



Public Works Agency
Alameda County

Daniel Woldesenbet, Ph.D., P.E., Director

399 Elmhurst Street • Hayward, CA 94544 • (510) 670-5480 • www.acgov.org/pwa

Date: February 14, 2018
To: All Tree Advisory Board Members
From: Inta Brainerd
Subject: Tree Advisory Board Meeting

The next Tree Advisory Board meeting is scheduled for **Wednesday, February 21, 2018** from **4:00 – 5:30pm.** in room 230, Turner Ct., Hayward.

Please bring any pertinent materials with you to the meeting.

If you are unable to attend for any reason please call to let me know of your absence in advance. I can be reached at (510) 670-5786 or you may call the general number (510) 670-5480. I can also be reached by cell at (510) 760-0734.

Please note that the next regularly scheduled meeting will be held May 16, 2018.

Sincerely,

Inta Brainerd
County Arborist
Alameda County Public Works Agency



Alameda County Public Works Tree Advisory Board

Regular Meeting

ALAMEDA COUNTY PUBLIC WORKS BUILDING
ROOM 230
951 TURNER CT.
HAYWARD, CA 94545

Wednesday, February 21, 2018 4pm

DONALD G. NELSON	DISTRICT 1
LAWRENCE LATCHMAN	DISTRICT 2
KATHIE READY	DISTRICT 3
DAN GALLAGHER	DISTRICT 4
DEE MCDONOUGH	DISTRICT 5

The Tree Advisory Board welcomes you to its meetings and your interest is appreciated. If you wish to speak on a matter on the agenda, please fill out a speaker slip at the back of the Room. When addressing the Board, please give your name for the record prior to your presentation. If you wish to speak on a matter **not** on the agenda, please wait until the Chair calls for public input at the beginning of the Regular Calendar. **NOTE:** Only matters within the Tree Advisory Boards' jurisdiction may be addressed. Time limitations shall be at the discretion of the Chair.

Pursuant to Board Policy: (1) Applause, signs or demonstrations are prohibited during Board meetings; (2) Any Board Member may request a continuance on any item appearing for the first time; (3) All agenda items shall be received by the Environmental Services section prior to 3 p.m. on Tuesday **two** weeks before the meeting date and 12 noon, one day earlier when a Holiday intervenes.

If you have questions regarding the agenda, please call (510) 670-5786. The Board's Agenda and Summary Action Minutes are also available by calling (510) 670-6467 or logging onto www.acpwa.org

AGENDA

Introductions

- I. Public Comment
- II. Announcements
- III. Minutes
 - November 15, 2017 TAB meeting
- IV. Tree Violation Hearings/Appeals
 - 21324 Times Ave., Hayward
 - 17313 Via Carmen, San Lorenzo
- V. Summary of 2017 Violations/Permits
- VI. Wrap up and Adjourn

**NEXT SCHEDULED TREE ADVISORY BOARD
MEETING
WEDNESDAY, May 16, 2018
3:00pm – 5:00pm
PLEASE SIGN ATTENDANCE SHEET**



Public Works Agency
— Alameda County —

Tree Advisory Board Meeting
Wednesday, November 15, 2017
Public Works Building, 951 Turner Ct., Hayward
Room 230

MINUTES

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

OTHERS PRESENT: Inta Brainerd; Jim Browne; Sarah Odie, District 3; Herman Lee
(appellant)

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

I. PUBLIC COMMENT:

- None

II. ANNOUNCEMENTS:

- Kathie Ready will not be able to make the meeting.

III. TAB MINUTES

- August 16, 2017 minutes approved unanimously.

IV. TREE VIOLATION HEARINGS/APPEALS

**16138 Via Alamos
San Lorenzo, CA 94580**

- Inta presented staff report explaining that a Brazilian Pepper tree had been improperly pruned and that no permits had been issued for the work.
- The recommended fines were: \$100 for work without a permit; \$1000 administrative penalty; and \$367.12 for the cost of the appraisal report.
- The recommended abatement was: \$1040 paid into a mitigation fund for loss of value; and tree needs to be removed and replaced.
- Mr. Herman Lee, property owner, explained that he was not aware that permits were required. He further explained that he was concerned about the tree growing into his and his neighbor's service drops and causing a fire. Because he planted the tree in his front yard, he did not think he needed permission to prune the tree.
- TAB members explained right of way (ROW), how the tree was improperly pruned, and the need to contact PG&E regarding the wires.
- TAB member, Don Nelson, made a motion to require Mr. Lee to plant a 15 gallon tree in the ROW; pay the \$100 fine for work without a permit and the

appraisal cost of \$367.12; and that the administrative penalty and abatement costs be waived. No second, motion failed.

- TAB member, Dee McDonough, motioned that Mr. Lee pay the \$100 fine for work without a permit; the cost of the appraisal for \$367.12; half the administrative penalty, \$500; and for the abatement, the tree be removed, stump ground, and replaced with another tree in the larger portion of the yard. The motion was moved, seconded, and unanimously approved.
- The motion was explained to Mr. Lee that he would be responsible for paying a total \$967.12 for penalties and appraisal cost and for the removal of the tree and stump, and the planting of a replacement tree. Mr. Lee indicated he understood and was dismissed.

V. SUMMARY OF 2017 VIOLATIONS/PERMITS (1/01 – 11/01)

PERMITS:

District 1 – 1 removal, 1 pruning
District 2 – 0
District 3 – 19 removal, 6 pruning, 1 planting
District 4 – 16 removal, 0 pruning, 3 planting
District 5 – 0

VIOLATIONS:

District 1 – 0
District 2 – 0
District 3 – 0 removed, 6 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.

VI. WRAP UP AND ADJOURN:

- Meeting adjourned at 4:55 p.m.



Date: February 21, 2018
Subject: Staff Report on Violation of Tree Ordinance Incident
To: Tree Advisory Board

Violation: It was reported and documented that (1) Sycamore tree was improperly pruned and no permits were acquired for the work.

Property Owner of Record: Dayani Aguilar

Address Where Violation Occurred: 21324 Times Ave., Hayward, CA 94541

Background for appeal of fine:

On April 12, 2017 staff was notified by the Sidewalk Program that a tree located at the above address had been improperly pruned. Staff were provided pictures and a copy of a Sidewalk Repair Program Arborist Review Request. On April 13, 2017, staff contacted Hortscience (Consultant) to request a Tree Evaluation and Appraisal of Value. Consultant inspected the tree on April 24, 2017 and provided their assessment on May 5, 2017. Staff mailed a Notice of Violation (NOV) on June 13, 2017 and provided a revised invoice on August 11, 2017. Mr. Aguilar responded after receiving a second request for invoice payment in November. He indicated that he had not received any prior notices nor had he received any invoices. On December 12, 2017 staff sent another NOV by certified mail that was returned. Staff called Mr. Aguilar on January 19, 2018 to advise about returned notice. Mrs. Aguilar came to the office on January 19, 2018 to pick up her NOV packet. On January 30, 2018, she hand delivered a letter of appeal along with the appeals fee. The matter was scheduled for the next TAB meeting (February 21, 2018) and on February 6, 2018 the property owner was sent a Notice of Hearing.

The following fines were assessed in accordance with Sections 12.11.220 Fees and 12.11.250 Administrative penalties:

- \$100.00 for work without a permit
- \$1000.00 administrative penalty
- \$206.35 cost of tree appraisal

Background for hearing on abatement:

Same as above for appeal.

The following required corrective actions are to be taken in order to comply with Section 12.11.130 Abatement Authority:

- Acquire permit for removal and replacement of the damaged tree;
- Remove damaged tree and grind stump;
- Replace with a 24" boxed approved tree;
- Pay \$1800.00 into a mitigation fund for the loss of value of the tree(s).

Enclosures:

- Arborist Review Request
- Notice of Violation
- Appraisal Report
- Invoice
- Letter of Appeal

Brainerd, Inta

From: Browne, Jim
Sent: Thursday, April 13, 2017 12:11 PM
To: Brainerd, Inta
Cc: Attiogbe, Kwablah; Shouldice, John
Subject: FW: SRP Application Tree Concern (21324 Times Ave)
Attachments: 21324 Times Ave Photos & Snips.zip

Inta:

Please investigate and notify property owner of any violation as needed and/or required. Also, would like to know how this may affect the SRP application. Please advise.

Jim

From: Shouldice, John
Sent: Wednesday, April 12, 2017 1:58 PM
To: Browne, Jim <jimb@acpwa.org>
Subject: SRP Application Tree Concern (21324 Times Ave)

Jim;

Recently we received a public sidewalk request from the subject property owner. I performed a sidewalk inspection yesterday and took the attached photos.

