

**ALAMEDA COUNTY
BOARD OF SUPERVISORS'
UNINCORPORATED SERVICES COMMITTEE**

Wednesday, April 27, 2016

5:30 p.m.

Supervisor Nate Miley, Chair
Supervisor Wilma Chan, excused

Location: San Lorenzo Library
395 Paseo Grande
San Lorenzo, CA 94580

Summary Minutes

Supervisor Chan called the meeting to order.

I. Alameda County Tree Ordinance Revisions

[Attachment](#)

Inta Brainerd, County Arborist, Public Works Agency presented PowerPoint presentation of proposed revisions to the County Tree Ordinance.

The Tree Ordinance was adopted in 2003 and a five member Tree Advisory Board was appointed to hear appeals and violations. Since 2003, 423 permits have been issued for pruning, removal and planting of trees. All permits were inspected by a certified arborist. Approximately 2,265 trees have been planted in the County Road Right-of-Way.

The Tree Advisory Board has held 68 hearings, of which 14 appeals were denied and 54 violations resulted in the Board levying fines.

The proposed revisions to the tree ordinance are to clarify existing language regarding property owners' responsibilities and to comply with current government codes.

The Tree Advisory Board and the Public Works Agency has held several meetings on the tree ordinance revisions between January 2014 and now. The proposed revisions will be presented in two more public meetings and then go before the Board of Supervisors for adoption in May 2016.

Speakers

Richard Hancocks requested a comparison document with language from current ordinance and the proposed revisions in order to comment intelligently, as trees are a valuable asset to the community.

Howard Beckman, agreed with Mr. Hancocks' comments and expressed additionally that there are controversies with the tree ordinance, and a reluctance of the Supervisors to endorse the tree ordinance, lack of enforcement, no regular periodic reports, and a contentious issue if the composition of the Tree Advisory Board. There is one advisory board member for the unincorporated area however the ordinance is applicable in unincorporated area. Mr. Beckman suggested that the ordinance not be sent to the Board to recommend approval of the revisions until it has been properly vetted. Mr. Beckman will submit comments in writing about the tree ordinance to Districts Three and Four.

Kathy Ready requested a redline copy of the ordinance for comparison purposes and recommended language be added to the other ordinance for the protection of trees. Ms. Ready felt that the fines for violation of the ordinance were not adequate and there were inconsistencies with the ordinance and Tree Advisory Board recommendations.

Steve Kirk requested to table the ordinance, as he had researched statistics on trees and they do not match the report given regarding removal and replacement of trees. In a three year history, only three fines have been collected. Most revenue is from tree permits.

Diane Wydler asked how the penalties are being enforced and is concerned that only one person is making the determination regarding removing trees.

Ruth Barrata asked if the data regarding trees is for the entire unincorporated community and could the data be separated by community, additionally when residents see proposed violations of the Tree Ordinance, who should they call.

Betty Moose asked how the County staff will get the information to the community to notify them of changes in the ordinance. There should be more information in the library about the Tree Ordinance.

Daniella asked regarding the abatement authority, has the Public Works Agency used funds to plant new trees for the ones that have been destroyed.

Peter Rosen asked if there was language in the ordinance about maintenance of trees, or language to prevent the removal of a 75 year old tree and replacing it with a 15 gallon tree. . In addition Mr. Rosen suggested that members of the Tree Advisory Board have a background with trees.

Discussion

Supervisor Miley made the following comments regarding the Tree Ordinance:

- Table the tree ordinance and bring back to the Committee with more information
- The Tree Ordinance only applies to public right-of-ways in the unincorporated area
- Supervisor Miley recognizes the value of trees and wants to preserve them as much as possible

Supervisor Chan made the following comments regarding the Tree Ordinance:

- Continue the discussion on the Tree Ordinance before going to the Board of Supervisors
- County staff to meet with the Tree Advisory Board regarding proposed revisions to the ordinance
- Staff will include a redline version of the Tree Ordinance on the Public Works Agency website and make redline copies available at the San Lorenzo Library.

II. Update on Eden Area Livability Initiative (EALI) Governance Working Group Resolutions [Attachment](#)

Eva Poon and Claudia Albano, District 4, and Ray Lara, County Counsel, presented a PowerPoint presentation on the Eden Area Livability Initiative Governance Working Group Resolutions.

The Eden Area Livability Initiative (EALI) is focused a community visioning process for the Eden area. EALI has created and prioritized projects developed by the community in the areas of agriculture & environment, economic development, education, governance and public safety & realignment.

At the January meeting of the County's Transportation and Planning Committee meeting, the Alameda County Office of the County Counsel presented four options of how an appointed Municipal Advisory Council (MAC) could be converted to an elected MAC. Supervisor Nate Miley recommended Option 2 for an elected MAC body to move to the full Board of Supervisors.

Option 2

The Board of Supervisors may adopt by resolution to convert the MAC to an elected MAC upon voter approval. The voting population would be registered voters within the MAC area.

