

ALAMEDA COUNTY PUBLIC WORKS AGENCY
TREE ADVISORY BOARD MEETING
Wednesday, September 17th, 2003, 3:00 p.m.
PWA Executive Conference Room 111

MINUTES

Attendees: Richard Hancocks, Audrey LePell, Sandi Ornellas, Chloe of OPPD (new management analyst), Inta Brainerd, Joey Kalofonos, Rita Lubeck (public)

I. Announcements

A memo to the Board from Don was distributed.
Inta – Don will not be attending today.
Introduction of new OPPD Management Analyst, Chloe.

II. Minutes

Audrey– Motion to pass minutes. With lack of quorum today, minutes are pending approval next meeting.

III. Nuisance Trees

Inta – Ms. Lubeck has a privet she'd like to have removed, in San Lorenzo. Similar to a previous appeal, this raises the issue of nuisance trees. Don has requested staff to propose a procedure to minimize appeals of "nuisance trees", authorizing the County Arborist to use his/her discretion. Ms. Lubeck has come to the TAB meeting today in an informal, unofficial appeal.

Ms. Lubeck – The Privet tree stains the walkway and cars, the pollen is allergenic and the tree is located next to the bedroom window, the tree has killed her lawn, and it creates a hazard as the accumulated leaves become slippery on the sidewalk.

Audrey – Are there other Privets in the neighborhood?

Ms. Lubeck – No.

Inta – Addresses Ms. Lubeck, informing her that this proposed procedure about nuisance trees could help situations like the one she is in. It allows the County Arborist to use his/her judgement, so in certain situations such as this one it can be useful.

Copy of Ordinance given to Ms. Lubeck. Process of appeal reviewed.

Ms. Lubeck – Someone else had a privet removed, and exception was made. Is this the same Board that created the Ordinance?

Inta, Audrey – Yes, review of history of the Board, development of the Ordinance. It was the Director that granted that previous appeal.

3:40 Exit Ms. Lubeck.

Audrey – Can any tree be a nuisance tree?

Inta – Explanation of handout. Certain types of trees are inappropriate for planting in cramped urban areas and create great hardship for homeowners. Examples of some of these trees are listed. This would be an in-house procedure that gives the Arborist discretion to make exception to such nuisance trees, that would allow removal but still mandate replacement.

Richard – BOS, TAB bound by Ordinance to deny appeal of removals unless the tree is dead, diseased or dying. Also, evergreen trees should not be street trees, due to constant seasonal problems created by flowering, fruiting, etc.

Inta – Deciduous trees have just as many “problems”.

Audrey – The slipping hazard Ms. Lubeck cited as caused by the Privet tree is neglect on the homeowner’s part in not sweeping and performing necessary maintenance.

Richard – The neighborhood removal/replacement program mentioned in the Ordinance has not been developed. The Ordinance does not deal with “nuisance trees” but perhaps it could be incorporated into the neighborhood removal/replacement program.

Audrey – Suggestion to the TAB to begin policy of removal/replacement programs in January.

Inta – Everyone who is unhappy because their tree does not qualify for removal is advised to appeal. Appeals will increase to limit the TAB to hearing all these appeals and not have time to deal with other issues. The proposed procedure on nuisance trees would reduce the number of appeals.

Richard – A tree is defined as a tree and cannot be considered a weed. One should be hesitant to establish a policy contrary to Ordinance. If neighborhood removal/replacement programs are applied then nuisance trees can be addressed justly. The status of the reconstitution of the TAB is uncertain.

The Ordinance states that unless the appellant can show the tree is dead, dying or diseased, there cannot be an appeal. Appeals are an option to put the decision before more people. Perhaps the Arborist is in error. The appeal is a check to abusive discretion.

Audrey – The BOS takes into account other factors, not just explicit law.

Sandi – There is latitude in the Ordinance, room for interpretation. Allergy can equal a hazard as hazard is interpretational, just as leaves can sometimes be a hazard.

Inta – If a Privet tree is removed without permit, the fine is 3 times the value of the tree, which is minimal for a privet.

Please state recommendation to Don regarding proposed procedure.

Richard, Audrey – Maintain the status quo.

IV. Other

Audrey – The Planning Commission voted to allow the demolition of a lovely home recently. There are very old palms trees with interesting growth on the property that should be preserved but the house and trees are located in the middle of the lot. The house should be made part of the overall plan of redevelopment. It has been done throughout East Bay, but the Planning Commission voted for its’ demolition.

Inta – As the trees are outside County right-of-way, the Ordinance cannot help.

Richard – Before she leaves the Planning Commission, Audrey should implement a tree preservation policy.

Inta – In California, all oaks located on parcels of land 1acre or larger are protected by state law.

Request → Provide copy of state code re: oak protection in California.

V. The next meeting is scheduled for Wednesday, October 22nd, 2003.