- I will be submitting the regular consulting arborist review request but I thought you should see these photos. Someone did some serious pruning on the tree. The cut ends of the various branches/limbs show that such was done quite recently.
- Perhaps the pruning was done with permit or by PG&E or by a tree contractor registered with your dept. The pruning looks significant and I thought such should be brought to Urban Forestry's attention. I have also included Google Map photos taken August 2016 to show the tree pre-pruning condition.

Please advise of any tree issues that may affect this SRP application or that may affect the regular consulting arborist review request.

Thanks

John Shouldice

SRP Arborist Review Request:

Date: April 12, 2017

PROJECT/ROAD #: R60020

SRP TRACKING #: 2017-014

An SRP application has been received for the subject property. We request an arborist review of the trees. Please provide report. Site information and sample photos included below.

SITE ADDRESS:	21324 Times Ave, Hayward	Thomas Bros:	711 F1
Tree Info:	No. of Trees:	One	
	Approx Height:	18 ft.	
	Approx Diameter:	2 ft.	
	Location:	Tree located approx 3 ½ ft. back of s/w.	
	Status:	Public.	
ROW Info:	ROW extends approx 4 ½ ft. back of s/w.		
Priority:	Regular.		
Comments:	<ol style="list-style-type: none"> 1. The expected repair will include 24 lin. ft. of s/w plus c/g. While the s/w lifting is more pronounced at the southern end of the property, there may be a considerable amount of root work involved due to the expected overall length of s/w repair. 2. The existing tree appears to have been <u>severely pruned</u>. The report should include an evaluation & professional opinion on the <u>effect of this recent tree pruning</u> on the expected <u>health tree decline</u> and <u>structural integrity</u> over the next 5 to 10 years <u>and whether this pruning will be the major cause of any such decline/deficiency.</u> 		

The arborist’s report should address the following in addition to any regular review comments:

1. Expected tree root mass: i.e. Negligible, Low, Moderate, Significant, High (N, L, M, S, H).
2. Expected future infrastructure damage: 5 – 10 year timeframe (N, L, M, S, H).
3. Expected tree health decline: 5 – 10 year timeframe (N, L, M, S, H).
4. Expected tree effect on public/property safety: 5 – 10 year timeframe (N, L, M, S, H).
5. Expected ‘Tree Removal Recommendation’ during s/w repair (N, L, M, S, H).
6. Suggested sidewalk modification (Suggested/Necessary; Configuration; Dimension; etc.).
7. Root barrier requirement (Yes/No, Type/Manufacturer/Length/Depth, etc.).
8. Arborist in-field inspections during construction (Yes/No).

For tracking purposes, arborist’s report should be identified with indicated Project and Tracking Info.





Notice of Violation, Imposition of Penalty, and Required Abatement

June 13, 2017

Dayani Aguilar
21324 Times Avenue
San Lorenzo, CA 94580

Re: Tree Work

Dear Property Owner:

A tree has been improperly pruned in the County Road Right-of-Way adjacent to your property at the above address. The improper pruning was unpermitted and illegal. The County of Alameda's Tree Ordinance ("Ordinance") provides as follows:

- Section 12.11.140: *"The planting, maintaining, or removing of any tree in the right-of-way, and all associated facilities... are encroachments subject to the permitting and other requirements of this Chapter."*
- Section 12.11.110: *"In accordance with the California Government Code, Section 53067, no person shall top, head back, stub or pollard any tree located within the right-of-way."*
- Section 12.11.130: *"The Director will require replacement of a tree within the right-of-way that is improperly removed or damaged. Where replacement is inadequate to correct the harm caused by an improperly removed or damaged tree or is impracticable, the Director may also require the property owner to pay the loss of value of such tree into a tree mitigation fund as abatement for such loss of value."*
- Section 12.11.250: *"Any person, including, but not limited to, the property owner, the person performing the work, and/or any other responsible person, who violates the provisions of this Chapter or any condition imposed upon any permit issued hereunder shall be liable to the County for a civil penalty of up to \$1000 per violation, under a schedule of penalties established by the Director and approved by the Board."*

Per the enclosed arborist's report, the tree that was improperly pruned is considered a total loss and cannot be salvaged. Pre-pruning, the value of the tree was \$1800, for a total of \$1800 in loss of value (see attached appraisal). The destruction of this high-value tree cannot be adequately corrected by planting a sapling.

Pursuant to the Ordinance, you are ordered to do the following:

Pay Fines

\$100.00 fine for work without a permit

\$206.35 for cost of appraisal report

\$1000.00 for civil penalties

Abate Damage

Acquire permit for removal and replacement of the damaged tree

Remove damaged tree and grind stump

Replace with a 24 inch boxed tree (see enclosed guidelines)

Pay \$1800 into mitigation fund for the loss of value of the tree

In order to avoid collection efforts, special assessment of the amounts owing, application of interest for late payment, or additional penalties for noncompliance, please make payment of the total monetary amount (\$3106.35) within 30 days. Cash or a check may be brought or mailed to the County's Fiscal Department at 399 Elmhurst St. Hayward. Your check should be made payable to "Alameda County Treasurer's Office." Please be sure to denote the invoice number (17T06:05) with your payment. Please see section 12.11.280 of the Ordinance for discussion of the consequences of noncompliance.

Enclosed is a permit application to remove the remainder of the tree. You must submit the application within 30 days to the County's Permit Center at 399 Elmhurst St., Hayward.

Should you wish to appeal the \$100.00 fine, the civil penalties totaling \$1000.00, or the cost of the appraisal, you may submit a letter of appeal to the Tree Advisory Board no later than 30 days after the date of this notice. The letter of appeal may be submitted to the Public Works Agency Director's attention: Daniel Woldesenbet, 399 Elmhurst St., Hayward, CA 94544. An appeal must include an address to send all notices, the \$25 appeals fee, and all supporting documentation. Please see section 12.11.260 of the Ordinance for more information.

As to the required abatement, you may request a hearing before the Tree Advisory Board. If a hearing is requested, the Tree Advisory Board shall hear the matter and make a written recommendation to the Board of Supervisors following the hearing. Requests for hearing must be submitted in writing to the Director of Public Works within ten days. If no request for hearing is received, this abatement order shall be final. Please see section 12.11.130 of the Ordinance for more information.

More information about the County's tree program, including the full text of the Ordinance, can be found at <https://www.acpwa.org/pas/urban-forestry>.

Also enclosed is the Fee Schedule adopted under the above Ordinance as well as a copy of the appraisal report.

Your timely cooperation is greatly appreciated.

Sincerely,



Inta Brainerd

County Arborist

Alameda County Public Works Agency

Enc.

THE COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
FISCAL DIVISION
399-A Elmhurst Street, 3rd Floor
Hayward, CA 94544
Tax ID 946000501

INVOICE 17T06:05
June 08, 2017

Customer No: 2727
Dayani Aguilar
Attn: Dayani & Lilian Aguilar
21324 Times Avenue
San Lorenzo, CA 94580

Description of Services

INVOICE FOR FINE DUE TO WORK DONE WITHOUT A TREE PERMIT.

VIOLATION ADDRESS: 21324 Times Ave., San Lorenzo, CA 94580

Fine for work without a permit \$	100.00
Cost of tree appraisal	206.35
Fine for misdemeanor	1,000.00
Abatement for loss of value	1,800.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT INTA BRAINERD, COUNTY ARBORIST, AT 510-670-5786.

Job No: F7H018 - TREE PROGRAM - ABATEMENT

Revenue Account No:	270401-430210-00000/99179	\$100.00
	270401-430210-50600/99179	\$1,000.00
	270401-479990-00000/99179	\$206.35
	900003-499990-00000	\$1,800.00

Invoice Total: 3,106.35

PLEASE MAKE REMITTANCE PAYABLE TO "TREASURER OF ALAMEDA COUNTY"
SEND TO THE ABOVE ADDRESS
PLEASE REFERENCE ABOVE INVOICE # ON PAYMENT

The undersigned hereby certifies that the above claim is true and correct.

SOPHIE YANG  (510) 670-5474



May 5, 2017

Ina Brainerd
Alameda County Public Works Agency
951 Turner Ct.
Hayward, CA 94545

Subject: Tree Evaluation and Appraisal of Value
21324 Times Ave., San Lorenzo

Dear Ms. Brainerd:

The Alameda County Public Works Agency is responsible for administering tree pruning and removal permits for trees within County rights-of way, in accordance with the Alameda County Tree Ordinance (Sec. 12.11.230 of the Alameda County General Code). To help determine losses associated with improper pruning or un-permitted removals, the County requested that HortScience, Inc. evaluate the current condition of the tree, provide management recommendations as appropriate, and establish any loss in value.

I visited the subject site on April 24, 2017. This letter summarizes my observations and assessment.

Background

You contacted me on March 10, 2017 after noticing the pruning of a London plane tree (*Platanus x hispanica*) at the subject site.

Since I had no photographs showing the tree pre-pruning, I used the Google Earth street view © of the subject site to assist me in establishing tree condition.

