

Archived



Public Works Agency
Alameda County

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

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

Date: November 8, 2017
To: All Tree Advisory Board Members
From: Inta Brainerd
Subject: Tree Advisory Board Meeting

The next Tree Advisory Board meeting is scheduled for **Wednesday, November 15, 2017** 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 February 21, 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, November 15, 2017 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.

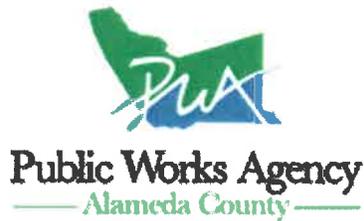
If you have questions regarding the agenda, please call (510) 670-5786. The Board's Agenda and Summary Action Minutes are also available by calling (510) 670-6467 or logging onto www.acpwa.org

AGENDA

Introductions

- I. Public Comment
- II. Announcements
- III. Minutes
 - August 16, 2017 TAB meeting
- IV. Tree Violation Hearings/Appeals
 - 16138 Via Alamos, San Lorenzo
- V. Summary of 2017 Violations/Permits
- VI. Wrap up and Adjourn

**NEXT SCHEDULED TREE ADVISORY BOARD
MEETING
WEDNESDAY, February 21, 2018
3:00pm – 5:00pm
PLEASE SIGN ATTENDANCE SHEET**



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.



Date: November 15, 2017
Subject: Staff Report on Violation of Tree Ordinance Incident
To: Tree Advisory Board

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

Property Owner of Record: Mr. Herman Lee

Address Where Violation Occurred: 16138 Via Alamitos, San Lorenzo, CA 94580

Background for appeal of fine:

On July 16, 2017 the violation was reported to the Public Works Agency. On July 17, 2017 staff arborist (Staff), inspected the violation and found that a tree had been improperly pruned and no permits had been issued for the work. On July 26, 2017 Staff contacted Dryad, LLC (Consultant) to request a Tree Evaluation and Appraisal of Value. Consultant inspected the tree on July 27, 2017 and provided their assessment on July 29, 2017. An (revised) invoice was generated on September 20, 2017 and a (revised) Notice of Violation was sent on September 21, 2017. On August 9, 2017 the Agency received a letter of appeal along with a check for the appeals fee. The matter was scheduled for the next TAB meeting (November 15, 2017) and on September 21, 2017 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
- \$2040.00 administrative penalty
- \$367.12 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 an approved tree in accordance with Public Works recommendation;
- Pay \$2040.00 into a mitigation fund for the loss of value of the tree(s).

Enclosures:

- Inspection notes
- Pictures
- Notice of Violation
- Appraisal Report
- Invoice
- Letter of Appeal

7-17-7

Field: Investigation Today 16138 Via Diamantes
Tree Removed

Observations -

- used measuring wheel
- Tree is in Row, Species: Brazilim Pepper
- all branches were cut off
only the trunk remains (see photo) † 8" dia
- owner:

Herman Lee

< No Permit >

17 [REDACTED]

17 [REDACTED]

→ Send letter to P.O.





Public Works Agency
Alameda County

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

399 Elmhurst Street • Hayward, CA 94544-1395 • (510) 670-5480 • www.acgov.org/pwa

July 18, 2017

Herman Lee
16138 Via Alamitos
San Lorenzo, CA 94580

Dear Mr. Lee:

By way of this letter, I am confirming our discussion at your property located at the above address yesterday afternoon (Monday, July 17). As I discussed with you, the Brazilian Pepper Tree in the front of your house is actually within the County road right-of-way. All work on trees within the road right of way require a permit (with the exception of the pruning of limbs smaller than 1-inch in diameter).

During my visit to your house, I observed that all branches, large and small, were removed from the tree - see attached photo. As I explained to you, this letter will be followed by a **Notice of Violation** that will provide details of the nature of the violation, as well as any fines or penalties to be assessed, and any additional instructions.

The Alameda County Tree Ordinance and information regarding the Ordinance can be found on the Agency's website at: <https://www.acpwa.org/tree-permit>

Sincerely,

Jim Browne, R.P.F.
County Arborist
Alameda County Public Works Agency

Attachment: Photo



Brazilian Pepper Tree at 16138 Via Alamos, San Lorenzo showing condition after all the branches were removed. Photo taken on 7-17-17.



