing over the sidewalk and into his roof and house.
- Property owner used the same gardener as his neighbor.
- Discussion ensued regarding topping and SLVHA’s Village Briefs which inform residents of the need to get a permit.
- Dan motioned to fine the property owner \$500 for the damage to the tree plus a \$100 fine for work without a permit. He also added that the tree should be removed and replaced with a 24” boxed size Sycamore tree and planted within the right of way.

- Dee seconded the motion.
- Motion approved unanimously
- Property owner inquired about appealing the decision.

16124 Via Primero, San Lorenzo

- Inta reported that a Ginko tree had been topped and no permits were issued for the work.
- Property owner reported that she bought the house in 1987 and started to live in it in 2007.
- She indicated that since that time she has had the tree trimmed 3 times and has never been told she needed permits.
- She reported that she had the tree trimmed because it was in the lines and was scary when the wind blew.
- She said she spoke with Beverly at SLVHA after being notified by them and that Beverly told her it was ok because she only trimmed the tree.
- Discussion ensued regarding topping and SLVHA's Village Briefs which inform residents of the need to get a permit.
- The owner again questioned why she had not been reprimanded earlier and asked why, when one of her neighbors removed a tree they were not fined.
- Dee motioned that property owner be fined 3 times the value for a total of \$1500 plus a \$100 fine for work without a permit and required to remove and replace the tree with a 24" boxed size tree.
- Kathie specified that the tree must be a Columbia Sycamore.
- Dan seconded the motion and amended the motion to include that the property owner be required to provide contractor information including name and phone number.
- Dee seconded the amendment.
- Motion and amendment approved unanimously
- Property owner expressed that she would like to appeal the TAB's recommendation.

16173 Via Primero, San Lorenzo

- Inta reported that a Ginko tree had been topped and no permits were issued for the work.
- Property owner reported she has lived at the residence for 18 years and that the contractor she used has been doing business in the Village for the last 15.
- She circulated a flier that she had received for Mr. Tran's Yard and Tree Service.
- She stated that because she received this flier and he had been working in the Village for so many years she believed he was qualified.
- She originally had the tree trimmed because it was causing arcing to the service drop to her house and garbage trucks were hitting it.
- Discussion ensues regarding permit requirements, SLVHA's Village Briefs, and topping.

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- Dan motioned that property owner be fined three times the minimum loss of value fine for a total of \$1500 plus the \$100 fine for work without a permit. And be required to remove and replace the tree with a species approved by the County. He also added that the County should make every effort to locate the Mr. Tran and fine him \$1500.00 as well.
- Dee seconded the motion.
- Motion approved unanimously.

V. Follow up:

- Inta announced that the “Follow Up” agenda item would be replacing other.
- Kathie requested that new TAB elections be held at the next meeting.

VI. Wrap up and adjourn: Meeting adjourned at 4:56 p.m.