From my review of the historic images available from Google Earth street view ©, the tree has a history of topping for the overhead utility lines and has never had a full canopy. I used the August 2016 image as the basis for the pre-pruning condition.

Observations and Assessment

The London plane was located in the front yard of the Times Ave. address, approximately 3' behind the sidewalk. The tree had a single trunk, measuring 24" in diameter at 54" above grade and had displaced the adjacent sidewalk and curb and gutter by 2-3". Pre-pruning, the tree had a partial canopy due to the topping for the overhead utilities. I considered the pre-pruning condition to be fair (rated as 50%).

The tree had been topped at ~15', removing ~100% of the live foliage (Photo, following page). The pruning consisted of cutting ~20 branches to 3-7" diameter stubs. Pruning was not performed according to the Best Management Practices for Pruning (International Society of Arboriculture, 2002) and to the most recent editions of the American National Standard for Tree Care Operations (Z133.1) and Pruning (A300). The tree was in poor condition due to the pruning (rated as 30%). The London plane can recover from the topping, but I see no reason to recommend restorative pruning if it will continue to be topped periodically by the utility company.

Appraisal of Loss

To establish the loss in value associated with damage resulting from pruning, I employed the standard methods found in *Guide for Plant Appraisal*, 9th edition (published in 2000 by the International Society of Arboriculture, Savoy IL). In addition, I referred to *Species Classification and Group Assignment* (2004), a publication of the Western Chapter of the International Society of Arboriculture. These two documents outline the methods employed in tree appraisal.

The value of landscape trees is based upon four factors: size, species, condition and location. Size is measured as trunk diameter, normally 54" above grade. The species factor considers the adaptability and appropriateness of the plant in the East Bay. The *Species Classification and Group Assignment* lists recommended species ratings and evaluations. Condition reflects the health and structural integrity of the tree. In this case, I used the aerial photo provided and the Google Earth street view © to help establish the pre-pruning condition. The location factor considers the site, placement and contribution of a tree in its surrounding landscape. In this case, the tree is located in a residential area in San Lorenzo.

Any loss associated with the pruning, would be the difference in value before and after it was pruned. Based on my assessment of the value of the tree before and after the pruning, I established the loss in value to be \$1,800 (see attached appraisal worksheets).

In this case, I see no reason to recommend restorative pruning if the tree will continue to be topped periodically by the utility company.



Photo: The London plane post pruning. One hundred percent of the live foliage had been removed, leaving ~20 stubs from 3" to 7" in diameter.

If you have any questions, regarding my observations or assessment, please feel free to contact me. I look forward to hearing from you.

Sincerely,



John Leffingwell
Board Certified Master Arborist #WE-3966B
Registered Consulting Arborist #442

Att. *Pre-pruning appraisal worksheet*
Post-pruning appraisal worksheet

Pre-pruning Appraisal Worksheet
(Taken from a form found in: *Guide for Plant Appraisal*, 9th edition)

PREPARED FOR: Alameda County Public Works
LOCATION: 21324 Times Ave., San Lorenzo

1. Species	London plane (<i>Platanus x hispanica</i>)
2. Pre-pruning condition rating Based on Google Earth street view ©.	50%
3. Trunk diameter Measured at 54" above grade.	24"
4. Location rating Based upon site rating of 60%, placement rating of 60% and contribution rating of 65%.	62%
5. Species rating Based upon guidelines provided in <i>Species Classification and Group Assignment</i> .	70%
6. Replacement tree size Based upon guidelines provided in <i>Species Classification and Group Assignment</i> for a Group 3 tree.	3.80 sq. in.
7. Replacement tree cost	\$172.73
8. Installation cost	\$172.73
9. Installed cost Based upon guidelines provided in <i>Species Classification and Group Assignment</i> for the installed cost of a 24" box tree.	\$345.46
10. Unit tree cost Based upon guidelines provided in <i>Species Classification and Group Assignment</i> for a Group 3 tree.	\$45.46
11. Appraised trunk area (Taken from Table 4.4, 9 th Edition)	452 sq. in.
12. Appraised trunk area increase (over 24" box) (Line 11 – Line 6)	448.2 sq. in.
13. Basic tree cost (Line 12 x Line 10 + Line 9)	\$20,721
14. Pre-pruning appraised value (Line 13 x Line 2 x Line 4 x Line 5, rounded to the nearest \$50.00)	\$4,500

References

International Society of Arboriculture. 2000. *Guide for Plant Appraisal*. 9th Edition. Champaign IL. 143pp.

Western Chapter, International Society of Arboriculture. 2004. *Species Classification and Group Assignment*. Cohasset CA. 37pp.

Post-pruning Appraisal Worksheet
(Taken from a form found in: *Guide for Plant Appraisal*, 9th edition)

PREPARED FOR:	Alameda County Public Works
LOCATION:	21324 Times Ave., San Lorenzo

1. Species	London plane (<i>Platanus x hispanica</i>)
2. Post-pruning condition rating	30%
Based on Google Earth street view ©.	
3. Trunk diameter	24"
Measured at 54" above grade.	
4. Location rating	62%
Based upon site rating of 60%, placement rating of 60% and contribution rating of 65%.	
5. Species rating	70%
Based upon guidelines provided in <i>Species Classification and Group Assignment</i> .	
6. Replacement tree size	3.80 sq. in.
Based upon guidelines provided in <i>Species Classification and Group Assignment</i> for a Group 3 tree.	
7. Replacement tree cost	\$172.73
8. Installation cost	\$172.73
9. Installed cost	\$345.46
Based upon guidelines provided in <i>Species Classification and Group Assignment</i> for the installed cost of a 24" box tree.	
10. Unit tree cost	\$45.46
Based upon guidelines provided in <i>Species Classification and Group Assignment</i> for a Group 3 tree.	
11. Appraised trunk area	452 sq. in.
(Taken from Table 4.4, 9th Edition)	
12. Appraised trunk area increase (over 24" box)	448.2 sq. in.
(Line 11 – Line 6)	
13. Basic tree cost	\$20,721
(Line 12 x Line 10 + Line 9)	
14. Pre-pruning appraised value	\$2,700
(Line 13 x Line 2 x Line 4 x Line 5, rounded to the nearest \$50.00)	

References

International Society of Arboriculture. 2000. *Guide for Plant Appraisal*. 9th Edition. Champaign IL. 143pp.

Western Chapter, International Society of Arboriculture. 2004. *Species Classification and Group Assignment*. Cohasset CA. 37pp.

INVOICE

INVOICE #: 11994F

JOB #: 2329-02

DATE: May 5, 2017



Alameda County Public Works Agency
Attn: Ms. Anita Franklin
399 Elmhurst Street
Hayward, CA 94544

AUTHORIZED BY: Jim Browne

RE: PO - PBWKS-0000006352

4/24/17 assessment of tree at
21324 Times Avenue, San Lorenzo
and preparation of appraisal report

	<u>Hours</u>	<u>Amount</u>
Consultant @ \$160.00/hour	1.25	\$200.00
Expense, Mileage @ \$0.535/mile		\$5.35
Expense - Parking		\$1.00
Total amount of this bill		<u>\$206.35</u>

Payment due by June 5, 2017
HortScience, Inc. Tax ID# 94-2943027

TREE PERMIT APPLICATION



Public Works Agency
— Alameda County —

COUNTY OF ALAMEDA PUBLIC WORKS AGENCY

399 Elmhurst St., Hayward, CA 94544 * Phone: (510) 670-5480 * <https://www.acpwa.org/tree-permit>

Tree Planting

Tree Pruning

Tree Removal

Name / Address of Owner, Utility, or Contractor:

Job Site Address:

Phone Number:

Description of Tree(s) including Proposed Work: [Identify location, condition of tree(s) and dates of work]

Tree location measured in from the edge of the face of curb towards tree _____ (ft) _____ (inches)

Tree Trimming/Removal Requirements

Contractor's Name: _____

Contractor's License #: _____

Certified Arborist #: _____

County Arborists maintain the authority to monitor and inspect work to insure compliance with the Alameda County Tree Ordinance (Sec. 12.11.230)

Replacement/New Tree Species: _____

I, the property owner/resident at the above address agree to water and maintain the above tree within the County right-of-way on my property. Once planted, I agree not to remove this tree without the prior written consent of the Alameda County Public Works Agency. I also understand that if the above tree dies or is damaged beyond repair, the County may require me to replant a new tree at my sole expense.

I agree to comply with all of the provisions, conditions, and other requirements of this Permit:

Signature of Applicant: _____

NOTICE:

Permit will not be valid until issued. Permits shall be kept on site during work. The Permittee is responsible for and must notify the County at (510) 670-5480, no later than ten (10) days after completion of the work.