September 21, 2017

Mr. Herman Lee
16138 Via Alamos
San Lorenzo, CA 94580

RE.: TREE ORDINANCE VIOLATION

Dear Mr. Lee,

On August 2, 2017 you were sent a Notice of Violation along with an invoice for administrative penalties and abatement requirements. The abatement requirements should not have been included in the invoice until the Alameda County Board of Supervisors has adopted a resolution. A new invoice has been included.

You have requested and been granted an appeal hearing scheduled for November 15, 2017.

Please disregard the previously sent Notice of Violation and invoice, and replace with the revised notice and invoice that are included with this correspondence. Also included are the (1) Notice of Administrative Hearing on Appeal of Administrative Penalty and (2) Notice of Administrative Hearing on Abatement of Nuisance.

If you have any questions please call me at (510) 670-5796.

Sincerely,

Jim Browne, R.P.F.
County Arborist
Alameda County Public Works Agency



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

September 21, 2017

Mr. Herman Lee
16138 Via Alamos
San Lorenzo, CA 94580

Re: REVISED NOTICE OF VIOLATION

Dear Mr. and Mrs. Lee:

A tree was 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."*

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

Pay Fines

\$100.00 fine for work without a permit

\$367.12 for cost of appraisal report

\$1000.00 for civil penalties

Abatement: 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 improperly pruned is considered a total loss and cannot be salvaged. Any loss associated with the pruning would be the difference in value before and after the tree was pruned. In this case the tree was considered a total loss. The destruction of these high-value trees cannot be adequately corrected by planting saplings.

The recommended method(s) of abatement are:

Abate Damage

Acquire permit for removal and replacement of the damaged tree

Remove damaged tree and grind stump

Replace with a 15 gallon container size tree (see enclosed guidelines)

Pay \$1040 into mitigation fund for the loss of value of the tree

(note that \$1000 was deducted from the total loss of value which was appraised at \$2040, since the \$1000 is already fined through the civil penalty).

Payment of Fines: 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 (\$1467.12) **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 (17T09:03) with your payment. Please see section 12.11.280 of the Ordinance for discussion of the consequences of noncompliance. **Note: if you have appealed the fines, then you are not required to pay at this time until after the scheduled Tree Advisory Board hearing.**

Appeal Fines: 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 any supporting documentation you wish to include. Please see section 12.11.260 of the Ordinance for more information.

Request Hearing: 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>.

Enclosed is a permit application to remove the remainder of the tree. 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,



Jim Browne, R.P.F.

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 17T09:03
September 20, 2017**

Customer No: 2739
SHING K and HENRY H LEE
16138 Via Alamos
San Lorenzo, CA 94580

Description of Services

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

VIOLATION ADDRESS: 16138 Via Alamos, San Lorenzo, CA 94580

Fine for work without a permit \$ 100.00
Cost of tree appraisal 367.12
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	\$367.12

Invoice Total:	1,467.12
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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.



TERESA HEWITT (510) 670-5475



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.

Dryad, LLC

July 29, 2017

Jim Browne,
Environmental Compliance Specialist
County of Alameda Public Works Agency
399 Elmhurst St.
Hayward CA 94544

Re.: Tree inspection & valuation.
Site: 16138 Via Alamos, San Lorenzo

Mr. Browne;

I am writing in response to your request for an inspection and valuation of pruning damage to an individual tree located on an Alameda County right-of-way. I inspected, measured and photographed the tree on July 27, 2107. I also reviewed a single image you provide and several historical aerial images and the Street View via Google earth®.

This document comprises my summary report as requested. Detailed calculations and additional images of the tree are on file in my office.

OBSERVATIONS:

- Genus-species: Brazilian pepper (*Schinus terebinthefolius*)
- Diameter: 16.5" dbh¹
- All limbs recently removed to the trunk (or stubs).
- Several pruning cuts stripped the bark.
- Several limbs displayed acute-angle attachments².
- Repeatedly reduction pruned in the past (heading cuts³ throughout canopy⁴; via Google earth® images).
- Canopy appeared dense and vigorous prior to recent pruning (Google earth® images).

SUMMARY: My inspection was limited to a visual, ground-level inspection of the tree and the images as described above after pruning had occurred.

I determined the values contained in this report employing methods developed by the Council of Tree and Landscape Appraisers (CTLA) and described in the publication, Council of Tree and Landscape Appraisers, 2000, *Guide for Plant Appraisal*, Ninth Edition, International Society of Arboriculture. I selected the Trunk Formula Method as appropriate for the size of this tree. In view of the extent of damage to the tree, I evaluated and appraised the tree as a 100% loss.

