



Tree Advisory Board Meeting
Wednesday, August 16, 2017
Public Works Building, 951 Turner Ct., Hayward
Room 230

MINUTES

MEMBERS PRESENT: Chair, Dan Gallagher; Vice-Chair, Dee McDonough; Kathie Ready; and Lawrence Latchman; absent: Don Nelson

OTHERS PRESENT: Inta Brainerd; Jim Browne; Sarah Odie, District 3

CALL TO ORDER: The Chair called the meeting to order at 3:00 p.m.

I. PUBLIC COMMENT:

- None

II. ANNOUNCEMENTS:

- Don Nelson will not be able to make the meeting.
- Welcome our newest appointee, Lawrence Latchman, District 2.

III. TAB MINUTES

- May 17, 2017 minutes approved unanimously.

IV. VIOLATION PROCESS

- Kathy Lee, County Counsel, reviewed sections of the Ordinance pertaining to violations and enforcement options.
- Kathy further expanded on the differences between fines and abatement processes.
- Kathy outlined the roles for staff and TAB members during the violation process and stressed the importance for the appellant to be given a fair hearing and equal opportunity to respond.

TAB members moved and approved unanimously to move Agenda item VI. *Summary of 2017 Violations/Permits* to item number V.

V. SUMMARY OF 2017 VIOLATIONS/PERMITS (1/01 – 7/31)

PERMITS:

- District 1 – 1 removal, 1 pruning
- District 2 – 0
- District 3 – 13 removal, 3 pruning, 1 planting

District 4 – 9 removal, 0 pruning, 1 planting

District 5 – 0

VIOLATIONS:

District 1 – 0

District 2 – 0

District 3 – 0 removed, 5 pruned

District 4 – 1 removed, 2 pruned (1 location)

District 5 – 0

- Your packets include copies of the appraisal/loss of value reports for each violation.
- Staff summarized the violations and provided status of each.

TAB recessed at 3:40 and resumed meeting at 4pm.

VI. TREE VIOLATION HEARINGS/APPEALS

832 Via Mariposa, San Lorenzo

- Staff presented staff report detailing violation and proposed fines and abatement.
- Appellant apologized and explained that he did not know about the need for a permit to work on his tree.
- He further explained that he thought the tree was overgrown and that because it had previously dropped limbs on cars, he decided to prune it.
- He informed the Board of the sentimental value that the tree holds for him.
- He hired his own arborist who stated that if the tree was professionally pruned over time it could be saved.
- He appealed to the TAB to be allowed to retain the tree and follow the arborist's recommendations regarding pruning.
- Dan Gallagher, Chair, explained how a tree responds to improper pruning and that the Liquidambar tree, in particular, tends to drop limbs after the type of pruning that was done to it.
- The TAB discussed the evidence and testimony.
- TAB unanimously voted to decrease the \$1000 civil penalty to \$500 because the amount was excessive for the circumstances, impose the \$100 fine for work without a permit, and the \$206.10 for the cost of the tree appraisal report.
- TAB unanimously voted to recommend restoratively pruning the tree annually, during dormancy, over the next three years at the request of the property owners. At the end of that three year period, the County is to reassess the health of the tree and determine its viability.

VII. WRAP UP AND ADJOURN:

- Meeting adjourned at 5:15 p.m.