For County Use Only

Applicable Fees paid: \$50.00 <small>(Fees are non-refundable)</small>
Date Paid:



Public Works Agency
Alameda County

Permit Number:
Permit Issuance Date:
Permit Expiration Date:

Status: APPROVED DENIED NO PERMIT REQUIRED

Permit Conditions _____

This Permit is issued in accordance with Chapter 12.11 of the Alameda County General Ordinance Code and the County Tree Ordinance, in order to authorize access to a public roadway for the purpose of planting, pruning or removing a tree, the trunk of which lies wholly or partially within the right-of-way of the said roadway

Application reviewed:	_____	_____
	County Arborist	Date

Tree Information

DATE FIELDED: _____

Number of trees:	Species:	Height:	DBH:
Location of tree:			
Overhead High Voltage Lines: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Overall health:			
Any obvious defects/diseases:			
Comments: _____			

<input type="checkbox"/> SIDEWALK DAMAGE			Pictures Taken: <input type="checkbox"/> Yes <input type="checkbox"/> No

Post-Work Inspection

Date Fielded:	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No
Comments: _____	

Permit Closed: _____	_____
Date	Alameda County Public Works Agency

Alameda County Recommended Tree List

Type of Tree

Maximum Height

Characteristics

Small size planting strip: 18" - 3' planting space or **under overhead high-voltage lines**

<i>Acer buergerianum</i> , Trident Maple*	25'	Deciduous; full sun to full shade; low canopy, red & gold Fall color
<i>Cercis occidentalis</i> California Redbud	25'	Deciduous; full sun/partial shade; purple flowers in Spring
<i>Chionanthus retusus</i> , Chinese fringe tree	20'	Deciduous; full sun/partial shade; showy, white flowers in Spring/Summer
<i>Lagerstroemia x fourieri</i> 'Biloxi', 'Fantasy', 'Natchez', 'Muskogee', 'Tuscorora', 'Wichita', Hybrid Crape Myrtle	25'	Deciduous; full sun to partial shade; pink, red, or white flowers in Summer
<i>Laurus nobilis</i> , Grecian laurel	25'	Evergreen; full sun to part shade; conical or oval shape
<i>Syringa reticulata</i> , Japanese tree lilac	20'	Deciduous; full sun/partial shade; showy, fragrant flowers in Summer
<i>Tristania laurina</i> , Swamp Myrtle	25'	Evergreen; full sun/partial shade; showy yellow flowers in Spring-Summer

Medium size planting strip: 3' - 5' planting space

<i>Koeleruteria paniculata</i> , Panicle Goldenrain Tree	35'	Deciduous; full sun/partial shade; showy yellow flowers in Summer
<i>Betula nigra</i> 'Heritage', Heritage River Birch	50'	Deciduous; full sun/partial shade; golden Fall color; colorful exfoliating trunk
<i>Pistachia chinensis</i> , Chinese Pistache	25'	Deciduous; full sun/partial shade; high canopy, red/gold/orange Fall color
<i>Arbutus</i> 'Marina', Marina madrone	40'	Evergreen; full sun; rounded or vase shaped, showy red to pink flowers
<i>Catalpa x Chitalpa tashkentensis</i> 'Pink Dawn', pink dawn chitalpa	25'	Deciduous; full sun to part shade;
<i>Lophostemon confertus</i> , Brisbane box	45'	Evergreen; full sun/partial shade; oval or round shape; exfoliating bark
<i>Olea europaea</i> 'Swan Hill' Swan Hill fruitless olive	35'	Evergreen; full sun; oval or round shape; silver green foliage
<i>Ulmus parvifolia</i> 'Drake'	40'	Semi-deciduous; full sun/partial shade; rounded/umbrella canopy, interesting bark
<i>Melaleuca linariifolia</i> , Flax-leaf paperbark	30'	Evergreen; full sun/partial shade; round canopy, showy flower display

Large size planting area: planting space greater than 5'

<i>Acer rubrum</i> , Red Maple	50'	Deciduous; full sun/partial shade; high conical canopy, red & orange Fall color
<i>Astrocarpus gratiflor</i> , fern pine	50'	Evergreen; full sun/part/sun/full shade; rounded/conical shape
<i>Ginkgo biloba</i> , Maidenhair Tree	65'	Deciduous; full sun/partial shade; golden Fall color
<i>Pinus canariensis</i> , Canary Island Pine	65'	Evergreen; full sun/partial shade; regal dark green canopy
<i>Pinus pinea</i> , Italian Stone Pine	35'	Evergreen; full sun/partial shade; large, rounded/umbrella canopy
<i>Platanus x hispanica</i> 'Columbia', 'Bloodgood', 'Yarwood', London Plane	65'	Deciduous; full sun/partial shade; large, majestic canopy
<i>Quercus agrifolia</i> , coast live oak	70'	Evergreen; full sun/partial shade; extensive rounded/umbrella canopy
<i>Quercus lobata</i> , Valley oak	75'	Deciduous; full sun/partial shade; large, majestic canopy
<i>Quercus rubra</i> , Red Oak	65'	Deciduous; full sun/partial shade; red, orange, & bronze Fall color
<i>Quercus suber</i> , Cork Oak	65'	Evergreen; full sun/partial shade; extensive rounded/umbrella canopy
<i>Quercus virginiana</i> , Southern live oak	50'	Evergreen; full sun/partial shade; spreading rounded/umbrella canopy
<i>Saphora japonica</i> , Japanese pagoda tree	60'	Deciduous; full sun/partial shade; rounded canopy, showy flowers and fruit

* Available in Springtime to Summer time only

Please note, all trees planted *must* be at least a 15 gallon container size.

If you would like to plant another type of tree that is not on this list, please contact the County Arborist for prior approval.



Tree Ordinance Fines, Permit Fees and Appeal Related Fees

Fees:

Contractor Permits: \$500.00

Individual Permits: \$50.00

Inspection Fees:

- **Pre-inspection with permit** Included in cost of permit
- **Post-inspection (work completed)** Included in cost of permit
- **Re-inspection (if needed)** \$50.00/hr

Appeals to the TAB: \$25.00

Appeals to the Board of Supervisors \$50.00

Fines and Penalties:

- **Work Performed without a Permit: \$100.00**
- **Trees Planted without a Permit: The Director may order that the tree be removed and/or replaced with one from the Recommended Tree List.**
- **Trees that are topped, tipped, stubbed, removed, or otherwise damaged: The administrative penalty shall be the appraised value of the removed tree or loss of value to the damaged tree, up to a cap of \$1000.00.**
 - **Value and loss of value shall be calculated using the most recent edition of the "Guide for Establishing Values of Trees and Other Plants" by the council of tree and landscape appraisers that is in effect at the time of the violation.**
- **In addition to administrative penalties, the property owner and/or contractor shall be responsible for the cost of the tree appraisal required to determine the loss of value.**
- **All fines and penalties shall be deemed non-exclusive and cumulative.**

On July 1st of each year, the director shall automatically adjust the permit fees. This adjustment shall be the percentage change in the U.S. Department of Labor Bureau of Labor Statistics, Consumer Price Index, Urban Wage Earners and Clerical Workers for the San Francisco-Oakland-San Jose, CA Area over the preceding calendar year or an equivalent annual inflation index for the Oakland-San Francisco Bay Area for the same time period, provided such increase does not exceed the reasonable costs of providing permit-related services. In addition to the adjustment described above, the board of supervisors may periodically adjust any fine, penalty, or fee to reflect increased costs, inflation, or other factors.

THE COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
FISCAL DIVISION
399-A Elmhurst Street, 3rd Floor
Hayward, CA 94544
Tax ID 946000501

INVOICE 17T08:08
August 11, 2017

Customer No: 2727
Dayani Aguilar
Attn: Dayani & Lilian Aguilar
21324 Times Avenue
San Lorenzo, CA 94580

Description of Services

INVOICE FOR FINE DUE TO WORK DONE WITHOUT A TREE PERMIT.

VIOLATION ADDRESS: 21324 Times Ave., San Lorenzo, CA 94580

Fine for work without a permit \$ 100.00
Cost of tree appraisal 206.35
Fine for misdemeanor 1,000.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT INTA BRAINERD, COUNTY ARBORIST, AT 510-670-5786.
Job No: F7H018 - TREE PROGRAM - ABATEMENT

Revenue Account No:	270401-430210-00000/99179	\$100.00
	270401-430210-50600/99179	\$1,000.00
	270401-479990-00000/99179	\$206.35

Invoice Total:	1,306.35
-----------------------	-----------------

PLEASE MAKE REMITTANCE PAYABLE TO "TREASURER OF ALAMEDA COUNTY"
SEND TO THE ABOVE ADDRESS
PLEASE REFERENCE ABOVE INVOICE # ON PAYMENT

The undersigned hereby certifies that the above claim is true and correct.