I applied the Species rating as described in the regionally developed publication WC I.S.A. Northern California Regional Tree Appraisal Group, 2004, *Species Classification and Group Assignment*, Western Chapter, International Society of Arboriculture. The ratings applied are as developed by and published for the Northern California Sub-region, for the N. California Coastal Influence (rating group). I modified the published rating for this tree species by a reduction of 10%, reflecting tree character (potential root damage, size, debris, etc.) relative to this restricted urban location.

I calculated values based upon prescribed wholesale costs as described in the *Species Classification and Group Assignment* (California, Northern, page 2) and referenced in the *Guide for Plant Appraisal* (page 71). The Unit Tree Cost employed is as cited in *Species Classification and Group Assignment*, Northern California Subregion: Table 11⁵.

Judged to be a 100% loss, my total appraised value for this tree is \$2,040.00.

Dryad, LLC

35570 Palomares Rd.
Castro Valley CA 94552

PHONE (510) 538-6000
FAX (510) 538-6001
E-MAIL tyoung@dryadllc.com
WEB SITE www.dryadllc.com

APPRAISAL SUMMARY:

Species	Appraisal Diameter (Inches)	Basic Cost	Species	Condition	Location	Damage Ratio	Loss or Value	Unit Cost calculation basis
Brazilian pepper (<i>Schinus terebinthifolius</i>)	16.5	\$17,527	40%	59%	49%	100%	\$2,040	Wholesale cost

◆ ◆ ◆

TREE LOCATION DIAGRAM:





Illustration of the condition of the tree before pruning (Street View images from Google earth®).





Dryad, LLC

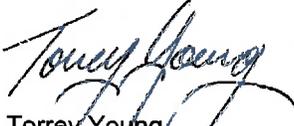
35570 Palomares Rd.
Castro Valley CA 94552

PHONE: (510) 538-6000
FAX: (510) 538-6001
E-MAIL: tyoung@dryadllc.com
WEB SITE: www.dryadllc.com

Please feel free to contact me for further discussion or services.

Respectfully, **Torrey Young**

Digitally signed by Torrey Young
DN: cn=Torrey Young, o=Dryad,
LLC, ou, email=torrey@dryad.us,
c=US
Date: 2017.07.29 11:37:58 -07'00'



Torrey Young
Registered Consulting Arborist®

ASCA Registered Consulting Arborist, no. 282
ISA Board Certified Master Arborist, no. WE-0131BM
CUFC Certified Urban Forester, no. 121
ISA Tree Risk Assessment Qualified
CA P.C. Qualified License, no. 104772
CA Contractors License no. 363372 (C-27 & D-49; inactive)



¹ Diameter: DBH – Diameter at Breast Height or DSH - Diameter at Standard Height, or approximately 4.5 feet (54 inches) above grade. These expressions are interchangeable and commonly used as a point of reference in determining tree size. Diameter measurement location may vary depending upon tree structural character, ordinance or project guidelines, etc. In some cases, diameters may be estimated due to inaccessibility or other limitations.

² Acute-angle attachments (crotches): Branch/limb, limb/trunk, or codominant trunks originating at acute angles from each other. Bark remains between such crotches, preventing the development of a branch-bark ridge (branch collar). The inherent weakness of such attachments increases with time, through the pressure of opposing growth and increasing weight of wood and foliage, frequently resulting in failure.

³ Heading cut: A pruning cut that removes a branch, limb or stem between nodes, buds or laterals, or a lateral branch or limb not large enough to assume the terminal role (less than $\frac{1}{2}$ - $\frac{1}{3}$ the diameter of parent limb/stem). Such cuts can result in death of the limb, decay, and/or forcing growth of weakly attached upright sprouts out below the cut. They also frequently result in permanent alteration of tree architecture.

ANSI A300 Part 1 – Pruning, 2017: "heading: Type of reduction cut made between nodes (leaving a stub), to a small branch or to a bud. heading: Pruning cut that removes a branch or stem between nodes (leaving a stub), to a bud, or to a live branch typically less than one-third the diameter of the branch or stem being removed."

⁴ Canopy: One of several accepted terms describing that area of a tree which includes limbs, branches, foliage, and to a lesser degree, upper stems (synonymous with 'foliage crown').

⁵ Selecting the cost basis for the Unit Tree Cost is referenced in the cited publications as at the discretion of the appraiser and/or as published by the Regional Plant Appraisal Committee. The Unit Tree Costs employed for the calculations contained in this report were selected for consistency in methodology and usage relative to example appraisal reports provided by Alameda County.