On February 2 2016, the Board of Supervisors moved to table the item regarding an elected MAC in Castro Valley until the EALI governance process is completed. On February 29, 2016, a Town Hall Meeting was held to discuss option of an elected MAC in Castro Valley.

Resolutions from EALI Governance meeting

To explore a proposal by community member Keith Barros:

- Create a Fairview MAC
- Create an Eden Area MAC for Ashland, Cherryland & San Lorenzo
- Consolidate West County Board of Zoning Adjustments (BZA) powers with those of the MACs

- The question of an elected MAC in Castro Valley should be decided by the voters of Castro Valley

Speakers

Betty Moose asked the definition of Castro Valley MAC and their duties. Response: The Castro Valley Municipal Advisory Council, an advisory council to Supervisor Miley, District 4.

Howard Beckman stated that he was previously a part of the EALI process, as there was not reasonable, fair and logical discussion regarding the elected Castro Valley MAC. This is an extremely complex issue and does not know how residents are to give any direction.

Richard Hancocks stated that he did not participate in the EALI process as he felt it would not bring expected outcomes. He asked what is the definition of local control and questions the legality of a MAC with BZA powers. It is an offense notion of wealthier white neighborhoods and lower income mixed race communities.

Cheryl Miraglia stated that there was consensus on several items in the EALI process and an elected MAC was not one of them. Ms. Miraglia opposes the elected MAC resolution and referenced San Joaquin County changed from an elected MAC to an appointed MAC.

Randy Waage stated that the San Lorenzo Village Homes Association has been together for 70 years and does a lot for the community. He does not support an elected MAC.

Michael Kusiak, President, Castro Valley Matters, supports an elected MAC and stated that the process has evolved over many years and an elected MAC would allow better governance and local control for the community. Castro Valley is a very diverse community.

Peter Rosen, Castro Valley resident, stated that Castro Valley Matters, grew out of the EALI process and he supports letting the voters decide if the MAC should be elected in Castro Valley.

Keith Barros explained that there were two different proposals before the Committee and community one has nothing to do with the other. The SLVHA is to enforce Conditions Covenants & Restrictions and is not a political body.

Ellen Griffin supports an elected MAC, as Castro Valley is a rapidly growing, changing community, it would engage citizens and the people should have a chance to decide however the current MAC has done a great job.

Mark Winchel, stated issues with the Office of County Counsel.

Ellen O'Donnell, Castro Valley resident stated that she attended the last EALI governance meeting and supports an elected MAC in Castro Valley.

Daniella stated that she supports a MAC in Ashland, Cherryland and San Lorenzo.

Ingrid Moller, stated that Cherryland has 14,000 residents and an association founded in 1990, and does not support an elected MAC for the Cherryland area.

Tomoko Hawk, Castro Valley Resident, stated that Castro Valley is a diverse community. She received a flyer regarding a Town Hall meeting and knocked on 50 doors and many people did not know who runs Castro Valley. She supports an elected MAC in Castro Valley.

Marta, Castro Valley, resident for 30 years, has been recently involved with Castro Valley, supports elected MAC to know what is going on in the community.

Mike Barrata, Cherryland resident, has been engaged in the EALI process and encouraged people to get involved.

Joanne Lauer, an eighteen year resident of Castro Valley, supports an elected MAC, it is a way to get the information out and create more engagement.

Diane Wydler stated that she doesn't care if they have an elected MAC or not in Castro Valley but doesn't want to pay for it.

Kathy Ready stated that Castro Valley residents can keep abreast of what is going on in their community by reading the Castro Valley Times, a local newspaper.

Supervisors' Comments

Supervisor Chan stated that this is a complex situation and Castro Valley residents have changed dramatically and the desire for local control is expected in a growing community. Supervisor Chan is in support of completing the EALI process before taking up the matter of an elected MAC.

PUBLIC COMMENT

Howard Beckman stated that the Unincorporated Services Committee meetings have been canceled and the Committee is very different, more formal with timed comments. He would like to see a change in the Committee meetings with more pertinent content.

Suzanne Barba, stated that two legislators Quirk and Bonta, have legislation to dissolve the Eden Health Care District, there is not much information about it, but requests a report at the next Unincorporated Services Committee meeting.

Michael Kusiak, Chair of the Measure G asked for support for the Castro Valley School Bond, also the developers for the Sprouts site in Castro Valley withdrew their application due to a CEQA issue. He asked the community to think about economic development and redevelopment for the area.

Peter Rosen asked if the Unincorporated Services Committee meetings are similar to the Castro Valley General Purpose meetings.

Steve Kirk contacted PG&E regarding letters sent to residents paying and encouraging them to cut their trees; PG&E talked to the County about it, the Director of the Public Works Agency, and is disappointed that PWA did not notify the homeowner's association.

Kathy Ready stated that Segway Housing, who is building Mercy Senior Housing had no covering for the construction during recent rains and she is concerned about the moisture content in the wood that could produce mold. Ms. Ready requested that the County building inspector's visit the site.

Mark Winchel made comments regarding the Public Works Agency,

ADJOURN

The meeting was adjourned to June 29, 2016.

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