TERESA HEWITT

(510) 670-5475



Public Works Agency
Alameda County

Daniel Wollesenbet, Ph.D., PE, Director

399 Elmhurst Street • Hayward, CA 94544-1395 • (510) 670-5480 • <https://www.acpwa.org>

Second Notice of Violation, Imposition of Penalty, and Required Abatement

December 12, 2017

Dayani Aguilar
21324 Times Avenue
San Lorenzo, CA 94580

Re: Tree Work

Dear Property Owner:

On June 13, 2017 you were sent a Notice of Violation, Imposition of Fee, and Required Abatement. On December 12, 2017, after receiving the second invoice notice, you called to report that you never received the first Notice. As a courtesy to you, the County will extend the appeal/hearing request timelines to begin from the date of this Notice.

Pursuant to the Ordinance, you are ordered to do the following:

Pay Fines

\$100.00 fine for work without a permit
\$206.35 for cost of appraisal report
\$1000.00 for civil penalties

Abate Damage

Acquire permit for removal and replacement of the damaged tree
Remove damaged tree and grind stump
Replace with a 24 inch boxed tree
Pay \$1800 into mitigation fund for the loss of value of the tree

In order to avoid collection efforts, special assessment of the amounts owing, application of interest for late payment, or additional penalties for noncompliance, please make payment of the total monetary amount (\$3106.35) **within 30 days**. Cash or a check may be brought or mailed to the County's Fiscal Department at 399 Elmhurst St. Hayward. Your check should be made payable to "Alameda County Treasurer's Office." Please be sure to denote the invoice number (17T08:08) with your payment. Please see section 12.11.280 of the Ordinance for discussion of the consequences of noncompliance.

Enclosed is a permit application to remove the remainder of the tree. You must submit the application within 30 days to the County's Permit Center at 399 Elmhurst St., Hayward.

Should you wish to appeal the \$100.00 fine, the civil penalties totaling \$1000.00, or the cost of the appraisal, you may submit a **letter of appeal to the Tree Advisory Board no later than 30 days after the date of this notice.** The letter of appeal may be submitted to the Public Works Agency Director's attention: Daniel Woldesenbet, 399 Elmhurst St., Hayward, CA 94544. An appeal must include an address to send all notices, the \$25 appeals fee, and all supporting documentation. Please see section 12.11.260 of the Ordinance for more information.

As to the required abatement, you may request a hearing before the Tree Advisory Board. If a hearing is requested, the Tree Advisory Board shall hear the matter and make a written recommendation to the Board of Supervisors following the hearing. **Requests for hearing must be submitted in writing to the Director of Public Works within ten days.** If no request for hearing is received, this abatement order shall be final. Please see section 12.11.130 of the Ordinance for more information.

More information about the County's tree program, including the full text of the Ordinance, can be found at <https://www.acpwa.org/pas/urban-forestry>.

Your timely cooperation is greatly appreciated.

Sincerely,



Inna Brainerd
County Arborist
Alameda County Public Works Agency

Enc.

January 30 2018
Dayani Yoc Aguilar
21324 Times Ave
Hayward CA 94541

To: The Alameda Tree Advisory Board

I Dayani Yoc Aguilar is writting this letter to request a hearing appeal for both fine the tree advisory board. We werent awared that we had a fine until we recieve a letter on the mail December 2017. I went ot the office At Elmhurst street to pick up all the papers that they had seen before. We never got any prior note or letter. we will appricated if youcan revised our case thank you for understanding.

Sincerely Dayani Yoc Aguilar

**THE COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY**

Other Receipts
399 Elmhurst Street
Hayward, CA. 94544
(510)-670-5786

RECEIPT NUMBER: T 1091.0

Amount \$25.00

Date: 02/02/2018

Check No: 321

Received From: Dayani Yoc
21234 Times Ave
Hayward CA 94541

Type
Number
Site

Job: GEN

Comments: Tree Ordinance Violation Request for an appeal and hearing before the TAB
ALLOCATION

270401 421010 00000 99179 \$25.00

Received By: 

Brainerd, Inta Pubulis

NOTE: A \$25.00 fee will be charged for first check returned and \$35.00 for each subsequent check returned. Civil Code Section 1719.



February 6, 2018

Dayani Yoc Aguilar
21324 Times Ave.
Hayward, CA 94541

SUBJECT: Notice of Hearing Date

Dear Ms. Aguilar:

We received your letter dated January 30, 2018 appealing the Notice of Violation, Imposition of Penalty, and Required Abatement that was sent on December 12th, 2017.

A hearing before the Tree Advisory Board (TAB) regarding the fine, civil penalty, cost of appraisal, abatement, and removal requirement has been scheduled for February 21, 2018 at 4:00pm in Room 230 of the Public Works building located at 951 Turner Ct. Hayward. The Tree Advisory Board is made up of citizens from Alameda County like you who hear appeals and advise the Agency Director on requests related to trees in county rights of way.

You will be given the opportunity to explain why the tree work was performed without a permit and why the tree should be retained instead of removed. Please bring any additional information or documentation to the hearing. A copy of your letter of appeal will be provided to the TAB prior to the hearing. **Please notify the County if you will be unable to attend.**

Please feel free to call me at 510-670-5786, should you have questions. Your cooperation is greatly appreciated.

Sincerely,

Inta Brainerd
County Arborist
Alameda County Public Works Agency

Cc.: Daniel Woldesenbet, Director of Public Works
Kwablah Attiogbe, Environmental Services Section Supervisor
Tree Advisory Board members



Dayani Yoc Aguilar
21324 Times Ave.
Hayward, CA 94541

Notice of Appeal Hearing

**COUNTY OF ALAMEDA
NOTICE OF ADMINISTRATIVE HEARING
ON APPEAL OF ADMINISTRATIVE PENALTY UNDER TREE ORDINANCE**

This is a notice of a hearing before the Tree Advisory Board of an appeal of administrative penalties under the Tree Ordinance.

Dated this sixth day of February, 2018.

Tree Advisory Board

Time and Date of Hearing: 4pm, 21st of February

Location of Hearing: Room 230, 951 Turner Ct., Hayward

- All hearings shall be electronically tape recorded.
- You will be given 10 minutes to present testimony and any other evidence.
- You may send written materials for consideration at least two weeks before the hearing. Materials sent less than two weeks before the hearing may not be included in the Board's packet. You should bring at least five copies of any documents that you wish for the Tree Advisory Board to consider at the hearing.
- Hearings need not be conducted according to the California Code of Evidence.



Notice of Abatement Hearing

COUNTY OF ALAMEDA NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE UNDER TREE ORDINANCE

This is a notice of hearing before the Tree Advisory Board to ascertain whether certain damage to or removal of one or more street trees in the County of Alameda, state of California, that are abutting the property known and designated as 21324 Times Ave., Hayward in said county constitutes a public nuisance subject to abatement. If the damage to or removal of the street tree(s), is found to constitute a public nuisance as defined in Chapter 12.11.120 of the General Ordinance Code and the same is not promptly abated by the owner of said property, such nuisance may be abated by the County of Alameda, in which case the cost of such abatement will be assessed upon such property and such costs together with interest thereon, will constitute a lien upon such property until paid; in addition, the property owner(s) may be cited for violation of the provisions of county ordinances and subject to a fine.

Said alleged conditions consist of the following:

It was reported and documented that (1) Sycamore tree has been improperly pruned and the work was performed without a permit in violation of Alameda County General Ordinance Code section(s): 12.11.120; 12.11.130; and 12.11.140.

The recommended method(s) of abatement are:

- Acquire a permit for removal and replacement of the damaged tree;
- Remove damaged tree and grind stump;
- Replace with a 24" boxed tree;
- Pay \$1800 into a mitigation fund for the loss of value of the tree.

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this sixth day of February, 2018.

Tree Advisory Board

Time and Date of Hearing: 4pm., February 21, 2018

Location of Hearing: Room 230, 951 Turner Ct., Hayward

- All hearings shall be electronically tape recorded.
- You will be given 10 minutes to present testimony and any other evidence.
- You may send written materials for consideration at least two weeks before the hearing. Materials sent less than two weeks before the hearing may not be included in the Board's packet. You should bring at least five copies of any documents that you wish for the Tree Advisory Board to consider at the hearing.
- Hearings need not be conducted according to the California Code of Evidence.



Date: February 21, 2018
Subject: Staff Report on Violation of Tree Ordinance Incident
To: Tree Advisory Board

Violation: It was reported and documented that (1) Sycamore tree was removed and no permits were acquired for the work.