Dryad, LLC

35570 Palomares Rd.
Castro Valley CA 94552-9631

Invoice

Invoice Date	Invoice No.
7/29/2017	11004

Contact	Contact Telephone
J. Browne	510-670-5796

Bill To:
Alameda County Public Works Agency
ATT: Anita Franklin
399 Elmhurst St
Hayward CA 94544

Project Description
P.O. no.: 6642
Site:
16138 Via Alamos
San Lorenzo

Project No.	Client No.	Terms	Due Date	Rep	Comments
17035	40007	Net 30	8/28/2017	Young	Invoice6

Item	Date	Description	Hours/Qty	Rate	Amount
10	7/27/2017	17035-2: inspection, travel, report, etc	1.00	175.00	175.00
11	7/27/2017	17035-2: Mileage (32 miles @ \$0.535 r/t)	32.00	0.535	17.12
12	7/28/2017	17035-2: appraisal calculations, report, etc.	1.00	175.00	175.00

<p>UNLESS OTHER ARRANGEMENTS ARE MADE PRIOR TO THE PERFORMANCE OF SERVICES, PAYMENT IN FULL IS DUE AT THE TIME THE SERVICE IS RENDERED. Payment becomes Past Due 30 days after Invoice Date.</p> <p>MAKE CHECKS PAYABLE TO: Dryad, LLC REMIT TO: Dryad, LLC, 35570 Palomares Rd., Castro Valley CA 94552-9631</p> <p>Federal Employer ID No.: 20-1544944</p>	Total	\$367.12
	Payments/Credits	\$0.00
	Balance Due	\$367.12

Telephone	Fax	Email	Web Site
510-538-6000	510-538-6001	info@dryadllc.com	www.dryadllc.com

**Thank you for working with
Torrey Young and Dryad, LLC**



AUGUST 7, 2017

ALAMEDA COUNTY TREE ADVISORY BOARD,
% DANIEL W. PH.D., P.E., DIRECTOR,
PUBLIC WORKS AGENCY,
399 ELMHURST ST., HAYWARD, CA 94544

RECEIVED
AUG 09 2017
REC'D

PUBLIC WORKS AGENCY
ADMINISTRATION

DEAR MR. WOLDESENBET

I RECEIVED A NOTICE OF VIOLATION FROM YOUR AGENCY DATED
AUGUST 2, 2017 I AM WRITING TO YOU TO APPEAL THE \$100..
FINE, CIVIL PENALTIES TALLING \$1,500.00 AND COST OF
APPRAISAL AT \$367.12 IN ADDITION I AM ALSO
APPEALING THE ABATEMENT AMOUNT OF \$2,040.00 FOR LOSS
OF VALUE OF THE TREE. SHOULD A HEARING BE NECESSARY
PLEASE LET THIS LETTER ALSO STAND AS A REQUEST FOR HEARING.

THE TREE WAS GROWING INTO THE ELECTRICAL SERVICE LINES
AND CREATED A POTENTIAL ELECTRICAL HAZARD. ALSO,
THE TREE WAS CAUSING DAMAGE TO THE WALKWAY.

SINCE I AM RETIRED AND ON A FIXED INCOME, I
CANNOT AFFORD TO PAY THE FINES. I AM WILLING
TO APPLY FOR A PERMIT TO REMOVE THE TREE AND
REPLACE WITH A NEW TREE.

SINCERELY,
HERMAN LEE

16138 VIA ALAMITOS, SAN LORENZO, CA 94580

THE COUNTY OF ALAMEDA
PUBLIC WORKS AGENCY
Other Receipts
399 Elmhurst Street
Hayward, CA. 94544
(510)670-5176

RECEIPT NUMBER: T 1069.0
Amount \$25.00
Date: 08/11/2017
Check No: 528

Received From: Herman Lee

Type
Number
Site

Job: General

Comments: Tree Appeal Fee - Via Alamos
ALLOCATION

270301 479990 50600 \$25.00

Received By: _____
Lassalle, Holly N

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



September 21, 2017

Mr. Herman Lee
16138 Via Alamos
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 Twenty first day of September, 2017.

Tree Advisory Board

Time and Date of Hearing: 4pm on the 15th of November, 2017

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.



September 21, 2017

**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 16138 Via Alamitos, 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: Brazilian pepper 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 15 gallon container sized tree;
- Pay \$1040 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 Twenty first day of September, 2017.