Property Owner of Record: Cong Qui Luu and Yue Qing Feng

Address Where Violation Occurred: 17313 Via Carmen, San Lorenzo, CA 94580

Background for appeal of fine:

On December 12, 2017 staff was notified by the SLVHA that a tree located at the above address had been removed. A letter confirming receipt of the complaint was sent on the same day. Staff inspected the location on December 14, 2017 and found that a Sycamore tree had been removed and the stump remained. Staff sent a request for a loss of value report to Hortscience (Consultant) on December 15, 2017. Consultant inspected the location on January 2, 2018 and provided the report on January 15, 2018. On January 30, 2018, staff mailed a Notice of Violation (NOV) and invoice. Staff had several phone conversations with Alen Chan who called on behalf of the owners. Staff received a letter of appeal and request for hearing along with the \$25 appeals fee on February 6, 2018 and the owners were sent Notices for the Hearing and Appeal. On February 11, 2018 Mr. Chen provided a letter signed by the owners authorizing him to represent them at the hearing. Mr. Chen also requested a translator in case he does not understand some of the technical language. The matter was scheduled for the next TAB meeting (February 21, 2018).

The following fines were assessed in accordance with Sections 12.11.220 Fees and 12.11.250 Administrative penalties:

- \$100.00 for work without a permit
- \$1000.00 administrative penalty
- \$681.08 cost of tree appraisal

Background for hearing on abatement:

Same as above for appeal.

The following required corrective actions are to be taken in order to comply with Section 12.11.130 Abatement Authority:

- Acquire permit for replacement of the removed tree;
- Grind stump;
- Replace with a 24" boxed approved tree;
- Pay \$4600.00 into a mitigation fund for the loss of value of the tree(s).

Enclosures:

- Notice of Violation
- Appraisal Report
- Invoice
- Letter of Appeal
- Authorization Letter
- Inspection sheet

Brainerd, Inta

From: Mai Vue <operations@slvha.com>
Sent: Friday, December 08, 2017 2:23 PM
To: Brainerd, Inta
Subject: SLVHA - 17313 Via Carmen - Tree Removed

Hi Inta,

Was your department aware of this tree that was cut down on 17313 Via Carmen??



Sincerely,

Mai Vue
Operations Manager
San Lorenzo Village Homes Association
Office: (510) 276-4554
Fax: (510) 397-2091

email: mai@slvha.com

www.slvha.com

Office Hours: M, T, Th, Fr - 8:30 a.m. - 5:00 p.m. (*closed for lunch from 12pm - 1pm*)

Closed to the public on Wednesday

Confidentiality Notice: This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipient(s) named above. If you are not the intended recipient(s), you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited. If you have received this communication in error, please notify me immediately by replying to this message and deleting it from your computer. Thank you.



December 12, 2017

Qui Luu and Yue Feng
50 Crane St.
San Francisco, CA 94124

**RE: Alameda County Tree Ordinance Violation
17313 Via Carmen
San Lorenzo, CA 94580**

Dear Property Owners,

This letter is to confirm that Alameda County Public Works Agency has received a complaint that a tree, located within the County road right-of-way, has been removed without a permit.

The Alameda County Tree Ordinance was adopted by the Board of Supervisors in 2003 and later revised in 2016 in order to preserve trees in the County. Any pruning of branches larger than 1" requires a permit or the use of a County permitted contractor (see section 12.11.140). Any removals require a permit and replacement of removed tree. The County has not issued any permits for this location thus putting you in violation of the Alameda County Tree Ordinance.

After a staff inspection, you will be notified of the type of violation and any potential administrative penalties or abatement that may be required as a result of the violation.

Sincerely,

Inta Brainerd
County Arborist
Alameda County Public Works Agency

Enc.: Alameda County Tree Ordinance
Tree Program FAQs



Alameda County Tree Program Field Inspection Form

Reference #: _____ Date: 12/13/17
 Requester Name: MAI VU (SLVHA) Phone #: _____
 Site Location: 17313 VIA CARMEN SLZ
 Comments: TREE REMOVED

Alan (relative) (510) 710-6738
Marco 94579@gmail.com
(510) 286-2958

Owner Name: _____ Phone #: _____
 Owner Address: _____

Number of Trees: (1)

TREE INFORMATION

Date Fielded: 12/19/17 Inspected By: 1813
 Tree Species: Sycamore Height: _____ DBH: _____

Sidewalk Conflict: Yes No
 Root Prune Root Barrier Bulb Out
 Meander Sidewalk Remove/Replace

Right of Way Measurement: 9'
 Right of Way: Yes No
 County Maintained: Yes No
 Overhead High Voltage Lines: Yes No
 Overall Health: _____
 Any obvious defects/diseases: Yes No
 Pictures Taken: Yes No

Tree Health Detail Comments: _____

TYPE OF VIOLATION

Current Permit: Yes No
 Tree Planted: Yes No
 Tree Trimmed: Yes No
 > Meets ISA and ANSI Standards: Yes No
 Tree Topped: Yes No
 Tree Removed: Yes No

email sent to John K. 12/15/17 for loss of value report

Work Performed By: Contractor Home Owner County PG&E
 Contractor Name: _____ Contractor Phone #: _____
 Comments: _____

17313 Via Carmen



Image capture: Aug 2016 © 2017 Google

San Lorenzo, California

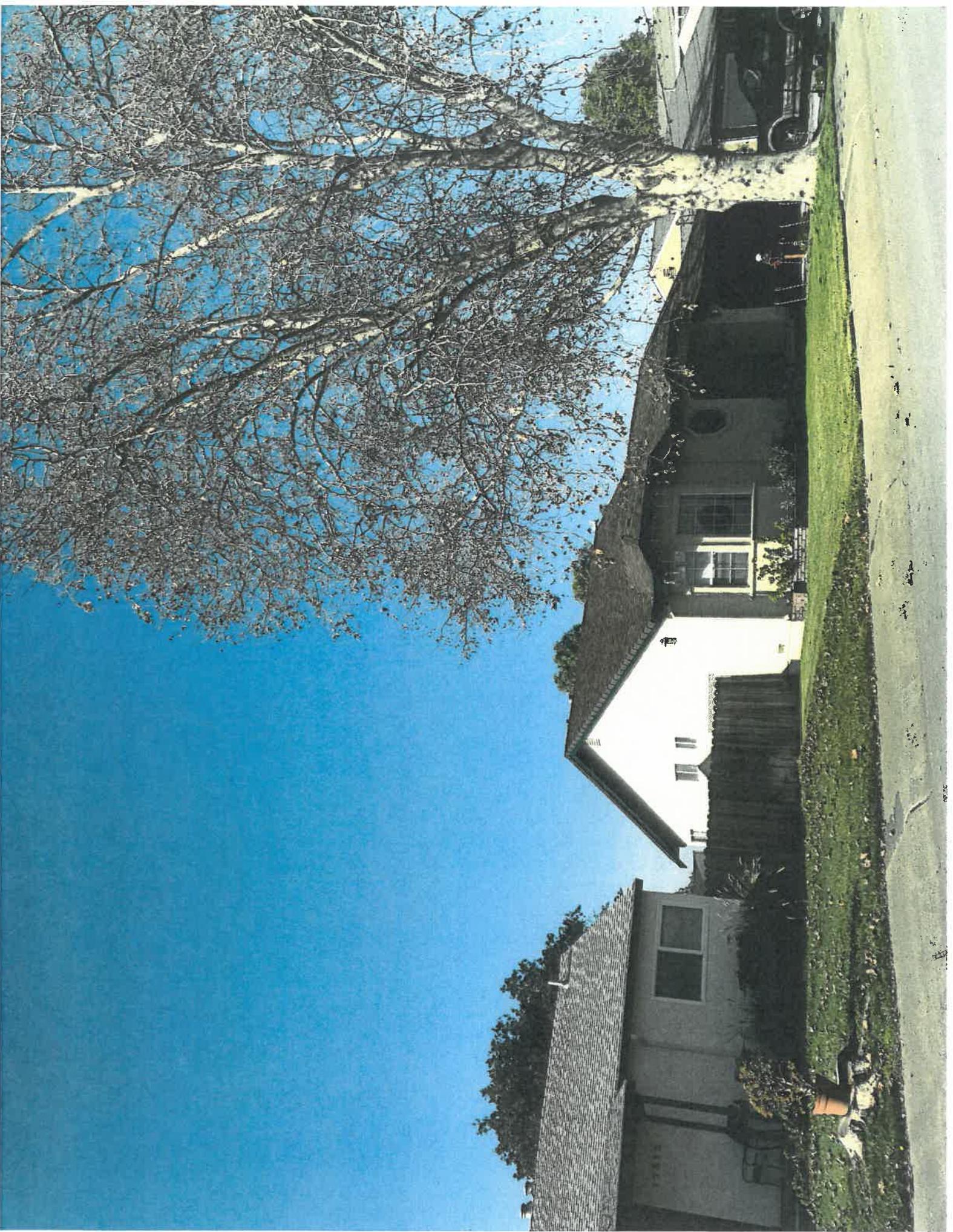


Google, Inc.

Street View - Aug 2016

Wuckman Rd







Notice of Violation, Imposition of Penalty, and Required Abatement

January 30, 2018

Qui Luu and Yue Feng
50 Crane St.
San Francisco, CA 94124

**Re: NOTICE OF VIOLATION
17313 Via Carmen
San Lorenzo, CA 94580**

Dear Property Owners:

A tree has been removed from the County Road Right-of-Way adjacent to your property at the above address. The removal was unpermitted and illegal. The County of Alameda's Tree Ordinance ("Ordinance") provides as follows:

- Section 12.11.140: *"The planting, maintaining, or removing of any tree in the right-of-way, and all associated facilities... are encroachments subject to the permitting and other requirements of this Chapter."*
- Section 12.11.110: *"In accordance with the California Government Code, Section 53067, no person shall top, head back, stub or pollard any tree located within the right-of-way."*
- Section 12.11.130: *"The Director will require replacement of a tree within the right-of-way that is improperly removed or damaged. Where replacement is inadequate to correct the harm caused by an improperly removed or damaged tree or is impracticable, the Director may also require the property owner to pay the loss of value of such tree into a tree mitigation fund as abatement for such loss of value."*
- Section 12.11.250: *"Any person, including, but not limited to, the property owner, the person performing the work, and/or any other responsible person, who violates the provisions of this Chapter or any condition imposed upon any permit issued hereunder shall be liable to the County for a civil penalty of up to \$1000 per violation, under a schedule of penalties established by the Director and approved by the Board."*

Pursuant to the Ordinance, you are ordered to do the following:

Pay Fines

\$100.00 fine for work without a permit

\$681.08.00 for cost of appraisal report

\$1000.00 for civil penalties

The enclosed arborist report shows the basis for the fine.

The condition of the tree also requires abatement to correct the violation.

Per the enclosed arborist's report, the tree that was removed is considered a total loss. Pre-removal, the value of the tree was \$4600, for a total of \$4600 in loss of value (see attached appraisal). The destruction of this high-value tree cannot be adequately corrected by planting a sapling.

The recommended method(s) of abatement are:

Abate Damage

Pay \$4600 into mitigation fund for the loss of value of the tree;

Remove tree and grind stump;

Plant replacement tree.

In order to avoid collection efforts, special assessment of the amounts owing, application of interest for late payment, or additional penalties for noncompliance, please make payment of the fine amount (\$1781.08) **within 30 days**. Cash or a check may be brought or mailed to the County's Fiscal Department at 399 Elmhurst St. Hayward. Your check should be made payable to "Alameda County Treasurer's Office." Please be sure to denote the invoice number (18T01:02) with your payment. Please see section 12.11.280 of the Ordinance for discussion of the consequences of noncompliance.

Enclosed is a permit application to remove the remainder of the trees.

Should you wish to appeal the fine or the cost of the appraisal, you may submit a letter of appeal to the Tree Advisory Board no later than 30 days after the date of this notice. The letter of appeal may be submitted to the Public Works Agency Director's attention: Daniel Woldesenbet, 399 Elmhurst St., Hayward, CA 94544. An appeal must include an address to send all notices, the \$25 appeals fee, and all supporting documentation. Please see section 12.11.260 of the Ordinance for more information.

As to the required abatement, you may request a hearing before the Tree Advisory Board. If a hearing is requested, the Tree Advisory Board shall hear the matter and make a written recommendation to the Board of Supervisors following the hearing. **Requests for hearing must be submitted in writing to the Director of Public Works within ten days of this notice.** If no request for hearing is received, the abatement order shall be presented to the Board of Supervisors for adoption. Please see section 12.11.130 of the Ordinance for more information.

More information about the County's tree program, including the full text of the Ordinance, can be found at <https://www.acpwa.org/pas/urban-forestry>.

Also enclosed is the Fee Schedule adopted under the above Ordinance as well as a copy of the appraisal report.

Your timely cooperation is greatly appreciated.

Sincerely,



Inta Brainerd

County Arborist

Alameda County Public Works Agency

THE COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
FISCAL DIVISION
399-A Elmhurst Street, 3rd Floor
Hayward, CA 94544
Tax ID 946000501

INVOICE 18T01:02
January 26, 2018

Customer No: 2769

QUI LUU and YUE FENG
50 Crane Street
San Francisco, CA 94124

Description of Services

INVOICE FOR FINE DUE TO WORK DONE WITHOUT A TREE PERMIT.

VIOLATION ADDRESS: 17313 Via Carmen, San Lorenzo, CA 94580

Fine for work without a permit \$ 100.00
Cost of tree appraisal 681.08
Administration Penalty 1,000.00

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT INTA BRAINERD, COUNTY ARBORIST, AT 510-670-5786.

Job No: F7H018 - TREE PROGRAM - ABATEMENT

Revenue Account No:	270401-430210-00000/99179	\$100.00
	270401-430210-50600/99179	\$1,000.00
	270401-479990-00000/99179	\$681.08

Invoice Total:	1,781.08
-----------------------	-----------------

PLEASE MAKE REMITTANCE PAYABLE TO "TREASURER OF ALAMEDA COUNTY"

SEND TO THE ABOVE ADDRESS

PLEASE REFERENCE ABOVE INVOICE # ON PAYMENT

PAYMENT DUE UPON RECEIPT

The undersigned hereby certifies that the above claim is true and correct.



(510) 670-5475

TERESA HEWITT



January 15, 2018

Inta Brainerd
Alameda County Public Works Agency
951 Turner Ct.
Hayward, CA 94545

Subject: Tree Evaluation and Appraisal of Value
17313 Via Carmen, San Lorenzo

Dear Ms. Brainerd:

The Alameda County Public Works Agency is responsible for administering tree pruning and removal permits for trees within County rights-of way, in accordance with the Alameda County Tree Ordinance (Sec. 12.11.230 of the Alameda County General Code). To help determine losses associated with improper pruning or un-permitted removals, the County requested that HortScience, Inc. evaluate the current condition of the tree, provide management recommendations as appropriate, and establish any loss in value.

I visited the subject site on January 2, 2018. This letter summarizes my observations and assessment.

Background

You contacted me on December 15, 2017 after noticing the removal of a London plane (*Platanus x hispanica*) at the subject site without a County permit.

Since I had no photographs showing the tree pre-removal, I used the Google Earth street view © of the subject site to assist me in establishing the pre-removal tree condition.

From my review of the historic images available from Google Earth street view ©, the tree had a small canopy and fair branch structure (Photos 1 and 2, following page). It appeared that the tree had been topped at some point in the past. I estimated that pre-removal, the tree was in fair condition (60%).

Observations and Assessment

The London plane was located in the front yard of the Via Carmen address, approximately 2' behind the sidewalk. The tree had been removed at the time of my inspection and only the stump remained. I measured the stump at approximately 32" in diameter (Photo 3, following page).

In addition, while at the site I measured the diameters (basal and at breast height) of three similarly sized London planes in the vicinity of the removed tree. I used this information to help establish the diameter of the removed tree by comparing the basal diameters with the diameters at breast height.

Based on this information, I estimated the trunk diameter of the removed tree at 24".

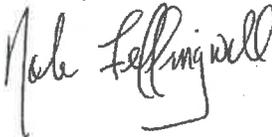
The *Guide for Plant Appraisal* outlines three methods for establishing the value of plants: the Cost approach, the Income approach and the Market approach. I chose to use the cost approach as it is most applicable for large trees that cannot be replaced in-kind.

The value of landscape trees is based upon four factors: size, species, condition and location. Size is measured as trunk diameter, normally 54" above grade. The species factor considers the adaptability and appropriateness of the plant in the East Bay. The *Species Classification and Group Assignment* lists recommended species ratings and evaluations. Condition reflects the health and structural integrity of the tree. In this case, I used Google Earth street view © to help establish the pre-removal condition. The location factor considers the site, placement and contribution of a tree in its surrounding landscape. In this case, the tree is located in a residential area in San Lorenzo.

I established the cost to reproduce the subject tree as \$4,600. Thus, the loss in value was \$4,600 (see attached Appraisal Worksheet).

If you have any questions, regarding my observations or assessment, please feel free to contact me. I look forward to hearing from you.

Sincerely,



John Leffingwell
Board Certified Master Arborist #WE-3966B
Registered Consulting Arborist #442

Att. *Appraisal worksheet*

INVOICE #: 12466
JOB #: 2329-02
DATE: January 31, 2018



Alameda County Public Works Agency
Attn: Ms. Anita Franklin
399 Elmhurst St.
Hayward, CA 94544

RE: PO - PBWKS-0000006643
Registered Consulting Arborist, Alameda County
Authorized By: Jim Browne

Billing Period: 12/13/2017 - 1/22/2018

12/13/18 inspection of stump at 17313 Via Carmen and preparation of appraisal report

	<u>Hours</u>	<u>Amount</u>
Consultant @ \$160.00 / hour	4.00	640.00
Expense - Mileage 2017 @ \$0.535		18.73
Expense - Mileage 2018 @ \$0.545		22.35
	<u>4.00</u>	<u>\$681.08</u>
Total amount of this bill		<u>\$681.08</u>

Payment due by February 28, 2018
HortScience, Inc. Tax ID #94-2943027

February 6, 2018

Attention to: Dr. Daniel Woldesenbet
Director of Public Works
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94544-1307

RE: Notice of Violation
17313 Via Carmen
San Lorenzo, CA 94580

Subject: Appeal of violation

Dear Dr. Woldesenbet:

On January 31, 2018, we are in receipt of a letter regarding the Notice of Violation for the tree removal without permit dated January 30, 2018.