Tree Advisory Board

Time and Date of Hearing: 4pm., November 15th, 2017

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.

2017 TREE PROGRAM UPDATES

January 1, 2017 – October 31, 2017

ISSUED PERMITS

DISTRICT	REMOVE/REPLACE	PRUNE	PLANT	TOTALS
1	1	1		2
2	0	0		0
3	19	6	1	26
4	16	0	3	19
5	0	0		0
TOTALS	36	7	4	47

VIOLATIONS

DISTRICT	REMOVED	PRUNED	TOTALS
1	0	0	0
2	0	0	0
3	0	6	6
4	1	2 (1 location)	3
5	0	0	0
TOTALS	1	8	9



October 26, 2017

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

Subject: Tree Evaluation and Appraisal of Value
15947 Via Pinale, 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 October 17, 2017. This letter summarizes my observations and assessment.

Background

You contacted me on September 26, 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 the pre-pruning tree condition.

From my review of the historic images available from Google Earth street view ©, the tree had a full canopy as recently as March 2017. I estimated that pre-pruning, the tree was in good condition (rated as 65%).

Observations and Assessment

The London plane was located in the front yard of the Via Pinale address, approximately 1' behind the sidewalk. The tree had a single trunk, measuring 28" in diameter. No tree defects were observed. However the tree was located beneath the overhead utility lines and had been repeatedly topped for utility line clearance.

The pruning consisted of cutting approximately 15 lateral branches, reducing the extension of the crown over the residence and Via Pinale (Photo, following page). I estimated that 50 percent of the live foliage had been removed. The branches that had been reduced measured between 2" and 8" in diameter. Pruning was 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).

At the time of my inspection, the tree was in fair condition (rated at 55%). In my opinion, the London plane will recover from the pruning without additional arboricultural treatment.

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 Google Earth street view © and the aerial photos 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 \$1,550 (see attached appraisal worksheets).

In this case, I believe the tree will recover and develop a full crown over time without additional pruning.

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



Photo: The London plane post pruning. I estimated that 50% of the live foliage had been removed, reducing the extension of the crown to the east and west.

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: 15947 Via Pinale, San Lorenzo

- | | | |
|--|---|---------------|
| 1. Species | London plane (<i>Platanus x acerifolia</i>) | |
| 2. Pre-pruning condition rating | | 65% |
| Based on Google Earth street view © and aerial photos of tree. | | |
| 3. Trunk diameter | | 28" |
| Measured at 54" above grade. | | |
| 4. Pre-pruning location rating | | 67% |
| Based upon site rating of 65%, placement rating of 70% 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 | | 615 sq. in. |
| (Taken from Table 4.4, 9th Edition) | | |
| 12. Appraised trunk area increase (over 24" box) | | 611.2 sq. in. |
| (Line 11 – Line 6) | | |
| 13. Basic tree cost | | \$28,131 |
| (Line 12 x Line 10 + Line 9) | | |
| 14. Pre-pruning appraised value | | \$8,600 |
| (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.

Post-pruning Appraisal Worksheet

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

PREPARED FOR:	Alameda County Public Works
LOCATION:	15947 Via Pinale, San Lorenzo

1. Species	London plane (<i>Platanus x acerifolia</i>)
2. Post-pruning condition rating Based upon field inspection of tree.	55%
3. Trunk diameter Measured at 54" above grade.	28"
4. Post-pruning location rating Based upon site rating of 65%, placement rating of 70% and contribution rating of 60%.	65%
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, 9th Edition)	615 sq. in.
12. Appraised trunk area increase (over 24" box) (Line 11 – Line 6)	611.2 sq. in.
13. Basic tree cost (Line 12 x Line 10 + Line 9)	\$28,131
14. Post-pruning appraised value (Line 13 x Line 2 x Line 4 x Line 5, rounded to the nearest \$50.00)	\$7,050

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 #: 12328
JOB #: 2329-02

DATE: October 31, 2017

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

RE: PO - PBWKS-0000006352
Registered Consulting Arborist, Alameda County
Authorized By: Jim Browne

Billing Period: 10/17/2017 - 10/19/2017

10/17/17 15947 Via Pinale tree inspection and appraisal report

	<u>Hours</u>	<u>Amount</u>
Consultant @ \$160.00 / hour	3.00	480.00
	<u>3.00</u>	<u>\$480.00</u>

Payment due by November 30, 2017
HortScience, Inc. Tax ID #94-2943027