We are writing this formal letter to request an appeal of your decision on this Notice of Violation. We recently brought this property. The existing tree is located within our front lawn area, outside of the sidewalk and roadway. It appears to be within our property lines. The existing tree roots have been uplift and broken the existing concrete sidewalk and caused tripping hazards to the public. In addition, the tree roots had invaded the existing sewer pipe (service lateral line) and their barks and leaves continuously drop off causing litter. As a new and responsible property owner, we removed this tree for public safety reasons and we will plant a new tree for the replacement.

Due to public safety reason and financial hardship, we respectfully request Your Honor dismiss this violation.

Sincerely,



for Property Owners

Property Owners
Qui Luu and Yue Feng
50 Crane Street
San Francisco, CA 94124



February 7, 2018

Qui Luu and Yue Feng
50 Crane St.
San Francisco, CA 94124

**RE: 17313 Via Carmen
San Lorenzo, CA 94580**

SUBJECT: Notice of Hearing Date

Dear Property Owners:

We received your letter dated February 6, 2018 appealing the Notice of Violation, Imposition of Penalty, and Required Abatement that was sent on January 30, 2018.

A hearing before the Tree Advisory Board (TAB) regarding the fine, civil penalty, cost of appraisal, and abatement has been scheduled for February 21, 2018 at 4:00pm in Room 230 of the Public Works building located at 951 Turner Ct. Hayward. The Tree Advisory Board is made up of citizens from Alameda County like you who hear appeals and advise the Agency Director on requests related to trees in county rights of way.

You will be given the opportunity to explain why the tree work was performed without a permit and why the tree should be retained instead of removed. Please bring any additional information or documentation to the hearing. A copy of your letter of appeal will be provided to the TAB prior to the hearing. **Please notify the County if you will be unable to attend.**

Please feel free to call me at 510-670-5786, should you have questions. Your cooperation is greatly appreciated.

Sincerely,

Inta Brainerd
County Arborist
Alameda County Public Works Agency

Cc.: Daniel Woldesenbet, Director of Public Works
Kwablah Attiogbe, Environmental Services Section Supervisor
Tree Advisory Board members



Qui Luu and Yue Feng
50 Crane St.
San Francisco, CA 94124

Notice of Appeal Hearing
17313 Via Carmen
San Lorenzo, CA 94580

COUNTY OF ALAMEDA
NOTICE OF ADMINISTRATIVE HEARING
ON APPEAL OF ADMINISTRATIVE PENALTY UNDER TREE ORDINANCE

This is a notice of a hearing before the Tree Advisory Board of an appeal of administrative penalties under the Tree Ordinance.

Dated this seventh day of February, 2018.

Tree Advisory Board

Time and Date of Hearing: 4pm. 21st of February

Location of Hearing: Room 230, 951 Turner Ct., Hayward

- All hearings shall be electronically tape recorded.
- You will be given 10 minutes to present testimony and any other evidence.
- You may send written materials for consideration at least two weeks before the hearing. Materials sent less than two weeks before the hearing may not be included in the Board's packet. You should bring at least five copies of any documents that you wish for the Tree Advisory Board to consider at the hearing.
- Hearings need not be conducted according to the California Code of Evidence.



Notice of Abatement Hearing

COUNTY OF ALAMEDA NOTICE OF ADMINISTRATIVE HEARING ON ABATEMENT OF NUISANCE UNDER TREE ORDINANCE

This is a notice of hearing before the Tree Advisory Board to ascertain whether certain damage to or removal of one or more street trees in the County of Alameda, state of California, that are abutting the property known and designated as 17313 Via Carmen, San Lorenzo in said county constitutes a public nuisance subject to abatement. If the damage to or removal of the street tree(s), is found to constitute a public nuisance as defined in Chapter 12.11.120 of the General Ordinance Code and the same is not promptly abated by the owner of said property, such nuisance may be abated by the County of Alameda, in which case the cost of such abatement will be assessed upon such property and such costs together with interest thereon, will constitute a lien upon such property until paid; in addition, the property owner(s) may be cited for violation of the provisions of county ordinances and subject to a fine.

Said alleged conditions consist of the following:

It was reported and documented that (1) Sycamore tree has been improperly pruned and the work was performed without a permit in violation of Alameda County General Ordinance Code section(s): 12.11.120; 12.11.130; and 12.11.140.

The recommended method(s) of abatement are:

- Acquire a permit for replacement of the removed tree;
- Grind stump;
- Replace with a 24" boxed tree;
- Pay \$4600.00 into a mitigation fund for the loss of value of the tree.

All persons having an interest in said matters may attend the hearing and their testimony and evidence will be heard and given due consideration.

Dated this seventh day of February, 2018.

Tree Advisory Board

Time and Date of Hearing: 4pm., February 21, 2018

Location of Hearing: Room 230, 951 Turner Ct., Hayward

- All hearings shall be electronically tape recorded.
- You will be given 10 minutes to present testimony and any other evidence.
- You may send written materials for consideration at least two weeks before the hearing. Materials sent less than two weeks before the hearing may not be included in the Board's packet. You should bring at least five copies of any documents that you wish for the Tree Advisory Board to consider at the hearing.
- Hearings need not be conducted according to the California Code of Evidence.

February 6, 2018

Attention to: Dr. Daniel Woldesenbet
Director of Public Works
Alameda County Public Works Agency
399 Elmhurst Street
Hayward, CA 94544-1307

RE: Notice of Violation
17313 Via Carmen
San Lorenzo, CA 94580

Subject: Appeal of violation

Dear Dr. Woldesenbet:

On January 31, 2018, we are in receipt of a letter regarding the Notice of Violation for the tree removal without permit dated January 30, 2018.

We are writing this formal letter to request an appeal of your decision on this Notice of Violation. We recently brought this property. The existing tree is located within our front lawn area, outside of the sidewalk and roadway. It appears to be within our property lines. The existing tree roots have been uplift and broken the existing concrete sidewalk and caused tripping hazards to the public. In addition, the tree roots had invaded the existing sewer pipe (service lateral line) and their barks and leaves continuously drop off causing litter. As a new and responsible property owner, we removed this tree for public safety reasons and we will plant a new tree for the replacement.

Due to public safety reason and financial hardship, we respectfully request Your Honor dismiss this violation.

Sincerely,



for Property Owners

Property Owners
Qui Luu and Yue Feng
50 Crane Street
San Francisco, CA 94124

**THE COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY**

Other Receipts

399 Elmhurst Street
Hayward, CA. 94544
(510)-670-5786

RECEIPT NUMBER: T 1092.0

Amount \$25.00

Date: 02/07/2018

Check No: CASH

Received From: Qui Luu and Yue Feng
17313 Via Carmen
San Lorenzo CA 94580

Type
Number
Site

Job: GEN

Comments: Appeals fee for 17313 Via Carmen
ALLOCATION

270401 421010 00000 99179 \$25.00

Received By:



Brainerd, Inta Pubulis

NOTE: A \$25.00 fee will be charged for first check returned and \$35.00 for each subsequent check returned. Civil Code Section 1719.

THE COUNTY OF ALAMEDA

PUBLIC WORKS AGENCY

Other Receipts

399 Elmhurst Street

Hayward, CA. 94544

(510)-670-5786

RECEIPT NUMBER: T 1092.0

Amount \$25.00

Date: 02/07/2018

Check No: CASH

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17313 Via Carmen
San Lorenzo CA 94580

Type
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Site

Job: GEN

Comments: Appeals fee for 17313 Via Carmen
ALLOCATION

270401 421010 00000 99179 \$25.00



Public Works Agency
Alameda County

Received By:

Brainerd, Inta Pubulis

NOTE: A \$25.00 fee will be charged for first check returned and \$35.00 for each subsequent check returned. Civil Code Section 1719.

Notice of violation

17313 Via Carmen

San Lorenzo, CA 94580

We (Cong Qui Luu and Yue Qing Feng) hereby authorize Alen Chan to represent us to attend the hearing on February 21, 2018 for appealing the notice of violation at the address of 17313 Via Carmen. For the reason that we are not quite fluent with communicating in English, we are asking Mr. Chan's assistance with this hearing.

Sincerely,

Cong Qui Luu 2/10/18

Yue Qing Feng 2/10/18

Property owner

Cong Qui Luu and Yue Qing Feng

50 Crane Street

San Francisco, CA 94124

Alen Chan 2/11/18